



CITY OF
ST. CATHARINES

Corporate Report

Report from Corporate Support Services, Legal Services

Date of Report: August 27, 2013

Date of Meeting: September 9, 2013

Report Number: CSS-275-2013

File: 10.13.9

Subject: Exotic Animal By-law

Recommendation

That the Exotic Animal By-law No. 95-212, as amended, be further amended to:

- 1) Identify non-venomous snakes larger than two metres as prohibited for the purposes of the By-law;
- 2) Identify any animal that produces poison or venom that is medically significant to humans as prohibited for the purposes of the By-law; and
- 3) Address certain housekeeping updates; and

That the City Solicitor be directed to apply for the approval of the proposed set fine; and

That By-law No. 95-212, as amended, be then consolidated for the purpose of publishing on the City's website and for use by the Lincoln County Humane Society; and

That the Office of the City Clerk be directed to make the necessary notifications; and

Further, that the City Solicitor be directed to prepare the necessary by-law. FORTHWITH

Summary

Recent events in New Brunswick precipitated all levels of government to reevaluate the regulation of exotic animals, particularly large, non-native snakes.

The Lincoln County Humane Society (LCHS) is supportive of an amendment to the by-law that prohibits non-venomous snakes that reach an adult length of greater than two metres and any animal that produces poison or venom harmful to humans or livestock.

Background

As a result of a motion made by Councillor Kushner on August 12, 2013, staff was directed to report to Council with respect to the City's current Exotic Animal By-law, being By-law No. 95-212, as amended, and the efforts of the provincial and federal governments in this regard.

A report from Legal Services, dated January 9, 2013, provided a summary of the Exotic Animal By-laws from a number of municipalities and set out the structure of the City's by-law, particularly the differentiation between "agricultural" and "urban" areas and that enforcement is carried out on a complaint basis. No changes to the by-law were recommended at that time given the low frequency of complaints regarding such snakes. However, in light of recent events highlighting the potential danger posed by large snakes and given that the LCHS supports the amendment proposed, the proposed changes are considered appropriate.

Report

Health, Safety and Well-being of Residents

As outlined in the Legal Services report dated January 9, 2013, there is no consistent standard of regulation of exotic animals, particularly snakes, amongst the municipalities canvassed in the report. One did not regulate snakes specifically, one had an outright ban on snakes and others only prohibited certain types of snakes. Some municipalities currently prohibit snakes that reach an adult length of three metres and both Lincoln and Grimsby limit the size of snakes to two metres. In light of the recent concerns regarding large snakes, the limit of two metres proposed addresses the safety concerns posed by large snakes.

A further review undertaken in the preparation of this report supports the inclusion of any animal that produces poison that is medically significant to humans or livestock. This amendment would include frogs or spiders that are capable of causing injury or death to people or livestock, but not those that create either mild or insufficient amounts of poison to injure.

The proposed amendments seek to balance the safety concerns with the legal requirement that any by-law not be overbroad in its application.

A set fine is proposed for By-law No. 95-212, as amended, to assist LCHS officers in carrying out their mandate of enforcing the by-law. Other municipalities include a fine in the amount of \$300 for an offence. This is considered appropriate in the circumstances. It should be noted that this fine is subject to approval by the Chief Judge of the Ontario Court of Justice (Provincial Division).

The LCHS was consulted in the preparation of this report and supports the amendments proposed and the set fine amount.

Provincial and Federal Regulation

Both levels of government have expressed public safety concerns regarding exotic animals. The provincial Ministries of Community Safety and Correctional Services, Municipal Affairs and Housing, and Natural Resources have formed a working group to examine whether the province should regulate exotic pets directly. The working group will seek comments from stakeholders, including municipalities.

The federal government has also indicated it will review its role in the regulation of exotic animals.

In the event that provincial or federal regulation was introduced, the City's by-law would be examined to ensure it was not in conflict with any such legislation and, if amendments were needed, a further report and public meeting would be brought before Council.

Financial Implications

There are no financial implications. Our current arrangement with the LCHS covers complaints under this by-law, as amended, as would any future arrangements.

Conclusion

Recent events have highlighted safety concerns regarding large snakes and the subsequent review of the City's Exotic Animal By-law identified additional amendments that are necessary to address safety concerns regarding any venomous animal. The proposed amendments to the by-law address these safety concerns while ensuring that the by-law is not overly broad in its application.

Notification

It is in order to notify Kevin Strooband, Lincoln County Humane Society, 160 Fourth Avenue, RR 3, St. Catharines, Ontario, L2R 6P9.

Submitted, Prepared and Approved by:

Nicole Auty, City Solicitor/Director of Legal Services