

<b>TO:</b>	<b>CHAIR AND MEMBERS COMMUNITY AND PROTECTIVE SERVICES MEETING ON DECEMBER 10TH, 2018</b>
<b>FROM:</b>	<b>G. KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL</b>
<b>SUBJECT:</b>	<b>ZOOS &amp; MOBILE ZOOS</b>

<b>RECOMMENDATION</b>
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That on the Recommendation of the Managing Director, Development and Compliance Services and Chief Building Official, the following actions be taken with respect to zoos and mobile zoos:

- a) This report **BE RECEIVED** for information purposes; and
- b) Civic Administration **BE DIRECTED** to draft by-law amendments, for consideration at a future meeting of the Community and Protective Services Committee, to: amend the Business Licence By-law, L-131-16 to regulate zoos, fairs, exhibitions, and circuses.

<b>BACKGROUND</b>
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On June 12<sup>th</sup>, 2018 Council resolved:

*That, on the following actions be taken with respect to the 5<sup>th</sup> Report of the Animal Welfare Advisory Committee, from its meeting held on May 3, 2018:*

*b) the attached proposed amendments to the Animal Control By-law PH-3, drafted by AWAC, BE REFERRED to the Managing Director, Development and Compliance Services for review and a report back to the Community and Protective Services Committee; and,*

*it being noted that the attached presentation, from P. Lystar, Animal Welfare Advisory Committee, was received with respect to this matter;*

*it being further noted that the requests for delegation status from R. Laidlaw, Zoocheck and V. Van Linden, Friends of Captive Animals, were referred to the public process.*

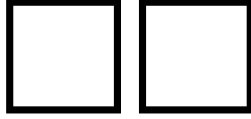
**Current Landscape**

There are two known mobile zoos that operate, or have operated, in London and area. Recently Reptilia, an indoor reptile zoo which also offers mobile zoo programs has expressed interest in a London location. Reptilia operates a permanent zoo and well as a mobile zoo in each municipality in which they are located. On occasion events operating from Budweiser Gardens may include animal presence as well.

The following are excerpts from zoo, mobile zoo and animal related websites:

- Little Rays Nature Centres

<http://littleraysnaturecentres.com/#highlights>



*“We’ve been developing educational and interactive exhibits for many years and have developed an expertise in dynamically presenting information and animals. Our exhibits have been installed and thrilled crowds in North America, Europe and Asia. Find out how Little Ray’s Reptiles Zoo Inc. can benefit your institution.”*

- The Snake Lady – Val Williams of London Ontario

<http://www.snakelady.ca/>

*“The Snake Lady’s fun & educational Shows have been a hit in London and surrounding Southwestern Ontario for over 40 years! The Snake Lady will take you on a trip around the world showing you animals found as close as your own backyard to as far away as Australia! You can expect to visit with and learn about a variety of animals including many different species of Snakes, Lizards, Turtles, Tortoises, Treefrogs, African Bullfrogs, Salamanders, Tarantulas, Hissing Cockroaches, Giant Millipedes and many more!”*

- Reptilia Zoo

<https://reptilia.org/about-reptilia-zoo/>

*“Reptilia, the largest reptile zoo attraction in Canada, announced that their second and largest facility is currently under construction in Whitby, ON, and will be opening to the public mid-2018. For over 20 years Reptilia has educated and entertained their Guests at their flagship Vaughan facility, and now Reptilia is ready to bring the reptile world to the people of Whitby. Reptilia facilities are multi-functional – featuring family attractions like community events, children’s camps, and birthday parties, curriculum-based education programs for schools, stage shows and a mobile zoo for special events, and even professional training for Environment Canada, the Canadian military, and First Responders.”*

- Budweiser Gardens Events

<https://www.budweisergardens.com/events/detail/professional-bull-riders>

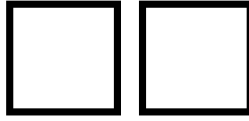
*“For the first time since 2016, Professional Bull Riders Canada’s elite Monster Energy Tour will return to London, Ontario, holding its fifth event of the 2019 season inside Budweiser Gardens on Saturday May 11, 2018.”*

### **Animal Welfare Advisory Committee**

On June 1st, 2017 at the Animal Welfare Advisory Committee (AWAC) meeting Cheryl Sheridan, Head Zoo Keeper of Reptilia, delivered a presentation to the committee including discussion around the activities, goals, philosophies, and nature of the business known as Reptilia. Reptilia is an indoor reptile zoo and educational facility. According to the Reptilia brochures and marketing, Vaughn’s facility is Canada’s largest reptile zoo with 15,000 square feet of exhibits. There are both guided and self-guided tours, live shows including participant interactions with some reptiles, animal care and junior keepers programs, adventure camps, birthday party packages, and mobile zoo opportunities.

Ms. Sheridan welcomed a Q & A period following the presentation. This presentation also confirmed Reptilia’s interest in potentially establishing a facility in London. Reptilia representatives had also previously extended an invitation to tour their Vaughn facility to members of AWAC, Tourism London, and City of London Animal Services. By October of 2017 representatives from each group had taken the opportunity to tour the facility.

On May 29, 2018 AWAC brought before the Community and Protective Services Committee proposed draft amendments to the Animal Control By-law PH-3 that would exempt certain classes of animals as follows:



*This by-law shall not apply to:*

- a) animals maintained in a public park or zoo owned or operated by the City of London*
- b) a zoo licensed in accordance with the Fish and Wildlife Conservation Act, 1997 and any successor legislation thereto*
- c) pet shows, with respect to Class 4, 5, and 6 animals except where prohibited elsewhere in this by-law*
- d) agricultural fairs, shows and exhibitions with respect to Class 1, 2 and 3 animals*

The current exemption section of By-law PH-3 pertaining to zoos is written as follows:

**3.6 Public park - zoo - fair - exhibition - circus - licensed**

*This by-law shall not apply to animals maintained in a public park, zoo, fair, exhibition or circus operated or licensed by a municipal or other governmental authority.*

The AWAC recommendation would eliminate the municipality's ability to licence a zoo, fair, exhibition or circus. AWAC did also conduct some municipal comparisons (Schedule "A") and provide reasons for the recommendations, (Schedule "B").

**Industry Consultation**

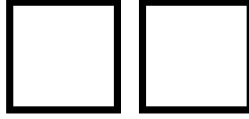
June 13, 2017 by invitation Ron Oke, City of London Animal Welfare Coordinator and Heather Chapman, Manager Municipal Law Enforcement Services (Animal Services) travelled to Vaughn Ontario to tour a Reptilia Zoo and Education Facility. The tour and information session was facilitated by Reptilia's Director of Business Development, Reptilia's Chief Financial Officer, and Reptilia's Head Zoo Keeper and Veterinarian.

At the request of Civic Administration Reptilia has provided a document referred to as **Reptilia Zoo - London Facility Statement of Intent** where representatives of the organization have provided answers to concerns Civic Administration raised. See Schedule "C". Further the organization provided the Reptilia Inc. Board's Curriculum Vitae. See Schedule "D".

On August 22, 2018 Civic Administration met with Rob Laidlaw of Zoocheck <https://www.zoocheck.com/about/>, Wendy Brown, Chair of AWAC, and Florine Morison a member of a sub-committee of AWAC focussing on captive animals to hear their concerns regarding zoos and mobile zoos.

This group spoke of many concerns related to captive animals including standards of care. The primary concern raised during the meeting in relation to Reptilia's model of Zoo and Educational Facility was public safety. Mr. Laidlaw indicated that studies have concluded that children under the age of 5 years old should not come into contact with reptiles as the salmonella bacteria, E coli carried by the reptiles may be transferred to the child during physical interactions. Voluntary touching of certain reptiles and snakes is promoted by Reptilia. Further the group expressed concerns of public safety where reptiles and snakes, through the Reptilia programs, are transported (mobile zoo) to private and public events held outside the Reptilia facility such as birthday and special event gatherings. Zoonoses was also discussed as a concern. The link below, Government of Canada Public Health reports and publications better explains Zoonoses.

<https://www.canada.ca/en/public-health/services/reports-publications/canada-communicable-disease-report-ccdr/monthly-issue/2017-43/ccdr-volume-43-10-october-5-2017/commentary-emerging-infectious-diseases-prediction-detection.html>



## **Oversight and Regulations**

During this review, Civic Administration reached out to the Zoo Inspections Branch of Ontario Society for the Prevention of Cruelty to Animals (OSPCA) and was provided the following information in relation to zoos;

- currently in Ontario there is no Provincial or Federal licensing requirements for exotic animal zoos
- any zoo having native species is required to be licenced by the Ministry of Natural Resources and Forestry (MNRF)
- Ontario Society for the Prevention of Cruelty to Animals Act sets the standards of care which are enforced by OSPCA Zoo Inspectors and Agents across Ontario
- Zoo Inspectors bi-annually inspect registered and non-registered zoos in Ontario to determine if the standards of care are being met

<http://caid.ca/OSPCAAct1990.pdf>

During this review Civic Administration also learned of Canada's Accredited Zoos and Aquariums (CAZA), as well as World Accredited Zoos and Aquariums (WAZA) designations. Currently Reptilia is listed as an accredited zoo with CAZA.

<http://caza.ca/> and <http://www.waza.org/en/site/home>

*“Founded in 1975, Canada's Accredited Zoos and Aquariums (CAZA) is a private charitable organization representing the country's leading zoological parks and aquariums. CAZA is committed to the advancement of accredited zoos and aquariums as humane agencies of animal welfare, conservation, science and education.”*

Dr. Andrew Lentini of Toronto Zoo, former Curator of Reptiles & Amphibians, who conferred with Civic Administration on the lack of legislation around anti venoms and therefore the need for zoos to have strict protocols and inventory in place. Dr. Lentini also indicated in his view it would be in the best interest of every municipality that contained a zoo to ensure that the zoo met or exceeded the CAZA minimum standards.

CAZA accredited facilities of Ontario:

[African Lion Safari](#)  
[Bird Kingdom](#)  
[Cochrane Polar Bear Habitat](#)  
[Jungle Cat World Wildlife Park](#)  
[Little Ray's Reptile Zoo](#) (Ottawa & Hamilton)  
[Reptilia](#)

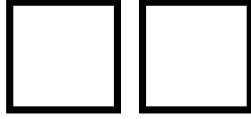
[Riverview Park and Zoo](#)  
[Safari Niagara](#)  
[Science North](#)  
[Toronto Zoo](#)  
[Wye Marsh](#)

## **Municipal Comparisons and Considerations**

Currently there are two operational Reptilia Facilities in Ontario. The cities of Vaughn, Whitby each contain a Reptilia facility. The City of Barrie is currently a planned location for a future opening of the third Reptilia. The Vaughn facility is a “stand alone” zoo with no other tenants within the building. The Whitby facility has other occupancies within the premise, making it a multi-tenant building. As the Barrie location is still within the planning stages a location has yet to be determined.

Within the City of Vaughn's Animal Control By-law there is a prohibited animals schedule however the by-law also provides for a number of exemptions including on the premises of Reptilia Inc., being a business operated primarily for educational purposes, with an accessory retail component, and in circuses where animals are kept for performances for a temporary period, and on the premises of the Wildcare Wildlife Rehabilitation Centre.

Within the City of Whitby's Prohibited and Regulated Animals By-law a zoo is permitted provided it is an accredited facility.



The City of Vaughn and Whitby do not currently have a licensing requirement for zoos however the City of Barrie requires a business licence.

On January 1, 2018 Toronto implemented regulations to restrict mobile live animal shows. The regulations state that prohibited animals are no longer allowed to be used as part of a mobile educational program or “mobile live show”, such as at special events including birthday parties or school visits. There was one exception made for a facility/program known as Earth Rangers where specific prohibited animals can continue to be used for educational purposes until January 1, 2021. For animals not on the prohibited animals list those would continue to be permitted within educational programs and include ferrets, chinchillas, rats, hedgehogs, non-poisonous frogs, parrots, non-poisonous snakes and lizards for their programs.

On November 8, 2018 the City of Toronto expanded their prohibited animals list.

<https://www.toronto.ca/community-people/animals-pets/pets-in-the-city/prohibited-animals/>

The Toronto Zoo is permitted by way of the City of Toronto Act. With regard to Ripley’s Aquarium of Canada, Toronto Wildlife Centre, Royal Ontario Museum, and where the City of Toronto has otherwise expressly permitted or authorized the activity, provided that such activity is of a temporary nature, City of Toronto Municipal Code Chapter 349 Animals, permits exceptions for prohibited animals.

The City of Peterborough is host to Riverview Park & Zoo. The City’s Animal By-law, 17-096 exempts the keeping of prohibited animals at the zoo.

The City of Ottawa’s Animal By-law, 2003-77, exempts zoos that are licensed by the municipality, or accredited by CAZA, as well as having some site specific facility exemptions. The City of Ottawa’s Licensing By-law, 2002-89, includes a category for the licensing of exotic animals.

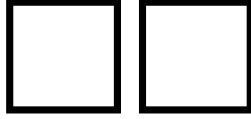
The City of Hamilton Animal By-law, 14-121 permits exotic animals and reptiles provided that the facility is CAZA accredited and meets their by-law regulations.

The City of Windsor within their Animal Control By-law #8156 permits the lawful operation of any circus, exhibition, menagerie or carnival, including venomous snakes etc. through the exemption section of the by-law provided they are licensed by the City under the Business Licence By-law.

Municipal by-laws can be struck down if they are found not to have a proper municipal purpose (see for example [Eng v. Toronto \(City\), \[2012\] O.J. No. 5661](#); [Xentel DM Inc. v. Windsor \(City\), \[2004\] O.J. No. 3656](#)). In *Eng*, the court determined that a ban on the sale of shark fins had no proper municipal purpose for the City of Toronto. In *Xentel*, a by-law that prohibited entertainment involving exotic animals was struck down by the court; the court determined that the pith and substance of the by-law was animal welfare and not public safety, and the City had insufficient evidence to show that exotic animal performances were a threat to public safety. Further, it is open to a person to allege their *Charter* rights (e.g. freedom of expression) were violated by prohibiting the feeding of wildlife; a court would review the legislation to determine whether a restriction on a *Charter* right was reasonable.

### **Planning Analysis in Response to Reptilia Potentially Locating in London**

The Provincial Policy Statement (PPS) 2014 provides policy direction on matters of provincial interest related to land use and development. Section 1.1 of the PPS “Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns” encourages healthy, livable and safe communities that are sustained by accommodating an appropriate range and mix of residential, employment, institutional, recreational and other uses to meet long-term needs. It also promotes cost-effective development patterns and standards to minimize land consumption and servicing costs



along with efficient development and land use patterns to help sustain the financial well-being of the Province and municipality over the long term. The PPS also encourages settlement areas [PPS 1.1.3 Settlement Areas] to be the main focus of growth and development, and that their vitality and regeneration be promoted as it is critical to the long-term economic prosperity of our communities. Consistent with the PPS, Direction No. 1 of The London Plan (TLP) – “Plan Strategically for a Prosperous City” recognizes the revitalization of our business areas (TLP 55\_4), and Direction No. 7 of The London Plan – “Build Strong, Healthy and Attractive Neighbourhoods for Everyone” encourages the distribution of educational, social and recreational facilities throughout the city so that all neighbourhoods are well-served (TLP 61\_8).

The PPS seeks to ensure the effective use of infrastructure and public service facilities and that land use patterns within settlement areas, as noted above, which shall be based on a mix of uses that support active transportation and are transit supportive, where transit is planned, exists or may be developed. The proposal supports active transportation noting that the proposed location is identified as an Urban Thoroughfare in The London Plan, which supports high volumes of traffic including pedestrian, cycling, transit and automotive vehicles.

The policies of the PPS require municipalities to identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated and taking into account existing building stock [PPS 1.1.3.3 Settlement Areas]. Direction No. 5 of The London Plan – “Build a Mixed-use Compact City” identifies the importance of planning that takes advantage of existing services and facilities to reduce our need to grow outward (TLP 59\_4). The Shopping Area Place Type in The London Plan encourages the repurposing of existing commercial centres that take advantage of existing services, use land more efficiently, and reduce the need for outward expansion.

Given the proposal is seeking to introduce an adaptive reuse of an existing commercial building for a place of entertainment, the proposed use is considered to be in conformity with the range of entertainment, recreational and educational uses permitted under the Shopping Area Place Type of The London Plan. The proposed land use falls within the definition of Place of Entertainment under the City of London Z.-1 Zoning By-law. Site Plan Approval would not required given the nature of the proposal is to repurpose an existing building and there is no increase to the usability of the site to accommodate the place of entertainment use.

This proposal ensures that the goals of the PPS 2014 and The London Plan are being achieved by repurposing an existing unit of a large scale commercial space that has been fully utilized for about one year. Further, the continued use of existing, planned functional development blocks ensures that no additional land consumption is required and minimizes servicing costs as the subject site has been fully serviced for a large commercial use, and no upgrades are anticipated.

The proposed use also creates employment opportunities [PPS 1.3 Employment] by providing an appropriate mix and range of employment uses that incorporates compatible employment uses to support liveable and resilient communities [PPS 1.3.1]. In creating employment opportunities the proposal contributes to the Long-Term Economic Prosperity [PPS 1.7] of the City and community. This proposal also supports Direction No. 1 of The London Plan (TLP 55\_2) to “*recognize the strategic connection between building an exceptional city to live in, and our ability to compete with other cities for talent, business attraction, and investment.*” The proposal promotes economic development opportunities on the site and in the area, and enhances the vitality and viability of commercial premise and the surrounding community. The site’s location on an Urban Thoroughfare with direct access to a Provincial highway interchange (Highway 402) provides good opportunity as a tourist attraction for Londoners, patrons from southern Ontario, and possibly further.

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<b>CONCLUSION</b>
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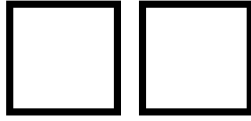
The Municipal Act gives a municipality the authority to create by-laws for specific municipal purposes. The welfare of animals does not constitute a municipal purpose. It is the Ontario Society for the Prevention of Cruelty to Animals that regulates and enforces animal welfare.

To address the health, safety and well-being of persons, municipalities often regulate through licensing. On consideration of licensing Civic Administration would consult with the local Health Unit on matters of public health.

The proposal facilitates the adaptive re-use of a portion of an existing large scale commercial building for a place of entertainment, which meets the current and future demands of the City and community. The proposal is consistent with the Provincial Policy Statement 2014, in conformity to The London Plan, and in compliance with the permitted uses of the Z.-1 Zoning By-law. The proposal also provides an opportunity to contribute to the vitality and regeneration of the City and contribute to the long-term economic prosperity of the community.

Currently the exemption section of the City of London Animal Control By-law PH-3, speaks to zoos, fairs, exhibitions and circuses provided the municipality licenses it. Civic Administration does not agree that the By-law PH-3 requires amending. Civic Administration recommends that a report be brought forward to Community and Protective Services at a future meeting with draft amendments to By-law L-131-16 (Business Licence) to regulate the keeping of prohibited animals at zoos, fairs, exhibitions and circuses.

<b>PREPARED BY:</b>	
<b>H. CHAPMAN, MANAGER MUNICIPAL LAW ENFORCEMENT SERVICES</b>	
<b>CONCURRED BY:</b>	<b>RECOMMENDED BY:</b>
<b>O. KATOLYK, CHIEF MUNICIPAL LAW ENFORCEMENT OFFICER</b>	<b>G. KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL</b>



## Schedule “A”

### AWAC Response / Information

#### Comparing other Municipalities

In Ontario, there are only a select few cities that have taken action towards banning Class 7 animals in their cities. Windsor would be one of those cities who very recently (November 2017) voted to amend their bylaws in order to adjust to this change. British Columbia cities including Vancouver, Victoria, Kelowna and Kamloops have already banned the use of animals in circuses.

#### Windsor

Windsor bylaws<sup>a</sup> identify that there is still an exemption for properly licensed performers pursuant to their subsection 3(1)& (2) which states “(1)any exotic animal, venomous snakes and snakes not indigenous to Canada, venomous reptiles, venomous insects or venomous spiders; or (2) Any wild animal unless such animal is under releasable age and cannot fend for itself, or is injured and unable to fend for itself.” Although this is still the reading of their bylaws, council has already passed a vote to amend the bylaw to reflect the ban on circus animals. The council decide that potential legal ramifications from the circuses was worth it and that over the more recent years there has been a decline in the number of challenges against animal bans.

#### Hamilton

The Hamilton bylaws<sup>b</sup> identify under subsection 3.2(k) that “a temporary public display of animals including a circus, carnival or classroom display” be exempt from the parameter set throughout the remainder of the bylaw. As of 2013, Little Ray’s had a permanent location in Hamilton and were forced to move their crocodilians, large snakes and arachnids to conform to the bylaw adjustment. Based on this seemingly conflicting information and that Little Ray’s has a permanent location in Hamilton, The City appears to be working towards the banning of those typically Class 7 animals.

#### Mississauga

Mississauga bylaws<sup>c</sup> contain a Schedule A containing animals similar to our Class 7 animals. Mississauga bylaws identify that pursuant to subsection 17(f), “any person in charge of a travelling circus, exhibition, or road\show, or any employee thereof, lawfully displaying animals” is exempt from the ban of having these Schedule A animals. This is very similar to the current way the London bylaw is written.

#### Waterloo

The Waterloo bylaw<sup>d</sup> is very similar to that of Mississauga in that it contains a Schedule A of prohibited animals unless under s.4 they are part of an approved zoo or circus.

#### Ottawa

The Ottawa bylaws<sup>e</sup> identify these sets of animals which they outline in their Schedule B. S.86 of their bylaw identifies that these Schedule B animals are permitted at any licensed zoo or exhibit permanently existing in the city. The wording of their bylaw appears to exclude travelling zoos

<sup>a</sup> <https://www.citywindsor.ca/cityhall/By-laws-Online/Documents/By-Law-8156.pdf>

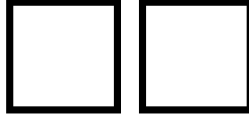
<sup>b</sup> <https://d3fp0lf1m7bbt3.cloudfront.net/sites/default/files/media/browser/2018-01-29/12-031-consolidation-january-2018.pdf>

<sup>c</sup> [http://www7.mississauga.ca/documents/bylaws/Animal\\_Care\\_&\\_Control.pdf](http://www7.mississauga.ca/documents/bylaws/Animal_Care_&_Control.pdf)

<sup>d</sup> [https://www.waterloo.ca/uploads/94/Doc\\_636349310520686818.pdf](https://www.waterloo.ca/uploads/94/Doc_636349310520686818.pdf)

<sup>e</sup> [http://documents.ottawa.ca/sites/documents.ottawa.ca/files/2003\\_77\\_en.pdf](http://documents.ottawa.ca/sites/documents.ottawa.ca/files/2003_77_en.pdf)





and circuses as they even contain an exemption for Little Ray's Reptile Zoo as there is a permanent Ottawa location for the Zoo's headquarters.

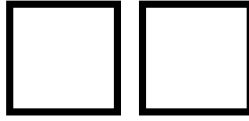
#### Ramifications of Banning Circus Animals

In previous instances (all typically at least a decade ago) circuses that legally challenged cities who had banned animals from their performance had done so pursuant to subsection 2(b) of the *Charter* as they claimed that such a bylaw puts a limit on their freedom of expression. It was thus seen as unconstitutional as it removed personal choice. Although these challenges were more successful many years ago, there is still the threat and chance of facing legal ramifications for banning these circus animals. In 2013 Winnipeg faced this threat when they banned circus animals and the Windsor choice in 2017 was made with the knowledge that they could very well be confronted with a legal issue if they moved forward with the ban of circus animals.

#### Overall Trends and City Progress

Based on current trends and changing perspectives in animal health, society and municipalities around the world are working towards the progression of banning circus animals. Many European, Asian and Latin American countries have fully banned the use of animals in circuses and that now dozens (mostly British Columbia) of Canadian cities have begun to progress towards such changes. This change does come at a cost both economically for the city and reduces the amount of tourism that may be present because of the reduction in circuses taking place. Overall, more and more cities are choosing to be progressive towards animal safety at the potential risk of legal action and economic loss.

<sup>5</sup> [http://documents.ottawa.ca/sites/documents.ottawa.ca/files/2003\\_77\\_en.pdf](http://documents.ottawa.ca/sites/documents.ottawa.ca/files/2003_77_en.pdf)



## Schedule "B"

### RECOMMENDATION:

Animal control By-law PH-3 prohibits the keeping of specified animals and regulates the keeping of other animals within the City of London.

The Animal Welfare Advisory Committee (AWAC) recommends amending the Animal Control By-law PH-3 as indicated in the draft By-law provided.  
changes to be inserted:

4 new definitions in Section 1.1

#### Animal-use Entertainment Show - defined

"Animal-use entertainment show" means any entertainment show where live animals are physically present as an intended part of aspect of the conduct or presentation of the entertainment show, whether interaction between animals and admittees is allowed or not.

#### Entertainment show - defined

"Entertainment show" means any show, performance, presentation, circus, concert or similar event where admission is allowed to persons by admission fee or otherwise, the primary purpose of which is entertainment of the admittees by performers.

#### Mobile Live Animal Program - defined

"Mobile live animal program" means a mobile operation, facility or place where live animals are brought to a location on a temporary basis and, whether segregated from persons by fixed barriers or not, are made available for exhibit, observation, recreation, entertainment, any degree of physical or other interaction with such persons, other than those persons charged with the custody of the animals or any other purpose.

#### Zoo- defined

"Zoo" means a place where live animals in captivity are kept for display t persons for conservation, educational, scientific or recreational purposes, and where the animals and such persons are physically segregated from each other by fixed barriers.

#### New exemption wording in Section 3.6

Existing wording 3.6 Public park-zoo-fair-exhibition-circus-licensed, This bylaw shall not apply to animals maintained in a public park, zoo, fair, exhibition or circus operated or licensed by a municipal or other governmental authority.

Replace with

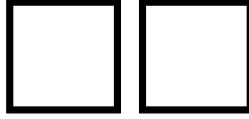
This by-law shall not apply to:

- a) animals maintained in a public park or zoo owned or operated by the City of London,
- b) a zoo licensed in accordance with the Fish and Wildlife Conservation Act, 1997 and any successor legislation thereto,
- c) pet shows, with respect to Class 4, 5 and 6 animals except where prohibited elsewhere in this by-law,
- d) agricultural fairs, shows and exhibitions, with respect to Class 1, 2 and 3 animals.

#### New prohibition in Section 4.17

##### Animal-use Entertainment Show, Zoo, Mobile Live Animal Program

No person shall conduct or present any animal-use entertainment show or operate any mobile live animal program involving Class 7 animals or any other animals prohibited in the City of London.



ANALYSIS:

The Animal Control By-law ranks animals in seven classes, and prohibits the keeping of some of them:

Class 1 animals are cow, donkey, goat, horse, mule, pig (swine) of all species including hybrids, pony and sheep. Class 1 animals are prohibited within municipal boundaries. There are regulations that apply to the keeping of these animals that were held prior to the passage of the by-law.

Class 2 animals are chicken, goose, turkey, duck and any domestic fowl. Class 2 animals are prohibited within municipal boundaries. There are regulations that apply to the keeping of these animals that were held prior to the passage of the by-law.

Class 3 animals are homing, pouter, racing or tumbler pigeons. No more than 40 banded Class 3 animals may be kept during winter, and no more than 60 banded Class 3 animals may be kept during summer. There are regulations that apply to the keeping and flight times of these animals.

Class 4 animals are domestic cat, guinea pig, gerbil, hamster, mouse, rat, rabbit, chinchilla, ferret and turtle. A maximum of two of these animals may be kept, with the exception of domestic cats. The number of cats that may be kept varies depending on the number of dogs kept and the type of dwelling unit.

Class 5 animals are non-venomous snakes, non-venomous lizards and non-venomous spiders. No more than two Class 5 animals are permitted in any dwelling unit or on any premises. Non-venomous snakes over 60.9 cm (24 inches), and non-venomous lizards over 30.48 cm (12 inches), are prohibited.

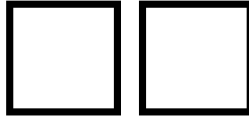
Class 6 animals are domestic cardinals, finches, budgies, bulbuls, canaries, tanagers, amazons, cockatoos, conures, macaws, parakeets, cockatiels, lorikeets, touracos, toucans, orioles, mynahs, magpies, barbets, arcaris, pied hornbells and cock-of-the-rocks. A maximum of two Class 6 animals may be kept.

Class 7 animals are defined to mean “any animal of a type that is normally found in a wild and natural state, whether or not it has been bred and/or raised in captivity and includes but is not limited to bear, wolf, coyote, crocodile, alligator, bobcat, lynx, mountain lion, cougar, tiger, lion, monkey, fox, skunk, kangaroo, eagle, hawk, elephant, weasel, racoon, venomous lizard, venomous snake, venomous spider, all birds the keeping of which is prohibited in the Migratory Birds Convention Act, S.C. 1985, C.M-7, and regulations thereto and all animals the keeping of which is prohibited in the Fish and Wildlife Conservation Act, 1997 and regulations thereto.” The keeping of Class 7 animals within the municipal boundaries is prohibited.

Part 3 of the By-law provides specific exemptions for the following:

London Animal Care Centre  
 London Humane Society  
 Public pound  
 Animal hospital – clinic - kennel  
 Pet shop  
 Public park - zoo - fair - exhibition - circus - licensed  
 Research facility - registered  
 Agricultural - land - premises  
 Feral Cat Colony  
 City of London Cat Adoption Centre

Section 3.6 provides an exemption for Class 7 animals, and other animals that are currently prohibited from the City of London.



AWAC recommends replacing this current exemption for " animals maintained in a public park, zoo, fair, exhibition or circus operated or licensed by a municipal or other governmental authority" with:

This by-law shall not apply to:

- a) animals maintained in a public park or zoo owned or operated by the City of London
- b) a zoo licensed in accordance with the Fish and Wildlife Conservation Act, 1997 and any successor legislation thereto
- c) pet shows, with respect to Class 4, 5, and 6 animals except where prohibited elsewhere in this by-law
- d) agricultural fairs, shows and exhibitions with respect to Class 1, 2 and 3 animals

REASONS FOR THE RECOMMENDATION:

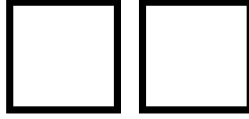
**Exemption Makes No Sense Today:** The exemption as it is currently written provides a blanket exemption to a broad range of both small and large animal enterprises which allows them to conduct their activities with prohibited animals in the City of London unfettered by oversight or control. For example, anyone, regardless of expertise, experience or financial wherewithal can start a zoo or zoo-type display in the City. In addition, Mobile Live Animal Programs (MLAPs), which are exploding in number, can operate with impunity. Even the holding of a simple City of London business license could trigger exemption 3.6 as it is presently written, and under the present by-law there is a decent defence (to a prosecution for a Bylaw violation) argument that the holding of \*any municipal license\*, of \*any description\*, from \*anywhere\* (ie. from any other municipality anywhere), by an animal enterprise would also trigger 3.6. That does not make sense from either a policy or jurisdictional perspective.

**No Provincial Oversight:** In Ontario, there are no comprehensive laws governing the keeping of exotic wild animals in captivity. No provincial permit is required to operate a zoo, zoo-type facility, mobile animal operation or to keep exotic wild animals and there are no requirements for experience, expertise, training and finances, no comprehensive standards for animal housing and husbandry or standards for human health and safety, no Ontario government inspection regime and no convenient way for anyone to close down an animal enterprise. This dearth of laws, regulations and rules at the provincial level means the onus to provide oversight and to deal with problems lies with individual municipalities who are ill-equipped to deal with exotic wild animals.

**Lack of Municipal Expertise and Resources:** At the present time, City staff are responsible for providing oversight of, and responding to issues associated with the keeping and/or presence of, exotic wild animals within City boundaries. However, City staff are not properly trained in how to assess exotic wild animal situations including, but not limited to, human health and safety features and practices and/or animal welfare, or in how to restrain and house exotic wild animals, nor are there the resources to do so. With a growth in the number of animal enterprises in Ontario, especially Mobile Live Animal Programs (MLAPs), it is not reasonable to expect City staff to provide appropriate levels of oversight. They do not have the expertise or capacity.

**Changing Times:** Over the past decade the City has made steady progress toward becoming a more enlightened and compassionate city for animals. Regulations concerning the keeping of domestic cats have been updated, the treatment of feral cats has become more humane, and humane protocols for handling human-wildlife conflicts have been adopted.

The controversial Lickety Split Zoo is gone and, in 2012, City Council and staff recognized that the accommodation provided for many of the animals at Storybook Gardens was not sufficient to meet the animals' needs, and took the responsible step of closing the zoo and re-homing the animals to sanctuaries and other appropriate facilities elsewhere. There are currently no public or private zoos operating within municipal boundaries. This is in keeping with a shift in societal attitudes toward animals.



**Animal Welfare:** Across the province, more than 45 unregulated zoos and more than 70 Mobile Live Animal Programs are in business, while hundreds of private citizens keep a broad range of exotic wild animals for personal amusement purposes. With no comprehensive laws in place governing exotic wild animal housing, husbandry, care and safety, many animals are subjected to conditions in which their biological, behavioural and social needs are not met. Undersized cages and enclosures, barren living spaces, lack of appropriate environmental conditions, such as temperature, humidity and light, lack of shelter and privacy, poor quality food and unsafe housing are not uncommon in Ontario. That has led to many animals enduring physical health issues, as well as psychological issues, such as boredom, anxiety, frustration and other negative emotional states, which lead to animal suffering.

Claims have been made that the Ontario SPCA can deal with any problems but they lack the internal expertise and resources to do so. In fact, the OSPCA recently called on the Ontario government to pass new legislation to deal with this issue. Canada's Accredited Zoos and Aquariums has also been suggested as a potential vehicle for dealing with this issue but they are a private, industry group and not a regulatory body. They operate without transparency and, with just two staff members, do not have the capacity to properly monitor the daily activities of their members. Their accreditation inspections occur once every five years.

**Human Health and Safety:** There are two primary kinds of dangers posed by exotic wild animals: 1) physical attack and, 2) zoonoses (disease).

Many animals are large, powerful and are equipped with features, such as sharp teeth, claws or venom that make them potentially dangerous to humans. Many of these animals, including exotic cats, primates and large reptiles, are found in Ontario animal facilities where they are poorly housed and secured. Mobile Live Animal Programs also utilize some of these animals and bring them to daycares, schools, senior's homes and other events. For example, one accredited zoo conducting offsite programs brought large constricting snakes to birthday parties and wrapped them around the waists of young children so photos could be taken.

Most exotic wild animals also harbour diseases that can be transferred to humans (called zoonoses). Particular animals, such as reptiles, amphibians, birds and young ruminants, have long been known to shed proportionately more potentially pathogenic organisms than other animals. The best known is Salmonella. Some zoos and most Mobile Live Animal Programs feature contact with wild exotic animals as a key selling point for obtaining bookings. They allow the public, including at-risk groups such as young children, pregnant women, immunocompromised individuals and the elderly to contact these animals, even though most public health agencies advise against it, or recommend very stringent disease mitigation measures be in place.

**Dubious Education and Rescue:** All too often, children, after seeing the animals being displayed and possibly hearing a presentation from the staff, do not develop empathy toward animals. The peer-reviewed literature is populated by papers that show the educational claims of animal enterprise businesses are questionable, at best. Rather, they learn that animals are objects for their pleasure and amusement, and they ask their parent to purchase such an animal for them as a pet. Some zoos even sell cages, tanks and other equipment, reinforcing the idea that wild exotic animals make suitable pets. Most wild exotic animals die long before reaching the upper limits of their potential lifespans. More than 75% of reptiles die within 24 months after being purchased. For some, when the novelty wears off, the animal might be disposed of by releasing into the wild, or perhaps given to a rescue group to find another home. In some cases the former pet is dropped off at London Animal Care Centre, where the cost of handling the animal is paid by the City. Some animal enterprises claim to be rescue and to serve a useful function by assisting municipalities, but the numbers of animals dealt with tend to be small.

For the abovementioned reasons, and after careful study and deliberation, the AWAC recommends that the City Animal control By-law PH-3 be revised to include the 4 new definitions in Section 1.1, the new prohibition in Section 4.17 and new wording in Section 3.6 as provided in the accompanying draft PH-3 By-law.