

“OFFICE CONSOLIDATION”

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THE CORPORATION OF THE TOWN OF COCHRANE

BY-LAW NUMBER 125-2001

**BEING A BY-LAW TO REGULATE AND PROHIBIT
THE KEEPING OF CERTAIN KINDS OF ANIMALS
WITHIN THE TOWN OF COCHRANE**

WHEREAS pursuant to section 210, subsection 1 of the *Municipal Act*, R.S.O. 1990, Chapter M.45 and the *Pounds Act* and amendments thereto, by-laws may be passed prohibiting the keeping of animals or any class thereof within the municipality by any person;

AND WHEREAS the Council of the Corporation of the Town of Cochrane desires to control the keeping of cats and certain kinds of animals within the corporate boundaries of the Town of Cochrane;

NOW THEREFORE the Council of the Corporation of the Town of Cochrane enacts as follows:

TITLE

1. This by-law may be referred to as **"The Animal and Cat By-law"**.

DEFINITIONS

2. In this By-law:
 - (a) **"Animal"** includes birds and reptiles;
 - (b) **"Dwelling unit"** means a separate set of living quarters including at least one room and separate kitchen and sanitary facilities, with a private entrance from outside or from a common hallway or interior stairway;
 - (c) **"Owner"** shall include any person who owns, possesses or harbours or controls a cat or rabbit or an animal listed in **Schedule "A"** to this By-law and "owns" or "owned" shall have a corresponding meaning and shall include a person or persons who are temporarily the keeper of the animal or animals. Where the Owner of the animal is a minor, the person responsible for the custody of the minor shall be deemed to be the owner of the animal or animals;
 - (d) **"Running at large"** means being found in any place other than the Owner's premises and not under the physical control of any person.
 - (e) **"Rural Area"** means that area in the Town of Cochrane as defined in **Schedule "A"** to this By-law, as amended from time to time;
 - (f) **"Town of Cochrane"** means both the rural and urban areas of the Town of Cochrane, including the Urban Area and the Rural Area comprised of those areas in the Township of Glackmeyer and the Township of Lamarche.
 - (g) **"Urban Area"** means that area in the Town of Cochrane as defined in **Schedule "A"** to this By-Law, as amended from time to time.

EXOTIC ANIMALS PROHIBITED

3. Except as provided for in Section 4 herein, no person shall keep any animal of any kind listed in **Schedule "B"** attached hereto in the Town of Cochrane (hereinafter referred to as an "Exotic Animal" or "Exotic Animals") in a dwelling unit, or on any property within the Town of Cochrane, for sale, exhibition, as a pet, or for any other purpose.
4. Notwithstanding Section 3 above, this By-law does not prohibit the keeping of certain designated Exotic Animals in the Rural Area or the keeping of Exotic Animal listed in **Schedule "B"** in the places or under the circumstances provided for in **Schedule "C"** attached hereto.

EXOTIC ANIMALS AT LARGE

5. No owner of any Exotic Animal shall cause or permit the animal to run at large in the Town of Cochrane. Any Exotic Animal found at large may be seized by the Animal Control Officer or by any other person and released to the Animal Control Officer or Officers pursuant to the *Pounds Act*.

IMPOUNDED EXOTIC ANIMALS

6. Any Exotic Animal impounded and detained under this by-law may be destroyed after three (3) days have elapsed, excluding the day it was detained and statutory holidays. Any animal detained and not destroyed may be claimed by the owner upon payment of the fees in accordance with **Schedule "D"** of this By-law.
7. Any person claiming any Exotic Animal that has been impounded shall not return the said Exotic Animal to any Dwelling unit if to do so would contravene section 3 of this By-law.

CATS

8. The maximum number of Cats that may be kept by any Owner in any dwelling unit shall be as follows:
 - (a) In the Urban area the maximum number of Cats that may be kept by any Owner in any dwelling unit is two (2) Cats;
 - (b) In the Rural area there shall be no maximum number of Cats that may be kept by any Owner in any dwelling unit.

All Owners shall keep all cats inside their dwelling unit or upon the exterior property of the Owner's dwelling unit.

9. No Owner of any cat shall cause or permit the cat to run at large in the Town of Cochrane.
10. Any cat found running at large contrary to this By-law may be seized and impounded and may, after three (3) days have elapsed, excluding the day it was impounded and statutory holidays, be sold. Any cat so seized and impounded may, after three (3) days have elapsed, excluding the day it was impounded and statutory holidays, be destroyed. Any cat seized and impounded and not sold or destroyed, may be claimed by the owner upon payment of a fee in accordance with the following:

- (a) for a cat impounded for the first time -- \$50.00;
 - (b) for a cat impounded for the second time within a period of two years from the time it was first impounded -- \$75.00, and
 - (c) for a cat impounded for the third time and any subsequent time within a period of two years from the time it was first impounded -- \$100.00.
11. Any Owner shall also pay, upon claiming an impounded cat, 100% of the cost of any veterinary fees incurred for the cat.

RABBITS

12. The keeping of Rabbits is prohibited in the Urban Areas, as provided for in Schedule "B" herein, save and except for the following permitted circumstances:
- (a) A person may own and keep up to a maximum of two (2) dwarf rabbits of either the "Floppy Ear" variety, the "Angora" variety, or other variety of domesticated rabbit sold and kept as a pet;
 - (b) No Owner of rabbits as permitted in sub-paragraph (a) above shall permit the rabbits to be kept in any place other than in the interior of the Owner's dwelling unit or secured in a cage upon the exterior yard of the Owner's property.
13. No owner of a rabbit shall cause or permit the rabbit to run at large in the Town of Cochrane.
14. Any rabbit found running at large may be seized and impounded and, if not claimed within three (3) days, excluding the day impounded and statutory holidays, may be sold or otherwise disposed of. The animal may be recovered by the owner upon payment of a fee in the amount of \$50.00

PENALTIES

15. Every person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to a fine of not more than FIVE THOUSAND (\$5,000.00) DOLLARS as provided for in the *Provincial Offenses Act*, R.S.O. 1990, Chapter P.33, as amended.
16. Each day a violation continues shall be deemed a separate offence.
17. Any person, who permits an Exotic Animal, Cat or Rabbit to run at large contrary to this By-law, if charged and convicted under this By-law, shall also be liable for payment of the fees for claiming impounded animals payable in accordance with this By-law.

GENERAL

18. If any provision of this by-law is declared invalid for any reason by a Court of competent jurisdiction, the remainder of the by-law shall continue in force.
19. This By-law shall come into force and effect only upon the repeal of By-law Number **2850-96**.

20. This By-law shall come into full force and effect immediately upon the passing thereof.

READ a first and second time this 14th day of May, 2001.

MAYOR

CLERK

READ a third time and finally passed this 14th day of May, 2001.

MAYOR

CLERK

SCHEDULE "A"
TO BY-LAW NUMBER 125-2001

DEFINITION OF URBAN AND RURAL AREA

THE RURAL AREA IS DEFINED AS that portion of the Town of Cochrane which was previously within the territorial area of the Corporation of the Township of Glackmeyer and the geographic area of the Township of Lamarche prior to the amalgamation with the Town of Cochrane (but excluding the area known as Vaillancourt Trailer Park)

THE URBAN AREA IS DEFINED AS that portion of the Town of Cochrane which was previously within the territorial area of the Corporation of the Town of Cochrane prior to the amalgamation with the Corporation of the Township of Glackmeyer and the Township of Lamarche but also includes the area known as the Vaillancourt Trailer Park.

SCHEDULE "B"
TO BY-LAW NUMBER 125-2001

The Following animals are prohibited in the Urban Areas but permitted in the Rural Areas in the Town of Cochrane

- (1) Chickens
- (2) Ducks
- (3) Geese
- (4) Pheasants
- (5) Quail
- (6) Rabbits, except as permitted in paragraph 12 of this By-Law
- (7) Turkeys
- (8) Peacocks
- (9) All ARTIODACTYLUS UNGULATES (such as Cattle, Goats, Sheep and Pigs)
- (10) All PERISSODACTYLUS UNGULATES (such as Horses, and Zebra)
- (11) All RATITE BIRDS (such as Ostriches, Rheas, Cassowaries)
- (12) All DIURNAL and NOCTURNAL RAPTORS (such as Eagles, Hawks and Owls)
- (13) All COLUMIDAE (such as Pigeons and Doves), except as permitted in Schedule "C" of this By-Law

The Following animals are prohibited in both the Urban areas and the Rural Areas of the Town of Cochrane:

- (1) All MARSUPIALS (such as Kangaroos and Opossums)
- (2) All NON-HUMAN PRIMATES (such as Gorillas and Monkeys)
- (3) All FELINES (such as Lions, Tigers and Cougars)
- (4) All CANIDS (such as Wolves)
- (5) All VIVERRIDS (such as Mongooses, Genets)
- (6) All MUSTILIDS (such as Skunks, Weasels and Ferrets), except as permitted in Schedule "C" of this By-Law
- (7) All URSIDS (Bears)
- (8) All PROCYONIDS (such as Raccoons, Coatis and Cacomistles)
- (9) All HYENAS
- (10) All Elephants
- (11) All PINNIPEDS (such as Seals, Fur Seals, and Otters)
- (12) All Snakes and families PYTHONIDAE and BOIDAE
- (13) All Venomous Reptiles
- (14) All EDENTATES (such as Anteaters, Sloths, and Armadillos)
- (15) All Bats
- (16) All CROCODYLIANS (such as Alligators and Crocodiles)
- (17) All ARACHNIDS (such as Scorpions and Tarantulas)

NOTE -- Examples of animals of a particular prohibited group are given in parentheses. They are examples only and shall not be construed as limiting the generality of the group.

SCHEDULE "C"
TO BY-LAW NUMBER 125-2001

Any prohibited animals listed in Schedule "B" may be kept in certain places or under the following special circumstances:

- (1) In a veterinary hospital under the care of a licensed veterinarian.
- (2) In the Public Pound of the Corporation of the Town of Cochrane.
- (3) On the premises of a zoo or temporary zoo, whether on display indoors or outdoors, and consisting of various living animals housed in properly fitted cages.
- (4) On the premises of a university or community college, secondary school, junior high school, and pre-school, where such animals are being kept for research, study or teaching purposes, or on premises registered as research facilities under Section 5 of The *Animals for Research Act*.
- (5) On the premises of any television or film studio where such animals are being kept temporarily for the purpose of a television or film production.
- (6) Pigeons may be kept provided that:
 - (a) An owner of pigeons must be a member in good standing of the Canadian Racing Pigeon Union Incorporated or of a club (which means an organization of six (6) or more pigeon fanciers where access to and use of the club's facilities is generally limited to the organization's members). Location of a pigeon coop cannot be in any area other than in accordance with the requirement under the current Town of Cochrane zoning by-law.
 - (b) All pigeon owners shall ensure their pigeons carry identification in the form of a band and that each pigeon, so identified, is registered with the club's executive members of which the owner of the pigeons is a member.
 - (c) An owner of pigeons shall not permit his/her pigeons to stray, perch, roost or nest upon the lands, premises or buildings of any person or upon any public place within the Town of Cochrane, except upon the property of the pigeon owner.
 - (d) No pigeon coop is to be closer than 10 meters to a dwelling on any abutting or adjacent property.
7. Doves, as a variety of COLUMIDAE, may be kept provided that they are domesticated and held in caged captivity, to a maximum of two (2) doves in any dwelling unit."
8. Ferrets, as variety of MUSTILIDS may be kept in the Rural and Urban areas upon the following conditions:
 - (a) The maximum number of ferrets kept by any Owner in any dwelling unit is limited to no more than two (2);
 - (b) Ferrets kept by any Owner under this section shall be ferrets that are born and raised in captivity for sale, domesticated as pets (and not captured in the wild) and bred as domesticated pets;
 - (c) Ferrets kept by any Owner under this permitted section shall be certified as healthy and free of all contagious infection or communicable diseases;
 - (d) All male Ferrets kept by any Owner shall be neutered and all female Ferrets kept by any Owner shall be spayed.

9. Any licensed Pet Store, operating in compliance with all zoning and planning regulations and other By-Laws of the Town of Cochrane, keeping species and varieties of animals which are permitted to be kept by persons and Owners in the Town of Cochrane under this By-law for sale to the public, and in such cases a Pet Store may keep the number of animals in excess of the maximum numbers as permitted by this By-Law.

SCHEDULE "D"**FEES****TO BY-LAW NUMBER 125-2001****Fees Payable**

For any exotic animal impounded and detained for the first time	\$50.00
For any exotic animal impounded a second time within a period of two (2) years from the time of the first impounding	\$75.00
For any exotic animal impounded a third time within a period of two (2) years from the time of the first impounding	\$100.00
Daily Maintenance fee	\$10.00
Any veterinary fees incurred for the animal.	100% coverage

SCHEDULE "D"
TO BY-LAW NUMBER 125-2001

ITEM	COLUMN 1 (Short Form Wording)	COLUMN 2 (Defining Offences)	COLUMN 3 (Set Fines) (Includes Costs)
1	Possess Exotic Animal	Section 3	\$50.00
2	Permit Exotic Animal to Run at Large	Section 5	\$50.00
3	Keeping Excessive Cats	Section 8	\$50.00
4	Permit Cats to Run at Large	Section 9	\$50.00
5	Keeping Excessive Rabbits	Section 12	\$50.00
6	Permit Rabbits to Run at Large	Section 13	\$50.00

Note: The penalty for the offences indicated above is Section 15 of By-Law Number 125-2001, a certified copy of which has been filed.