



# Corporation of the Town of Newmarket

## By-law 2020-30

### OFFICE CONSOLIDATION

This is a consolidation of the Town's By-law to regulate, licence, and control Animals in the Town of Newmarket, being By-law 2013-13, as amended by the below listed by-laws and is prepared for reference and information purposes only. The following consolidation is an electronic reproduction made available for information only. It is not an official version of By-law 2013-13. Official versions of all by-laws can be obtained from Legislative Services by calling 905-953-5300. If there are any discrepancies between this consolidation and By-law 2013-13 and listed amending by-laws the official by-laws shall prevail.

2023-36 – June 5, 2023	Updates to Definitions Section; Remove Appeals Committee and add Hearing Officer
2024-52 – October 28, 2024	Amendments to multiple sections. - Definitions - "Leash" and "Owner" - Section 4(2) repeal/replace - Section 4 - add subsections 12 & 13 - Section 5(4) repeal/replace - Section 9(6) repeal/replace - Section 9(7) - add subsections 'h' & 'i' - Section 9 - add subsection 12 - Section 10(1) repeal/replace - Section 13 repeal/replace - Section 14(5) repeal/replace - Section 7(3) – add subsection 'g'

A By-law to regulate, licence, and control Animals in the Town of Newmarket.

**Whereas** section 11 of the Municipal Act 2001, S.O. 2001, c25, as amended, establishes that a municipality may enact by-laws regulating or prohibiting Animals;

**And Whereas** section 103 of the Municipal Act authorizes the Town, through the passage of a by-law, to seize, impound, and sell Animals that are trespassing or at large;

**And Whereas** section 391 of the Municipal Act authorizes the Town to impose fees or charges for services or activities provided or done by or on behalf of the Town;

**And Whereas** the Council of the Town of Newmarket deems it advisable to pass such by-law;

**Therefore** be it enacted by the Council of the Corporation of the Town of Newmarket as follows:

### 1. Title

This By-law may be known and cited for all purposes as the "Animal Control By-law 2020-30".

### 2. Definitions

In this By-law:

"**Animal**" means any member of the animal kingdom, other than a human;

"**Animal Services Officer**" means a person designated and authorized by by-law of the Town of Newmarket to enforce the Town of Newmarket Animal Control Bylaws;

"**At Large**" means an Animal found in any place, other than the lands, premises or a vehicle of the Animal owner or person keeping such Animal while:

(a) the Animal is not leashed; or

(b) the Animal is leashed and no person has the leash in hand;

"**Attack**" means an act of aggression towards a person or domestic Animal;

"**Bite**" means any contact with an Animal's teeth that causes puncturing of the skin of a human or a domestic Animal;

"**Cat**" means a male or female small domesticated feline kept as a pet which is over the age of twelve (12) weeks;

"**Dangerous Act**" means any bite, attack or a combination thereof;

"**Dangerous Dog**" means a dog that has been determined to be a Dangerous Dog pursuant to section 9 of this By-law, which determination has not been otherwise rescinded pursuant to this By-law;

"**Dangerous Dog Order**" means an order to comply with the requirements for owners of a Dangerous Dog pursuant to section 9 of this By-law;

"**Director**" means the Director of Legislative Services of the Town of Newmarket or designate;

"**Dog**" means a male or female domesticated canine kept as a pet which is over the age of twelve (12) weeks;

"**Dog Owners' Liability Act**" means the Dog Owner's Liability Act, R.S.O. 1990, c. D. 16, as amended;

"**Domestic Animal**" means a dog or a cat kept by a **Person**;

"**Domestic Animal Care Facility**" means a service commercial establishment in which domestic Animals are cared for on a short term daily basis in an open setting and may include accessory grooming and training facilities but excludes a kennel;

"**Dwelling Unit**" means a room or group of rooms to be used by one family that functions as a single independent housekeeping unit in which cooking facilities, living quarters and sanitary facilities are provided for the exclusive use of those residing within the unit only, and with a private entrance from outside the building or from a common hallway or stairway inside;

"**Foster Animal**" means a dog, a cat, a litter of puppies that originate from the same female dog or a litter of kittens that originate from the same female cat that is owned, kept, cared for, possessed or harboured by a person as part of a foster care program administered by a Municipal Pound, registered rescue group or a registered humane society;

**"Fees and Charges By-Law"** means the Town of Newmarket Fees and Charges By-Law, as amended;

**"Feral Cat"** means a cat found in the Town of Newmarket that has no owner, is not socialized and is extremely fearful or resistant to humans;

**"Guide Dog"** means a Guide Dog as defined in section 1 of the Blind Persons' Rights Act;

**"Hearing Officer"** means the Hearing Officer appointed by the Town;

**"Impound"** means to seize and take legal custody of an Animal by an Animal Services Officer because of an infringement of a law or regulation or at the direction of emergency personnel;

**"Keep"** means to have temporary or permanent control, possession or ownership of an Animal, and "keeping" has the same meaning;

**"Law Enforcement Dog"** means a dog trained to assist law enforcement officers and used by such officers in the execution of their duties;

**"Leash"** means a rope, chain or other material or restraining device used to restrain an animal, not including e-collars or remote controlled devices;

**"Licence"** means an identification tag issued by the Town or designate which is to be affixed to the collar of the dog or cat for which it was issued;

**"Licence Fee"** means a fee payable for a Pet Licence pursuant to the Fees and Charges By-Law;

**"Lot"** means a parcel of land which is legally capable of being conveyed in accordance with the Planning Act R.S.O. 1990, Chapter 13 as amended, or is described in accordance with a registered Plan of Condominium;

**"Manager"** means the Town of Newmarket Manager of Regulatory Services or their designate;

**"Municipal Pound"** means a shelter or place, operated by a Municipality, where stray, lost, abandoned or surrendered Animals are kept;

**"Muzzle"** means a humane fastening or covering device that cannot be removed by a dog and is of adequate strength and design and suitable to the breed, that is placed over the mouth of a dog to prevent it from biting, and the words "muzzled" and "muzzling" have a similar meaning;

**"Notice to Muzzle"** means a notice containing muzzling requirements, pursuant to section 9 of this by-law;

**"Nuisance"** means an injurious, offensive, or objectionable condition that disturbs or is likely to disturb the comfort, rest, and enjoyment of any Person;

**"Owner"** means any person who possesses or harbours an animal and where the owner is a minor, the person responsible for the custody of the minor, and includes a person who is temporarily the keeper or in control of the animal and "owns" has the same meaning;

**"Park"** means a public area controlled by the Town and set aside for use by the public for rest, recreation, exercise, pleasure, amusement and enjoyment and includes playgrounds, sports fields, wading and swimming areas, public pathways and trails;

“**Penalty Notice**” means a ticket issued pursuant to section 5 of Town of Newmarket By-law number 2019-62;

“**Permitted Animal**” means an Animal as identified in “Schedule A – Permitted Animals” of this By-law;

“**Person**” includes a natural person, corporation, partnership or party, and the personal or other legal representatives or a Person to whom the context can apply according to law;

“**Police Officer**” means a Police Officer defined under the Police Services Act, R.S.O. 1990, c. P15, as amended;

“**Service Animal**” means an Animal described in subsection 80.45(4) of O. Reg. 191/11, under the Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c.11.;

“**Tether**” means a rope or chain or similar restraining device that is not connected to a person, that prevents an Animal from moving beyond a localized area, and the words “tethered” or “tethering” have a similar meaning;

“**Town**” means the Corporation of the Town of Newmarket in the Regional Municipality of York;

“**Town Clerk**” means the Clerk of the Town as appointed by by-law;

“**Training Order**” means an order containing training requirements, pursuant to section 9 of this By-law;

“**Urban Hens**” means a domesticated female chicken that is at least four months of age;

“**Vehicle**” means a motor Vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any Vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a bus, streetcar or train used for public transportation;

“**Wildlife**” or “**Wild Animal**” means an Animal that belongs to a species that is wild by nature;

“**Zoning By-Law**” means The Zoning By-Law of the Town of Newmarket, as amended or successor thereof.

### 3. Administration and Enforcement

- (1) The **Director**, **Manager**, and any **Animal Services Officer** of the **Town** are hereby delegated the authority to enforce this By-law, including the authority to conduct inspections pursuant to this By-law, the Municipal Act, as amended, and any other enacted legislation.
- (2) The **Director** is authorized to delegate the powers and responsibilities for the administration and enforcement of this By-law to any **Town** staff or external third parties deemed to be qualified and appropriate by the **Director** for such purposes.
- (3) Any notice, written warning or **Penalty Notice**, issued pursuant to this By-law may be served by:
  - (a) hand delivery to the **Person** or the **Owner** of the **Animal** and shall be deemed effective upon service; or
  - (b) mailed to the last known address of the **Person** or **Owner** of the **Animal** and shall be deemed to be effective on the seventh (7<sup>th</sup>) day after the date of mailing.

#### 4. General Regulations

- (1) In this By-law, any references to care, control, ownership, harbouring or keeping of an **Animal** shall include any joint or shared care, control, ownership, harbouring and keeping. Any persons that have joint or shared care, control, ownership of, or are sharing or jointly harbouring or keeping, an **Animal**, shall be jointly and severally responsible and liable for any such **Animal** and any duties, obligations, prohibitions, offences and requirements of a **Person** caring, controlling, owning, harbouring or keeping an **Animal** pursuant to this By-law.
- (2) No **Person** shall **Keep**, own, possess, or harbour any **Animal** in the **Town** which makes or causes noises, repetitive or persistent that disturbs or is likely to disturb the comfort, enjoyment, rest, or quiet of any **Person** in the vicinity or neighbourhood.
- (3) No **Person** shall have care or control of more than three (3) **Dogs** or four (4) **Cats** at any time.
- (4) No **Person** shall **Keep**, possess, or harbour, or permit to be kept, possessed, or harboured more than three (3) **Dogs** or four (4) **Cats** within or about any **Dwelling Unit**, unless the additional **Dog(s)** or **Cat(s)** is accompanied by an **Owner** who does not reside at the **Dwelling Unit**.
- (5) No **Person** shall permit any of the following in any leash-free **Park** or zone approved or designated by the **Town** :
  - (a) any **Dog** that is subject to a **Dangerous Dog Order** of any Municipality; or
  - (b) have care and control of more than three (3) **Dogs** at any one time.
- (6) A **Person** who owns or keeps a **Dog** shall not permit any excrement deposited by such **Dog** to remain on land or premises owned by the **Town** or on land or premises that is not owned by the **Person**, and a **Person** keeping or owning such **Dog** shall remove such excrement.
- (7) No **Person** shall keep, either on a temporary or permanent basis, any **Animal** other than a **Permitted Animal** listed in "Schedule A" of this By-law unless permitted to do so by the **Town's** Zoning By-law or as authorized by the **Manager**.
- (8) Any **Person** who keeps an **Animal** not listed in "Schedule A" of this By-law shall remove the **Animal**, or register and provide proof to the **Town** that the **Animal** was lawfully owned prior to the prohibition, within 90 days of the prohibition of the keeping of an **Animal**. Upon being satisfied that the **Animal** was lawfully owned prior to the prohibition, the **Manager** may deem the **Animal** to be grandfathered and enter such information pertaining to the **Animal** and its owner into a registry of grandfathered **Animals**. A grandfathered **Animal** may be kept until it has died or has otherwise been disposed of.
- (9) The **Town** may, at the discretion of the **Manager**, impose terms and conditions on the keeping of any grandfathered **Animal**.
- (10) Any **Person** who moves a grandfathered **Animal** to a location other than one on file with the **Town**, shall notify the **Manager** of the new location within (48) hours after the **Animal** is moved.

- (11) No attempt may be made by any authority to claim or purchase **Animals** for the purpose of research, not withstanding the provisions of the Animals for Research Act, R.S.O., 1990 and no **Animal** shall be offered for the purpose of research.
- (12) Every owner of an animal shall remove forthwith any excrement left by the animal on any property including highways.
- (13) No Person shall hinder or obstruct, or attempt to hinder or obstruct, a Municipal Law Enforcement Officer, or a Police Officer from carrying out inspections of land to ensure compliance with this By-law.

## 5. Protective Care of Animals

- (1) The **Town** may receive or **Impound** an **Animal** into protective care for up to five (5) calendar days at a **Municipal Pound** as a result of an incarceration of the Owner, or as a result of a fire or medical emergency, or for any other situation that the **Manager** or an **Animal Services Officer** deems appropriate.
- (2) When the **Town** receives an **Animal** into protective care, the **Owner** of the **Animal** shall pay all costs incurred or fees associated on behalf of the **Animal** prior to redeeming the **Animal**.
- (3) No **Person** shall allow an **Animal** to remain in a **Vehicle** unless:
  - (a) the **Animal** is secured in a manner that prevents contact between the **Animal** and any member of the public;
  - (b) the **Animal** has suitable ventilation; and
  - (c) the **Animal** is not exposed to temperatures which can cause distress and/or death.
- (4) Every owner of an **Animal** shall treat the animal in a humane manner, including but not limited to the provision of:
  - (a) a shelter for the animal that is waterproof and that protects it from exposure to the elements;
  - (b) a shelter for the animal that is adequate for its size and breed;
  - (c) adequate food and water for the animal;
  - (d) access to shade during warm weather;
  - (e) a clean and sanitary environment free from an accumulation of fecal matter;
  - (f) adequate veterinary care deemed necessary by a reasonable prudent person to relieve the animal from distress caused by injury, neglect or disease.
- (5) No **Person** shall **Keep** any **Animal** in a condition which disturbs or is likely to disturb the enjoyment, comfort, or convenience of any **Person**.
- (6) **No Person** shall **Keep** any **Animal** in a condition that endangers or is likely to endanger the health of any **Person** or **Animal**.

## 6. Tethering

- (1) No **Person** shall **Keep** an **Animal** tethered on a rope, chain, or similar restraining device, unless:
  - (a) the **Tether** is of appropriate length for the **Animal** tethered, but is never less than three (3) meters;
  - (b) the **Animal** has unrestricted movement within the range of such tether;
  - (c) the **Animal** is tethered in a manner that constrains the **Animal** to the property in which the **Animal** is tethered; and
  - (d) the **Animal** has access to adequate water, food, shelter and shade.
- (2) No **Person** shall **Keep** an **Animal** tethered where a choke collar, choke chain, pronged collar or any similar device forms part of the tether.
- (3) No **Person** shall **Tether** any **Animal** for a period exceeding three (3) hours, consecutive or not, within the same calendar day. For greater clarification, if the **Animal** is observed being tethered for any amount of time within a one (1) hour period, it is deemed to have been there for one (1) of the three (3) hours during that calendar day.

## 7. Feeding of Wildlife

- (1) No **Person** shall feed or permit the feeding of a **Wild Animal**, a **Feral Cat**, or a stray **Domestic Animal** anywhere within the **Town**.
- (2) No **Person** shall cause or permit a feeding device or any attractants to be left outside on any **Lot**, including but not limited to land owned by a public authority.
- (3) Notwithstanding Sections 7 (1) and 7 (2), a land **Owner** may feed a bird that is a **Wild Animal** on their **Lot** in accordance with the following requirements:
  - (a) seed shall be placed in a feeding device designed for birds;
  - (b) no excrement from the birds shall be permitted to accumulate;
  - (c) seed within the feeding device shall be sufficiently above grade and reasonably inaccessible to a **Wild Animal**, with the exceptions of birds;
  - (d) all seed spilled from the feeding device shall be promptly disposed of;
  - (e) the feeding device shall be kept in a sanitary condition at all times; and
  - (f) the feeding device shall not cause or create a **Nuisance** due to odour, sight, or noise.
  - (g) No more than 6 bird feeders shall be permitted on any residential property, excluding nectar based feeders.

## 8. Urban Hens

- (1) Any **Person** wishing to **Keep Urban Hens** shall submit to the **Town** a completed application with all supporting documents, including but not limited to:

- (a) a letter of permission from the **Owner** of the property where the **Urban Hens** will be kept;
  - (b) letter(s) of permission from all abutting property owners; and
  - (c) a sketch of the property including the location of the coop, run, and any other accessory structures, showing dimensions and setbacks.
- (2) No more than three (3) **Urban Hens** are permitted on any residential property.
  - (3) No **Urban Hens** under the age of four (4) months old shall be kept on any residential property.
  - (4) No roosters shall be kept on any residential property.
  - (5) The **Owner** of the **Urban Hen(s)** must reside on the property where the **Urban Hen(s)** are being kept.
  - (6) An **Urban Hen** must be kept in their coop between the hours of 9:00pm and 6:00am.
  - (7) An **Urban Hen** shall be kept in an enclosed hen run when not in their coop.
  - (8) An **Urban Hen** enclosure shall be a minimum size of ten (10) square feet per hen.
  - (9) **Urban Hen** coops and **Urban Hen** runs shall be a distance of 1.2m from the rear **Lot** line and 1.2m from any side **Lot** line of the dwelling **Lot** on which the hen coop is located.
  - (10) **Urban Hen** coops and **Urban Hen** runs shall be a minimum distance of 3 meters from all windows and doors of dwellings that are located on an abutting property.
  - (11) **Urban Hen** coops shall be less than 2.4m in height.
  - (12) **Urban Hen** coops shall not be located in a front yard.
  - (13) **Urban Hen** coops and **Urban Hen** runs shall be maintained in a clean condition and the coop shall be kept free of obnoxious odours, substances, and vermin.
  - (14) Home slaughter of **Urban Hens** is prohibited.
  - (15) Deceased **Urban Hens** shall be disposed of at a livestock disposal facility or through the services of a veterinarian.

## 9. Notices and Orders

- (1) Where an **Animal Services Officer** has reasonable grounds to believe that a **Dog** may engage in an aggressive act, an **Animal Services Officer** may issue an order requiring such **Dog** to receive training in a form and timeline as set out by the **Animal Services Officer**.
- (2) Where training has been ordered pursuant to Section 9(1) of this By-law, the **Owner** of the **Dog** shall provide proof of compliance with the **Training Order** to the **Town** within the timeline imposed.
- (3) Where an **Owner** of a **Dog** is served with a **Notice to Muzzle**, the **Owner** shall:

- (a) While on the property of the **Owner**, cause the **Dog** subject to the **Notice to Muzzle** to be tethered or confined by a six (6) foot fence in a way that prevents the **Dog** from going beyond the limits of the owner's property or being accidentally or intentionally released; and
  - (b) Whenever off the property of the **Owner**, cause the **Dog** subject to the **Notice to Muzzle** to be muzzled and leashed, and the **Owner** shall not permit such a **Dog** to be left in the control of a **Person** under the age of sixteen (16).
- (4) Every **Owner** of a **Dog** shall exercise reasonable precautions to prevent the **Dog** from engaging in a **Dangerous Act**.
- (5) Without limiting this By-law, an **Owner** of a **Dog** that engages in a **Dangerous Act** is liable to prosecution under the **Dog Owners' Liability Act**, R.S.O. 1990, c. D.16, as amended.
- (6) Where the **Manager** has reasonable grounds to believe that a **Dog** has engaged in a **Dangerous Act** against a **Person** or **Domestic Animal**, the **Manager** may impose the following with respect to such a **Dog**:
  - (a) for the first (1<sup>st</sup>) documented offence with a municipality, the **Manager** may serve the **Owner** of the subject **Dog** with a **Notice to Muzzle**;
  - (b) despite Section 9(6)(a), if it is the **Manager's** opinion that the **Dangerous Act** is severe, serve the **Owner** of the subject **Dog** with a **Dangerous Dog Order**, requiring the subject **Dog** to comply with the requirements under Section 9(7) of this By-law;
  - (c) for the second (2<sup>nd</sup>) documented offence with a municipality, serve the **Owner** of the **Dog** with a **Dangerous Dog Order**, requiring the subject **Dog** to comply with the requirements under Section 9(7) of this By-law; or
  - (d) Where the **Dangerous Act** occurred while the **Dog** was the subject of a **Notice to Muzzle** or a control order under the **Dog Owners Liability Act**, serve the **Owner** of the **Dog** with a **Dangerous Dog Order**, requiring the subject **Dog** to comply with the requirements under Section 9(7) of this By-law.
- (7) Where an **Owner** is served with a **Dangerous Dog Order**, the **Owner** shall, at the owner's expense and for the life of the subject **Dog**, ensure that:
  - (a) the **Dangerous Dog** is muzzled at all times when off the **Owner's** property;
  - (b) the **Dangerous Dog** is not permitted to enter, at any time, into any leash-free **Park** or zone approved or designated by the **Town** ;
  - (c) a warning sign is posted on the owner's private property within fifteen (15) days of the order being served on the **Owner** in the form and location as required by the **Manager**;
  - (d) the **Dangerous Dog Owner** information is current, and the **Owner** shall notify the **Town** in writing if the **Dog** is transferred to another **Person** within (5) days of the change of ownership;

- (e) the **Dangerous Dog** is microchipped within thirty (30) days of the order being served on the **Owner**;
  - (f) the **Dangerous Dog** is spayed or neutered within thirty (30) days of the order being served on the **Owner**;
  - (g) arrangements are made with the **Town** to enable the **Town** to collect information about the subject **Dog** within thirty (30) days of the order being served on the **Owner**.
  - (h) While on the property of the **Owner**, cause the **Dog** subject to the **Dangerous Dog Order** to be tethered or confined by a six (6) foot fence in a way that prevents the **Dog** from going beyond the limits of the owner's property or being accidentally or intentionally released; and
  - (i) Whenever off the property of the **Owner**, cause the **Dog** subject to the **Dangerous Dog Order** to be muzzled and leashed, and the **Owner** shall not permit such a **Dog** to be left in the control of a **Person** under the age of sixteen (16)
- (8) In addition to Section 9(7) of this By-law, where an **Owner** is served with a **Dangerous Dog Order**, the **Manager** may require the subject **Dog** to receive training in a form and timeline as required by the **Manager**.
- (9) Where a **Dangerous Dog Order** has been served, the **Owner** of the subject **Dog** shall provide proof of compliance to the satisfaction of the **Manager**.
- (10) Where the **Director, Manager** or any **Animal Services Officer** is satisfied that a contravention of this By-law has occurred, such **Director, Manager** or **Animal Services Officer** may make an order requiring that the **Person** who caused or permitted such contravention, or the property owner of the land on which the contravention occurred, to discontinue the contravening activity and/or to do work to correct the contravention.
- (11) An order pursuant to Section 9(10) shall set out the following:
- (a) the municipal address and/or the legal description of the land or premises on which the contravention occurred;
  - (b) reasonable particulars of the contravention;
  - (c) what is required of the **Person** subject to the order;
  - (d) the date by which there must be compliance with the order and/or, if any work is ordered, the date by which any such work must be done;
  - (e) if any work is required to be done, a statement that if such work is not done in compliance with the order and within a specified time period, the **Town** will have the work done at the expense of the **Person** directed or required to do it; and
  - (f) information regarding the Town's contact **Person**.
- (12) No person shall fail to comply with an order made under section 9(10).

## 10. Remedial Action and Cost Recovery

- (1) Wherever this By-law or an order issued under this By-law directs or requires any matter or thing to be done by any person within a

specified time period, in default of it being done by the person directed or required to do it, the action may be taken under the direction of the **Manager** at that person's expense and the Town may recover the costs incurred through a legal action or by recovering the costs in the same manner as taxes.

- (2) For the purposes of taking remedial action under Section 10(1), the **Director, Manager** or an **Animal Services Officer** may enter, at any reasonable time, upon any lands on which a default to carry out any notice, order, or action as directed.

## 11. Appeal

- (1) Where a **Training Order, Notice to Muzzle** or a **Dangerous Dog Order**, has been issued, the **Owner** of the **Dog** may apply for a Hearing to appeal the Order to the Town's **Hearing Officer**.
- (2) A request for a Hearing shall be made in writing and delivered to the **Town Clerk** within ten (10) business days after the **Training Order, Notice to Muzzle** or **Dangerous Dog Order** has been served.
- (3) Upon receipt of the request for a Hearing from an **Owner** of a vicious **Dog**, the **Town Clerk** shall convene a meeting of the **Hearing Officer**, as soon as is practicable, and notify the **Owner** of the **Dog** and any victim(s) of the **Attack** of the time, date and location of the Hearing.
- (4) Notwithstanding that an **Owner** has applied for a Hearing to appeal an order, the order takes effect when it is served on the **Person** to whom it is directed and remains in effect until the **Hearing Officer** has made its decision on the appeal.
- (5) Before the **Hearing Officer** makes any decision, a written notice to advise the **Owner** of the recommendations being made by the **Manager or Animal Services Officer** with respect to the order shall be provided.
- (6) The **Owner** and any other interested Persons shall have the right to make a submission of their defense, either in-writing or in-person before the **Hearing Officer**.
- (7) Failure for the **Owner** or representative to attend the scheduled hearing before the **Hearing Officer** shall result in the proceeding of the hearing.
- (8) The **Hearing Officer** shall deliberate the merits of the evidence presented and shall render its decision at the meeting or shall reserve its decision to be presented later, which shall not be later than ten (10) business days following the date of the hearing.
- (9) The **Hearing Officer** has the power to:
  - (a) confirm the requirements of an order;
  - (b) exempt the **Owner** in whole or part from any requirement set out in the order;
  - (c) impose conditions on any exemption granted under Section 11(9)(b) that the **Hearing Officer** considers appropriate; or
  - (d) rescind the order.
- (10) The decision of the **Hearing Officer** is final and binding.

- (11) Notice of the hearing or any matter which arises relating to the proceedings of the **Hearing Officer** not covered in the provisions of this By-law shall be governed by the Statutory Powers Procedures Act.

## 12. Registration and Licensing

- (1) Every **Owner** of a **Cat** or **Dog** over the age of twelve (12) weeks shall **Licence** the Domestic **Animal** with the **Town** and shall maintain the **Licence** in good standing.
- (2) Every **Owner** of a **Cat** or **Dog** shall annually renew the **Licence** before its date of expiry.
- (3) Upon payment of the **Licence Fee**, the **Owner** shall be provided with a **Licence** and shall **Keep** the **Licence** securely fixed on the **Cat** or **Dog** at all times.
- (4) If a **Licence** is lost or misplaced for any reason, the **Owner** shall make an application for a replacement **Licence**.
- (5) No **Owner** shall provide false information when licensing a Domestic **Animal**.
- (6) Every **Owner** of a **Cat** or **Dog** shall at the time of licensing the Domestic **Animal**, pay the **Licence Fee** to the **Town** in accordance with the Town's **Fees and Charges By-Law**, as may be amended from time to time.
- (7) Every **Licence** issued pursuant to this By-law shall be serially numbered and a record of their issue shall be kept by the **Town**. Such registration shall, at a minimum, set out the name and address of the **Owner**, the name of the **Domestic Animal**, and shall contain other information as may be required by the **Manager**.
- (8) Every **Licence** issued pursuant to this By-law is personal to the **Domestic Animal** registered and shall not be transferable.

## 13. Animals At Large

- (1) No **Person** keeping a **Dog** shall allow the **Dog** to be **At Large** within the geographical boundaries of the **Town** unless such **Dog** is confined to a leash-free **Park** or zone approved or designated by the **Town**.
- (2) No **Person** shall permit a **Dog** to enter or to be located in any leash-free **Park** or zone approved or designated by the **Town** unless such a **Dog** is licensed pursuant to this By-law or licensed pursuant to a municipal **Animal** licensing program of another municipality in Ontario.
- (3) Unless otherwise permitted by **Town** policy, other by-laws or any legislation, no **Person** keeping a **Dog** shall allow the **Dog**, other than a **Guide Dog** or a **Service Animal**, to be in or on **Town** property or **Town** facilities where posted signs prohibit such activity or such prohibition is communicated by **Town** staff in another manner.
- (4) No **Person** keeping an **Animal** shall permit such **Animal** to be **At Large** within the **Town** or allow such an **Animal** to cause damage or create a **Nuisance** or disturbance to another Person, another Person's property, or to **Town** property.
- (5) An **Animal Services Officer** may **Impound** any **Domestic Animal** found to be **At Large**.
- (6) Every reasonable effort shall be made by the **Animal Services Officer** to notify the **Owner** within twenty-four (24) hours that a

**Domestic Animal** is impounded and the conditions whereby custody of **Domestic Animal** may be reclaimed.

- (7) No person shall permit domestic pigeons from perching, roosting, resting, or excreting on any property that is not owned by them.

#### 14. Exemptions

- (1) This By-law does not apply to a **Law Enforcement Dog** and the **Persons** who have care and control of a **Law Enforcement Dog** as part of their law enforcement duties.
- (2) The following are exempt from any restrictions on the number of **Domestic Animals** permitted under this By-law:
- (a) a veterinary hospital, clinic, office or veterinary service lawfully operated and supervised by a veterinarian licensed to practice in Ontario;
  - (b) premises registered as a research facility in accordance with the Animals For Research Act, R.S.O. 1990, c. A.22, as amended, or any successor legislation thereto; and
  - (c) facilities that provide **Animal** services that are legally operated on premises where the **Zoning By-Law** permits such uses, such as an **Domestic Animal Care Facility**.
- (3) Notwithstanding Section 4(4) of this By-law, a **Person** shall be permitted one (1) additional **Dog** above the limit of three (3), or one (1) additional **Cat** above the limit of four (4), provided that the additional **Animal**:
- (a) is acting as a **Guide Dog** or **Service Animal** for the **Owner**; or
  - (b) is a **Foster Animal** for a duration of not more than six (6) months and the **Person** is able to produce documentation to the **Town** to support this.
- (4) Sections 7(1) and 7(2) of this By-law do not apply in the following situations:
- (a) the leaving of food as bait in a trap by a property **Owner** to capture a nuisance **Animal** inhabiting or habituating their property pursuant to the Fish and Wild Conservation Act, 1997, S.O. 1997, c41;
  - (b) the leaving of food as bait by a licenced trapper, and employee of licensed wildlife removal or pest control agency, agents or representatives of the Ministry of Natural Resources, Municipal Law Enforcement Officers, or a **Police Officer**, in the performance or their work; or
  - (c) the leaving of food for a colony of stray or **Feral Cats** for the purpose of trap, neuter or spay and return program approved by the Corporation of the **Town** of Newmarket.
- (5) Any **Foster Animal**, **Service Animal** or **Guide Dog** is exempt from all fees related to an **Animal Licence**.

#### 15. Offences

- (1) Every **Person** who contravenes any provision of this By-law are liable to the fines and administrative fees set out under the Administrative Monetary Penalty System By-law 2019-62.
- (2) Every **Person** who is in contravention of the provisions of this By-law may request a review of the matter in accordance with the Administrative Monetary Penalty System By-law-2019- 62.
- (3) Any **Person** who contravenes a provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

#### **16. Severability**

- (1) Where a court of competent jurisdiction declares any section of this By-law to be invalid, or to be not in force, or without effect, it is the intention of Council in enacting this By-law that the remainder of this By-law shall continue in force and applied and enforced in accordance with its terms to the fullest extent possible according to law.

#### **17. Repeal**

- (1) Animal Control By-law 2016-53, as amended, is hereby repealed.

Enacted this 29<sup>th</sup> day of June, 2020.

John Taylor, Mayor

Lisa Lyons, Town Clerk

**Schedule 'A'**  
**Permitted Animals List**

1. Animals identified under this Schedule are hereby permitted within the Town. All other animals are restricted unless grandfathered and in accordance with Sections 4(8), 4(9), and 4(10) of this By-law.

Permitted animals are subject to the restrictions set out below:

<b>AGRICULTURAL LIVESTOCK</b>
Only animals that are raised in an agricultural setting to produce farming labour or agricultural commodities are permitted
<b>AMPHIBIANS</b>
Only amphibians of the non-poisonous type are permitted
<b>ARCHNIDS</b>
Only arachnids of the non-venomous type and not from the theraphosidae (tarantulas) family of spiders are permitted
<b>BIRDS</b>
Only birds that are in compliance with all provincial and federal regulations
<b>MAMMALS</b>
<b>CARNIVORA</b>
Domestic Cats
Domestic Dogs
Domestic Ferrets
<b>EULIPOTYPHLA</b>
Hedgehogs
<b>LAGOMORPHA</b>
Domestic Rabbits
<b>RODENTIA</b>
Chinchillas
Degus
Domestic Mice
Domestic Rats
Gerbils
Guinea Pigs
Hamsters
<b>FISH</b>
All ornamental fish except for wild-caught and in compliance with all provincial and federal regulations
<b>REPTILES</b>
<b>SQUAMATA</b>
Bearded Dragons
Geckos
Iguanas
Lizards
All reptiles must be of the non-poisonous and non-venomous type that do not exceed 30 centimetres or 12 inches in length at maturity are permitted
<b>SNAKES</b>
Only snakes of the non-venomous and non-constrictive type that do not exceed 45 centimeters or 18 inches at maturity are permitted