



## THE CORPORATION OF THE TOWN OF EAST GWILLIMBURY

### BY-LAW NUMBER 2020-085

#### BEING A BY-LAW TO PROHIBIT OR REGULATE THE KEEPING AND LICENSING OF ANIMALS WITHIN THE TOWN OF EAST GWILLIMBURY.

**WHEREAS** Section 9 to 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** Subsection 9(3)(b) of the Municipal Act, 2001 confers upon a municipality, in exercising its power to regulate and prohibit respecting a matter, to provide for a system of licenses, permits, approvals or registration respecting the matter, and to impose conditions as a requirement of obtaining, continuing to hold or renew a licence, permit, approval or registration;

**AND WHEREAS** Subsection 10(2) (9) of the Municipal Act, 2001 permits Council of a local municipality to enact by-laws respecting animals;

**AND WHEREAS** Subsection 10(2) (11) of the Municipal Act, 2001 permits Council of a local municipality to enact by-laws respecting business licensing;

**AND WHEREAS** Subsection 11(3) (9) of the Municipal Act, 2001 confers the power to pass by-laws regulating or prohibiting animals to a lower-tier municipality;

**AND WHEREAS** Subsection 103(1) of the Municipal Act, 2001 provides that a municipality may pass a by-law to provide for the seizure and impounding of animals being at large or trespassing and the sale of impounded animals under certain conditions;

**AND WHEREAS** Section 105 of the Municipal Act, 2001 allows for a municipality to require a dog to be muzzled;

**AND WHEREAS** Subsection 151(1) of the Municipal Act, 2001 authorizes Council of a local municipality to pass by-laws for licensing, regulating and governing any business carried on within the municipality;

**AND WHEREAS** Section 429 of the Municipal Act, 2001 provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under the Municipal Act;

**AND WHEREAS** Section 434.1 of the Municipal Act, 2001 provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that a person has failed to comply with a by-law of the municipality passed under the Municipal Act;

**AND WHEREAS** Subsection 434.2(1) of the Municipal Act, 2001 provides that an administrative penalty imposed by a municipality on a person constitutes a debt of the person to the municipality;

**AND WHEREAS** Section 435 of the Municipal Act, 2001 provides for conditions governing the powers of entry of a municipality;

**AND WHEREAS** Section 436 of the Municipal Act, 2001 provides that a municipality has the power to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law;

**AND WHEREAS** the Town of East Gwillimbury wishes to ensure that animals are kept and treated in a humane manner and that the owners of animals provide good quality care to them;

**NOW THEREFORE** the Council of the Corporation of the Town of East Gwillimbury enacts as follows:

## **1.0 DEFINITIONS**

### **1.1 In this By-law:**

**“Administrative Penalty”** means a monetary penalty as set out in the Town’s Administrative Monetary Penalty System By-law for a contravention of a designated by-law;

**“Animal”** means any member of the animal kingdom, other than human but excluding fish;

**“Animal Daycare Centre”** means an establishment where the caring, grooming, or training of household pets occurs on a short-term basis (less than 12 hours within a 24-hour period) during daytime hours, but does not include a Kennel or an animal clinic;

**“Animal Enclosure”** means an enclosed place for the keeping of Animals and includes without limitation, bird lofts, bird cages, pigeon coops, dog runs, dog pens, doghouses, rabbit hutches, catteries and reptile tanks but does not include the rear yard of a

residential property where fencing has been erected on or along the property lines for the purposes of enclosing, in whole or in part, the rear yard itself;

**“Animal Pound”** means a place where stray livestock are impounded and kept until claimed by their Owners or sold to cover cost of impounding.

**“Animal Services Officer”** means an Officer designated and authorized by by-law to enforce this By-law;

**“Animal Shelter”** means such premises and facilities designated by the Town for the temporary housing and care of Dogs and Cats that have been impounded or taken into care pursuant to this By-law;

**“Apiary”** means a place where bees and beekeeping equipment of a beekeeper are Kept;

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

**“Attack”** means an assault resulting in physical injury or death;

**“At Large”** means when an Animal, save a cat, is at a place other than the property of its Owner and not under the control of the Owner or the Owner’s authorized representative, except where the owner of the property permits the Animal to be on the property;

**“Beekeeper”** means a person who owns or is in possession of bees or beekeeping equipment, but does not include a person who is in possession of beekeeping equipment for the purpose of transportation, distribution or sale or who is a manufacturer of beekeeping equipment;

**“Bite”** means the breaking, puncturing or bruising of the skin of a Person or domestic Animal caused by the tooth or teeth of a Dog, and “Bite” or “Bitten”, have the corresponding meaning;

**“Business Licence”** means a licence to operate a business pursuant to this By-law;

**“Cat”** means a domesticated feline kept as a pet;

**“Control”** means care, custody and control;

**“Competent Person”** means a Person having the strength and capacity to securely Control a Dog so as to not permit or allow unwanted contact between the Dog and a Person or Animal;

**"Distress"** means the state of being in need of proper care, water, food or shelter or being injured, sick or in pain or suffering or being abused or subject to undue or unnecessary hardship, privation or neglect;

**"Dog"** means any domesticated canine kept as a pet and includes a Working Livestock Guardian Dog.

**"Domestic Animal"** means a Dog or Cat Kept by a Person.

**"Dwelling Unit"** means one or more habitable rooms designed and intended for use as the home or residence of one or more Persons, and has culinary and sanitary facilities;

**"Extreme Weather"** means a cold warning, heat warning or other weather warning alert issued by Environment Canada for weather in the Town of East Gwillimbury including but not limited to extreme cold or hot weather, snow storms, freezing rain, heavy rainfall, hurricanes, tornadoes and/strong winds;

**"Fee"** means the applicable fee set out in the Town's Fees and Charges By-law, as amended or superseded from time to time;

**"Feed or Feeding"** means the deliberate act of furnishing, or making food or other sustenance available which is likely to be consumed by Wild Animals, strays, feral or abandoned animals;

**"Foster Family"** means a Person who has been approved in writing by an approved foster organization to foster Dogs and/or Cats in a foster home and who owns, keeps, possesses, harbours or acts as a guardian of the Dog and/or Cat on a temporary basis (less than six (6) months) until a permanent owner can be found. The Foster Family shall be deemed the owner of the Dog and/or Cat under this By-law while the Dog and/or Cat is under their care;

**"Hen"** means a female chicken;

**"Keep"** means to have temporary or permanent Control or possession of an Animal and "Kept" or "Keeping" have the corresponding meaning;

**"Kennel"** means any building, structure, animal enclosure, dog run or other facility or part thereof, where more than 3 Dogs or more than 4 Cats are Kept for remuneration for the purpose caring, boarding, training, housing, feeding and/or breeding but excludes a veterinary establishment for the purpose of observation and/or recovery necessary for veterinary treatment.

**"Leash"** means a rope, chain or other restraining device used to restrain an Animal;

**"Licence"** means a licence issued pursuant to this By-law, and when the term "licence" is used in reference to a Dog Licence it shall mean a Tag;

**“Livestock”** means an animal used or Kept for agricultural purposes to produce labor and commodities such as meat, eggs, milk, fur, leather and wool and is regarded as an asset;

**“Manager”** means the Manager, By-law Enforcement Services of the Town and his/her designate;

**“Menacing Dog”** means a Dog that, without Provocation, has approached or chased any Person or domestic Animal in a menacing, dangerous and threatening, fashion with an apparent attitude of Attack, including but not limited to aggressive behaviours such as growling or snarling, or a Dog that has otherwise demonstrated a propensity or disposition to Attack without Provocation, Persons or domestic Animals;

**“Muzzle”** means a humane fastening or covering device made of metal, plastic, leather, or a combination of these materials that does not interfere with the breathing, panting, ability to drink, or vision of the Dog when fitted and fastened over the mouth of the Dog, but that is of sufficient strength to prevent the Dog from biting;

**“Muzzle Order”** means an Order issued by an Animal Services Officer requiring that a Muzzle be on a Dog;

**“Nuisance”** means an injurious, offensive, or objectionable condition that disturbs or is likely to disturb the comfort, rest, and enjoyment of any Person;

**“Officer”** means an employee of the Town who has been appointed by by-law to enforce the provisions of the Town’s by-laws;

**“Owner”** means a Person who:

- a) has Control of an Animal; or
- b) owns or claims a proprietary interest in an Animal; or
- c) Keeps, harbours, suffers or permits an Animal to be present on any property owned, occupied or leased by the Person or which is otherwise under that Person’s Control; or
- d) claims and receives an Animal from the custody of the Animal Shelter or an Animal Services Officer; or
- e) a Person to whom a Licence was issued for an Animal in accordance with this By-law.

**“Operator”** includes a Person who alone or with others, operates, manages, supervises, runs or controls a business, and “operate”, “operation” and other words of like import or intent shall be given a corresponding meaning;

**“Person”** means an individual, firm, partnership, corporation, trust, trustee, or agent, executors, and including the legal representatives of any person;

**“Permitted Animal”** means an Animal as identified in “Schedule A – Permitted Animals” of this By-law;

**“Pet Store”** means a Person to whom, or to which, a Business Licence has been issued pursuant to of this By-law for the sale, transfer or disposal of Animals;

**“Pigeon”** means any bird of the family Columbidae;

**“Police Dog”** means a Dog trained for and engaged in law enforcement by any federal, provincial, or municipal government agency;

**“Pound Keeper”** means a Person or Persons employed by, under contract to, or employed by a contractor appointed by the Town, to operate an Animal Pound for the Town;

**“Provocation”** means any activity which, in the opinion of the Officer, acting in his or her absolute discretion, may be expected to cause a Dog to Bite a Person, domestic Animal or Dog engaging in such activity;

**“Racing Pigeon”** means a Pigeon which, through breeding, has developed the distinctive physical and mental characteristics as to enable it to return to its home after having been released a considerable distance therefrom, and which is also known as a homer, homing pigeon, or carrier pigeon;

**“Sanitary Condition”** means a condition that does not result in an accumulation of fecal matter, odour, insect infestation, or rodent attractants which endanger the health of any Person or Animal, or that would not disturb, or would not likely disturb, the enjoyment, comfort or convenience of any Person;

**“Sanitize”** means to clean for the purpose of controlling disease-producing organisms and Sanitized has a corresponding meaning;

**“Senior Citizen”** means any Person over the age of 65;

**“Service Animal”** means an Animal that has been certified by a nationally recognized organization or association to provide assistance to a Person, or that has successfully completed training by a recognized school for service as a guide Animal for the visually or hearing impaired or a special skills Animal for other disabled persons. Service Animal includes, but is not limited to guiding, hearing or providing the necessary emotional therapy to a Person with a disability or impairment;

**“Tag”** means a licence bearing a serial number and the current year in which it was issued by the Town;

**“Trap, Neuter and Return Program Operator, and “TNR Operator”** means a Person who provides a program approved by the Manager for the trapping of feral cats for the purpose of spaying or neutering and eventual return of said cats to their outdoor home;

**“Town”** means the Corporation of the Town of East Gwillimbury;

**“Training Order”** means an Order issued by an Officer containing training requirements, pursuant to this By-law;

**“Veterinarian”** means a Person qualified and authorized to practice veterinary medicine;

**“Wild Animal”** means any Animal that is not domesticated but is living in nature;

**“Work Order”** means an Order issued under this By-law to a Person who has contravened the By-law or to the Person who has caused or permitted the contravention, or to the Owner of the Property where the contravention occurred, requiring the Person or Owner to do work to remedy the contravention.

**“Working/Livestock Guardian Dog”** means a Dog that is specifically trained to work and/or live with domestic farm Animals (ie. cattle, sheep, goats, etc.) without causing them harm while aggressively repelling predators;

**“Zoning By-law”** means the Town of East Gwillimbury Zoning By-law 2018-043, as amended.

## **2.0 REGISTRATION AND LICENSING**

- 2.1 Every Owner of a Dog, over the age of twelve (12) weeks, shall, on or before the 28<sup>th</sup> day of February in each and every year, make application and pay the required Fee to Licence and register the Dog with the Town, and provide particulars pertaining to the Dog and its Owner in order to facilitate the registration of such Dog, and shall further make application and provide such information as may be required by the Town.
- 2.2 Every Dog Licence issued by the Town shall expire on the 31<sup>st</sup> day of December of the same year.
- 2.3 Every Owner or Person in Control of, or in apparent Control of, a Dog shall Keep the Tag securely fixed on the Dog at all times (except while the dog is being used for hunting purposes or when a Working/Livestock Guardian Dog is actively engaged in their duties) and shall not transfer the Licence issued to any other Person. The Licence shall expire and become void upon sale, death, or other means of disposal of the Dog.
- 2.4 A new resident of the Town shall not be required to pay a Licence fee for an Animal if the Licence for said Animal has already been obtained for the current year from another municipality to which he or she has previously been a resident,

provided such Licence is forfeited to the Town and the applicable Fee paid for a replacement Tag;

- 2.5 Every Owner of a Dog shall forthwith notify the Town of any changes with respect to any information provided in an application for a Licence under this By-law, including, but not limited to, the Owner's address and phone number.
- 2.6 Every Owner of a Dog shall ensure that the Dog is duly immunized against rabies and that the immunization is current.
- 2.7 The applicant shall be required to attest to the fact that their Dog has been immunized against rabies as required by the Health Protection & Promotion Act, R.S.O. 1990,c.H.7,as amended.
- 2.8 The applicant shall provide the certificate of immunization against rabies, signed by a veterinarian who performed the immunization to the Town, if requested.
- 2.9 The Owner of every Dog that has Bitten a Person or Domestic Animal, or is a Menacing Dog shall:
  - a) Identify the Dog by microchip implementation;
  - b) Maintain and provide proof of current rabies vaccinations; and
  - c) Comply with any Order issued pursuant to this By-law and/or under any predecessor By-law and any, or all provisions contained therein.
- 2.10 No Person shall give false information when applying for a Licence under this By-law and any Person knowingly giving false information when applying for a Licence shall have contravened this By-law.
- 2.11 A Licence may be denied if any of the criteria below, is not satisfied:
  - a) the applicant is eighteen (18) years of age or older;
  - b) all applicable fees have been paid; and
  - c) all required information has been provided.
- 2.12 Every Owner of a Dog, having lost the animal's Tag for the current year, shall immediately make application to the Town for the replacement of such Tag, and shall, upon request provide any information as may be required by the Town. The fee for a replacement Tag shall be in accordance with the Town's Fees and Charges By-law.
- 2.13 No Owner of a Dog shall use a Tag issued in respect of an animal for any other animal.
- 2.14 No Person shall remove a Tag without the consent of the animal's Owner.
- 2.15 No Person shall provide any false information to the Town when obtaining or renewing a Licence.



- 2.16 The Applicant for a Licence for a Working/Livestock Guardian Dog shall pay the applicable Fee.
- 2.17 A Tag shall issue at no charge to any Owner of a Service Animal, provided that the Owner provide proof from a nationally recognized organization or association.
- 2.18 A Senior Citizen may pay a reduced Tag Fee.
- 2.19 Foster Families applying for Tags shall:
  - a) Complete the appropriate application form which shall be accompanied by proof in writing from a bona-fide registered not-for-profit animal rescue organization declaring that the Foster Family applicant is a member in good standing;
  - b) Foster Families shall pay a reduced Tag Fee. When a Dog is adopted, the Tags may, despite Section 2.3, transfer to any new Dog under the Control of the Foster Family.

### **3.0 NUMBER OF DOGS**

- 3.1 No Person shall Keep more than three (3) Dogs in any Dwelling Unit or any other structure used for commercial, industrial, or institutional purposes within the Town.
- 3.2 Section 3.1 does not apply to the following:
  - (a) The operation of a Kennel, Animal Daycare Centre or Pet Store licenced under the provisions of this By-law;
  - (b) an animal hospital owned and operated by a veterinarian licenced by the Ontario Veterinarian Association;
  - (c) an Animal Pound or Animal Shelter; or
  - (d) Rural "RU" zoned property.

### **4.0 CONTROL OF DOGS**

- 4.1 No Owner of a Dog shall cause or permit the Dog to be At Large in the Town.
- 4.2 No Owner shall permit a Dog to be off leash in any Town park or any other property owned by the Town except within an off-leash park area as designated by the Town.
- 4.3 Notwithstanding Section 4.2, no Owner shall allow their Dog to be At Large in a designated off leash park, unless a current Tag is affixed to the Dog's, collar, or harness.
- 4.4 No Owner shall allow their Dog to trespass on private property even when on a Leash.

- 4.5 No Person shall allow a Leash to extend to a point where the Owner cannot reasonably Control the Dog.
- 4.6 Any Dog found At Large may be impounded by any Officer and delivered to the Animal Shelter.
- 4.7 Every Person having Control of a Dog, including the operator of any Kennel or Animal Daycare Centre, upon realizing that the Dog is missing or has escaped, shall immediately notify the Animal Services Officer.
- 4.8 Every Police Dog is exempt from complying with this section.
- 4.9 Every Working/Livestock Guardian Dog is exempt from the prohibition against being At Large when actively engaged in their duties.
- 4.10 Every Working/Livestock Guardian Dog shall be microchipped.

#### Responsibility of Animal Owners

- 4.11 No Owner shall permit their Animal to bark, whine or howl persistently or to create any noise that is likely to disturb the inhabitants of the Town or that constitutes a public nuisance.
- 4.12 Every Owner shall immediately remove any excrement left by their Animal on public or private lands not being the property of the Animal Owner, and shall dispose of such excrement in a sanitary manner in an appropriate waste refuse container, or other means so as to not litter on public or private property.
- 4.13 Every Animal Owner shall remove and dispose of any excrement on their own 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.
- 4.14 Every Dog Owner shall while their Dog is outdoors on the Owner's 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 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 which may include an invisible fence in good working order to prevent the Dog from escaping.
- 4.15 No Dog Owner shall permit their Dog to Attack, with or without Provocation, any Person or Domestic Animal.

- 4.16 Where a Dog has Attacked or Bitten a Person or other Animal, the Owner shall be deemed to have permitted the Attack, Bite to occur, unless the Owner can prove, on a balance of probabilities, that he or she took all reasonable precautions to Control the Dog and to prevent the Attack or Bite from occurring.

## **5.0 CONTROL OF CATS**

- 5.1 No Cat Owner shall allow such Cat to cause damage or create a nuisance or disturbance to another Person, another Person's property, or to public property.

## **6.0 NUMBER OF CATS**

- 6.1 No Person shall keep more than four (4) Cats in any Dwelling Unit or any structure used for commercial, industrial, or institutional purposes within the Town.
- 6.2 Section 6.1 does not apply to the following;
- (a) The operation of a Kennel, Animal Daycare Centre or Pet Store licenced under the provisions of this By-law;
  - (b) an animal hospital owned and operated by a Veterinarian licenced by the Ontario Veterinarian Association;
  - (c) an Animal Pound or Animal Shelter; or
  - (d) Rural "RU" zoned property.
- 6.3 Notwithstanding section 6.1, a Foster Family may house or foster up to six (6) Cats on a temporary basis provided that the Cats are the property of a recognized shelter or rescue group.
- 6.4 Notwithstanding section 6.1, any Person who owns more than the permitted number of Cats on the date that 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 within 90 days of the date that this By-law comes into force.

## **7.0 IMPOUNDMENT**

- 7.1 The Animal Services Officer may seize and impound any Dog found At Large and may cause such Dog to be delivered to the Animal Shelter.
- 7.2 A Domestic Animal seized pursuant to this By-law shall be considered impounded at the time and place when it comes under the Control of the Animal Services Officer.
- 7.3 The Animal Shelter shall Keep an impounded Domestic Animal, 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 Domestic Animal by payment of the applicable fees.

- 7.4 No attempt may be made by any authority or Person to claim or purchase from the Animal Shelter a Domestic Animal for the purpose of research, and no Domestic Animal shall be offered for the purpose of research.
- 7.5 If a seized and impounded Domestic Animal is seriously injured or ill it will, at the discretion of the Animal Shelter staff, be euthanized without delay for humane reasons, or for public safety with all cost recovered from the Owner.
- 7.6 If a seized Domestic Animal is injured and the services of a Veterinarian are required, the Owner shall not be entitled to redeem the Domestic Animal unless the charges for such veterinary services are paid.
- 7.7 In order to obtain the release of an impounded Domestic Animal during the redemption period the Owner shall:
  - (a) pay the required Animal Shelter fees;
  - (b) where the animal is unlicensed, obtain and pay for a Licence;
  - (c) pay the costs incurred for veterinary services, if applicable.
- 7.8 An Animal Services Officer and/or the Animal Shelter shall, within twenty-four (24) hours of the impounding of a Domestic Animal, make every reasonable effort to notify the Owner, if known, that the Domestic Animal is impounded and the conditions whereby custody of the Domestic Animal may be regained.
- 7.9 Any Person shall be entitled to take charge of any Dog found At Large and deliver same to an Animal Services Officer or Animal Shelter during normal operating hours.

## **8.0 NOTICES AND ORDERS - DOGS**

- 8.1 Where the Animal Services Officer has reason to believe that a Dog has Bitten or Attacked any Person or Domestic Animal, the Animal Services Officer or other duly appointed Officer may issue a Muzzle Order to the Owner requiring that the Dog be kept muzzled and impose any other conditions deemed appropriate by the Animal Services Officer all of which shall be set out in the Order. Such Order shall set out the conditions necessary to ensure the health and safety of the Owner, the Dog, and other Persons and Animals.
- 8.2 Notwithstanding Section 8.1, absent a bite, a Muzzle Order may be issued by the Animal Services Officer, if in the opinion of the Animal Services Officer, the Dog has a temperament, disposition or history of aggressive behaviour; or is a Menacing Dog.

- 8.3 Where an Animal Services Officer has reasonable grounds to believe that a Dog may engage in an aggressive act, an Animal Services Officer may issue a Training Order requiring the Dog to receive training in a form and within such time as may be set out by the Animal Services Officer in the Training Order.
- 8.4 Where a Training Order has been issued in respect of a Dog, the Dog's Owner shall provide proof of compliance with the Training Order to the Town within the timeline imposed.
- 8.5 A Muzzle Order and Training Order may be served by delivering it personally to the Dog's Owner or by sending it registered mail to the last known address of the Dog's Owner.
- 8.6 Where the Muzzle Order and Training Order are served by registered mail, service is deemed to be made on the fifth calendar day after mailing.
- 8.7 Notwithstanding any other provision of this By-law, when a Muzzle Order has been served, the Dog's Owner:
  - (a) shall not permit the Dog to be off the Owner's premises unless it is properly Leashed and Muzzled;
  - (b) shall ensure that the Dog does not Bite, chase or Attack a Person or Domestic Animal on any property, including that of the Owner;
  - (c) shall either tether the Dog on a chain capable of restraining the Dog or confine it within a fenced yard capable of preventing the Dog from escaping;
  - (d) shall keep the Dog under the Control of a Person at least sixteen (16) years of age when the Dog is not on the Owner's premises;
  - (e) shall notify the Manager within forty-eight (48) hours of the event if the Dog is transferred to a new location or if the ownership of the Dog is transferred to another Person;
  - (f) shall not contravene any conditions imposed by the Muzzle Order;
  - (g) shall not permit the Dog to enter at any time, any off-leash dog park or zone;
  - (h) shall within thirty (30) days of service of the Muzzle Order, have the Dog identified with a microchip implantation at the Owner's expense and register the said microchip number with the Manager; and
  - (i) shall notify the Manager within forty-eight (48) hours of the event should the Dog be destroyed.
- 8.8 A Muzzle Order expires when the Dog dies or the Manager is satisfied that the Dog no longer resides in the Town.

## **9.0 MUZZLE ORDER APPEAL HEARING**

- 9.1 Where a Muzzle Order has been issued, the Dog Owner may apply for a hearing to appeal the Order to the Appeal Committee.

- 9.2 A request for a hearing shall be made in writing and shall be accompanied by the applicable, non-refundable appeal Fee, and delivered to the secretary of the Appeal Committee within ten (10) business days after the Muzzle Order has been served.
- 9.3 Upon receipt of the request for a hearing from the Dog Owner, the secretary of the Appeal Committee shall convene a meeting of the Appeal Committee, as soon as is practicable and notify the Dog Owner and any victim(s) of the Attack of the time, date and location of the hearing.
- 9.4 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.
- 9.5 The Dog Owner and any other interested Person may appear at the hearing and present oral or written evidence relating to the Dog.
- 9.6 If the Dog Owner fails to appear at the hearing, the Muzzle Order shall be deemed to be in full force and effect as if no appeal had been filed and shall be final and binding with no further right of appeal.
- 9.7 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.
- 9.8 The Appeal Committee may:
  - (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 deems appropriate.
- 9.9 The decision of the Appeal Committee is final and binding with no further right of appeal.
- 9.10 The Notice of the hearing or any matter which arises relating to the proceedings of the Appeal Committee not covered by this By-law shall be governed by the Statutory Powers Procedures Act.

## **10.0 BUSINESS LICENCES**

### General Provisions

- 10.1 No Person shall operate a Kennel, Animal Daycare Centre or Pet Store within the Town without first obtaining a Business Licence.
- 10.2 Notwithstanding any other provisions of this By-law, every Owner or Operator of a Kennel, Animal Daycare Center or Pet Store shall obtain a Business Licence issued by the Town for each calendar year, prior to February 28<sup>th</sup> of that year.
- 10.3 Every Business Licence applicant shall pay the required Fee.
- 10.4 A Business Licence shall not be issued or renewed unless the applicant complies with the requirements of all other applicable laws including the Town's Comprehensive Zoning By-law.
- 10.5 Every Kennel, Animal Daycare Center and Pet Store is subject to inspection to ensure compliance with the provisions of the By-law prior to a Business Licence being issued or renewed.
- 10.6 Every Owner/Operator of a Kennel, Animal Daycare Center or Pet Store shall:
  - (a) maintain a current Business Licence issued under this By-law;
  - (b) permit an Officer, upon production of proper identification, to enter and inspect the premises at all reasonable times for the purposes of determining compliance with the Business Licence, this By-law, and any other applicable law;
  - (c) undertake measures to ensure that residences on adjacent properties are not subjected to persistent barking, calling, whining or other similar persistent noise making by Dogs kept at such premises;
  - (d) post the Business Licence in a conspicuous place at the licenced premises;
  - (e) notify the Manager within seven (7) days of any change in his or her business or residential address;
  - (f) ensure the premises are sanitary, well ventilated, and free of offensive odours;
  - (g) ensure that before any Animal is taken into any Kennel, Animal Daycare Center or Pet Store, that the Animal is current in its vaccinations against rabies and that every Animal has been inspected for distemper or other contagious or infectious disease;
  - (h) ensure all Dogs boarded or Kept at a Kennel, Animal Daycare Center or Pet Store are individually licenced with a Tag for the current year from the municipality in which the Dog resides;
  - (i) record, the names and addresses of the Owners of the Animals boarded at the Kennel or Animal Daycare Center including emergency contact number for the Owners;

- (j) record, the name, breed, description, health, Tag number, vaccination information and micro-chip number if available and the date of arrival and departure of all Animals;
  - (k) ensure the records are available for inspection by the Town during business hours; and
  - (l) permit an Officer, upon production of proper identification, to enter and inspect the Pet Store at all reasonable times for the purposes of determining compliance with the Business Licence, this By-law, and any other applicable law.
- 10.7 Notwithstanding the provisions of this By-law, the Town reserves the right to impose specific conditions on any Business Licence issued pursuant to this By-law.
- 10.8 A Business Licence issued pursuant to this By-law is non-transferrable. If the business is sold or there is a change in its control, the Business Licence shall immediately terminate, and the new owners shall be required to apply for a new Business Licence.
- 10.9 Every Owner/Operator of a Kennel, Animal Daycare Center or Pet Store in existence at the time of the passage of this By-law shall comply with the Business Licencing requirements of this By-law within six (6) months of the date of passing of this By-law.

#### Care and housing of Animals

- 10.10 Every Owner/Operator of a Kennel, Animal Daycare Centre or Pet Store shall:
- (a) provide adequate food specific to the Animals' needs;
  - (b) ensure that every Animal has access to clean water at all times;
  - (c) keep bulky food supplies in pest proof containers;
  - (d) keep Animal(s) in clean, healthy conditions, free of vermin, waste and disease;
  - (e) provide adequate light specific to the needs of each species of Animal;
  - (f) provide Animals with the opportunity to exercise;
  - (g) ensure Animals have access to shelter;
  - (h) ensure that any Animal suffering from any disease, ailment or injury shall be given care and attention from a Veterinarian within 24 hours of the onset of symptoms and that the Animal is kept in a quarantine area, separate from all other Animals, until a Veterinarian certifies that the Animal is in good health;
  - (i) ensure that every cage or other container used for the purpose of Keeping or housing of any Animal is of adequate size to permit the Animal to stand normally to its full height, to extend its legs and body to their full natural extent, to turn around, and lie down in a fully extended position;



- (j) shall keep no more than one Animal per cage, unless the Animals are a bonded pair or are nursing;
- (k) Keep the Animals in a Sanitary Condition, well bedded, well ventilated, free from offensive odours is naturally lit, clean and maintained at a healthful temperature at all times;
- (l) every run or pen area must be regularly cleaned and Sanitized with excrement removed and properly disposed of daily; and
- (m) shall have regard to the guidelines set out in “A Code of Practice for Canadian Kennel Operations”, as amended and superseded from time to time.

### Kennels

10.11 In addition to the general licensing requirements set out herein, every Person who applies for a Business Licence to operate a Kennel shall comply with the following additional requirements:

- (a) the Kennel and its location must conform to the Town’s Zoning By-law and the Ontario Building Code;
- (b) the Kennel shall have a floor of concrete or other impermeable material and such floor shall be thoroughly cleaned daily, or more often if necessary;
- (c) the Kennel shall have electric lighting, windows that can be opened for proper ventilation or a system to provide air ventilation and free air supply, a heating system sufficient to adequately heat the structure, hot and cold running water and a food preparation area;
- (d) dog runs, pens, exercise yards and all related structures and Animal Enclosures used in connection with the operation that are located adjacent to a zone that permits a dwelling or is located adjacent to a public road, shall be screened by a solid fence or structure that cannot be seen through and having a required minimum height of 1.8 metres;
- (e) dog runs, pens, exercise yards and all related structures and Animal Enclosures shall not be permitted in the front yard, unless otherwise permitted by the Zoning By-law; and
- (f) the number of Dogs at a Kennel shall not exceed 50.

### Animal Daycare Center

10.12 In addition to the general licensing requirements set out herein, every Person who applies for a Business Licence to operate an Animal Daycare Center shall comply with the following additional requirements:

- (a) the Town’s Zoning By-law;
- (b) Ontario Building Code; and
- (c) provide no overnight boarding.

## Pet Stores

10.13 In addition to the general licensing requirement set out herein, every Person who applies for a Business Licence to operate a Pet Store shall comply with the following additional requirements:

- a) the Operator does not permit the sale, transfer or disposition of a Domestic Animal except one that is acquired by the Operator from a municipal animal shelter, registered humane society, registered shelters, or a recognized animal rescue group;
- b) provide to every purchaser of a Domestic Animal a health assessment from a licensed Veterinarian to verify the animal has received veterinary care;
- c) not keep or sell any sick, injured, or diseased Animals;
- d) the Pet Store shall be maintained at all times in a Sanitary Condition, well-ventilated, clean condition, and free from offensive odours;
- e) Every Animal shall be kept in a sanitary, well-bedded, well-lighted, clean quarters, kept at a temperature appropriate for the health requirements of the type or species of Animal housed therein;
- f) not display any Animal in an exterior display window;
- g) not permit to be sold, offer for sale, or give away any Animal before it has reached the normal weaning age, based on known requirements of that particular species; and
- h) give the purchaser on any sale or disposition of any Animal, a receipt showing the name and address of the vendor and the purchaser, the date of sale, the sale price, the breed or crossbreed, sex, age, and description.

10.14 Every Pet Store shall maintain a registry of each Domestic Animal purchased or otherwise obtained. Each entry shall be made at the time each Domestic Animal comes into the possession of any Owner, employee, or Person associated with the Pet Store and shall include:

- a) the date of purchase;
- b) a full description of the Domestic Animal;
- c) the name, address, and contact information of the Person from whom the Domestic Animal was purchased or otherwise obtained; and
- d) the Pet Store shall retain the register in respect of each transaction for the period of twelve (12) months thereafter.

## Application for a Business Licence or Business Licence Renewal

10.15 An application for a Kennel, Animal Daycare Center or Pet Store Business Licence, or renewal, shall be submitted in the proper form, and shall include a detailed site plan on all new applications and/or on any proposed expansion to the operation, to the satisfaction of the Manager.

- 10.16 The Manager is authorized to process Business Licence applications in accordance with this By-law.
- 10.17 The Manager shall issue a Business Licence where the Manager is satisfied that the applicant has complied and will comply at all times with this By-law and all applicable laws.
- 10.18 A Licence issued under this By-law will expire on the 31st day of December of the same year.
- 10.19 Prior to issuance of a Licence, the applicant may be required to obtain Site Plan Approval from the Town.
- 10.20 The Manager, may suspend a Business Licence if the Operator fails to comply with any provision of this By-law and such non-compliance is not remedied within seven (7) days following the notice from the Town specifying the particulars of the non-compliance. The Manager has the authority to revoke the Licence if necessary.

#### Insurance

- 10.21 Every applicant for a Business Licence shall file with the Manager proof of insurance of Commercial General Liability insurance coverage subject to limits of not less than two million dollars (\$2,000,000.00) inclusive per occurrence for bodily injury, death and damage to property, including loss of use thereof or such higher limits and additional coverage that the Manager may require.
- 10.22 The proof of insurance shall contain an endorsement to provide the Manager with thirty (30) days prior written notice of any cancellation or of a material change.

### **11.0 APPLICATION, SUSPENSION, CANCELLATION AND REFUSAL OF A BUSINESS LICENCE**

- 11.1 The Manager may revoke, suspend, cancel, or refuse to renew or issue a Business Licence:
  - a) where the past conduct of the applicant or licensee affords reasonable grounds to believe that the applicant or licensee will not carry on the activity for which the applicant is applying for; or
  - b) where the applicant or licensee has been found by the Manager or Officer to fail to comply with any provision of this By-law or other applicable laws; or
  - c) where the applicant has been found by the Manager to have provided false information in order to obtain a Business Licence.
- 11.2 Upon such revocation, suspension, cancellation, or refusal to issue or renew a Business Licence, the Manager shall provide a formal letter outlining the

reason(s) for the refusal which shall be delivered to the applicant or licensee within seven (7) business days. Such notice shall set out and give reasonable particulars of the ground(s) for the decision and options for an Appeal Hearing.

- 11.3 An applicant for a Business Licence, or a renewal thereof, may request a hearing before the Appeals Committee for reconsideration of the Manager's decision to revoke, suspend, cancel, or refuse to issue or renew a Business Licence by delivering a written request to the secretary of the Appeal Committee within fourteen (14) days of the Manager's decision being sent.
- 11.4 Where a request has been provided to the Appeal Committee, the appellant shall pay a non-refundable Appeal Fee.
- 11.5 The appellant shall have the right to make a submission in support of an application or renewal or retention of a Licence before the Appeal Committee.
- 11.6 Failure of the appellant to attend the scheduled hearing before the Appeals Committee shall result in the proceeding of the hearing.
- 11.7 The decision of the Appeals Committee is final and binding.
- 11.8 No Person shall conduct or market any business pursuant to their Business Licence during a period of suspension of that Business Licence.

## **12.0 KEEPING OF ANIMALS**

### General Provisions

- 12.1 No Animal Owner shall, knowingly, or unknowingly, allow an Animal to be At Large within the geographic limits of the Town.
- 12.2 Every Owner who Keeps or harbours Livestock shall prevent the Animals from leaving the property at any time by erecting a perimeter fence or other interior enclosure, and further such Owner shall keep the said perimeter fence or other interior enclosure in good repair.
- 12.3 No Person shall Keep, or cause to be kept any Animal unless it is listed in Schedule 'A' – Permitted Animals in the Town, with the following exemptions:
  - (a) the premises of an accredited veterinary hospital under the care of a licenced Veterinarian;
  - (b) Service Animals provided a letter is supplied by a qualified practitioner detailing why the Animal is required, how the Animal shall be kept and cared for, and provided the Animal does not pose a risk for health and safety of another Person;
  - (c) premises of the York Regional Police Department;
  - (d) schools or education facilities and programs; or

- (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.

- 12.4 Despite subsection 12.3, a Person who owns a prohibited Animal on the date this By-law comes into effect may keep such Animal until the Animal dies or is otherwise disposed of, provided that the Animal is kept in an environment which is appropriate for the species and the Owner has registered such Animal with the Town within 30 days of the date that this By-law comes into effect.
- 12.5 No Person shall knowingly or unknowingly, Keep, own or harbour, or permit to be Kept, owned, or harboured, within the Town any Wild Animal.
- 12.6 No Person shall knowingly or unknowingly, Keep, own or harbour, or permit to be kept, owned, or harboured, within the Town any protected and/or endangered animals, native or exotic, whose possession or sale is prohibited pursuant to applicable law.
- 12.7 No Person shall Keep, or cause to be Kept, more than six (6) Animals on any premises, but this prohibition does not apply to the following:
  - (a) a Kennel, Animal Daycare Centre or Pet Store;
  - (b) an animal hospital owned and operated by a Veterinarian licenced by the Ontario Veterinarian Association;
  - (c) an Animal Pound or Animal Shelter;
  - (d) the keeping of Animals on lands zoned and used for agricultural purposes; and
  - (e) the keeping of Pigeons.
- 12.8 No Person shall Keep any Animal in a condition which disturbs or is likely to disturb the enjoyment, comfort, or convenience of any Person.
- 12.9 No Person shall Keep any Animal in a condition that endangers or is likely to endanger the health of any Person or Animal.
- 12.10 No Person shall house Livestock in a structure that fails to meet the Ontario Ministry of Agriculture and Rural Affairs (OMAFRA) minimum distance separation (MDS) requirements.
- 12.11 Where Livestock is housed in a structure not requiring a building permit, the structure shall have a minimum setback of seven (7) metres from the property line.

### Animal Care Provisions

- 12.12 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 which is in addition to shade provided by an Animal Enclosure;
  - (e) Sanitary Conditions for the Animal; and
  - (f) adequate veterinary care deemed necessary by a reasonable prudent Person to relieve the Animal from Distress.
- 12.13 No Person shall Keep an Animal tethered on a rope, chain or similar restraining device unless the tether:
- (a) is at least three (3) meters in length;
  - (b) is attached to a permanently fixed object;
  - (c) allows the Animal to move safely and unrestricted within the range of such tether;
  - (d) the Animal cannot suffer injury as a result of tethering;
  - (e) allows the Animal to have access to adequate water, food, shelter, and shade.
- 12.14 No Animal shall be tethered for longer than three (3) hours, consecutive or not, within the same calendar day. For greater clarification, if the Animal is observed being tethered for any amount of time within a one (1) hour period, it is deemed to have been there for one (1) of the three (3) hours during that calendar day.
- 12.15 The Owner of an Animal shall ensure that such Animal is not left unattended while tethered or tied on premises where the public has access, whether the access is expressed or implied.
- 12.16 The Owner of an Animal left unattended in a motor vehicle shall ensure that:
- (a) the Animal is restrained in a manner that prevents contact between the Animal and any member of the public;
  - (b) the Animal has suitable ventilation; and
  - (c) the Animal is not exposed to extreme temperatures which can cause distress and/or death.

### Pound Keepers – Livestock

- 12.17 Where an Animal is found to be At Large, the Pound Keeper may try to contact the Owner to retrieve their Animal or may impound any Animal found At Large.

- 12.18 A Pound Keeper shall make reasonable efforts to determine the identity of the Owner of the Animal and to inform the Owner and the Town Clerk that an Animal has been impounded, in accordance with the Pounds Act, R.S.O. 1990, c P.17.
- 12.19 In the event that the Pound Keeper does not find the Owner, the Town Clerk, upon receiving a notice from the Pound Keeper, shall post such notice in a conspicuous place at the Town office for the total number of days during which period such Animal can be redeemed in accordance with the By-law. The Pound Keeper shall make reasonable inquiries with any persons who may live in the immediate area in which the Animal was found At Large to determine the Owner of the Animal.
- 12.20 The Owner of any Animal impounded pursuant to this By-law may obtain the release of said Animal upon payment to the Town of the cost incurred for the capturing, impounding and care of the Animal, including any fines being issued.
- 12.21 Where an Animal is injured before or after being seized or impounded, and in the opinion of the Pound Keeper should be destroyed without delay for humane reasons or for reasons of safety to persons or Animal, the Pound Keeper, may destroy the Animal in a humane manner at any time after being seized or impounded, The Animal's Owner shall pay the Town the cost of construction together with all other applicable fees.
- 12.22 Where an Animal is seized or impounded by the Pound Keeper, and the services of a Veterinarian are required, the Owner shall pay to the Town all veterinary fees in addition to the costs incurred for the capturing, impounding and care of the Animal.
- 12.23 If an Animal impounded by the Pound Keeper pursuant to this By-law is not claimed within five (5) days after impounding, or if the damages, penalties and expenses imposed by this By-law are not paid, within the timelines as outlined in the Pounds Act, the Pound Keeper may sell the Animal and the proceeds of such sell shall be applied to:
- (a) any expenses incurred by the Pound Keeper in selling the Animal;
  - (b) any expenses incurred by the Pound Keeper for services rendered to the impounded Animal;
  - (c) any damages payable in accordance with a damage appraisal prepared by the Pound Keeper; and
  - (d) to the Town.

### **13.0 KEEPING OF PIGEONS**

- 13.1 No Person shall Keep more than six (6) Pigeons on any lot in a residential zone;

- 13.2 Despite Section 13.1, any Person who is a member in good standing of a recognized Pigeon club which is affiliated with a national organization may Keep or harbour up to 30 Racing Pigeons on a residential lot.
- 13.3 Every Owner of a Pigeon shall:
- (a) ensure that each Pigeon shall wear a leg band that identifies the Owner of the bird, and shall register these numbers with the recognized Pigeon club which is affiliated with a national organization;
  - (b) ensure all Pigeons are not kept in, upon, or under any building used for human habitation;
  - (c) Keep all Pigeons in a bird enclosure of sufficient size to house all birds, which shall provide a minimum space of one (1) square metre of loft space for every 10 birds, and shall be constructed as to prevent escape of Pigeons and be Kept in a Sanitary Condition at all times;
  - (d) ensure the bird enclosure is located no less than seven (7) metres from any dwelling, shop or apartment building, and no less than three (3) metres from any adjoining property line and in the rear yard;
  - (e) ensure the Pigeons do not stray, perch, roost, nest or rest upon any premises other than on premises of the Owner;
  - (f) Keep the Pigeons in a building, structure, loft, pen, coop or run which is maintained by regular painting or with permanent siding;
  - (g) Sanitize, lime wash, paint or disinfect the inside walls and ceilings of all buildings, structures, lofts, pens, coops and runs used for the Keeping of Pigeons other than outside runs enclosed solely with wire, at least four times per calendar year;
  - (h) remove and dispose of in a sanitary manner, at least twice each week, all Pigeon droppings and refuse within or adjacent to all buildings, structures, loft, pens, coops and runs used for the Keeping of Pigeons, it being understood that this requirement shall not apply when below freezing temperatures prevent waste removal and disposal;
  - (i) store all Pigeon feed in rodent-proof containers;
  - (j) Keep all equipment associated with the Keeping of Pigeons under cover;
  - (k) Keep the Pigeons enclosed at all times, except to allow a maximum of two flights per day, which no more than fifty (50) percent of the total number of Pigeons being kept shall be permitted to be At Large during any particular flight period, it being understood that this restriction shall not apply to members of a Racing Pigeon club when the members are participating in a bona fide flight conducted by the club; and
  - (l) the release of the Pigeons for flights shall be under the supervision of the Pigeon Owner, or some other competent person.
- 13.4 Section 13.1 does not apply to any Person who, at the time this By-law came into force and effect and since that time, has kept more than the maximum permitted number of such Pigeons, provided that:



- (a) said Person provides written proof with the Town that he or she is a member of a recognized Pigeon Racing Club, and
- (b) Pigeons that exceed the maximum permitted number shall not be replaced when they are transferred, lost or die.

#### **14.0 RESIDENTIAL BACKYARD HENS**

- 14.1 No Person shall keep a Hen on a lot having an area less than one (1) acre.
- 14.2 Hen coops shall only be permitted in the rear yard.
- 14.3 Hen coops and hen runs shall be maintained in a Sanitary Condition and the coop shall be kept free of obnoxious odours, substances, and vermin.
- 14.4 A Hen shall be kept in an enclosed hen run when not in their coop.
- 14.5 No person shall Keep more than six (6) Hens on a lot in any zone, except a rural zone.
- 14.6 Every Hen Owner shall ensure that the enclosure is located no less than seven (7) metres from any dwelling, shop, or apartment building, and no less than three (3) metres from any adjoining property line.
- 14.7 A Hen enclosure shall be a minimum size of ten (10) square feet per Hen.
- 14.8 Home slaughter of hens is prohibited in a residential zone.
- 14.9 Deceased hens shall be disposed of at a livestock disposal facility or through the services of a veterinarian.
- 14.10 No Person shall Keep a rooster in any residential zone.

#### **15.0 APIARIES**

- 15.1 No Person shall Keep an Apiary on a lot having an area of less than one (1) acre.
- 15.2 An Apiary shall only be permitted in a rear yard.
- 15.3 An Apiary cannot be placed within 30 metres of a property line separating the land on which the hives are placed, or from land occupied as a dwelling or used for a community centre, public park or other place of public assembly or recreation.
- 15.4 A Beekeeper shall comply with the Bees Act.

## **16.0 FEEDING OF WILDLIFE**

- 16.1 No Person shall Feed a Wild Animal or leave food or attractants of any type or in any form out of doors in such a manner as to attract, or be accessible by, a Wild Animal, feral or stray domestic Animal on private or public property.
- 16.2 Section 16.1 does not apply to the Feeding of songbirds on a property, provided the owner or occupier of the property places seed in a bird feeding device that is sufficiently above grade and maintained in a Sanitary Condition so as to not create a Nuisance.
- 16.3 Section 16.1 does not apply in the following situations:
- (a) the leaving of food as bait in a humane trap by a property owner to capture a nuisance Animal inhabiting or habituating their property;
  - (b) the leaving of food as bait by a licensed trapper or an employee of a licensed wildlife or pest control agency, an Officer, or a provincial animal welfare inspector; or
  - (c) the leaving of food for a colony of stray or feral cats by a TNR Operator.

## **17.0 ORDER TO DISCONTINUE ACTIVITY**

- 17.1 An Officer may issue an Order requiring any Person to discontinue a contravention of this By-law.
- 17.2 An Order under this section shall identify:
- (a) the location of the Property on which the contravention occurred;
  - (b) reasonable particulars of the contravention of the By-law; and,
  - (c) the date by which there must be compliance with the Order.
- 17.3 An Order under this section may be given orally or in writing and if in writing, may be served personally on the Person to whom it is directed or sent by registered or regular mail to the last known address of that Person. If the Order is delivered by mail to the last known address of that Person, it shall be deemed to have been received on the third day after it is mailed. An affidavit of service shall be admissible as evidence in any proceeding as proof of service of mailing of the Order.

## **18.0 POWERS OF ENTRY AND INSPECTION**

- 18.1 Officers and Persons acting under their direction may, at any reasonable time, or at any time when a contravention is occurring or alleged to be occurring, enter onto any Property to determine if the provisions of this By-law are being complied with and may enter onto any Property to carry out any remedial actions required to bring the Property into conformity with the By-law.

## **19.0 WORK ORDERS**

- 19.1 Where a Person contravenes this By-law, an Officer may issue a Work Order to the Person or the Owner of the Property where the contravention occurred, directing them to do the work set out in the Work Order to correct the contravention. The Person or Owner shall comply with the Work Order within the time specified in the Work Order.
- 19.2 The Order shall set out the:
- (a) reasonable particulars of the contravention adequate to identify the contravention on which the contravention occurred; and
  - (b) work to be done and the date by which the work must be done.
- 19.2 An Order under this section may be given orally or in writing and if in writing, may be served personally on the Person to whom it is directed or sent by regular mail to the last known address of that Person. If the Order is delivered by regular mail to the last known address of that Person, it shall be deemed to have been received on the third day after it is mailed. An affidavit of service shall be admissible in evidence in any proceeding as proof of service of mailing of the Order.
- 19.3 The Town may recover the remedial action and enforcement cost incurred under Subsection 19.1 of this By-law by legal action and/or by adding them to the tax roll and collecting them in the same manner as property taxes in accordance with Section 446 of the Municipal Act.

## **20.0 PENALTY PROVISIONS**

- 20.1 Every Person who contravenes any of the provisions of this By-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.
- 20.2 Upon conviction, any fine imposed under this By-law may be collected under the authority of the Provincial Offences Act, as amended.
- 20.3 Every Person who is guilty of an offence under this By-law shall be subject to the following penalties:
- (a) Upon a first conviction, shall be liable to a fine of not less than \$300.00 and not more than \$50,000.00;
  - (b) Upon a second or subsequent conviction for the same offence, to a fine of not less than \$500.00 and not more than \$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 of part of a day that the offence continues.

- (d) Upon conviction for 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.

20.4 For the purpose 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 the same provision of this By-law.

20.5 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.

## **21.0 CONTINUATION, REPETITION PROHIBITED BY ORDER**

21.1 The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the Person convicted, and such order shall be in addition to any other penalty imposed on the Person.

## **22.0 ADMINISTRATIVE PENALTIES**

22.1 Instead of laying a charge under the Provincial Offences Act, for breach of any provision of this By-law, an Order, a Work Order, or any other order issued pursuant to this By-law, an Officer may issue an Administrative Penalty to the Person who has contravened this By-law.

22.2 The Officer has the discretion to either proceed by way of an Administrative Penalty or a charge laid under the Provincial Offences Act. If an Administrative Penalty is issued to a Person for the breach, no charge shall be laid against that same Person for the same breach.

22.3 The amount of the Administrative Penalty for a breach of a provision of this By-law, issued under this By-law, is fixed as set out in an Administrative Penalty By-law as amended, or any successor By-law.

22.4 A Person who is issued an Administrative Penalty shall be subject to the procedures as provided for in an Administrative Penalty By-law, as amended, or any successor By-law.

22.5 An Administrative Penalty imposed on a Person pursuant to this By-law that is not paid within 15 days after the day it becomes due and payable, constitutes a debt of the Person to the Municipality and may be added to the municipal tax roll and collected in the same manner as municipal taxes.

## **23.0 COLLECTION OF UNPAID FINES**

- 23.1 Where a fine is in default, the Municipality may proceed with civil action against the Person upon whom the fine has been imposed, pursuant to the Provincial Offences Act.
- 23.2 The Municipality may make a request to the treasurer of the local municipality to add any part of a fine that is in default to the tax roll for any Property in the local municipality for which all the Owners are responsible for paying the fine, and collect it in the same manner as municipal taxes.

## **24.0 ENFORCEMENT**

- 24.1 The provisions of this By-law may be enforced by an Officer.
- 24.2 An Officer who has reasonable grounds to believe that a Person has contravened any provision of this By-law may require that Person to provide their identification to the Officer.
- 24.3 Every Person who is required by an Officer to provide identification under section 24.2 shall identify themselves to the Officer. A Person giving their correct name, date of birth, and address shall constitute sufficient identification. Failure to provide sufficient identification shall constitute obstruction of the Officer and is an offence under this By-law.

## **25.0 OFFENCES**

- 25.1 Any Person who contravenes or fails to comply with any provision of this By-law, an Order, Work Order, or any other order issued pursuant to this By-law is guilty of an offence.
- 25.2 No Person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer who is exercising a power or performing a duty under this By-law.
- 25.3 No Person shall fail to comply with any condition or term of any Order, Work Order, or any other order issued under this By-law. If there is a 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 continuing offence for each day or part of a day that the contravention remains uncorrected.

## **26.0 VALIDITY AND SEVERABILITY**

- 26.1 If any provision or part of this By-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the By-law, or its

application in other circumstances, shall not be affected and shall continue to be in full force and effect.

26.2 This By-law comes into force and effect on the day it is passed.

**27.0 INTERPRETATION**

27.1 Where a provision of this By-law conflicts with a provision of this or any other by-law, statute or regulation, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall be applicable.

**28.0 SHORT TITLE**

28.1 This By-law may be cited as the “Animal Care and Control By-Law”

**29.0 REPEALED**

29.1 That By-laws #2004-119 as amended, #2001-115, #2000-64 and #91-48 are hereby repealed in their entirety.

ENACTED and PASSED this 20<sup>th</sup> day of October, 2020.

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Virginia Hackson, Mayor

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Fernando Lamanna, Municipal Clerk

**SCHEDULE “A” – PERMITTED ANIMALS**

Permitted Animals include the following:

**AGRICULTURAL LIVESTOCK**

1. Animals that are raised in an agricultural setting to produce farming labour or agricultural commodities;

**AMPHIBIANS**

2. Amphibians of the non-poisonous type;

**ARCHNIDS**

3. Arachnids of the non-venomous type and not from the theraphosidae (tarantulas) family of spiders;

**BIRDS**

4. Birds that are Kept in compliance with all provincial and federal regulations;

**MAMMALS**

5. Cats;
6. Dogs;
7. Domesticated Ferrets;
8. Domesticated Hedgehogs;
9. Domesticated Rabbits;
10. Domesticated Chinchillas;
11. Domesticated Degus;
12. Domesticated Mice;
13. Domesticated Rats;
14. Domesticated Gerbils;
15. Domesticated Guinea Pigs;
16. Domesticated Hamsters;

**FISH**

17. Ornamental fish, except those that are wild-caught, Kept in compliance with all provincial and federal regulation;

**REPTILES**

Permitted reptiles are of types that are non-venomous and non-constrictive and do not exceed 30 cm in length at maturity, with the exception of snakes which may not exceed 45 cm at maturity, and include:

18. Domesticated Turtles, except for Chelydridae (snapping turtle);
19. Domesticated Bearded Dragons;
20. Domesticated Geckos;
21. Domesticated Iguanas;
22. Domesticated Lizards;
23. Permitted snakes that are non-venomous and of a non-constrictive type.



## **The Corporation of the Town of East Gwillimbury**

### **By-law 2024-004**

#### **Being a By-law to amend the Animal Care and Control By-law**

Whereas on the 20<sup>th</sup> day of October, 2020 the Municipal Council of the Corporation of the Town of East Gwillimbury ("**Council**") enacted By-law 2020-085 the Animal Care and Control By-law; and

Whereas Council deems it appropriate to amend Animal Care and Control By-law 2020-085;

Now therefore the Municipal Council of the Corporation of the Town of East Gwillimbury enacts as follows:

1. That Section 14 of By-law 2020-085 is revoked and the following substituted:

#### **14.0 Residential Backyard Hens**

##### **Licence**

- 14.1 No Person, within the Town, shall keep Hens on a Residential Property without first being issued a Licence under this By-law.
- 14.2 Every applicant shall submit all required application documents, as outlined in this By-law and pay a \$100 Licensing fee.
- 14.3 All applications for a Licence to keep Hens on a Residential Property shall include:
  - (a) The name, contact email, phone number and address of the applicant where Hens will be kept;
  - (b) The number of Hens to be kept on the Property;
  - (c) A site plan of the property, showing all buildings and structures, including the proposed locations of the Hen coop and Hen run, as well as the dimensions and setbacks; and
  - (d) Any other documentation, deemed necessary by the Manager.
- 14.4 Once the application materials have been reviewed and the application has been approved, it is the responsibility of the licensee to contact the Town to arrange for a site inspection to be conducted by an Officer.
- 14.5 The applicant shall provide a signed declaration stating that the applicant reviewed the required education package provided by the Town regarding the keeping of Hens in a safe and secure manner.

- 14.6 The Town may issue a Licence with or without conditions, refuse a Licence, and/or revoke a Licence.
- 14.7 The Licence may be revoked if:
- (a) The licensee fails to comply with any conditions upon which the Licence was issued or fails to comply with any provision of this By-law;
  - (b) The Licence was issued in error, or as a result of mistake, false or incorrect information; and
  - (c) The licensee fails to install the Hen coop and Hen run on the property by no later than twelve (12) weeks after the Licence is issued.
- 14.8 A change of ownership shall make the Licence null and void.

### **General Provisions**

- 14.9 No Person shall Keep more than four (4) Hens on a lot in any zone, except in a rural zone.
- 14.10 The applicant or licensee must reside on the property where the Hens are kept.
- 14.11 Hen coops shall only be permitted in the rear yard.
- 14.12 Hen coops and Hen runs shall be maintained in a Sanitary Condition and the coop shall be kept free of obnoxious odours, substances, and vermin.
- 14.13 Every Hen owner shall ensure that the enclosure is located no less than three (3) metres from any dwelling, shop, or apartment building, and no less than two (2) metres from any adjoining property line.
- 14.14 Hens must be kept in a locked Hen enclosure from 9:00 p.m. to 6:00 a.m.
- 14.15 Hens must be at least 4 months old when acquired.
- 14.16 The sale of eggs, manure and other products associated with the keeping of Hens are prohibited.
- 14.17 Any leftover feed and manure shall be removed.
- 14.18 Stored manure shall be kept in an enclosed structure or container such as a compost bin, stored no less than one (1) metre from any adjoining property line and no more than three (3) cubic feet shall be stored at any one time. All other manure not used for composting or fertilizing shall be removed.
- 14.19 Maximum of one (1) Hen coop, and one (1) outdoor run shall be permitted.

- 14.20 A hen enclosure shall be a maximum ground floor of 9.0 m<sup>2</sup>.
- 14.21 Hen coops shall be at least 0.37 m<sup>2</sup> of floor area per hen, along with a minimum of 0.93 m<sup>2</sup> per Hen for the Hen run.
- 14.22 Hen coops and Hen runs shall not exceed 3 m in height.
- 14.23 No Person shall Keep a rooster in any residential zone.
- 14.24 Home slaughter of Hens is prohibited in a residential zone.
- 14.25 Deceased Hens shall be disposed of at a livestock disposal facility or through the services of a veterinarian.
- 14.26 Hens shall be confined to an enclosed Hen coop or Hen run at all times. The free roaming of Hens on the property is prohibited.
- 14.27 Hen coops shall have adequate ventilation and shall be weather and predator proof.
- 14.28 Hens shall be provided with appropriate food, water, space and environmental conditions conducive to good health and the opportunity to socialize and engage in fundamental behaviours such as scratching, roosting and dust bathing.
- 14.29 Feeders and water containers shall be provided and cleaned regularly and disinfected.
- 14.30 Feed shall be stored in rodent proof containers and secured at all times to prevent rodents and other animals from accessing it.
- 14.31 Notwithstanding, Hen coops and Hen runs shall meet all other requirements for an accessory structure as outlined in the Town's Zoning By-law.

2. That this By-law shall come into force and effect on the date of its passing and enactment.

Enacted and passed this 16<sup>th</sup> day of January, 2024.



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Brian Johns, Acting Mayor



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Tara Lajevardi, Municipal Clerk