



Corporate Report

NO: R247

COUNCIL DATE: November 24,

2003

REGULAR COUNCIL

TO: Mayor & Council DATE: November 20,
2003

FROM: City Solicitor FILE: 3900-20-14823

SUBJECT: Surrey Exotic Animal By-law, 2003, No. 14823

RECOMMENDATION

That Council, if it wishes to ban the sale of endangered, exotic, wild and dangerous animals, adopt Surrey Exotic Animal By law, 2003, No. 14823 (the "By law") attached as Appendix "A" to this report.

INTENT

The intent of this report is to implement the instructions of Council embodied in the minutes of the Public Safety Committee of May 14, 2003, that "**staff prepare a by law dealing with the prohibition of the sale of exotic, wild and endangered animals in the City rather than ownership**". The proposed By law now incorporates amendments that will meet most of the concerns raised at Public Information Meetings held on September 16, 2003 and November 13, 2003.

BACKGROUND

Following the adoption by Council of the Public Safety Committee recommendation that a by law be prepared to deal with the prohibition of the sale of exotic, wild and endangered animals, a Public Information Meeting was held on September 16, 2003. Using the input from that Public Information Meeting, a by law was drafted and forwarded for Council consideration on November 3, 2003. Council referred the By law back to staff for an additional Public Information Meeting which was held on November 13, 2003. Following the second Public Information Meeting, a draft of the By law was circulated to those in attendance. The spokespersons from the pet industry, the SPCA and the Humane Society, as well as the pet owners themselves generally supported the list of banned animals. There was, however, a consensus from pet owners and pet retailers that certain reptiles and small animals should be exempted from the By law. These animals are raised in captive breeding programs and are generally considered to be appropriate pets.

DISCUSSION

Representatives from the Vancouver Humane Society and the BC SPCA were of the view that the By law should go much further and ban not just the sale, but also the possession of all endangered, wild and dangerous animals. In response City staff pointed out that the cost of specialized staff, equipment and animal keeping facilities made this option unrealistic for the City, particularly when the responsibility for the management of wild and dangerous animals

is primarily a provincial and federal responsibility. The Public Safety Committee has indicated that it supports this position.

The owners of Surrey's pet stores who were in attendance at the Public Information Meetings support the revised By law, which has been sent to them for further discussion and input. The By law is also supported by the national Pet Industry Joint Council which has had the opportunity to review and comment on the By law.

The revised By law now exempts certain reptiles. Non venomous snakes of less than two metres may be sold, together with certain types of lizards that do not exceed one metre in length. Rabbits, African pigmy hedgehogs, small rodents (i.e. hamsters), sugar gliders derived from self sustaining captive populations, and domestic ferrets are now permitted to be sold as pets under the By law. These exemptions reflect the consensus reached at the most recent Public Information Meeting.

Breeders of prescribed animals and birds such as falcons are exempt from the By law. The By law expressly provides that it does not apply to animals regulated or permitted by a valid and subsisting federal or Province of British Columbia permit or license.

I advised a representative of the Cinemazoo Animal Agency that the By law was not intended to prohibit the use of animals in movie productions, provided that federal and provincial permit laws were observed.

CONCLUSION

The By law proposed for introduction represents the outcome of a thorough Public Information process and consultation with stakeholders. The By law's provisions with respect to the prohibitions on the sale of wild and dangerous animals have the support of most stakeholders who have made representations and provided valuable input to the By law proposed for adoption by Council.

CRAIG MacFARLANE
City Solicitor

CM:mlg
Attach.

c.c. John Sherstone, Manager By laws & Licensing

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APPENDIX "A"

CITY OF SURREY

BY-LAW NO. 14823

A by-law respecting the sale and purchase of endangered,
dangerous and exotic animals

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WHEREAS Section 703(1) of the *Local Government Act*, R.S.B.C. 1996, c. 323 authorizes a municipal council to pass by laws for

prohibiting or regulating the keeping of animals;

The Council of the City of Surrey HEREBY ENACTS as follows:

1. This By law may be cited as "Surrey Exotic Animal By law, 2003, No. 14823".

DEFINITIONS

2. In this By law, unless the context otherwise requires:

"animal" means any non human mammal, reptile, amphibian or bird;

"captive bred" means bred in captivity such that both parents were in human care at the time of mating;

"City" means the City of Surrey;

"Council" means the Council of the City of Surrey;

"endangered animal" means all animals listed on the CITES #1 Endangered Species List;

"keep" means the act of having the care, custody, control or possession of an animal;

"prohibited or dangerous animal" means any animal that is or is deemed to be potentially harmful to humans by nature, aggression, venom, toxins or size and that require specifically designed, secure enclosures to ensure safekeeping including those prohibited animals listed on Schedule "A";

"reptile" means any animal belonging to the class of animals known as reptilia including, but not limited to, snakes, lizards, crocodilians, turtles and tortoises;

"safekeeping" means the provision for security in order to prevent any animal from attacking or injuring a person or domesticated animal or farm animal or exposing same to infection or disease;

"toxic" means capable of seriously harmful or fatal reaction in a human adult or child by means of a bite, sting, scratch or physical contact; and

"venomous" means possessing venom which is seriously harmful or fatal to a human adult or child.

APPLICATION

3. This by law does not apply to domestic dogs which are regulated under the Surrey Dog Responsibility By Law, 1999, No. 13880.
4. This by law does not apply to any activity relating to animals that is regulated or permitted by a valid and subsisting federal or Province of British Columbia permit or license.

PROHIBITED SALE AND PURCHASE OF ANIMALS

5. No person shall sell, transfer or exchange, or offer to sell, transfer or exchange, for any consideration whatsoever in the City, either on a temporary or permanent basis, any endangered animal or any prohibited or dangerous animal.
6. No person shall purchase, buy, take in exchange, take in part payment or otherwise acquire for any consideration whatsoever in the City, either on a temporary or permanent basis, any endangered animal or any prohibited or dangerous animal.
7. For the purposes of sections 5 and 6, prohibited or dangerous animal includes any animal listed in or falling within those classes of animal listed in Schedule "A" attached to and forming part of this by law.

EXEMPT FACILITIES

8. Sections 5 and 6 of this by law do not apply to prevent the keeping or safekeeping of animals at:
 - (a) the premises of a City facility used for keeping impounded animals;
 - (b) the premises of an affiliate or branch of the Society for the Prevention of Cruelty to Animals;
 - (c) the premises of an accredited veterinary hospital under the care of a licensed veterinarian;
 - (d) the premises of facilities accredited by the Canadian Association of Zoos and Aquariums; and
 - (e) the premises of an establishment licensed pursuant to the *Meat Inspection Act*, R.S.B.C. 1996, c. 283.

OFFENCES

9. Any person who contravenes any provision of this by law or who suffers or permits any act or thing to be done in contravention of this by law is guilty of an offence.

PENALTIES

10. Any person or corporation convicted of a breach of any provision of this by law shall be liable to a penalty of not less than \$100 and not more than \$5,000 plus the costs of the prosecution.

CONFLICT

11. Where this by law conflicts with any other by laws respecting animals, this by law prevails to the extent of the conflict.

PASSED THREE READINGS on the _____ day of _____, 2003.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the _____ day of _____, 2003.

_____ MAYOR

_____ CLERK

SCHEDULE "A"

PROHIBITED ANIMALS

1. All venomous or toxic animals (which includes reptiles and arachnids), regardless of whether the venom glands have been removed.
2. The following reptiles:
 - (a) All snakes that reach a length of two (2) metres or more on maturity and the following snakes:
 - (i) Amethyst python (*morelia amethystina*);
 - (ii) Burmese python (*python molarus bivittatus*);
 - (iii) Reticulated python (*python reticulatus*);
 - (iv) African rock python (*python sebae sebae*);
 - (v) Indian rock python (*python molurus*);
 - (vi) Green anaconda (*eunectes murinus*);
 - (viii) Yellow anaconda (*eunectes notaeus*);
 - (b) All lizards that reach a length of one (1) metre or more (measured from snout to tail) on maturity and the following lizards:
 - (i) African Nile monitor (*varanus niloticus*);
 - (ii) Asian water monitor (*varanus salvator*);
 - (iii) Papuan monitor (*varanus salvadorii*);
 - (iv) Common green iguana (*iguana iguana*);
 - (v) Tuatara (*sphendonitida*);
 - (c) All crocodylians (such as alligators, crocodiles, caimans, and ghariel);
 - (d) All aquatic turtles; and

- (e) All tiger salamanders and axolotyls (Mexican salamanders or 'walking fish').
3. All arachnids falling under the convention classification of "Old World".
 4. All bullfrogs.
 5. All scorpions except the Pandinus species.
 6. All millipedes, centipedes, mantids, stickbugs, and Madagascar hissing cockroaches.
 7. The following species:

Artiodactyla except domestic goats, sheep, pigs, cattle and llamas
Canidae (such as wolves, jackals, foxes and hybrids thereof), except the domestic dog
Chiroptera (bats, including flying foxes)
Edentates (such as anteaters, sloths and armadillos)
Elephantidae (elephants)
Erinacidae (except the African pigmy hedgehog)
Felidae (including hybrids thereof), except the domestic cat
Hyaenidae (hyenas)
Lagomorpha (such as hares and pikas), except rabbits
Marsupials (such as kangaroos, opossums, and wallabies), except sugar gliders derived from self sustaining captive populations
Mustelidae (such as mink, skunks, otters, badgers and weasels), except the domestic ferret
Pinnipeds (such as seals, fur seals and walruses)
Perissodactylous ungulates except horses, donkeys, and mules
Primates (such as gorillas, chimpanzees, lemurs and monkeys)
Procyonidae (such as raccoons, coatimundi and cacomistles)
Raptors, diurnal and nocturnal (such as eagles, hawks and owls)
Ratites (such as ostriches, rheas and cassowaries)
Rodentia (such as porcupines and prairie dogs), except rodents which do not exceed 1,500 grams and are derives from self sustaining captive populations
Ursidae (bears)
Viverridae (such as mongoose, civets, and genets)

*The animals listed in brackets are examples only and do not limit the generality of the listed class of species.