

# Corporation of the Town of Newmarket

## By-law 2024-XX

A By-law to amend By-law 2020-30, being a By-law to amend the Animal Control By-law 2020-30 in the Town of Newmarket.

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

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

Whereas Council enacted By-law 2020-30 to implement the Animal Control By-law in the Town of Newmarket; and,

Whereas it is deemed necessary to amend By-law 2020-30 as it relates to the Animal Control regulations.

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

1. That the definition of "Leash" be repealed and replaced with:

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

2. That the definition of "Owner" be repealed and replaced with:

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

3. That section 4(2) be repealed and replaced with:

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

4. That section 4 be amended to add the following subsections:

(12) Every owner of an animal shall remove forthwith any excrement left by the animal on any property including highways.

(13) No Person shall hinder or obstruct, or attempt to hinder or obstruct, a Municipal Law Enforcement Officer, or a Police Officer from carrying out inspections of land to ensure compliance with this By-law.

5. That section 5(4) be repealed and replaced with:

(4) Every owner of an animal shall treat the animal in a humane manner, including but not limited to the provision of:

a) a shelter for the animal that is waterproof and that protects it from exposure to the elements;

b) a shelter for the animal that is adequate for its size and breed;

c) adequate food and water for the animal;

d) access to shade during warm weather;

e) a clean and sanitary environment free from an accumulation of fecal matter;

f) adequate veterinary care deemed necessary by a reasonably prudent person to relieve the animal from distress caused by injury, neglect or disease.

6. That section 9 (6) be repealed and replaced with:

(6) Where the **Manager** has reasonable grounds to believe that a **Dog** has engaged in a **Dangerous Act** against a **Person** or **Domestic Animal**, the **Manager** may impose the following with respect to such a **Dog**:

(a) for the first (1<sup>st</sup>) documented offence with a municipality, the **Manager** may serve the **Owner** of the subject **Dog** with a **Notice to Muzzle**;

(b) despite Section 9(6)(a), if it is the **Manager**'s opinion that the **Dangerous Act** is severe, serve the **Owner** of the subject **Dog** with a **Dangerous Dog Order**, requiring the subject **Dog** to comply with the requirements under Section 9(7) of this By-law;

(c) for the second (2<sup>nd</sup>) documented offence with a municipality, serve the **Owner** of the **Dog** with a **Dangerous Dog Order**, requiring the subject **Dog** to comply with the requirements under Section 9(7) of this By-law; or

(d) Where the **Dangerous Act** occurred while the **Dog** was the subject of a **Notice to Muzzle** or a control order under the **Dog Owners Liability Act**, serve the **Owner** of the **Dog** with a **Dangerous Dog Order**, requiring the subject **Dog** to comply with the requirements under Section 9(7) of this By-law.

7. That section 9 (7) (f) and (g) be repealed and replaced with:

(f) the **Dangerous Dog** is spayed or neutered within thirty (30) days of the order being served on the **Owner**;

(g) arrangements are made with the **Town** to enable the **Town** to collect information about the subject **Dog** within thirty (30) days of the order being served on the **Owner**;

- (h) While on the property of the **Owner**, cause the **Dog** subject to the **Dangerous Dog Order** to be tethered or confined by a six (6) foot fence in a way that prevents the **Dog** from going beyond the limits of the owner's property or being accidentally or intentionally released; and
- (i) Whenever off the property of the **Owner**, cause the **Dog** subject to the **Dangerous Dog Order** to be muzzled and leashed, and the **Owner** shall not permit such a **Dog** to be left in the control of a **Person** under the age of sixteen (16).

8. That section 9 be amended to add:

(12) No person shall fail to comply with an order made under section 9(10).

9. That section 10(1) be repealed and replaced with:

10(1) Wherever this By-law or an order issued under this By-law directs or requires any matter or thing to be done by any person within a specified time period, in default of it being done by the person directed or required to do it, the action may be taken under the direction of the **Manager** at that person's expense and the Town may recover the costs incurred through a legal action or by recovering the costs in the same manner as taxes.

10. That the contents of section 13 be repealed and replaced with:

(1) No Person keeping a Dog shall allow the Dog to be At Large within the geographical boundaries of the Town unless such Dog is confined to a leash-free Park or zone approved or designated by the Town.

(2) No Person shall permit a Dog to enter or to be located in any leash-free Park or zone approved or designated by the Town unless such a Dog is licensed pursuant to this By-law or licensed pursuant to a municipal Animal licensing program of another municipality in Ontario.

(3) Unless otherwise permitted by Town policy, other by-laws or any legislation, no Person keeping a Dog shall allow the Dog, other than a Guide Dog or a Service Animal, to be in or on Town property or Town facilities where posted signs prohibit such activity or such prohibition is communicated by Town staff in another manner.

(4) No Person keeping an Animal shall permit such Animal to be At Large within the Town or allow such an Animal to cause damage or create a Nuisance or disturbance to another Person, another Person's property, or to Town property.

(5) An Animal Services Officer may Impound any Domestic Animal found to be At Large.

(6) Every reasonable effort shall be made by the Animal Services Officer to notify the Owner within twenty-four (24) hours that a Domestic Animal is impounded and the conditions whereby custody of Domestic Animal may be reclaimed.

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

11. That section 14 (5) be repealed and replaced with:

(5) Any **Foster Animal, Service Animal** or **Guide Dog** is exempt from all fees related to an **Animal Licence**.

12. That section 7(3) be amended to add the following:

(g) No more than 6 bird feeders shall be permitted on any residential property

Enacted this 28 day of October, 2024.

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John Taylor, Mayor

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Lisa Lyons, Town Clerk