



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2016-53

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

1.1 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;

“Director” means the 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 Licences” means the person or persons authorized by the Town of Newmarket to issue dog or cat licences 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;

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

“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 Director 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) Licence said dog with the Town and pay a licence 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 licence no later than the 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 licence 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 licence is lost;
 - e) Be exempt from paying the licence 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 Every animal licence issued shall expire the following year on the anniversary date of its initial issuance.
- 3.3 Every applicant for dog registration and licence shall complete an application for a licence or for the renewal of a licence on the form provided by the Town.
- 3.4 Every owner of a dog under the age of four (4) months which has been impounded pursuant to this by-law shall licence the dog and pay the annual licence fee prior to redeeming the dog.

- 3.5 A new resident of the Town shall not be required to pay a licence fee for a dog if the licence 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 licence is forfeited to an Issuer of Licences 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.
- 3.6 A tag issued by the Town for a dog is not transferable to another dog.
- 3.7 No person shall remove a dog licence from a dog without the consent of the owner thereof.

Responsibility of Owner

- 3.2 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

- 3.3 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.
- 3.4 Law Enforcement Dogs during the course of fulfilling their duties are exempt from the requirements of this section.

Stoop and Scoop

- 3.5 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.
- 3.6 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

- 3.7 No owner of a dog shall cause or permit the dog to run at large in the Town.
- 3.8 No owner shall permit a dog to be off-leash on any Town park or any other property owned by the Town.
- 3.9 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

- 3.10 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 licenced 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

- 3.11 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.
- 3.12 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.
- 3.13 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.
- 3.14 No person shall fail to comply with a Muzzle Order.

Methods of Restraining and Identification

- 3.15 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

3.16 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.

3.17 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.

3.18 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.

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

3.20 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 licence 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 licence no later than the 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 Every animal licence issued shall expire the following year on the anniversary date of its initial issuance.
- 4.4 Every applicant for cat registration and licence shall complete an application for a licence or for the renewal of a licence on the form provided by the Town.
- 4.5 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 licence fee, if applicable.
- 4.6 A new resident of the Town shall not be required to pay a licence fee for a cat if the licence 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 licence is forfeited to an Issuer of Licences 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 The licence tag shall expire and become void upon sale, death or other means of disposal of cat.
- 4.8 A tag issued by the Town for a cat is not transferable to another cat.
- 4.9 No person shall remove a cat licence from a cat without the consent of the owner thereof.

Cats Running at Large

- 4.10 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

- 4.11 No person shall keep more than the maximum number of cats permitted by this by-law.
- 4.12 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.
- 4.13 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 licenced 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 licence 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 licenced 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 licence 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.

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 19TH DAY OF OCTOBER, 2016.

Tony Van Bynen, Mayor

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, rile 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 fouls
	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.