

October 6, 2016

**CORPORATE SERVICES COMMISSION REPORT - LEGISLATIVE SERVICES 2016-19**

TO: Mayor Van Bynen & Members of Council

SUBJECT: Housekeeping Amendments: Refreshment & Catering Vehicles & Animal Control By-laws

ORIGIN: Legislative Services

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**RECOMMENDATIONS**

**THAT Corporate Services Commission Report – Legislative Services 2016-19 dated October 6, 2016 regarding “Housekeeping Amendments: Refreshment Vehicle Licensing and Animal Control By-laws” be received and the following recommendations be adopted:**

- 1. THAT Council adopt the recommended housekeeping amendments to the Refreshment Vehicle By-law (2009-55), identified in red text and attached as Appendix “A” and Animal Control By-law (2008-61), identified in red text and attached as Appendix “B”;**
- 2. AND THAT consolidated by-laws to regulate refreshment vehicles and animals be brought forward to Council, as amended.**

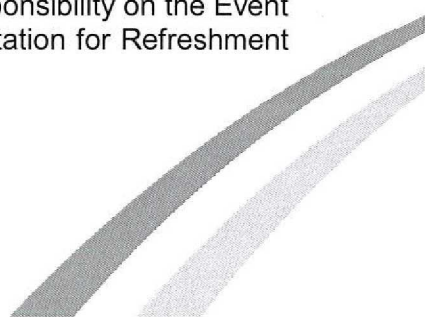
**COMMENTS**

The purpose of this report is to seek Council’s approval of housekeeping amendments related to the Refreshment Vehicle and Animal Control By-laws. These amendments are part of Legislative Services ongoing review of regulatory by-laws, which is detailed in Information Report 2016-06 and “Appendix C” of this report.

***Refreshment Vehicle By-law***

Refreshment vehicles include food trucks, catering trucks, ice cream trucks, and hot dog carts. Staff have reviewed the Refreshment Vehicle By-law and brought forward amendments with the purpose of reducing costs and restrictions for Refreshment Vehicle Owner/Operators operating at Special Events in the Town and increasing the efficiency of the licensing process.

Key amendments to the Refreshment Vehicle By-law include:

- Amended and new definitions;
  - Amendments to regulations for Special Events (Section 10) place responsibility on the Event Organizer to collect and provide the Town with all required documentation for Refreshment Vehicles;
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- Refreshment Vehicles owners/operators operating at a special event are no longer required to provide the Town with the same documentation that is required for an annual licence (e.g., vulnerable sector screening, vehicle ownership, certificate from a qualified medical doctor etc.);
- Refreshment Vehicles operating at a Special Event must:
  - o Submit to the event organizer the required insurance certificate (general liability and, if applicable, automobile insurance in the amount of \$2,000,000.00); and,
  - o Pass a regional health and safety inspection the day of the special event.
- A special event fee, as set out in Licensing Fees and Charges By-law, per Refreshment Vehicle, will be submitted by the Special Event Organizer to the Town when issuing a Special Event Licence.
- The fee only applies to Refreshment Vehicles that do not already hold a valid annual licence with the Town;
- A "Special Event Organizer Licence Application" has been created to reflect new requirements; and,
- A two-year licence option has been created to reduce the licensing fees for Refreshment Vehicle Owner/Operators in the Town.

The above amendments to the Refreshment Vehicle By-law reflect the Town's commitment to ensuring public safety at Special Events, while also addressing the needs of the Refreshment Vehicle/Food Truck industry by reducing regulations for vendors operating at Special Events.

Currently Refreshment Vehicle licensing fees are collected annually. The Refreshment Vehicle By-law has been amended to provide Refreshment Vehicles with an option of a two-year licence. This will reduce the licensing fees and other costs associated with obtaining required documents (e.g., vulnerable sector screening). Going forward, a survey will be sent to the Food Truck industry for feedback regarding the amendments to the Refreshment Vehicle By-law.

### ***Animal Control By-law***

The animal control by-law was amended to increase efficiencies for residents applying for a pet licence whereby a licence is now valid for 365 days from the time it is issued. Previously, the licence expired on December 31<sup>st</sup> of the year it was issued, regardless of when the licence was issued. This change will ensure that the cost of licensing accurately reflects an annual licence and residents are not subject to additional licensing fees.

Currently, the Town's Animal Control By-law allows for 3 dogs and 4 cats in any residential zone, including multi-residential buildings such as condominiums and rental apartment buildings and registered accessory dwelling units. A request was received from the property manager of 735 Stonhaven Avenue to limit the number of dogs at their property to 2 dogs per unit. As outlined in a letter to the property manager in "Appendix D," staff feel issues relate to responsible pet ownership and not the number of dogs in each unit. Staff also feel that amending the Animal Control By-law on a property-specific basis creates unfairness and is problematic from an enforcement perspective. Even if a property-specific restriction were to be enacted for 735 Stonehaven Avenue, residents who had 3 dogs would be grandfathered. No other complaints or requests to amend the Animal Control By-law to reduce the number of dogs or cats have been made to the Town for other multi-residential buildings.

Town staff have conducted education and outreach to residents about responsible pet ownership and regulations for pet owners and will continue to do so where resources allow.



## **BUSINESS PLAN AND STRATEGIC PLAN LINKAGES**

This report relates to the Well-equipped and Managed link of the Town's Community Vision – implementing policy and processes that reflect sound and accountable governance.

## **CONSULTATION**

Not applicable to this report.

## **HUMAN RESOURCE CONSIDERATIONS**

Not applicable to this report.

## **BUDGET IMPACT**

There are no budget impacts.

## **CONTACT**

For more information on this report, contact Florence DiPassio, Licensing Officer at 905-953-5300, extension 2206 or via email at [fdipassio@newmarket.ca](mailto:fdipassio@newmarket.ca).



Florence DiPassio, Licensing Officer



Andrew Brouwer, Director of Legislative Services/Town Clerk



Esther Armchuk, Commissioner of Corporate Services



# CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER ~~2009-55~~2016-

A BY-LAW FOR THE LICENSING, REGULATING AND GOVERNING OF REFRESHMENT VEHICLES.  
(Refreshment Vehicle Licensing By-law).

WHEREAS Section 151 of the *Municipal Act 2001*, S.O. 2001, c.25, as amended, provides that a local municipality may provide for a system of licenses with respect to a business;

AND WHEREAS the Council of the Town of Newmarket enacted By-law Number 2002-151, as amended, being a by-law to license, regulate and govern any business carried on within the Town of Newmarket;

AND WHEREAS it is deemed necessary to repeal Schedule 10 of By-law Number 2002-151 as amended;

THEREFORE BE IT ENACTED by the Municipal Council of the Corporation of the Town of Newmarket as follows:

## SECTION 1 – DEFINITIONS

1.1 In this By-law:

~~(1) "Appeal Committee" means a Committee of Council duly appointed by By-law to conduct hearings under this By-law;~~

"APPEALS COMMITTEE" means a committee that is appointed from time to time by Council for the purpose of hearing appeals regarding the revocation, suspension, cancellation or refusal to issue or renew a licence pursuant to this by-law;

~~(1) "Applicant" means a person who applies for a license or the renewal of a license pursuant to this By-law~~

~~(2); "APPLICANT" means a person applying for a license to carry on a business, activity or undertaking pursuant to this by-law;~~

~~(2)(3)~~

~~(3) "Clerk" means the Town Clerk of the Corporation of the Town of Newmarket or his/her designate;~~

(4) "Council" means the Council of the Corporation of the Town of Newmarket;

"DIRECTOR" means the Director, Legislative Services of the Town or authorized designate;

(5) "Farmers Market" means a central location at which a group of persons who operate stalls or other food premises meet to sell or offer for sale to consumers products that include, without being restricted to, farm products, baked goods and preserved foods, and at which the majority of the persons operating the stalls or other food premises are producers of farm products who are primarily selling or offering for sale their own products;

"FEES AND CHARGES BY-LAW" means the Licensing Fees and Charges By-law, as amended for the Legislative Services Department;

(6) "He and his" shall be deemed to include "she and her";

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- (7) "Highway" means a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;
- (8) "License" means authorization obtained or granted or issued pursuant to this by-law to carry on a business, activity or undertaking.
- (9) "Licensed" means to have in one's possession a valid and current license issued pursuant to the by-law;
- (10) "Licensee" means any person who is licensed pursuant to this by-law or a licensee applying for renewal of a license as the context requires;
- (11) ~~"Licensing Officer" means the Licensing Officer of the Town of Newmarket;~~
- (12) "Medical Officer of Health" means the Medical Officer of Health for The Regional Municipality of York;
- (13) "Motor Vehicle" includes an automobile, truck, trailer, motorcycle and any other vehicle propelled or driven otherwise than by muscular power;
- (14) "Municipality" means the Corporation of the Town of Newmarket or the geographic area of the Town of Newmarket as the context requires;
- (15) "Owner" means the owner of a refreshment vehicle and/or a person who is licensed and who is the registered owner of a refreshment plate;
- (16) "Owner's Licence" means the license issued under this by-law to the owner of a Refreshment Vehicle;
- (17) "Owner's Plate" means a numbered metal plate issued to an Owner licensed under this By-law;
- (18) "Operate" means to manage, work, control, maintain, put or keep in a functional state any business;
- (19) "Operator" means:
  - (1) a person who is the owner of a refreshment vehicle and/or;
  - (2) a person who has the care and control of a refreshment vehicle, under a lease, hourly wage, salary or commission rate of remuneration, or other rental agreement.
- (20) "Park" means land and land covered by water and all portions thereof owned or made available by lease, agreement or otherwise to the Town that is or hereafter may be established, dedicated, set apart, or made available for use as public open space including a natural park area or an environmentally significant area;
- (21) "Person" includes a natural individual and their heirs, executors, administrators or other legally appointed representatives, a corporation, partnership or other form of business association;
- (22) "Provincial Offences Officer" means a police officer or person designated under the *Provincial Offences Act*;
- (23) "Refreshment" means any food or beverage;
- (24) "Refreshment Vehicle" means, without a qualifier, a Refreshment Vehicle - Type 1, Type 2 and/or Type 3;
- (25) "Refreshment Vehicle – Type 1" means a motor vehicle that is licensed or required to be licensed and is designed for or intended to be used for the selling, offering for sale, serving, and/or dispensing of refreshments, and

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includes but is not limited to vehicles such as catering trucks and ice cream trucks;

(26) "Refreshment Vehicle – Type 2" means a trailer/cart that is stationary and licensed or required to be licensed and is designed for or intended to be used for the selling, offering for sale, serving, and/or dispensing of refreshments, and includes but is not limited to hot dog carts;

(27) "Refreshment Vehicle – Type 3" means a muscle powered cart that is licensed or required to be licensed and is designed for or intended to be used for the selling, offering for sale, serving, and/or dispensing of refreshments, and includes but is not limited to bicycle ice cream carts;

"Refreshment Vehicle – Type 4 (Food Truck)" means a large motorized vehicle, equipped with facilities for cooking, selling, offering for sale, serving and/or dispensing of refreshments;

(28) "Special Event" shall mean an event which is sponsored, authorized or conducted by the Town of Newmarket, or on behalf of the Town of Newmarket;

"Special Event Coordinator" means the organizer and/or coordinator of a Special Event;

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(31) "Special Event Vendor" means a person that is licensed as an owner or operator of, Refreshment Cart, Refreshment Cycle or Refreshment Vehicle by the Town of Newmarket;

(29) "Town" means the Town of Newmarket in the Regional Municipality of York;

(30) "Trail" means that part of a park that has been improved with a hard surface either paved or not paved and intended for a variety of uses including pedestrians.

## **SECTION 2 – GENERAL LICENSING PROVISIONS**

2.1 Administration of this by-law shall be the responsibility of the ~~Director Clerk or Licensing Officer~~, who are hereby authorized to issue licenses to owners and operators in accordance with the provisions of this by-law.

2.2 The ~~Director Clerk or Licensing Officer~~ may revoke, cancel, suspend or refuse to renew or issue a license pursuant to the provisions of this by-law.

2.3 The ~~Director Clerk or Licensing Officer~~ may issue a license on a temporary basis where it is deemed necessary or advisable to do so.

2.4 An application for a new license, renewal or a transfer of a Refreshment Vehicle shall be completed and submitted to the ~~Director Clerk or Licensing Officer~~ on the forms provided, along with the prescribed licensing fees as set out in the Fees and Charges By-Law ~~licensing fee as may be set by Council from time to time.~~

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2.5 Acceptance of the application and fee shall not represent approval of the application nor shall it obligate the Town to issue a license.

2.6 No person shall promote or carry on business under any name other than the name endorsed upon the license, except in accordance with the provisions of this by-law.

2.7 No person shall act as or be an owner unless he is licensed as an owner pursuant to this by-law.

2.8 No person shall act as or be an operator unless he is licensed as an operator pursuant to this by-law.

2.9 ~~The term of each license shall, unless otherwise expressed in this by-law, be valid for a period of one year from the 1<sup>st</sup> day of April in the year of issuance or~~

~~renewal up to and including the 31st day of March of the following year, unless sooner revoked, amended, cancelled, suspended or voluntarily relinquished to the Town.~~

The term of each licence shall, unless otherwise authorized by this by-law, be valid for a period of (1) one year from the 1<sup>st</sup> day of April in the year of issuance or renewal up to and including the ~~31<sup>st</sup> day~~ 31<sup>st</sup> day of March of the following year, with the option of a (2) year licence with the expiry date of the 31st day of March in the second year unless sooner revoked, amended, cancelled, suspended, or voluntarily relinquished to the Town.

2.10 An applicant is entitled to be licensed and a licensee is entitled to have such license renewed, except where:

- (1) the past conduct of the applicant or licensee affords reasonable grounds for belief that the applicant or licensee will not carry on the activity for which the applicant is applying for or the licensee is licensed for, in accordance with law and with integrity and honesty;
- (2) the applicant or licensee is carrying on activities that are, or will be if the applicant was licensed, in contravention of this by-law;
- (3) there are reasonable grounds for belief that the premises, accommodation, equipment, vehicles or facilities in respect of which the license is required, do not comply with the provisions of this by-law or other applicable law;
- (4) there are reasonable grounds for belief that an applicant or licensee has provided a false statement or false information for the purpose of obtaining a license;
- (5) the applicant or licensee is not in compliance with any Town land use by-laws, any other Town by-laws, any other requirement under the *Planning Act* or any other Act.

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2.11 An application for renewal of a license issued pursuant to this by-law shall be delivered along with the prescribed fee in person to the ~~Director Clerk or Licensing Officer~~, before the expiry date of such license. If the application is received after the expiry date of the license, a late fee will be applied as set by Council from time to time.

2.12 A license issued to an owner and/or operator under this by-law is not transferable.

2.13 In this by-law, the words "Refreshment Vehicle" refers to "Refreshment Vehicle – Type 1", "Refreshment Vehicle – Type 2" and "Refreshment Vehicle – Type 3".

### **SECTION 3 - OWNER REGULATIONS**

3.1 Every applicant for a Refreshment Vehicle owner's license or for the renewal of such license, shall submit in person to the ~~Legislative Services Clerk's~~ Department with the completed application and provide the following original documentation to the ~~Director Clerk or Licensing Officer~~:

- (1) Canadian citizenship, or
- (2) landed immigrant status, or
- (3) a valid work permit issued by the Government of Canada, and
- (4) ~~a Police Clearance letter issued by the York Regional Police, current within thirty (30) days of the application; and~~
- (4) ~~a new owner~~ shall provide a current and valid criminal records\* check issued within sixty (60) days of the application by the Police Service having jurisdiction where he resides, and which is to the satisfaction of the *Director*.

~~(6) Notwithstanding section 3.1 (4), every owner seeking to renew their licence shall produce a current and valid Criminal Background Check, issued within thirty (30) days of the application for renewal and which is to the satisfaction of the Director.~~

- (5) a certificate prepared by a duly qualified medical doctor licensed to practice medicine in Ontario which states that the applicant or licensee is fit and able to operate a motor vehicle and to work with food; such certificate shall be required every two years or earlier if so required by the ~~Director Clerk or Licensing Officer~~; and
- (6) driver's abstract current within thirty (30) days; and
- (7) a current valid Class "G" Ontario Driver's license; and
- (8) vehicle ownership; and
- (9) a Safety Standards Certificate for the vehicle that is to be licensed, dated not more than 30 days of application; and
- (10) a certificate of automobile insurance in the amount of two million dollars (\$2,000,000); and if requested a certificate of general liability insurance in the amount of two million dollars (\$2,000,000);
- (11) submit a certificate from the Medical Officer of Health indicating that the Refreshment Vehicle complies with all regulations regarding food served from vehicles, if the vehicle has not been previously licensed by the Town of Newmarket; and
- (12) the appropriate license fee as set ~~out in the Fees and Charges By-Law~~ by Council from time to time.

3.2 Subsections (6), (7), (8) and (9) of Section 3.1 do not apply to Refreshment Vehicle - Type 3.

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- 3.3 Every owner of a licensed Refreshment Vehicle shall employ only the services of an operator who is licensed under this By-law.
- 3.4 Every owner of a licensed Refreshment Vehicle shall attach the Owner's Plate to the Refreshment Vehicle for which it was issued in a manner and position approved by the Director Licensing Officer.

#### **SECTION 4 - OWNER PROHIBITIONS**

4.1 Every owner licensed under this By-law shall not:

- (1) operate a Refreshment Vehicle which is not licensed under this By-law;
- (2) operate a Refreshment Vehicle unless it has the license and the Owner's Plate issued by the Licensing Officer affixed thereto;
- (3) operate a Refreshment Vehicle from any site unless such use is permitted by the Town's Zoning By-law as may be amended from time to time;
- (4) operate a Refreshment Vehicle on private property without written consent from the property owner or management company. Notwithstanding anything in this section, the owner of a refreshment vehicle – Type 1 which has the sole purpose of travelling from place to place shall not be required to provide letters of permission from the property owner.
- (5) operate a Refreshment Vehicle on Main Street from Water Street to Millard Avenue and from a point immediately west of the railroad tracks on Water Street to one hundred (100) metres east of Main Street at any time;
- (6) operate a Refreshment Vehicle which does not comply with the requirements of Region of York Health Department;
- (7) operate a Refreshment Vehicle which depends upon outside sources of power, electricity or water unless approved by property owner;
- (8) provide any seating or move any park benches or tables to his location for the purpose of his customers;
- (9) operate or stop to sell within thirty (30) metres of any intersection;
- (10) operate or stop to sell within one hundred (100) metres of an entrance to any public park;
- (11) operate or stop to sell within one hundred (100) metres of the property line of any land occupied by a public, separate or private school between the hours of 10:00 a.m. and 5:00 p.m. on any day;
- (12) operate or be located on an approved site for more than twelve hours in any twenty-four hour period;
- (13) operate a Refreshment Vehicle, with the exception of Refreshment Vehicle - Type 1 Catering Trucks, between the hours of 10:00 p.m. of one day and 10:00 a.m. of the next day.
- (14) operate a Refreshment Vehicle within eight (8) metres of the vehicular entrance to the property or in any location which would obstruct the flow of vehicle traffic;
- (15) use any amplification of sounds that are contrary to the Town's Noise By-law as may be amended from time to time;
- (16) operate a Refreshment Vehicle while under the influence of or consume or have in their possession any alcohol or drugs other than drugs prescribed by a duly qualified medical practitioner which do not and may not impair their ability to operate the Refreshment Vehicle while in charge;
- (17) permit a person not licensed under this By-law as an operator, to assist in the driving or to assist in or engage in the selling of refreshments from the Refreshment Vehicle.

4.2 No owner of a Refreshment Vehicle shall permit any Owner's Plate issued to the owner under this By-law to be affixed to any Refreshment Vehicle other than the one for which the Owner's License was issued.



## **SECTION 5 - OPERATOR'S REGULATIONS**

5.1 Every applicant for a Refreshment Vehicle operator's license or for the renewal of such license shall submit in person to the Legislative Services Clerk's Department with the completed application and provide the following original documentation to the Director Clerk or Licensing Officer:

- (1) Canadian citizenship, or
- (2) landed immigrant status, or
- (3) a valid work permit issued by the Government of Canada, and

(5)(4) a valid current Class "G" Ontario Driver's Licence, and

a Police Clearance letter issued by York Regional Police current within thirty (30) days of application; and

(5) provide a current and valid criminal records check issued within sixty (60) days of the application by the Police Service having jurisdiction where he resides, and which is to the satisfaction of the Director.

(6)

(7)(6) a driver's abstract current within thirty (30) days of application; and

(8)(7) a certificate prepared by a duly qualified medical doctor licensed to practice medicine in Ontario which states that the applicant or licensee is fit and able to operate a motor vehicle and to work with food; such certificate shall be required every two years or earlier if so required by the Clerk or Licensing Officer; and

(9)(8) the appropriate license fee as set out in the Fees and Charges By-Law by Council from time to time.

5.2 Subsections (4) and (6) of Section 5.1 do not apply to Refreshment Vehicle - Type 3.

5.3 Every Refreshment Vehicle Operator shall at all times while operating a Refreshment Vehicle wear in a prominent place on the outside of clothing his Operator's license so that it is visible at all times when operating a Refreshment Vehicle.

## **SECTION 6 - OPERATOR'S PROHIBITIONS**

6.1 Every operator licensed under this by-law shall not:

- (1) operate a Refreshment Vehicle which is not licensed under this By-law;
- (2) operate a Refreshment Vehicle unless he is licensed with the Town;
- (3) operate a Refreshment Vehicle unless the license and the Owner's Plate issued by the Licensing Officer is affixed thereto;
- (4) operate a Refreshment Vehicle on Main Street from Water Street to Millard Avenue and from a point immediately west of the railroad tracks on Water Street to one hundred (100) metres east of Main Street at any time;
- (5) operate a Refreshment Vehicle from any site unless such use is permitted by the Town's Zoning By-law as may be amended from time to time;
- (6) operate a Refreshment Vehicle on private property without written permission from the property owner or management company. Notwithstanding anything in this section the owner of a Refreshment Vehicle – Type 1 which has the sole purpose of travelling from place to

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place to serve a number of private locations shall not be required to provide letters of permission from the property owner;

- (7) operate a Refreshment Vehicle which does not comply with the requirements of the Region of York Health Department;
  - (8) operate a Refreshment Vehicle which depends upon outside sources of power, electricity or water unless approved by the property owner;
  - (9) provide any seating or move any park benches or tables to his/her location for the purpose of his customers;
  - (10) operate or stop to sell within thirty (30) metres of any intersection;
  - (11) operate or stop to sell within one hundred (100) metres of an entrance to any public park;
  - (12) operate or stop to sell within one hundred (100) metres of the property line of any land occupied by a public, separate or private school between the hours of 10:00 a.m. and 5:00 p.m. on any day;
  - (13) operate a Refreshment Vehicle within eight (8) metres of the vehicular entrance to a property or in any location which would obstruct the flow of vehicle traffic;
  - (14) operate or be located on an approved site for more than twelve hours in any twenty-four hour period;
  - (15) operate a Refreshment Vehicle with the exception of Refreshment Vehicle - Type 1 Catering Trucks, between the hours of 10:00 p.m. of one day and 10:00 a.m. of the next day;
  - (16) use any amplification of sounds that are contrary to the Town's Noise Control By-law as may be amended from time to time;
  - (17) operate a Refreshment Vehicle while under the influence of or consume or have in their possession any alcohol or drugs other than drugs prescribed by a duly qualified medical practitioner which do not and may not impair their ability to operate the Refreshment Vehicle while the Refreshment Vehicle is under his care and control;
  - (18) permit a person not licensed under this By-law as an operator to assist in the driving or to assist in or engage in the selling of refreshments from the Refreshment Vehicle;
- 6.2 No operator of a Refreshment Vehicle shall permit any Owner's Plate issued to the owner under this By-law to be affixed to any Refreshment Vehicle other than the one for which the Owner's License was issued.

#### **SECTION 7 – GENERAL REGULATIONS**

7.1 Every Owner and Operator licensed under this By-law shall:

- (1) be civil and behave courteously; and
- (2) keep the interior and exterior of the Refreshment Vehicle clean and in good repair; and
- (3) ensure that all equipment used for dispensing refreshments are kept in a clean and sanitary condition; and
- (4) ensure that condiments are only dispensed from containers approved by the Region of York Health Unit; and
- (5) only operate a Refreshment Vehicle for which a license has been issued; and

- (6) only use single service disposable cups, plates, forks, spoons, serviettes which are individually wrapped or provided in dispensers approved by the Region of York Health Unit; and
- (7) clean up any debris, refuse and garbage resulting from the operation of the Refreshment Vehicle in the immediate vicinity of the serving location of the Refreshment Vehicle.



## **SECTION 8 - REFRESHMENT VEHICLE INSPECTION**

- 8.1 The ~~Director Clerk or Licensing Officer~~ may require an Owner to submit his Refreshment Vehicle for inspection at any time and at an appointed place and time and the Owner/Operator shall submit each Refreshment Vehicle for inspection when required to do so by the Clerk or Licensing Officer or Provincial Offences Officer.
- 8.2 Where following an inspection the ~~Director Clerk or Licensing Officer~~ or Provincial Offences Officer does not approve a Refreshment Vehicle the Owner's Plate shall be removed and the Owner/Operator shall not operate the Refreshment Vehicle until the Owner obtains approval from the ~~Director Clerk or Licensing Officer~~ or Provincial Offences Officer.
- 8.3 Failure to submit a Refreshment Vehicle for inspection as required shall result in the Owner's Plate and/or Operator's license being suspended by the ~~Director Clerk or Licensing Officer~~ until such time as the vehicle has been inspected and approved.
- 8.4 No person shall obstruct a Provincial Offences Officer from conducting an inspection, or withhold, destroy, conceal or refuse to supply any information or thing required for the purpose of the inspection.

## **SECTION 9 - REFRESHMENT VEHICLE – TYPE 1; DUTIES OF OWNER AND OPERATOR**

- 9.1 Every Refreshment Vehicle – Type 1 shall have:
- (1) conspicuously displayed on the rear, in black letters on a yellow background, the words "WATCH FOR CHILDREN" in letters at least 15 centimetres high and the vertical width of such yellow background shall be at least 22.8 centimetres; and
  - (2) a "Mirror System" which makes it possible for the driver to complete a 360° visual inspection of the area around the Refreshment Vehicle; and
  - (3) a back-up warning device that is engaged when the Refreshment Vehicle transmission is placed in reverse gear.

## **SECTION 10 - TOWN PROPERTY/SPECIAL EVENTS/COMMUNITY EVENTS**

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- 10.1 Every owner or operator shall not
- (1) operate a Refreshment Vehicle from any park or recreation facility without permission and a signed lease agreement from the Director of Recreation and Culture or his designate, and having provided a certificate of general liability insurance in the amount of \$2,000,000 naming the Town of Newmarket as an additional insured;
  - (2) operate a Refreshment Vehicle at a Special Event which has been sponsored by the Town, without first obtaining written permission from the Director of Recreation and Culture or his designate;
  - (3) operate a Refreshment Vehicle at a Special Event without first completing the York Region Public Health Department's street food vending cart application and after receiving their subsequent approval, file the approval with the Director of Recreation and Culture or his designate;
  - (4) operate a Refreshment Vehicle at a Community Event which has been sponsored by a charitable or not for profit organization without first obtaining written permission of the said charitable or not for profit organization;
  - (5) operate a Refreshment Vehicle on any trail in the Town.
- 10.2 An Owner's and/or Operator's License for a Special Event issued under this By-law shall only be valid for the date(s) and location listed on the License.

10.3 A Special Event License is issued in the name of the Special Event Organizer who holds the responsibility of collecting and producing upon request all required application documents.

10.4 Every Special Event Organizer shall provide:

(1) A completed "Application for Special Event Organizer License" and the licensing fee as set out in the Fees and Charges by law; and

(2) The Special Event Organizer must provide for each Special Event Vendor:

a) For "Refreshment Vehicle Type1 and Type 4", Certificate of automobile insurance in the amount of two million dollars (\$2,000,000.00), if the vendor is a motorized vehicle; and

b) For "Refreshment Vehicle Types 1, 2, 3 and 4", Certificate of General liability Insurance in the amount of two million dollars (\$2,000,000.00).

(3) A list of all Refreshment Vehicles that will be operating at the Special Event; and

(4) Proof that the Special Event Organizers has informed the Health Department of the dates and times of the event.

10.5 A Special Event Organizer License for a Special Event issued under this By-law shall only be valid for the date(s) and location listed on the License.

10.210.6

## **SECTION 11 - FARMERS MARKET**

- 11.1 A Farmers Market is exempt from obtaining an Owner's or Operator's Refreshment Vehicle license where products that are grown, raised or produced on a farm and intended for use as food and include, without being restricted to, fruits and vegetables, mushrooms, meat and meat products, dairy products, honey products, maple products, fish, grains and seeds and grain and seed products, at which the majority of the persons operating the stalls or other food premises are producers of farm products who are primarily selling or offering for sale their own products.

## **SECTION 12 - REVOCATION, SUSPENSION, CANCELLATION OR REFUSAL TO RENEW OR ISSUE**

- 12.1 The ~~Clerk-Director~~ may revoke, suspend, cancel or refuse to renew or issue a license:

- (1) where the past conduct of the applicant or licensee affords reasonable grounds for belief that the applicant or licensee will not carry on the activity for which the applicant is applying for or the licensee is licensed for, in accordance with law and with integrity and honesty; and/or
- (2) where the applicant or licensee has been found by the ~~Director~~~~Clerk or Licensing Officer~~ to fail to comply with any provision of this by-law or any other by-law or statute; and/or
- (3) where the past conduct of the applicant affords reasonable grounds for belief that the issuance of a license would be adverse to the public interest; and/or
- (4) where the applicant is in default of any fine or fines which have been imposed by a court as a sentence arising from a conviction for breach of a by-law enacted by the Town, or arising from a conviction for a breach of a law or regulation.

- 12.2 Upon such revocation, suspension, cancellation or refusal to renew or issue, a written notice signed by the ~~Director~~ ~~Clerk or Licensing Officer~~ shall be delivered to the applicant or licensee within seven (7) business days as provided for hereunder:

- (1) such notice shall set out and give reasonable particulars of the grounds for the decision; and
- (2) shall inform the applicant or licensee of his entitlement to a hearing before the *Appeals Committee*, if he delivers within seven (7) business days after the date of service or the date of mailing of the notice, whichever is later, a written request for a hearing; and
- (3) if a written request from the applicant or licensee is not received by the ~~Director~~ ~~Clerk or Licensing Officer~~ within the prescribed time, the decision of the ~~Director~~ ~~Clerk~~ shall be final and the licensee shall deliver within twenty-four (24) hours of the expiration of the appeal period, the license or Owner's Plate.

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- 12.3 Where a hearing held pursuant to this by-law has taken place and the license was revoked, suspended, cancelled or refused for renewal, the licensee shall return the license to the ~~Director~~ ~~Clerk or Licensing Officer~~ within seventy-two (72) hours of receiving the written notice of the decision of the *Appeals Committee* sent pursuant to the provisions of this by-law.

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- 12.4 When a person has had his license revoked, suspended or cancelled under this by-law the ~~Director~~ ~~Clerk or Licensing Officer~~ or Provincial Offences Officer may enter upon the business premise or into the vehicle of the licensee for the purpose of receiving, taking, or removing the said license or Owner's Plate.

- 12.5 When a person has had his license revoked, suspended or cancelled under this by-law he shall not refuse to deliver or in any way obstruct or prevent the ~~Director~~



~~Clerk or Licensing Officer~~ or Provincial Offences Officer from obtaining the said license or the Owner's Plate.

#### **SECTION 13 - APPEALS COMMITTEE HEARING**

- 13.1 Upon receipt of a written request for a hearing from an applicant or licensee, the ~~Director Clerk~~ shall advise the *Appeals Committee* and request the *Appeals Committee* to convene a meeting and shall give the applicant or licensee written notice of the date, time and location of such meeting which shall not be less than seven (7) business days after the date of notice. Formatted: Font: Italic
- 13.2 The ~~Director Clerk~~ shall make a recommendation to the *Appeals Committee* with respect to revocation, suspension, cancellation or refusal to renew or issue a license or recommend that a license be issued subject to certain terms and conditions. Formatted: Font: Italic
- 13.3 Before the *Appeals Committee* makes any decision, a written notice advising the applicant or licensee of the recommendations being made by the ~~Director Clerk~~ with respect to the license shall be given to the applicant or licensee by the ~~Director Clerk or Licensing Officer~~. Formatted: Font: Italic
- 13.4 The applicant or licensee shall have the right to make a submission in support of an application or renewal or retention of a license at such hearing and if the applicant or licensee who has been given written notice of the hearing does not attend such hearing, the *Appeals Committee* may proceed with the hearing in the applicant or licensee's absence and the applicant or licensee shall not be entitled to any further notice of the proceedings. Formatted: Font: Italic
- 13.5 The decision of the *Appeals Committee* is final and is not subject to an appeal. Formatted: Font: Italic

#### **SECTION 14 - SERVING OF NOTICE OR ORDER**

- 14.1 Any notice or order required to be given pursuant to this by-law by the ~~Director Clerk or Licensing Officer~~ shall be deemed to be sufficiently served if delivered personally or sent by registered mail or by prepaid first class mail addressed to the person to whom service is to be made at the address on the application or the last known address on file in the ~~Legislative Services Department~~~~Clerk's Office~~. Formatted: Font: Italic
- 14.2 Notice served by either registered mail or by prepaid first class mail shall be deemed to have been received on the fifth day following the mailing of the notice.

#### **SECTION 15 - NOTIFICATION OF CHANGE OF INFORMATION**

- 15.1 When a licensee who is a natural individual changes their name, address, or any information relating to the license, the licensee shall notify the ~~Director Clerk or Licensing Officer~~ within seven (7) business days after the change of information relating to the license and shall if required by the ~~Director Clerk or Licensing Officer~~ return the license immediately to the ~~Director Clerk or Licensing Officer~~ for amendment. Formatted: Font: Italic
- 15.2 Where a licensee is a corporation and there is change in the information as set out in the application for license, such as the names or addresses of the officers or directors, the location of the corporate head office or any change in the ownership of shares, the licensee shall notify the ~~Director Clerk or Licensing Officer~~ of the change within seven (7) business days thereof and shall, if required by the ~~Director Clerk or Licensing Officer~~, return the license immediately to the ~~Director Clerk or Licensing Officer~~ for amendment. Formatted: Font: Italic

#### **SECTION 16 - POWER OF ENTRY**

- 16.1 The Town may enter on a property at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
- (1) the provisions of this by-law;
  - (2) an order issued under this by-law; or

- (3) an order made under Section 431 of the *Municipal Act*.
- 16.2 Where an inspection is conducted by the Town, the person conducting the inspection may;
  - (1) require the production for inspection of documents or things relevant to the inspection;
  - (2) inspect and remove documents or things relevant to the inspection for the purpose of making copies and extracts;
  - (3) require information from any person concerning a matter related to the inspection including their name, address, phone number and identification; and
  - (4) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of inspection.
- 16.3 The Town may undertake an inspection pursuant to an order issued under Section 438 of the *Municipal Act*.
- 16.4 The Town's power of entry may be exercised by an employee, officer or agent of the Town or by a member of a police force with jurisdiction, as well by any person under his or her direction.

#### **SECTION 17 – PENALTY**

- 17.1 Every person who contravenes a provision of this by-law, including an Order issued under this by-law, is guilty of an offence.
- 17.2 If a person is in contravention of any provision of this by-law, and the contravention has not been corrected, the contravention of the provision shall be deemed to be a continuing offence for each day or part of a day that the contravention remains uncorrected.
- 17.3 If an Order has been issued under this by-law, and the Order has not been complied with, the contravention of the Order shall be deemed to be a continuing offence for each day or part of a day that the Order is not complied with.
- 17.4 Every person who is guilty of an offence under this By-law shall be subject to the following penalties:
- 17.5 Upon a first conviction, the minimum fine shall be \$350.00 and the maximum fine shall be \$100,000.00;
- 17.6 Upon a second or subsequent conviction for the same offence, a fine shall be a minimum of \$500.00 and the maximum fine shall be \$100,000.00;
  - (1) Upon conviction for a continuing offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00 for each day or part of a day that the offence continues;
  - (2) Upon conviction of a multiple offence, for each offence included in the multiple offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00.
- 17.7 For the purposes of this By-law, 'multiple offence' means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of a provision of this By-law.
- 17.8 For the purposes of this By-law, an 'offence' is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence."

- 17.9 Any person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for under *the Provincial Offences Act*.

#### **SECTION 18 - SEVERABILITY**

- 18.1 If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this by-law and it is hereby declared that the remainder of this by-law shall be valid and shall remain in force.
- 18.2 Where the provisions of this by-law conflict with the provisions of any other by-law or Act, the more restrictive provisions shall apply.

#### **SECTION 19 - SHORT TITLE**

- 19.1 This By-law may be referred to as the "Refreshment Vehicle Licensing By-law".

#### **SECTION 20 – REPEAL/EFFECTIVE DATE**

- | 20.1 ~~Schedule 10 of~~ By-law Number 2009-55 02-151, as amended, is hereby repealed and this by-law shall come into force and effect upon its adoption.

| ENACTED THIS ~~15TH~~ DAY OF ~~JUNE~~ 2009

\_\_\_\_\_  
Tony Van Bynen, Mayor

| ~~Liz Gibson, Deputy Clerk~~ Andrew Brouwer, Clerk





## CORPORATION OF THE TOWN OF NEWMARKET

### BY-LAW NUMBER

A BY-LAW OF THE TOWN OF NEWMARKET RESPECTING THE REGULATION, LICENSING AND CONTROL OF ANIMALS IN THE TOWN OF NEWMARKET (Animal Control By-law)

WHEREAS Section 11 of the *Municipal Act 2001*, S.O. 2001, c. 25, as amended, confers the power to pass by-laws regulating or prohibiting animals to a lower tier municipality;

AND WHEREAS the *Municipal Act 2001* provides that a municipality may provide any service or thing considered necessary or desirable for the public and may pass by-laws respecting animals;

AND WHEREAS Section 105(1) of the *Municipal Act 2001* provides that if a municipality requires the muzzling of dogs under any circumstances that the Council of the municipality shall upon the request of the dog owner, hold a Hearing to determine whether or not to exempt the owner in whole or in part from the muzzling requirements;

AND WHEREAS Section 23.1 of the *Municipal Act 2001* permits Council to delegate its powers to hold a hearing to determine whether or not to exempt the owner in whole or in part from the muzzling requirements;

THEREFORE BE IT ENACTED by the Municipal Council of the Corporation of the Town of Newmarket as follows:

#### SECTION 1 – DEFINITIONS

In this by-law:

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

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

"Animal Shelter" means such premises and facilities designated as the Town's Animal Shelter which are used for the purpose of the temporary housing and care of dogs and cats that have been impounded or taken into protective care pursuant to this by-law;

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

"Bite" means piercing or puncturing of the skin as a result of contact with a dog's or cat's tooth or teeth and "bitten" has the same meaning;

"Cat" means a male or female small domesticated feline kept as a pet which is over the age of 4 months;

"Clerk/Director" means the ~~Clerk of~~ Director of Legislative Services for the Town of Newmarket or his/her 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 cat kept by a person as a pet;

"Dwelling Unit" means a room or suite of rooms operated as a separate housekeeping 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;

"Guide Dog" means a dog certified by the Canadian National Institute for the Blind, or Hearing Dogs of Canada, or a trained Special Skills dog for a physically challenged person;

"Issuer of Licenses" means the person or persons authorized by the Town of Newmarket to issue dog or cat licenses and to collect the required fees;

"Keep" means to have temporary or permanent control or possession of a dog or cat, and keeping has the same meaning;

"Killing traps" means devices designed to capture and kill animals for which they are set, including but not limited to Conibear traps;

"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;

"Leg-hold traps" means devices, other than killer traps or snares, that are designed to capture an animal for which they are set by the leg or foot;

"License" 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;

"Microchip implant" means an approved 'Canadian Standards Association' encoded identification device implanted into a dog or a cat, which contains a unique code that permits or facilitates access to an owner's name and address, which is stored in a central data base;

"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;

"Officer" means a police officer or person designated under the *Provincial Offences Act*;

"Order" means a Muzzle Order issued by the Town;

"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;

"Prohibited Animals" means an animal identified as a "prohibited animal" as identified in Schedule 'A' – Prohibited Animals;

"Restrained" means being kept securely confined either inside a building or house or in an outdoor enclosed pen of sufficient dimension and strength to be humane and to prevent a dog from coming in contact with persons other than the owner of the dog;

"Running at large" means any dog or cat found on any property other than that of the owner and not under the control of any person;

"Service Dog" means a dog that is regularly used as a therapy dog with a recognized organization for that purpose;

"Town" means the Corporation of the Town of Newmarket;

"Without provocation" means in the absence of teasing, tormenting, abusing or assaulting actions upon the dog or its owner, either in the past or in the present, by the person or domestic animal which has been bitten by the dog.

## **SECTION 2 – CARE OF DOMESTIC ANIMAL PROVISIONS**

### **Responsibility to Care for Dogs**

- 2.1 Every person who keeps a dog within the Town's boundary shall provide such dog, or cause it to be provided, with a clean and sanitary environment free from an accumulation of fecal matter, with adequate and appropriate care, food, water, shelter, warmth, opportunity for physical activity, attention, veterinary care as may be required, and an environment that is appropriate to meet the physical and behavioural needs of the species.
- 2.2 Where a dog is customarily kept outside, the owner shall at all times provide a structurally sound enclosure that:
- a) offers shelter and appropriate protection from heat, cold and wet conditions having regard for the dog's weight and type of coat, and
  - b) such shelter shall be located in accordance with the Town's Zoning By-law, and
  - c) such shelter shall provide sufficient space to allow the dog the ability to turn about freely and to easily sit, stand and lay in a fully extended position.

### **Keeping Domestic Animals in Sanitary Conditions**

- 2.3 No person shall keep a domestic animal within the Town in an unsanitary condition.
- 2.4 For the purposes of Section 2.3, a domestic animal is considered kept in an unsanitary condition where there is an accumulation of fecal matter, insect infestation or rodent attractions which disturbs or is likely to disturb the enjoyment, comfort, convenience of any person or that endangers or is likely to endanger the health of any person or domestic animal.

### **Humane Tethers**

- 2.5 No person shall keep a domestic animal tethered on a rope, chain or similar restraining device, unless:
- a) the tether is of appropriate length for the domestic animal tethered, but never less than 3 meters (9.84 ft.);
  - b) the domestic animal has unrestricted movement within the range of such tether; and
  - c) the domestic animal cannot suffer injury as a result of tethering.

### **Protective Care of Domestic Animals**

- 2.6 The Town may receive domestic animals into protective care as a result of a domestic animal owner's eviction, incarceration, or as a result of a fire or medical emergency, or for any other situation that the ~~Clerk~~ Director or Licensing Officer deems appropriate.
- 2.7 Domestic animals which are received into protective care by the Town shall only be kept on a temporary basis for up to a maximum of five (5) days.
- 2.8 When the Town receives a domestic animal into protective care, the owner of the domestic animal shall pay all costs incurred on behalf of such domestic animal i.e. shelter fees and veterinary medical fees, prior to redeeming the domestic animal.
- 2.9 If a domestic animal is in protective care at the end of the five-day period and the domestic animal has not been redeemed by the owner, then the Town shall treat such domestic animal as a day-one impound pursuant to this by-law.

## **SECTION 3 – DOGS**

### **Registration and Licensing**

- 3.1 Every owner of a dog, which is four (4) months of age and older shall:



- a) License said dog with the Town and pay ~~a an annual~~ license fee in accordance with the Town's Licensing Fees By-law, as amended from time to time;
- b) Until ceasing to be the owner of the dog, obtain and renew such ~~annual~~ license no later than the ~~last business day of February each year~~ anniversary date of its initial issuance;
- c) Ensure that the tag issued by the Town or designate is securely affixed on the dog at all times, regardless whether the dog has a microchip identification implant;
- d) Obtain a replacement license and pay the fee in accordance with the Town's Licensing Fees By-law, as amended from time to time, in the event that such license is lost;
- e) Be exempt from paying the license fee if the owner can produce evidence to the Municipality showing that the dog is required as a Guide Dog, Service Dog, Trained Personal Service Dog or Law Enforcement Dog;
- f) Notify the Town in writing if the dog is sold, gifted or transferred to another person within fourteen (14) days of the change of ownership;
- g) Remain liable for the actions of the dog until formal written notification of sale, gift or transfer to another person is provided as proof to the satisfaction of the Town.

~~3.2~~ ~~The license shall expire on the 31<sup>st</sup> day of December of the same year as issued. Every animal licence issued shall expire the following year on the anniversary date of its initial issuance.~~

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~~3.33.2~~ Every applicant for dog registration and license shall complete an application for a license or for the renewal of a license on the form provided by the Town.

~~3.43.3~~ Every owner of a dog under the age of four (4) months which has been impounded pursuant to this by-law shall license the dog and pay the annual license fee prior to redeeming the dog.

~~3.53.4~~ A new resident of the Town shall not be required to pay a license fee for a dog if the license for said dog has already been obtained for the current year from another municipality to which he or she has previously been a resident, providing such license is forfeited to an Issuer of Licenses and payment is made for the cost of a replacement tag in accordance with the Town's Licensing Fees By-law, as amended from time to time.

~~3.63.5~~ A tag issued by the Town for a dog is not transferable to another dog.

~~3.73.6~~ No person shall remove a dog license from a dog without the consent of the owner thereof.

#### Responsibility of Owner

~~3.83.7~~ Every owner in control of or in apparent control of a dog shall, while the dog is outdoors on the owner's private property, restrain the dog by one of the following means:

- a) On a suitable leash; or
- b) Tied in a secure and humane manner so as to prevent the dog from leaving the dog owner's property; or
- c) Contained within an enclosed pen of sufficient dimensions and construction to provide humane shelter for the dog; or
- d) An enclosed fenced area to prevent the dog from escaping and to prevent entry therein by persons.

#### Dog Bites and Attacks

~~3.93.8~~ No owner of a dog shall permit or encourage his or her dog to attack, with or without provocation, any person or domestic animal, or to fight with another domestic animal.

~~3.103.9~~ Law Enforcement Dogs during the course of fulfilling their duties are exempt from the requirements of this section.



#### Stoop and Scoop

- | 3.113.10 Every owner of a dog shall immediately remove and dispose of excrement left by such dog on any private or public property in the Town, other than on the owner's property. In any prosecution pursuant to a violation of this section of the by-law, proof that the defendant is a person with a physical or visual disability shall constitute a defence to such prosecution.
- | 3.123.11 Every owner of a dog shall remove and dispose of any such excrement on the owner's property in a timely manner, and in a way that does not disturb the enjoyment, comfort, convenience of any person in the vicinity of the property.

#### Dogs Running at Large

- | 3.133.12 No owner of a dog shall cause or permit the dog to run at large in the Town.
- | 3.143.13 No owner shall permit a dog to be off-leash on any Town park or any other property owned by the Town.
- | 3.153.14 Law Enforcement Dogs or working dogs employed under contract to the Town of Newmarket are exempt from complying with the requirements of this section.

#### Number of Dogs Restricted

- | 3.163.15 No owner(s) or tenant(s) within any residential, commercial, industrial, or institutional zoned property in the Town shall keep more than three dogs per property (with the exception of property zoned as multi-residential apartment buildings and registered accessory dwelling units). This section does not apply to the following:
- a) An animal hospital owned and operated by a veterinarian licensed by the Ontario Veterinarian Medical Association;
  - b) A pet store;
  - c) An animal pound or shelter;
  - d) An animal day-care or night-care facility.

#### Muzzling of Dogs

- | 3.173.16 An Officer shall issue a Muzzle Order upon receipt of a signed Declaration Regarding a Dog Bite form, as may be amended from time to time, and attested to by a witness who actually saw the alleged dog bite a person or a domestic animal. The Declaration must identify the dog, the dog owner and the dog owner's address.
- | 3.183.17 The Officer shall, within four (4) business days of the Town's receipt of the said Declaration deliver or send by registered mail a Muzzle Order form, as may be amended from time to time, to the owner of the biting dog requiring that the dog be muzzled and restrained pursuant to the provisions of this by-law.
- | 3.193.18 The Officer shall, within four (4) business days of receiving notice that a dog which has been declared vicious in another municipality is being harboured within the Town, issue a Muzzle Order pursuant to this by-law. All other provisions of this by-law shall apply with respect to the said dog.
- | 3.203.19 No person shall fail to comply with a Muzzle Order.

#### Methods of Restraining and Identification

- | 3.213.20 When an owner is served with a Muzzle Order, the owner shall:
- a) Keep the dog inside a building or house or in an enclosed pen of sufficient dimension and strength to be humane or within a securely fenced yard where the fence is a minimum height of 1.8 metres (6 ft.) in order to prevent a dog from coming into contact with persons (other than

the owner of the dog) or any other domestic animal. The enclosed pen or the fenced yard shall be equipped with a locking device to be designed in such a manner that the pen or gate cannot be opened from the outside by a small child. The owner is responsible for ensuring that the dog is prevented from escaping and running at large;

- b) While the dog is off the property of the owner, ensure:
  - i. That the dog is securely on a leash with a maximum length of 1.8 metres (6 ft) and of sufficient strength to restrain the dog and keep it from chasing a person or domestic animal;
  - ii. That a muzzle is humanely fastened over the mouth of a dog to prevent the dog from biting or attacking a person or domestic animal;
  - iii. That the dog is under the control of a person sixteen (16) years of age or older.
- c) Within thirty (30) days, have the dog identified with a microchip implantation at the owner's expense and register the said microchip number with the Clerk;
- d) Notify the Clerk within forty-eight (48) hours after the ownership of the dog is transferred to another person or municipality;
- e) Notify the Clerk within forty-eight (48) hours of any changes to the residency of the dog;
- f) Notify the Clerk within forty-eight (48) hours should the dog be destroyed.

#### Muzzle Order Appeal Hearing

3.223.21 Where a Muzzle Order has been issued, the owner of the dog may apply for a Hearing to appeal the Order to the Appeal Committee:

- a) A request for a Hearing shall be made in writing and delivered to the Clerk within ten (10) business days after the Muzzle Order has been served;
- b) Upon receipt of the request for a Hearing from an owner of a vicious dog, the Clerk shall convene a meeting of the Appeal Committee, as soon as is practicable, notify the owner of the dog and any victim(s) of the attack of the time, date and location of the Hearing;
- c) Notwithstanding that an owner has applied for a Hearing to appeal the Muzzle Order, the Muzzle Order takes effect when it is served on the person to whom it is directed and remains in effect until the Appeal Committee has made its decision on the appeal;
- d) The owner and any other interested person may appear at the Hearing and present oral or written evidence relating to the dog;
- e) If an owner fails to appear at a Hearing, the Order shall be deemed to be in full force and effect as if no appeal had been filed.

3.233.22 The Appeal 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.

3.243.23 The Appeal Committee has the power to:

- a) Confirm the requirements of the Muzzle Order;
- b) Exempt the owner in whole or part from any requirement set out in the Muzzle Order;
- c) Impose conditions on any exemption granted under subsection b) that the Appeal Committee considers appropriate.

3.253.24 The decision of the Appeal Committee is final and binding.

3.263.25 The Notice of the Hearing or any matter which arises relating to the proceedings of the Appeal Committee not covered in the provisions of this by-law shall be governed by the *Statutory Powers Procedures Act*.

#### **SECTION 4 – CATS**

##### **Registration and Licensing**

4.1 Every owner of a cat, which is four (4) months of age and older, shall:

- a) License said cat with the Town and pay a an annual license fee in accordance with Town's Licensing Fees By-law, as amended from time to time;
- b) Until ceasing to be the owner of the cat, obtain and renew such annual license no later than the last business day of February each year anniversary date of its initial issuance;
- c) Ensure that the tag issued by the Town or designate is securely affixed on the cat at all times, regardless whether the cat has received a microchip identification implant;
- d) Obtain a replacement tag and pay the fee in accordance with the Town's Licensing Fees By-law, as amended from time to time, in the event that such tag is lost;
- e) Notify the Town in writing if the cat is sold, gifted or transferred to another person within fourteen (14) days of the change of ownership;
- f) Remain liable for the actions of the cat until formal written notification of sale, gift or transfer to another person is proven to the Town.

4.2 An owner who had registered his or her cat as of May 15, 2003, shall be grandfathered with respect to the licensing fee requirements of this by-law.

~~4.3 The license shall expire on the 31<sup>st</sup> day of December of the same year as issued. This subsection does not apply to subsection 4.2.~~

~~4.2.1 Every animal licence issued shall expire the following year on the anniversary date of its initial issuance.~~

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~~4.4.3~~ Every applicant for cat registration and license shall complete an application for a license or for the renewal of a license on the form provided by the Town.

~~4.5.4~~ Every owner of a cat under the age of four (4) months which has been impounded pursuant to this by-law shall register the cat and pay an annual license fee, if applicable.

~~4.6.5~~ A new resident of the Town shall not be required to pay a license fee for a cat if the license for said cat has already been obtained for the current year from another municipality to which he or she has previously been a resident, providing such license is forfeited to an Issuer of Licenses and payment is made for the cost of a replacement tag in accordance with the Town's Licensing Fees By-law, as amended from time to time.

~~4.7.6~~ The license tag shall expire and become void upon sale, death or other means of disposal of cat.

~~4.8.7~~ A tag issued by the Town for a cat is not transferable to another cat.

~~4.9.8~~ No person shall remove a cat license from a cat without the consent of the owner thereof.

##### **Cats Running at Large**

| 4-104.9 No owner of a cat within the area of the Town shall cause or permit his/her cat to run at large or allow such cat to cause damage or create a nuisance or disturbance either to another person, or another person's property, or to public property.

|



#### Number of Cats Restricted

4.114.10 No person shall keep more than the maximum number of cats permitted by this by-law.

4.124.11 Any person who owns more than the permitted number of cats on the date this by-law comes into force shall be permitted to keep those cats until they have died or are otherwise disposed of, provided that such cats are registered with the Town.

4.134.12 No owner(s) or tenant(s) within any residential, commercial, industrial, or institutional zoned property in the Town shall keep more than four (4) cats per property (with the exception of property zoned as multi-residential apartment buildings and registered accessory dwelling units). This section does not apply to the following:

- a) An animal hospital owned and operated by a veterinarian licensed by the Ontario Veterinarian Medical Association;
- b) A pet store;
- c) An animal pound or shelter;
- d) An animal day-care or night-care facility.

#### SECTION 5 - TRAPS

5.1 No person shall use, set or maintain a leg-hold trap, a killing trap or a snare within the Town to capture animals.

5.2 Notwithstanding subsection 5.1, a person may use a killer trap leg-hold trap or snare where specifically authorized by and under the supervision of the Ontario Ministry of Natural Resources and in accordance with the provisions of the *Fish and Wildlife Conservation Act, 1997*.

#### SECTION 6 - IMPOUNDMENT

6.1 The Animal Control Officer may seize and impound any dog or cat running at large and may cause such dog or cat to be delivered to the Animal Shelter.

6.2 A dog or cat which is seized pursuant to this by-law shall be considered impounded at the time and place when it comes under the control of the Animal Control Officer.

6.3 The Animal Shelter shall keep an impounded dog or cat, which shall be fed and watered, at the Animal Shelter for a minimum of five (5) business days, exclusive of the day of impoundment, statutory holidays, or days when the Animal Shelter is not open, during which time an owner shall be entitled to redeem the dog or cat.

6.4 No attempt may be made by any authority or person to claim or purchase from the Animal Shelter a dog or cat for the purpose of research, and no dogs or cats shall be offered for the purpose of research.

6.5 At the discretion of the Animal Shelter staff if a seized and impounded dog or cat is seriously injured or ill it will be euthanized without delay for humane reasons, or for safety of persons.

6.6 If a seized dog or cat is injured and the service of a veterinary surgeon is secured, the owner shall not be entitled to redeem the dog or cat unless the charges for such veterinary surgeon's services are paid.

6.7 In order to obtain the release of an impounded dog or cat during the redemption period as set out in this by-law the owner shall:

- a) Pay the required Animal Shelter fee;
- b) Where the dog or cat is unlicensed, obtain and pay for a license in accordance with the Town's Licensing Fees By-law, as amended from time to time;
- c) Pay the costs incurred for veterinary care provided while the dog or cat was impounded, if applicable.

- 6.8 Where a pit bull or restricted pit bull is impounded pursuant to the provision of this by-law or is delivered or transferred to the Animal Shelter pursuant to the provision of the *Dog Owners' Liability Act*, the Animal Shelter staff shall comply with the provision of the *Dog Owners' Liability Act* for the purposes of the redemption of the dog by the owner and for transferring or destroying the dog.
- 6.9 An Animal Control Officer and/or the Animal Shelter shall, within twenty-four (24) hours of the impounding of a dog or cat, make every reasonable effort to notify the owner, if known, that the dog or cat is impounded and the conditions whereby custody of the dog or cat may be regained.
- 6.10 Any person shall be entitled to take charge of any dog or cat found running at large and deliver same to an Animal Control Officer or Animal Shelter during normal operating hours.

#### **SECTION 7 – RABIES SUSPECTS**

- 7.1 Every owner of a dog or cat which is suspected of having been exposed to rabies, or which has bitten a person, shall, on demand, surrender such dog or cat to the Town to be held by the Town in quarantine without cost to the owner for a period of ten (10) days.
- 7.2 At the discretion of the Medical Officer of Health a dog or cat may be held in quarantine on the premises of the owner.

#### **SECTION 8 – NOISE**

- 8.1 No person shall keep, own, or harbour any animal in the Town which makes or causes noises, repetitive barking or howling that disturbs or is likely to disturb the quiet, rest, enjoyment, or comfort of:
- a) Any person in any dwelling, apartment, store or place of business;
  - b) Any person in the vicinity or neighbourhood.

#### **SECTION 9 – KEEPING OF CERTAIN ANIMALS PROHIBITED**

- 9.1 No person shall keep, either on a temporary or permanent basis, any "prohibited animal" as listed in 'Schedule 'A' – Prohibited Animals in the Town, unless permitted to do so by the Town's Zoning By-law.
- 9.2 This section does not apply to:
- a) the premises of an accredited veterinary hospital under the care of a licensed veterinarian;
  - b) premises of the York Regional Police Department;
  - c) schools or education facilities and programs;
  - d) any film or television productions;
  - e) any premises holding a license under any Statute of the Province of Ontario or Dominion of Canada which permits the keeping of animals under stated conditions, including the premises of any wildlife rehabilitation centre; and/or
  - f) premises registered as research facilities pursuant to the *Animals for Research Act*; and/or
  - g) *circuses or other events where animals are kept for performances, exhibits or shows for a temporary period.*

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#### **SECTION 10 - OFFENCES**

- 10.1 The provisions of this by-law may be enforced by the Animal Control Officer and/or Officer.

#### **SECTION 11 – POWER OF ENTRY**

- 11.1 The Town may enter on a property at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
- a) the provisions of this by-law;

- b) an order issued under this by-law; or
  - c) an order made under Section 431 of the *Municipal Act*.
- 11.2 Where an inspection is conducted by the Town, the person conducting the inspection may;
- a) require the production for inspection of documents or things relevant to the inspection;
  - b) inspect and remove documents or things relevant to the inspection for the purpose of making copies and extracts;
  - c) require information from any person concerning a matter related to the inspection including their name, address, telephone number and identification;
  - d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of inspection.
- 11.3 The Town may undertake an inspection pursuant to an order issued under section 438 of the *Municipal Act*.
- 11.4 The Town's power of entry may be exercised by an employee, officer or agent of the Town or by a member of a police force with jurisdiction, as well as by any person under his or her direction.

#### **SECTION 12 – PENALTY**

- 12.1 If anyone is in contravention of any provision of this by-law, and the contravention has not been corrected, the contravention of the provision shall be deemed to be a continuing offence for each day or part of a day that the contravention remains uncorrected.
- 12.2 If an Order has been issued under this by-law, and the Order has not been complied with, the contravention of the Order shall be deemed to be a continuing offence for each day or part of a day that the Order is not complied with.
- 12.3 Every person who is guilty of an offence under this by-law shall be subject to the following penalties:
- a) Upon a first conviction, the minimum fine shall be \$350.00 and the maximum fine shall be \$100,000.00;
  - b) Upon a second or subsequent conviction for the same offence, a fine shall be a minimum of \$500.00 and the maximum fine shall be \$100,000.00;
  - c) Upon conviction for a continuing offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00 for each day or part of a day that the offence continues;
  - d) Upon conviction of a multiple offence, for each offence included in the multiple offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00.
- 12.4 For the purpose of this by-law, "multiple offences" means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this by-law.
- 12.5 For the purpose of this by-law, an offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.

#### **SECTION 13 – REPEAL/EFFECTIVE DATE**

- 13.1 By-laws 1996-16, 1999-137, 2001-156, 2001-157, 2003-87, 2003-88, 2004-42 and 2004-181 are hereby repealed and this by-law shall come into force and effect upon its adoption.

#### SECTION 14 - SEVERABILITY

- 14.1 Where a Court of competent jurisdiction declares any section or part of a section of this by-law invalid, the remainder of this by-law shall continue in force unless the Court makes an order to the contrary;
- 14.2 Where the provisions of this by-law conflict with the provisions of any other by-law or Act, the more restrictive provisions shall apply.

#### SECTION 15 - SHORT TITLE

- 15.1 This by-law may be referred to as the "Animal Control By-law".

| ENACTED THIS 15TH DAY OF OCTOBER, 2008.

| ~~John Taylor~~ Tony Van Bynen, Acting Mayor

| ~~Anita Moore~~ Andrew Brouwer, 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)
	Primates	Chimpanzees, gorillas, monkeys, lemurs
	Proboscidea	Elephants, rhinoceros, hippopotamus
<i>Reptiles</i>	Crocodylia	Alligators, crocodiles, gavial, 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, chickens, pea fowls
	Struthioniformes	Ostriches, rheas, cassowaries, emus, kiwis
	Raptors	Eagles, hawks, falcons, owls
<i>Other</i>	All	All other venomous or poisonous animals (except for "new world" tarantulas and "emperor scorpions") All protected or endangered animals being all animals, native or non-native, whose possession or sale is 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.

## Appendix C – From Legislative Services Information Report 2016-06 – Enhancing Municipal Enforcement &amp; Review of Regulations

## Minor Amendments

By-laws	Key Considerations	Corporate Priority	Timing	Status
Sign By-law (2014-11)	<ul style="list-style-type: none"> <li>- Substantive review of Sign By-law occurred in 2013</li> <li>- Minor amendments required to reflect standards for new sign types &amp; to strengthen election sign enforcement &amp; cost recovery mechanisms</li> </ul>	<p>Ensuring effective &amp; efficient services</p> <p>By-law amendments support “redevelopment readiness”:</p> <p>Creating a strategy for vibrant &amp; livable corridors along Davis Drive &amp; Yonge Street</p>	<p>May 2, 2016</p> <p>Public Information Centre, Municipal Office</p> <p>Target staff report: May 30, 2016</p> <p>Committee of the Whole</p>	COMPLETED – June 7, 2016 Amended By-law approved by Council

By-laws	Key Considerations	Corporate Priority	Timing	Status
Outdoor Serving Areas (Patios), 2002-151, Schedule 16	<ul style="list-style-type: none"> <li>- Minor amendments required to accommodate outdoor patios abutting a residential zone</li> <li>- Minor amendments do not affect patios along Main Street</li> </ul>	<p>Revitalizing our Community Centre Lands &amp; addressing downtown parking needs</p>	<p>Target staff report: May 30, 2016</p> <p>Committee of the Whole</p>	COMPLETED – June 7, 2016 Amended By-law approved by Council

By-laws	Key Considerations	Corporate Priority	Timing	Status
Zoning By-law (2010-40, as amended)	<ul style="list-style-type: none"> <li>- Number of technical amendments required to reflect new standards (e.g., setbacks for propane tanks used for residential heating, home occupations, parking on walkways &amp; curbs definitions)</li> </ul>	<p>Ensuring effective &amp; efficient services</p>	<p>Anticipate Q4, 2016, more specific timing to follow; part of other technical amendments required by Planning Department</p>	Scope of amendments and timing to be confirmed with Planning

## Appendix C – From Legislative Services Information Report 2016-06 – Enhancing Municipal Enforcement & Review of Regulations

By-laws	Key Considerations	Corporate Priority	Timing	Status
Taxi By-law (2013-28)	<ul style="list-style-type: none"> <li>- Streamline renewal process, reducing costs for applicants &amp; Town</li> <li>- New standards permitting accessible taxi cabs to be provided by</li> </ul>	Ensuring effective & efficient services	Target June 20, 2016 Committee of the Whole meeting	COMPLETED – June 27, 2016 Council approval

### Housekeeping Amendments

By-laws	Key Considerations	Corporate Priority	Timing	Status
Animal Control By-law (2008-61, as amended)	<ul style="list-style-type: none"> <li>- Potentially limit number of animals per multi-residential unit</li> <li>- Housekeeping amendments to reflect online pet licensing system</li> </ul>	Ensuring effective & efficient services	Housekeeping amendments to Animal Control, to be dealt with in one staff report  Target staff report: October 18, 2016 Committee of the Whole	ON TARGET
Clothing Donation Bin By-law (2013-22)	<ul style="list-style-type: none"> <li>- Currently, clothing donation bins permitted in industrial zones only. Expand to allow in institutional zones (e.g., hospital sites)</li> </ul>	Ensuring effective & efficient services	Target September 2, 2016.	COMPLETED – June 27, 2016 Council approval
Fences By-law (2000-63)	<ul style="list-style-type: none"> <li>- Currently, there are no standards for privacy screens. Need to reflect standards for height &amp; setback of privacy screens</li> <li>- Clarify standards related to fence colour, to ensure appropriate &amp; objective enforcement</li> </ul>		Target Staff Report October 18, 2016 Committee of the Whole	REVISED – Target Staff Report February 6, 2017



# Appendix C – From Legislative Services Information Report 2016-06 – Enhancing Municipal Enforcement & Review of Regulations

Refreshment & Catering Vehicles By-law (2009-55)	<ul style="list-style-type: none"> <li>- Streamline renewal process, reducing costs for applicants &amp; Town</li> <li>- Currently, owners &amp; operators are separately licensed. Include a combined owner/operator licence to better reflect prevalent business model</li> <li>- Ensure requirement for Special Occasions Permit referred to in By-law</li> <li>- Consultation with food truck industry to identify needs.</li> </ul>	Ensuring effective & efficient services	Target Staff Report October 18, 2016 Committee of the Whole	ON TARGET
Filming Policy Fees & Charges	<ul style="list-style-type: none"> <li>- Fees relate to filming to be reviewed. Potential for an annual filming fee to reflect numerous filming projects by the same film company</li> <li>- Substantive review of Filming Policy to be considered at a later date to be determined</li> </ul>	Ensuring effective & efficient services	Target Information Report to be released Staff Report October 18, 2016. REVISED - Information Report to be released once webpage is ready to go live. Targeting September 9, 2016	COMPLETED



### More Involved Amendments

By-law	Key Consideration	Corporate Priority	Timing	Status
Noise By-law (2004-94, as amended)	<ul style="list-style-type: none"> <li>- Review by-law to include standards which respond to changing nature of community development (e.g., intensification)</li> <li>- Potential for “quiet zone” around hospital, long term care &amp; seniors’ residences</li> <li>- Address levels of service for after-hours noise complaints</li> </ul>	<p>Ensuring effective &amp; efficient services</p> <p>By-law amendments support “redevelopment readiness”:</p> <p>Creating a strategy for vibrant &amp; livable corridors along Davis Drive &amp; Yonge Street</p>	<p>February 6, 2017 Council Workshop</p> <p>Target staff report: March 20, 2017 Committee of the Whole</p>	ON GOING

By-laws	Key Considerations	Corporate Priority	Timing	Status
Property Standards By-law (1999-34, as amended)	<ul style="list-style-type: none"> <li>- Review by-law to include standards which respond to changing nature of community development (e.g., intensification) &amp; broader scope/complexity of nuisance issues</li> <li>- Include specific standards for remediation of heritage properties</li> </ul>	<p>Ensuring effective &amp; efficient services</p> <p>By-law amendments support “redevelopment readiness”:</p> <p>Creating a strategy for vibrant &amp; livable corridors along Davis Drive &amp; Yonge Street</p>	<p>November 30, 2016 Public Information Centre, Municipal Office</p>	<p>REVISED- Public Information Centre, To be held in Q1 of 2017</p> <p>Target staff report: Q2, 2017</p>

## Appendix C – From Legislative Services Information Report 2016-06 – Enhancing Municipal Enforcement & Review of Regulations

By-law	Key Consideration	Corporate Priority	Timing	Status
Taxi By-law (2016-28)	<ul style="list-style-type: none"> <li>- Address sharing economy impacts on taxi licensing</li> <li>- Pending legal/court actions, potential for provincial legislation</li> <li>- York Region-wide staff working group formed to ensure uniform approach</li> <li>- Information report to address timing for review of taxi by-law</li> <li>- Impacts of sharing economy not immediate concern of taxi industry</li> </ul>	Ensuring effective & efficient services	To be determined	Review recent ride share effectiveness and regulation with City of Toronto, Ottawa, Edmonton and London.

By-law	Key Consideration	Corporate Priority	Timing	Status
Hawker and Peddler By-law (Licensing By-law 2002-151, Schedule 12)	<ul style="list-style-type: none"> <li>- Address door to door sales of electricity and natural gas</li> <li>- Scope of the by-law/ complexity of nuisance issues</li> </ul>	Ensuring effective & efficient services	<p>Working with communication to target a release once a month regarding door to door sales.</p> <p>Full review of by-law to take place in Q2 of 2017.</p>	<p>Information Report to advise of activity be released in September 2016</p>

### Potential New Regulations

<b>By-laws</b>	<b>Key Considerations</b>	<b>Corporate Priority</b>	<b>Timing</b>	<b>Status</b>
Boulevard Maintenance & Highway Obstruction By-law	- Will assist Operations Department by clarifying parties responsible for maintaining boulevards	Ensuring effective & efficient services	To be determined	Research has to take place before proceeding with By-law.

<b>By-laws</b>	<b>Key Considerations</b>	<b>Corporate Priority</b>	<b>Timing</b>	<b>Status</b>
Driving Schools	-Review regulatory options for the potential regulation of driver school test vehicles - Staff to consult driving schools, MTO and Town of Aurora, conduct survey	Ensuring effective & efficient services	Target Staff Report: August 29, 2016 Committee of the Whole	COMPLETED Public Information Centre to be held in November 2016. Update Report to be completed in Q1 2017.

<b>By-laws</b>	<b>Key Considerations</b>	<b>Corporate Priority</b>	<b>Timing</b>	<b>Status</b>
Clean Yards By-law	-Review regulations around different enforcement options for quicker clean-up of yards	Ensuring effective & efficient services	Hold a Public Information Centre , in Q1 of 2017 Bring report and by-law to Committee of the Whole the last part of Q1 of 2017.	ON TARGET





Karen Reynar, B.A., LL.B.

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Town of Newmarket  
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P.O. Box 328  
Newmarket, ON L3Y 4X7

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tel.: 905-953-5300, Ext. 2435  
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COPY

July 23, 2014

German Canadian Housing of Newmarket Inc.  
Attention: Tracy Blackburn  
735 Stonehaven Avenue  
Newmarket, Ontario L3X 2G3

Dear Ms. Blackburn,

**Re: Site Specific Animal Control Bylaw**

---

**Background:**

Thank you for taking the time to meet with myself and Florence Dipassio on May 16, 2014 to share your concerns regarding animal control within your building. We appreciate the amount of effort that you have put in to survey all of the residents in your complex and we are grateful that you shared the results of that survey with us. It is clear from what you told us, the pictures that you showed us, and the results of the survey that you have a legitimate concern regarding animal control in your building, in particular with respect to dog feces not being picked up outside, dog urine / feces being left in the common areas of the building, dog feces and urine on balconies, and smells related to cat urine and feces inside of apartments (not in litter box).

We understand from our discussion with you that being a non-profit housing complex, your buildings are governed by the *Residential Tenancies Act*, and that in accordance with Section 14 of the Act, you are unable to prohibit pets in your building either through a lease or through a policy. Instead, the number of pets allowed within each unit is set by the Town's bylaw which permits up to three dogs and four cats per household. You advised us that your research has shown that this requirement is different for co-op housing and for condominiums which are governed by different legislation.

**Request:**

You requested that the Town consider enacting a site specific bylaw which would set a different maximum number of pets permitted per household for the units within your complex than what is currently set in the Town-wide animal control bylaw.

**Town Response Regarding a Site Specific Bylaw:**

Unfortunately, as discussed, a site specific bylaw which limits the number of animals permitted per household will most likely not resolve the problems that you have been experiencing because the type of problems listed in the survey seem to be related to owners who are not taking proper care of their pets. This type of problem will continue to exist regardless of whether such owners have one pet or many. Many of the comments received on the



surveys indicate that quite a few of your residents agree with this conclusion (please see a sampling of these comments on Schedule "A" to this letter). In addition, based upon your March 18, 2014 list of households that have declared their pets, as well as some of the complaints related to them (attached to this letter as Schedule "B"), it appears that in the majority of the cases where there have been complaints, the resident has only one cat or dog. This indicates that the problem is not the number of pets, but the behavior of the owners.

We also discussed a number of other reasons that a site specific bylaw is not the right solution, being that:

1. The bylaw would only apply to new residents, and current residents with animals in excess of the new limit would be allowed to keep their animals until their death (at which point they couldn't be replaced). This means that the bylaw would not help address any of the current problems you are experiencing with existing residents.
2. The Province of Ontario is responsible for enacting the legislation which governs not for profit housing, condominiums and co-operatives. Any site specific bylaw that has the effect of circumventing provincial legislation would be subject to challenge.
3. Animal control is a Town-wide issue and the Town needs to ensure that all residents are treated fairly. There may be other apartment buildings or not for profit housing complexes that are experiencing similar issues and it would not be equitable to pass a site specific bylaw for your complex without doing research to see to whom else it should apply.

#### **Town Suggestions of Alternative Solutions:**

Rather than enacting a site specific bylaw, we discussed a number of other tools that can be used to better address the identified problems:

1. Individual residents may be brought to the landlord/tenant board pursuant to the provisions of the *Residential Tenancies Act*.
2. The Health Department can be called in to address residences where feces are being left within the home.
3. Agencies such as the Ontario Society for the Prevention of Cruelty to Animals (OSPCA) can be contacted where owners are not taking proper care of their pets to the detriment of the animals.
4. The Town's animal control officer can go door to door in the building to educate regarding the requirement to have a pet tag for every pet, and to lay fines where owners refuse to comply. These fines can be up to \$300.00 and may create a deterrent to having a large number of pets. I understand that this process has already started and is ongoing.
5. Residents may call the Town and report noise complaints due to dog barking and failure to clean up feces in outdoor common areas. Every complaint is logged and the Town will investigate. Fines of up to \$400.00 can be issued to owners who fail to comply.
6. During the Town's regularly scheduled review of the existing Town's animal control bylaw, the Town will conduct research to determine if the bylaw should be amended to provide different maximum numbers of

pets depending on the type of dwelling unit (e.g. apartment / town house / detached home). This research will include a review of what is done in other municipalities, and any changes implemented will apply to all residences within the Town.

We hope that the foregoing suggestions will be of assistance to you in addressing your concerns.

Yours very truly,



Karen Reynar, B.A., LL.B.  
Associate Solicitor

Encl.

cc.

Councillor Tom Vegh

Andrew Brouwer, Director of Legislative Services

Esther Armchuk, Director of Legal Services / Municipal Solicitor

Lesley Long, Supervisor of Bylaws

Florence Dipassio, Licensing Officer

# SCHEDULE "B"



GERMAN CANADIAN HOUSING  
OF NEWMARKET INC.

735 Stonehaven Ave. #119 Newmarket, ON L3X 2G3

905-715-7953 fax. 905-715-7057

March 18, 2014

This is a list of households per building or townhouses that have declared their pets to us as well as some of the complaints related to them. Not everyone has declared their pet; we have seen multiple cats in apartment 204 at 737 Stonehaven for example. Others that were declared may no longer be in the unit (passed away) but not reported to us.

Totals = 19 cats and 21 dogs

## Townhouses on Stonehaven Ave.

UNIT #	Cat(s)	Dog(s)	Problems Experienced / Complaints Received
[REDACTED]		1	
[REDACTED]	1		
[REDACTED]		1	Doesn't pick up after dog
[REDACTED]		1	Doesn't always pick up after dog

## 735 Stonehaven Ave. (Senior's Building)

UNIT #	Cat(s)	Dog(s)	Problems Experienced / Complaints Received
[REDACTED]		1	Note: Superintendent Unit
[REDACTED]	1		
[REDACTED]		1	Dog not always on leash, or on a long extended leash startles people coming off of elevator, outside on a leash but owner not holding the leash; running free
[REDACTED]		1	Previously sometimes not on leash in hallways (has someone walk her dog now and on leash)
[REDACTED]		1	
[REDACTED]	1		
[REDACTED]	1		
[REDACTED]	2		
[REDACTED]		1	Barks constantly when owner not home, lets dog defecate and urinate on plastic on balcony and doesn't clean up
[REDACTED]	1		

737 Stonehaven Ave.

UNIT #	Cat(s)	Dog(s)	Problems Experienced / Complaints Received
[REDACTED]	1		Note: Superintendent Unit
[REDACTED]	1		Damage to carpet
[REDACTED]		1	
[REDACTED]	1		Used to live in townhouse, cat urine in basement not bad in apt.
[REDACTED]	1		
[REDACTED]	1		We have seen multiple cats; strong smell of urine in past & damages to unit(s)
[REDACTED]		1	
[REDACTED]	1		Slight cat litter smell problem at times
[REDACTED]	1		
[REDACTED]	1		Cat litter smell
[REDACTED]		1	Not friendly/aggressive, barking
[REDACTED]		1	Does not pick up after dog, tenants worry stating it's a pit bull. She declared him as lab boxer mix.
[REDACTED]	1		
[REDACTED]		1	Did not pick up after dog outside when they lived in a townhouse, not sure now
[REDACTED]	1		
[REDACTED]	1		
[REDACTED]		1	Aggressive toward other dogs
[REDACTED]	1		
[REDACTED]		1	We think it is only here when son stays with her for periods of time. Son's dog.
[REDACTED]		2	Do not clean up after the dogs, pees in apartment on pad and not cleaned up right away
[REDACTED]		1	
[REDACTED]		1	Doesn't always clean up after the dog
[REDACTED]		1	Runs loose in the hallways or outside with leash attached but she doesn't hold the leash, pees in the hallway, poop on the balcony
[REDACTED]		1	



# SCHEDULE "A"

## COLLECTION OF SURVEY COMMENTS

ADDRESS / OWNER	SURVEY COMMENT
[REDACTED] Stonehaven Avenue	"The animals are not the problem. The people that own them are the problem most of the time".
[REDACTED] Stonehaven Avenue	"I do not believe that residents who have more than one pet are prone to cause the above problems. It is a matter of attitude towards your pet, your home and your neighbours that determines if you take care of a pet or several pets properly. I know a lot of people with only one pet who do not take care of it properly."
[REDACTED] Stonehaven Avenue.	"I don't feel that 'punishing the masses' for the mistakes of a few is going to solve any of these issues. Whether a tenant has one dog or five, the fact still remains that feces around the park is unsanitary and the bylaws office should ticket those responsible, not enforce a pet limit beyond what already exists".
[REDACTED] Stonehaven Avenue	"The problem seems to be pet owners who fail to pick up after their pet. Not sure if it is an issue with the number of pets."
[REDACTED] Stonehaven Avenue, [REDACTED]	"It's not the number of animals a tenant has but how responsibly one looks after the animal(s)."
[REDACTED] Stonehaven Avenue, [REDACTED]	"It only takes one tenant to make a mess – why not go after that tenant, investigate the complaint, make them aware of the complaint so they can fix it."
[REDACTED] Stonehaven, [REDACTED]	"...I would suggest fining those who do not care properly for their animals pooping and peeing".
[REDACTED] Stonehaven, [REDACTED]	"The problem lies within irresponsible pet owners and tenants, not the amount of pets they have. There are a few tenants with pets who do not pick up after their pets, in turn setting a bad precedent for everyone else. Perhaps those caught or spotted could be penalized somehow? Fined?"
[REDACTED] Stonehaven Avenue, [REDACTED]	"I do not think having this policy in place will help to reduce these problems, lazy and bad pet owners are the problem and they will be the same way with just one pet. I do agree you should enforce the "poop and scoop" bylaw though!"
[REDACTED] Stonehaven Ave [REDACTED]	"If a bad pet owner, doesn't matter how many they have."