



Corporation of the Town of Newmarket

By-law 2020-XX

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-XX".

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;

"**Appeals Committee**" means a Committee that is appointed from time to time by Council for the purpose of hearing appeals regarding orders pursuant to this By-law;

"**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 four (4) months;

"**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been determined to be a Dangerous Dog pursuant to section 9 of this By-law, which determination has not been otherwise rescinded pursuant to this By-law;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 4 months;

"**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 suite of rooms operated as a separate house keeping unit that is used or intended to be used as a domicile by one or more persons and that contains cooking, eating, living, sleeping and sanitary facilities;

"**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;

"**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 a dog or cat;

"**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;

"**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.

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

"**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 a dog or cat 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 dog or cat 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 the Town's AMPS By-law 2019-62;

"**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;

"**Prohibited Animal**" means an animal identified as a "Prohibited Animal" as identified in Schedule 'A' - Prohibited Animals of this By-law;

"**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 **Town** of Newmarket **Zoning By-law** 2010-40, as amended.

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 (7th) 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 **Dog** in the **Town** which makes or causes noises, repetitive or persistent barking, or howling 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 owned by any 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 **Prohibited Animal** unless permitted to do so by the Town's Zoning By-law or as authorized by the **Manager**.

5. Protective Care of Domestic Animals

- (1) The **Town** may receive or **Impound** a **Domestic Animal** into protective care for up to five (5) calendar days at a **Municipal Pound** as a result of an incarceration, 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 a **Domestic Animal** into protective care, the **Owner** of the **Domestic Animal** shall pay all costs incurred or fees associated on behalf of the **Domestic Animal** prior to redeeming the **Domestic Animal**.
- (3) No **Person** shall allow a **Domestic Animal** to remain in a **Vehicle** unless:
- (a) the **Domestic Animal** is secured in a manner that prevents contact between the **Domestic Animal** and any member of the public;
 - (b) the **Domestic Animal** has suitable ventilation; and
 - (c) the **Domestic Animal** is not exposed to temperatures which can cause distress and/or death.
- (4) Every **Person** who keeps a **Domestic Animal** within the **Town** shall provide:
- (a) a clean and sanitary environment free from an accumulation of fecal matter;
 - (b) adequate and appropriate care;
 - (c) adequate food and clean water supply;
 - (d) shelter; and
 - (e) Veterinary care as may be required.
- (5) No **Person** shall **Keep** any **Domestic 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 **Domestic Animal** in a condition that endangers or is likely to endanger the health of any **Person** or **Domestic 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.

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 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) A Hen enclosure shall be a minimum size of ten (10) square feet per hen.
 - (9) Hen coops and 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) Hen coops and Hen runs shall be a minimum distance of 3m from all windows and doors of dwellings that are located on an abutting property.
 - (11) Hen coops shall be less than 2.4m in height.
 - (12) Hen coops shall not be located in a front yard.
 - (13) Hen coops and 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 hens is prohibited.
 - (15) Deceased 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** shall impose the following with respect to such a **Dog**:
- (a) for the first (1st) documented offence with a municipality, 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 (2nd) 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**; and

- (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**.
- (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**.

10. Remedial Action and Cost Recovery

- (1) Any orders or actions taken in relation to a contravention of this By-law shall be at the expense of the **Person** responsible for the **Animal** and the **Town** may recover any fines or fees imposed through administrative penalties, legal action, or by recovering the costs in the same manner as municipal 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 **Appeals Committee**.
- (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 **Appeals Committee**, 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 **Appeals Committee** has made its decision on the appeal.
- (5) Before the **Appeals Committee** 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 Appeals Committee.
- (7) Failure for the **Owner** or representative to attend the scheduled hearing before the **Appeals Committee** shall result in the proceeding of the hearing.
- (8) The **Appeals Committee** 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 **Appeals Committee** 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 **Appeals Committee** considers appropriate; or
 - (d) rescind the order.
- (10) The decision of the **Appeals Committee** is final and binding.
- (11) Notice of the hearing or any matter which arises relating to the proceedings of the **Appeals Committee** 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 **Animal** with the **Town** and shall maintain the **Licence** in good standing.
- (2) Every **Owner** of a **Cat** or **Dog** shall annually renew the animal's **Licence** before its date of expiry.
- (3) Upon payment of the animal's **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 an **Animal**.

- (6) Every **Owner** of a **Cat** or **Dog** shall at the time of licensing the **Animal**, pay the animal's **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 a **Cat** shall permit such a **Cat** to be **At Large** within the **Town** or allow such a **Cat** 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.

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 or Prohibited Animals identified 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 release program approved by the Corporation of the **Town** of Newmarket.
- (5) Any **Foster Animal**, **Service Animal** or **Guide Dog** is exempt from the requirement to obtain 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 29th day of June, 2020.

Mayor's Full Name, Mayor

Lisa Lyons, Town Clerk

Schedule 'A'
Prohibited Animals

CLASS	ORDER	COMMON NAMES
<i>Endangered or Protected Animals</i>	All	All Animals, native or exotic, whose possession or sale is prohibited pursuant to an international, federal, or provincial law, regulation, rule or agreement.
<i>Mammals</i>	Artiodactyla	Cattle, goats, sheep, pigs, deer, elk
	Carnivora	Panda, otter, wolves, bears, seals, walruses, coyotes, foxes, hybrid wolf dogs Tigers, leopards, cougars, lions, lynx Hyenas' Minks, skunks, weasels, otters, badgers Mongoose, civets, genets Coatimundi, cacomistles, raccoons (except domestic dogs, cats and ferrets)
	Chiroptera	Bats, myotis, flying foxes
	Edentates	Anteaters, sloths, armadillos
	Lagomorpha	Hares, pikas (except domestic rabbits)
	Marsupialia	Koala, kangaroo, possum, wallabies (except sugar glider derived from self-sustaining captive populations)
	Perissodactyla	Horses, donkeys, jackasses, mules, zebras, ponies
	Primates	Chimpanzees, gorillas, monkeys, lemurs
	Proboscidea	Elephants, rhinoceros, hippopotamus
	Rodentia	Porcupines, prairie dogs, nutria, chinchillas (except rodents which do not exceed 1,500 grams and are derived from self sustaining captive populations)
<i>Reptiles</i>	Crocodylia	Alligators, crocodiles, gaviel, caymans
	Squamata	Lizards that are venomous Lizards that reach an adult length greater than 2 metres (6.56 ft) Snakes that are venomous Snakes that reach an adult length greater than 3 metres (9.84 ft)
<i>Birds</i>	Anseriformes	Ducks, geese, swans, screamers
	Galliformes	Pheasants grouse, guinea fowls, turkeys, pea fowls
	Gruiformes	Cranes, rails
	Phoenicopteriformes	Flamingos
	Sphenisciformes	Penguins
	Struthioniformes	Ostriches, rheas, cassowaries, emus, kiwis
	Raptors	Eagles, hawks, falcons, owls
	<i>Other</i>	All

		prohibited because they are designated as protected or endangered pursuant to an international, federal, or provincial law, regulation, rule or agreement, unless the Animal has been obtained in accordance with international, federal or provincial law, as applicable, and if the Animal is not identified in this Schedule.
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