

THE CORPORATION OF THE VILLAGE OF NEWBURY

BY-LAW No. 116-2007

**Being a by-law to prohibit the keeping of certain kinds of animals
Within the Village of Newbury**

WHEREAS Section 128 (1) of the Municipal Act 2001 provides “a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances”; and

WHEREAS Section 130 of the Municipal Act 2001 provides “a municipality may regulate matters not specifically provided for by this Act or any other Act for purposes related to health, safety and well being of inhabitants of the Municipality”.

NOW THEREFORE the Council of the Corporation of the Village of Newbury enacts as follows:

SECTION 1 – Definitions

Animal – shall mean a living creature, having sensation and power of voluntary motion and shall include certain birds, reptiles and poisonous spiders.

Animal Control Officer – shall mean a person or association who has been appointed to control animals as defined in this by-law.

By-law Enforcement Officer – shall mean a person duly appointed by the Village of Newbury for the purpose of enforcing or carrying out the provisions of municipal by-laws.

Council – shall mean the Council of the Village of Newbury.

Exotic – shall mean brought in from abroad, foreign, rare, unusual, having strange or bizarre allure.

Guardian – means any person who owns, keeps, possesses or harbours any animal, bird, reptile or spider prohibited by this by-law, and where the guardian is a minor, means the parent or person having custody of the minor.

Harbour – means having care or control of an animal, bird, reptile or poisonous spider.

Owner – includes a person who possesses or harbours any animal, bird, reptile or poisonous spider, and “owns” and “owned” have corresponding meaning.

Peace Officer – means a police officer including a police officer within the meaning of the Police Service Act, a municipal law enforcement officer, an inspector or agent under the Ontario Society for the Prevention of Cruelty to Animals Act.

Premises – means lands, buildings or any structure.

Restricted Animal – shall mean animals, birds, reptiles and spiders as listed in accompanying schedules.

Zone or Zoned – means land use designation in a Zoning By-law passed under the provisions of the Planning Act.

SECTION – 2 Prohibited Animals

(1) No owner or guardian shall keep in or upon any lands or premises in any ZONE within the Village of Newbury any animal, exotic birds, reptile and poisonous spiders set out in **Schedule “A”**

(2) Notwithstanding subsection (1), an owner or guardian may keep in or upon lands or premises, exotic birds, in an Agriculture “A” Zones, provided such use is compliant with regulations set out for the Agriculture Zone.

SECTION 3 – Exemptions

This by-law shall not apply to:

(1) A Veterinary Hospital, clinic, office of Veterinary Service lawfully operated and supervised by a Veterinarian licenced to practice in Ontario.

SECTION 4 – Offences

(1) Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act*, in accordance with Schedule “B” of this by-law.

SECTION 5 – Force and Effect

(1) This by-law shall come into force and take effect on the day of final passing thereof.

READ a first and second time this 11th day of July, 2007

READ a third time and finally passed this 11th day of July, 2007.

REEVE DIANE BREWER

CLERK TREASURER BETTY D. GORDON

SCHEDULE "A"

To By-law No. 116-2007

OF THE VILLAGE OF NEWBURY

"Animals" Prohibited in the Village of Newbury

Alligators

Boas

Phythons

Rattle Snakes

Coral Snakes

Bobcats

Cougars

Jaguars

Leopards

Lions

Lynx

Ocelots

Tigers

Crocodiles

Poisonous Spiders

Other Birds and or Animals that are or could become or cause a public nuisance.

**THE VILLAGE OF NEWBURY
SCHEDULE "B"
To BY-LAW No. 116-2007**

TITLE: To Prohibit the Keeping of Certain Kinds of Animals (Exotic)

PART 1 – Provincial Offences Act

SET FINE SCHEDULE:

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision or Defining Offence	COLUMN Set Fine
1.	Keeping prohibited animals (exotic)	Section 2 (1)	\$255.00

NOTE: The penalty provision for the offences indicated above is Section 4 of By-law 116-2007, a certified copy of which has been filed.