



Town of Newmarket
395 Mulock Drive P.O. Box 328,
Newmarket, Ontario, L3Y 4X7

Email: info@newmarket.ca | Website: newmarket.ca | Phone: 905-895-5193

Animal Control By-law Amendments Staff Report to Council

Report Number: 2024-60

Department(s): Legislative Services

Author(s): John Comeau, Manager of Regulatory Services
Jacob Brewer, Supervisor of Animal Services

Meeting Date: October 21, 2024

Recommendations

1. That the report entitled “Animal Control By-law Amendments” dated October 21, 2024 be received; and,
2. That Council approve the proposed amendments to Animal Control By-law 2020-30; and,
3. That Council approve the proposed amendments to AMPS By-law 2024-16; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Purpose

The purpose of this report is to make minor amendments to the Animal Control By-law, to improve enforceability of the By-law, and address newly emerging issues.

Background

Legislative Authority

Under the Municipal Act, a municipality may enact by-laws respecting animals, which includes domestic animals such as dogs or cats. Additional powers are provided to seize, impound, and sell animals that are trespassing or at large.

Historical Reference

In June of 2020, Regulatory Services presented [Staff Report 2020-40](#) which led to the Animal Control By-law Amendments Staff Report

adoption of [Animal Control By-law 2020-30](#). A significant amount of public consultation and research was conducted prior to the implementation of the Animal Control By-law, which saw increased tethering requirements, the addition of feeding wildlife restrictions, the formalization of an Urban Hen program, and the addition of a “permitted animals” list. Through Staff Report 2020-40, Staff committed to an ongoing review and evaluation of the adopted regulations.

On February 4, 2022 an [Information Report](#) was circulated to Council, advising of a Staff decision to operate an in-house Animal Services program.

On July 1, 2022 an in-house Animal Services program was launched.

On June 28, 2023 at a Special Committee of the Whole, a [Regulatory Services Review](#) was presented to Council. During this Review, ideas regarding the future of Animal Services were brought forward to Council for consideration.

On November 13, 2023, at a Committee of the Whole meeting, a [Staff Report](#) was presented to Council highlighting the success of the newly implemented in-house Animal Services program. An Animal Services Workplan was established and adopted by Council:

ANIMAL SERVICES WORKPLAN

Project	Summary	Target
Animal Control By-law Amendments	Staff will provide recommendations for improvements to our currently established Animal Control By-law 2020-30	Q2, 2024
Kennel/Cattery Licensing	Staff will present to Council the concept of Kennel/Cattery Licensing through a Staff Report.	Q4, 2024
Animal Licensing Updates	Staff will provide Council options to consider for amendments to the existing Animal Licensing program.	Q2, 2025
Additional Paid Services	Options to introduce additional paid services related to Animal Services will be provided to Council for consideration (eg. wildlife cadaver removal, pet transport, etc.)	Q3, 2025
Off Leash Dog Park Alternatives	A Staff Report will be presented to Council to provide options for consideration on off leash dog park alternatives	Q1, 2026

This Staff Report fulfills the first commitment on the Animal Services Workplan, providing an overview of recommended minor amendments to Animal Control By-law 2020-30.

Discussion

Having established an in-house Animal Services program in 2022, Regulatory Services had an opportunity to fully evaluate Animal Control By-law 2020-30 and are recommending to Council several amendments. The proposed amendments include the following changes:

Definitions

Definitions have been updated to address issues found in our community, and to provide greater clarity. Notably, the definition of the word “Leash” had been updated to exclude the use of “e-collars”, ensuring that residents are making use of proper restraining devices when in public spaces.

Noise Provisions

Supplementing regulations found within the Town’s Noise By-law, the Animal Control By-law has regulations pertaining to noise being emitted from dogs:

“4(2) No Person shall Keep, own, possess, or harbour any Dog in the Town which makes or causes noises, repetitive or persistent barking, or howling that disturbs or is likely to disturb the comfort, enjoyment, rest, or quiet of any Person in the vicinity or neighbourhood.”

The regulations in this section have been amended to have these restrictions apply to all animals (cats, birds, hens, etc.).

Enforcement Powers

Several amendments have been made to the existing By-law to improve the enforceability of the regulations. These changes include:

- Administrative amendments to Muzzle and Dangerous Dog Orders
- Additional authorities to permit the cost of any work that must be undertaken by the Town to remedy a violation to be placed on the property taxes of the owner of the violating property
- The addition of an obstruction charge that may be issued to any persons who attempt to obstruct or hinder an Animal Services Officer or Police Officer from completing an investigation. This charge mirrors obstruction charges found in other Town By-laws.

Registration and Licensing

The proposed amendments include a reduction in the monetary penalty amount for failing to obtain a pet licence. The current administrative monetary penalty for failing to obtain or renew a pet licence is \$600. Staff have recommended that the fee for failing to obtain a pet licence be reduced to \$400, and a secondary violation for failing to renew a pet licence be established and set at \$200.

Additionally, fees for the licensing of service animals have been waived, while maintaining the requirement for the owner to still obtain the licence.

Keeping of Pigeons

Since 2022, the Town has received 6 complaints related to 3 properties regarding the keeping of pigeons through our Customer Service Department. There are residents in our community that are passionate about the keeping and racing of pigeons, however, it is important that they are maintained in a way that does not cause a nuisance to neighbouring properties.

Currently, the Town does not have any prohibitions on the keeping of pigeons. An initial jurisdictional scan was conducted of York Region municipalities to review regulations related to the keeping of pigeons:

Municipality	Regulations
Vaughan	Prohibited, however, existing Pigeon Licence holders have been grandfathered
Markham	Permitted, subject to restrictions
Aurora	Permitted, no restrictions
Richmond Hill	Permitted, subject to restrictions
Georgina	No prohibitions regarding the keeping of pigeons on rural properties, permitted on residential properties subject restrictions
East Gwillimbury	Permitted, subject to restrictions
King	Pigeons are not permitted to be kept
Whitchurch-Stouffville	Permitted, but prohibited on residential properties

Proposed amendments to the current By-law have been made to ensure that the keeping of pigeons does not cause a nuisance to neighbouring properties. The proposed amendments include prohibitions on:

- perching/roosting on neighbouring properties;
- the creation of nuisance noise; and
- permitting pigeons to defecate on neighbouring properties

The proposed amendments would continue to permit residents to keep pigeons, however, would effectively prohibit any nuisance that could be caused to neighbouring properties. With these minor amendments, Staff are confident that they will be able to address the low number of complaints received regarding the keeping of pigeons.

Should Council wish to implement more significant restrictions on the keeping of pigeons, Staff are recommending direction be provided to amend the Animal Services Workplan to include a formal review of the regulations. This would include significant public consultation with residents, pigeon owners, pigeon groups and associations in Ontario, as well as municipal partners.

Feeding Wildlife

Section 7 of the Town's Animal Control By-law provides for significant restrictions on the feeding of wildlife in Newmarket. It is strictly prohibited to feed any wildlife on private or public property within the Town of Newmarket. The primary exception to this regulation, is feeding birds on private property. Section 7(3) of the Town's Animal Control By-law permits the feeding of wild birds subject to the following conditions:

- Feed must be placed in a feeding device designed for birds
- The feeding device must be reasonably inaccessible to other wild animals
- All seed that spills from the feeding device must be promptly disposed of
- No excrement from birds shall be permitted to accumulate
- The feeders shall not, at the discretion of an Animal Services Officer, cause or create a nuisance due to odour, sight, or noise.

On September 16th, 2024 at a [Council Meeting](#) a deputation was made to request that Council amend section 7 of the Animal Control By-law to further address the use of bird feeders on private property. The Town's current restrictions either mirror or are more restrictive than surrounding municipalities within York Region.

Since January 1st of 2023, the Town has received 19 complaints regarding feeding wildlife, 5 of which are specifically regarding the use of bird feeders. Despite the low volume of concerns raised by residents regarding the use of bird feeders, Staff have reviewed requests made through the deputation to Council. Below is a summary of requests made of Council, and comments made by Staff in response:

Request Made	Staff Comments	Follow up action
Prohibition on hanging bird feeders on fences	Town Staff are satisfied with current regulations that requires feeders to be reasonable inaccessible to wild animals. If an Animal Services Officer believes that a feeder installed on a fence is reasonable accessible to wild animals, then the property owner would be required to remove it.	None.
Limit the number of feeders permitted	Current regulations do not put specific limits on the amount of bird feeders permitted on a property. No other York Region Municipalities have specific limits on bird feeders. After further review, Staff are recommending a limit be placed on feeding devices to avoid excessive feeding.	Proposed amendments include a limit of six (6) bird feeders on residential properties.
Prohibition on the use of peanuts for feed	Peanuts and peanut feeders are popular feeders for many types of wild birds and are commonly used in Newmarket. No other York Region municipalities prohibit the use of peanuts as feed. Staff are not recommending changes at this time.	None.

Conclusion

Town Staff have provided recommendations for minor amendments to the Town’s Animal Control By-law 2020-30. Staff are seeking direction from Council to have these amendments adopted. Regulatory Services is committed to the ongoing review of all our regulations, and we will continue to monitor trends in our community related to Animal Services and propose further amendments when appropriate.

Should Council wish to further explore regulations pertaining to pigeons or feeding wildlife, direction can be provided to Staff to amend the Animal Service Work Plan.

Business Plan and Strategic Plan Linkages

This report aligns with the Town of Newmarket’s vision of being Well Beyond the Ordinary.

Consultation

None.

Human Resource Considerations

None.

Budget Impact

None.

Attachments

Attachment 1 –Animal Control Amendment By-law 2024-XX

Attachment 2 – Copy of By-law 2020-30 with proposed amendments

Attachment 2 – AMPS By-law Amendment By-law 2024-XX

Approval

Lisa Lyons, Director, Legislative Services

Esther Armchuk, Commissioner, Corporate Services

Contact

Jacob Brewer, Supervisor of Animal Services

If you require this document in an alternative format, please contact the Town of Newmarket at 905-895-5193