

**THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE**

**BY-LAW NUMBER 2025-XXX-RE**

BEING A BY-LAW to regulate and control the keeping of animals and to license dogs within the Town of Whitchurch-Stouffville and to repeal by-law 2019-047-RE.

**WHEREAS** in the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, (the "*Municipal Act*"), Section 11(3) 9 authorizes municipalities to pass by-laws with respect to animals; and,

**WHEREAS** section 103 of the *Municipal Act 2001* confers the power to regulate or prohibit animals from being at large or trespassing and for the seizure and impoundment of animals found at large or trespassing contrary to the by-law under certain conditions; and,

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

**WHEREAS** Council deems it appropriate to delegate its powers under section 105(1) to conduct a hearing to the Court Administrator for the Town; and,

**WHEREAS** section 391 of the *Municipal Act 2001* enables a municipality to pass a by-law imposing fees or charges for services or activities provided or done by or on behalf of it; and,

**WHEREAS** the Council of The Corporation of the Town of Whitchurch-Stouffville deems it desirable to regulate and control the keeping of animals; and

**WHEREAS** the Council of The Corporation of the Town of Whitchurch-Stouffville deems it desirable to license dogs; and,

**WHEREAS** section 434.1 of the *Municipal Act* 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** section 436 of the *Municipal Act* 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** section 444 of the *Municipal Act* provides that a municipality may make an order requiring a Person who contravened a by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity; and

**WHEREAS** the Town has passed By-law 2024-039-RE, being a By-law to establish an administrative monetary penalty system for violations of designated by-laws within the Town of Whitchurch-Stouffville, in accordance with Sections 102.1(3)(a) and 434.1 of the *Municipal Act*, and O. Reg. 333/07, as amended;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE ENACTS AS FOLLOWS:**

1. That the short title of this By-law be the “Animal Services By-law”;
2. That this By-law shall come into force and effect on the date of passage by Council; and
3. That By-law 2019-047-RE is hereby repealed.

READ a first and second time this 5<sup>th</sup> day of March, 2025.

READ a third time and passed this 5<sup>th</sup> day of March, 2025.

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Iain Lovatt, Mayor

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Becky Jamieson, Clerk

DRAFT

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### 1. DEFINITIONS

- a. "AMPS" and "Administrative Monetary Penalty System By-law" means By-law 2024-039-RE of the Town, as amended from time to time, or any successor thereof.
- b. "Animal" means any member of the animal kingdom, other than humans, fish and aquatic invertebrates.
- c. "Animal Services Officer" includes:
  - a Municipal Law Enforcement Officer, a Supervisor of Municipal Law Enforcement and the Manager of Municipal Law Enforcement employed by the Town;
  - i. A person or class of person designated as such by a by-law of the Town;
  - ii. Any person, company, corporation or association providing any animal services service by contract to the Town; and
  - iii. Any employee, agent or representative of such person, company, corporation or association.
- d. "Animal Shelter" means such premises and facilities designated as the Town's animal shelter which are used for the purpose of the temporary housing and care of Domestic Animals that have been impounded or taken into Protective Care pursuant to this By-law.
- e. "Appeals Committee" means a Committee that is appointed by Council for the purpose of hearing appeals regarding Muzzle Orders, pursuant to this By-law.

- f. "Bite" means piercing or puncturing of the skin as a result of contact with a Dog's tooth or teeth.
- g. "Clerk" shall mean the Clerk of The Corporation of the Town of Whitchurch-Stouffville.
- h. "Consent Order" shall mean an undertaking signed by the Owner of a Dog to adhere to certain restrictions with respect to the methods to be used in restraining his or her Dog when it comes into contact with other persons or Domestic Animals.
- i. "Council" means the Council of The Corporation of the Town of Whitchurch-Stouffville.
- j. "Dangerous Dog" means any of the following:
  - i. A Dog that has killed a person, Domestic Animal or livestock, regardless of circumstances;
  - ii. A Dog, in the absence of any Mitigating Factor, that has bitten or injured or harmed a person, Domestic Animal or livestock;
  - iii. A Dog that is kept for the purposes of security or protection, whether residential, commercial or industrial, on a person's property;
  - iv. An attack-trained Dog other than Dogs used in law enforcement;
  - v. A Dog which has been declared dangerous in another municipality in Ontario.
- k. "Dog" shall mean any male or female Dog over the age of 16 weeks.
- l. "*Dog Owners' Liability Act*" means the *Dog Owner's Liability Act*, R.S.O. 1990, c. D. 16, as amended.
- m. "Domestic Animal" means any Animal that is kept under human control, ownership, possession or by habit or training lives in association with human beings, including, but not limited to a horse, cow, chicken, dog or cat.
- n. "Keep or Keeping" means to have temporary or permanent control, ownership, or possession of an Animal;
- o. "Large Livestock Animal" means any animal commonly raised in an agricultural setting and whose species' adult weight is typically over 150lbs which includes, but is not limited to, a horse, cow, donkey, or pig.
- p. "Leash" means a restraining device attached to the collar or harness worn by a Domestic Animal not more than 2 meters in length and of sufficient strength to restrain the Domestic Animal.
- q. "Leg Hold Trap" means a trap that is designed to capture but not kill an Animal by seizing and holding it by a leg.
- r. "Licence" means a dog licence issued pursuant to this By-law.
- s. "Licence Tag" means a disc or other shape of metal or plastic furnished by the Town suitable to be securely affixed to a Dog's collar

or other restraining device, which must be worn by the Dog whenever the Dog is off the Owner's property.

- t. "Licensing Officer" shall mean the person or persons authorized by the Town to issue Dog Licences and to collect the required fees.
- u. "Microchip" means an approved Canadian standard encoded identification device implanted into an Animal which contains a unique code that permits or facilitates access to Owner information, including the name and address of the Owner of the Animal.
- v. "Mitigating Factor" means a circumstance which explains aggressive behaviour of a Dog and, without limiting the generality of the foregoing, may include circumstances where:
  - i. the Dog was, at the time of the aggressive behaviour, acting in defence to an attack by a person or another Animal;
  - ii. the Dog was, at the time of the aggressive behaviour, acting in defence of its young or reacting to a person or Domestic Animal trespassing on the property of its Owner; or
  - iii. the Dog was, at the time of the aggressive behaviour, being teased, provoked, or tormented.
- w. "Municipal Law Enforcement Manager" shall mean the Municipal Law Enforcement Manager of the Town or the person designated to act on his or her behalf.
- x. "Muzzle" means a basket-style covering device of adequate strength over the mouth of a Dog to prevent the Dog from biting.
- y. "Muzzle Order or Order to Muzzle" means a mandatory requirement to restrain a Dog by means of a Leash and Muzzle and any such other means as the Town may order.
- z. "Owner" means any person, partnership, association or corporation that owns, possesses or harbors 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.
- aa. "PAWS" means the Provincial Animal Welfare Service within the Ontario Ministry of the Solicitor General.
- bb. "Pet Shop" means a place where Animals for use as pets are sold or kept for sale.
- cc. "Pigeon" means any kind of pigeon and includes any pigeon whether wild or kept as a pet or for consumption.
- dd. "Pit Bull" includes:
  - i. a Pit Bull terrier;
  - ii. a Staffordshire bull terrier;
  - iii. an American Stafford shire terrier;
  - iv. an American Pit Bull terrier;
  - v. a Dog that has an appearance and physical characteristics that are substantially similar to those of Dogs referred to in clauses

(i) to (iv).

- ee. "Police Work Dog" means a Dog trained for and actually engaged in law enforcement for the police or other person duly appointed as a peace officer.
- ff. "Pound" means such premises and facilities designated as the Town's Animal Shelter and pound.
- gg. "Premises" means the property owned or occupied by the Owner of an Animal, and where the Owner has exclusive possession of part of a building or property, that portion of the property of which the Owner has exclusive possession.
- hh. "Protective Care" means the temporary time-limited Keeping of a Domestic Animal by the Town of Whitchurch-Stouffville as the result of a fire, a medical emergency, a natural disaster, or the incarceration of the Owner of the Animal.
- ii. "Run at Large" or "Running at Large" shall mean any Domestic Animal found in any place other than the Premises of the Owner and not controlled by a Leash in the hand of the Owner.
- jj. "Senior Citizen" means a person who is sixty-five (65) years of age or older.
- kk. "Service Dog" means a Dog identifiable by a harness and trained by a recognized school for service as a guide Dog or special skills Dog for persons with a disability and includes a Dog used in therapy, registered with a recognized organization for that purpose.
- ll. "Small Livestock Animal" means any animal commonly raised in an agricultural setting and who's species' adult weight is typically under 150lbs which includes, but is not limited to, a chicken, turkey, duck, guinea fowl, or emu.
- mm. "Town" means The Corporation of The Town of Whitchurch-Stouffville or the geographic area within the Town of Whitchurch-Stouffville, as the context may require.
- nn. "Wild Animal" or "Wildlife" means an Animal that belongs to a species that is wild by nature;

## **2. LICENSING OF DOGS**

- 2.1. Every Owner of a Dog shall, upon becoming the Owner of such Dog, purchase a Licence for the current year for each Dog owned.
- 2.2. At the time of application for a Licence to be issued, the Owner shall provide:
  - a. A completed application form provided by the Town;
  - b. the applicable Licence fee as set out in the Town's current Fees and Charges By-Law, as may be amended or replaced from time to time;
  - c. any additional documents as the Town sees fit, such as proof of spaying/neutering or breed, and any costs incurred in obtaining such documents shall be at the applicant's expense.

- 2.3. A new resident of the Town shall not be required to pay a Licence fee for a Dog if the Licence Tag for said Dog has already been obtained for the current year from another municipality in which he or she has previously been a resident in the current year, providing such Licence Tag is forfeited to an Animal Services Officer, or Licensing Officer in exchange for a Town Licence Tag.
- 2.4. Any person who produces evidence to the Town showing that the Dog is a Service Dog as defined in this By-law, shall be exempt from paying the Licence fee.
- 2.5. Further to the requirements of Section 2.2 of this By-Law, every Owner with a Dog which has been declared a Dangerous Dog shall annually provide proof of current rabies vaccination, and shall pay an annual fee as set out in the Town's current Fees and Charges By-Law, as may be amended or replaced from time to time.
- 2.6. The Dog Licence shall be renewed annually on or before the 28th day of February each year and shall expire on the 31st day of December of the same year.
- 2.7. Every Owner or person in control, possession, or ownership of, or in apparent control, possession, or ownership of a Dog shall keep the Licence Tag securely fixed on the Dog at all times (except while the Dog is being used for hunting purposes as provided for in the *Fish and Wildlife Conservation Act, 1997, S.O. 1997, c. 41*).
- 2.8. In the event a Licence Tag is lost, the Owner shall, obtain a replacement Licence Tag upon payment of the fees prescribed by the Town's current Fees and Charges By-Law, as may be amended or replaced from time to time.
- 2.9. No person shall remove a Licence Tag from a Dog without the consent of the Owner thereof.
- 2.10. Every Owner of a Dog under the age of 16 weeks which has been impounded pursuant to this By-law shall License the Dog and pay the annual License Tag fee prior to redeeming the Dog.
- 2.11. Police Work Dogs, Dogs in the custody of PAWS, Dogs in the custody of an animal shelter are exempt from section 2.1 of this By-Law.
- 2.12. No Owner of a Dog shall use a Licence Tag issued to him or her for any Dog other than the Dog for which the Licence Tag was issued. The Licence Tag is not transferable.

### **3. RESPONSIBILITY OF ANIMAL OWNERS**

#### Number of Animals

- 3.1. No owner(s) or tenant(s) within any residential, commercial, industrial, or institutional zoned property in the Town shall Keep more than four (4) Dogs per property or in the case of a multi-residential apartment building, per unit. This section does not apply to the following:
  - a. The operation of a licensed kennel with a valid kennel licence;

- b. An accredited veterinary facility regulated by the College of Veterinarians of Ontario;
  - c. A Pet Shop;
  - d. An animal shelter; and
  - e. All other zoned property.
- 3.2. Notwithstanding Section 3.1, the total number of Domestic Animals including Dogs per single dwelling unit within any residential, commercial, industrial, or institutional zoned property in the Town, shall not exceed six (6).

#### Domestic Animals Running at Large

- 3.3. No Owner of a Domestic Animal shall allow a Domestic Animal to Run at Large within the limits of the Town, unless prior consent is given by the owner of the property in which the Domestic Animal is found to be Running at Large.
- 3.4. Where a Domestic Animal is found to be Running at Large, the Owner shall be deemed to have caused or permitted it to be Running at Large, unless the Owner can prove, on a balance of probabilities, that the Owner took all reasonable precautions to control the Domestic Animal and to prevent the Domestic Animal from Running at Large.
- 3.5. Police Work Dogs, or working Dogs employed under contract to the Town, actively engaged in the performance of their trained duty are exempt from complying with the requirements of section 3.3.
- 3.6. Any person who takes charge of any Domestic Animal found Running at Large shall deliver same to an Animal Services Officer or the Town's Animal Shelter as soon as is reasonably practical.
- 3.7. Where an Animal is impounded, the Owner, if known, shall be liable for all charges and fees in accordance with the Animal Shelter fee schedule and the Town's Fees and Charges By-law, as may be amended or replaced from time to time, and shall pay all such charges and to the Town, whether or not the Domestic Animal is claimed from the Animal Shelter or pound facility.

#### Stoop and Scoop

- 3.8. Every Owner of a Dog shall immediately remove and properly dispose of excrement left by such Dog on any private or public property in the Town, other than on the Owner's property by placing such excrement in a garbage receptacle.
- 3.9. Every Owner of a Dog shall remove and properly dispose of all excrement on the Owner's property on a regular basis so not to cause a nuisance or, disturb the use and enjoyment, of any other person's property.

#### Barking

- 3.10. No Owner shall allow a Dog to make or cause noises, repetitive barking, or howling that is likely to disturb the inhabitants of the Town or that constitutes a public nuisance.

#### Trespass



- 3.11. No person who owns, harbours, or possesses a Domestic Animal shall allow it, whether Leashed or unleashed, to trespass on private property.

#### Tethering

- 3.12. No person in the Town shall Keep a Domestic Animal tethered on a chain, rope or similar restraining device of less than 3 metres in length.
- 3.13. No person shall leave a Domestic Animal tethered or tied on public property.
- 3.14. No person shall leave a Domestic Animal unattended while tethered or tied on any premises where the public has access, whether access is expressed or implied.
- 3.15. Every person who has tethered an Animal on a Leash shall ensure that the Animal has unobstructed movement within the range of the tether and that the Animal shall not suffer an injury resulting from the tether.

#### Pigeons

- 3.16. No person shall Keep or harbour any Pigeons in a residential, institutional, industrial or commercial zoned property in the Town.
- 3.17. All Owners of Pigeons are to Keep the Pigeons enclosed within the coop except during flying times.
- 3.18. All Pigeon coops shall be located in the rear yard and setback a minimum of 4.5 metres away from any side or rear lot line as those terms are defined in the current Town of Whitchurch-Stouffville Comprehensive Zoning By-law.

#### Dog Bites/Attacks

- 3.19. No Owner shall permit or allow a dog to bite or attack a person or Domestic Animal.

#### Livestock Animals

- 3.20. No person shall keep any Small Livestock Animal on any residential, commercial, industrial, or institutional zoned property in the Town.
- 3.21. No person shall keep any Large Livestock Animal on any residential, commercial, industrial, or institutional zoned property in the Town.
- 3.22. No person shall allow a Small Livestock Animal to Run at Large within the limits of the Town, unless prior consent is given by the owner of the property in which the Animal is found to be Running at Large.
- 3.23. No person shall allow a Large Livestock Animal to Run at Large within the limits of the Town, unless prior consent is given by the owner of the property in which the Animal is found to be Running at Large.
- 3.24. No person who owns, harbours, or possesses a Small Livestock Animal shall allow it, whether Leashed or unleashed, to trespass on private

property.

- 3.25. No person who owns, harbours, or possesses a Large Livestock Animal shall allow it, whether Leashed or unleashed, to trespass on private property.

#### Leash Free Dog Parks

- 3.26. All persons shall comply with rules as posted at entrances to all Town-operated leash free dog parks.

#### Other

- 3.27. No person shall provide false information or give a false statement to an Officer, employee and/or agent of the Town in the lawful exercise of a power or duty under this By-law.
- 3.28. No person shall hinder or obstruct, nor attempt to hinder or obstruct, either directly or indirectly, an Officer, employee and/or agent of the Town in the lawful exercise of a power or duty under this By-law.

### **4. RESPONSIBILITY OF ANIMAL SERVICES OFFICER**

- 4.1. An Animal Services Officer may seize and impound any Domestic Animal found Running at Large within the limits of the Town or any Dog found without a Licence or Domestic Animal found trespassing on private property.
- 4.2. Any Domestic Animal so impounded, if not retrieved by the Owner, shall be fed and watered for a period of not less than five (5) days, excluding the day on which the Domestic Animal was impounded and excluding the days that the Animal Shelter and/or pound is not opened to the public, and if not redeemed at the expiration of the five (5) day period, may be sold, adopted, given to fostering facilities or euthanized.
- 4.3. The Animal Services Officer and Animal Shelter staff shall, within twenty-four (24) hours from the impounding of any 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.
- 4.4. The Animal Services Officer at his or her discretion may impound any sick or injured Domestic Animal found Running at Large.
- 4.5. No attempt may be made by any authority to claim or purchase Animals for the purpose of research, notwithstanding the provisions of the *Animals for Research Act*, R.S.O. 1990, c. A. 22 and no Animal shall be offered for same for the purpose of research.
- 4.6. During the redemption period set out in Section 4.1, the Owner of a Domestic Animal can redeem a Domestic Animal upon payment of all applicable fees including any veterinarian costs in accordance with the Animal Shelter fee schedule as well as the Town's Fees and Charges By-law, as may be amended or replaced from time to time.

- 4.7. No Owner shall be entitled to redeem said Dog until a current Licence Tag is procured for said Dog. The Owner will be charged according to the current licensing fees.
- 4.8. At the discretion of the Animal Services Officer or Animal Shelter, if an Animal is seriously injured, or should be euthanized without delay for humane reasons, or for safety of persons or Animal, the Animal shall be euthanized forthwith.
- 4.9. If an Animal is injured and the services of a veterinarian are secured, the Owner shall not be entitled to redeem the Animal unless the charges for such veterinary services are paid, in addition to other charges provided for in this By-law, and/or the Town's Fees and Charges by-law, as may be amended or replaced from time to time.
- 4.10. The Town is authorized to receive Domestic Animals into Protective Care as a result of a fire, a medical emergency, a natural disaster, the incarceration of the Owner of the Animal, or for any other situation that the Municipal Law Enforcement Manager deems appropriate.
- 4.11. Domestic Animals which are received into Protective Care by the Town shall only be kept on a temporary basis for up to a maximum of five days.
- 4.12. When the Town receives an Animal into Protective Care, the Owner of the Animal shall pay to the Town all applicable fees as outlined in the Animal Services fee schedule, as well as costs incurred on behalf of such Animal by the Town for all required veterinary care prior to redeeming the Animal.
- 4.13. If an Animal has not been claimed by the Owner or a person designated by the Owner at the end of the five-day period outlined in Section 4.11 of this By-law, the Town will treat such Animal as day-one impounded as outlined in Section 4.1 of this By-law.

## **5. DANGEROUS DOGS**

### General Provisions

- 5.1. The Municipal Law Enforcement Manager, Animal Services Supervisor, and the Municipal Law Enforcement Supervisor shall be empowered to declare a Dog a Dangerous Dog;
  - a. upon receipt of a signed declaration, attested to by a witness who saw the altercation. The Declaration must identify the Dog, the Dog Owner and the Dog Owner's address; and
  - b. the Dog has committed acts that would satisfy the definition of a Dangerous Dog in this By-Law.
- 5.2. Where a Dog is declared a Dangerous Dog, the Municipal Law Enforcement Manager, Animal Services Supervisor, or Municipal Law Enforcement Supervisor shall, within two days of receipt of a duly executed Declaration, deliver or send by registered mail an Order to Muzzle to the Owner of the Dangerous Dog requiring that the Dog be Muzzled and restrained pursuant to the provisions of this By-law. Such notice that has been served by registered mail shall be deemed to have been received by the person to whom it is addressed on the fifth (5th) day after the day it is mailed.

- 5.3. An Owner of a Dangerous Dog upon receipt of an Order to Muzzle shall, while the dog is on the property of the Owner:
- a. Keep the Dog inside a building or house or in an enclosed pen of sufficient dimension and strength to be humane or within a securely fenced yard where the fence is a minimum height of 1.8 metres (6 ft.) in order to prevent a Dog from coming into contact with persons (other than the Owner of the Dog). The enclosed pen or the fenced yard shall be equipped with a locking device to be designed in such a manner that the pen or gate cannot be opened from the outside by a small child. The Owner is responsible for ensuring that the Dog is prevented from escaping and Running at Large;  
While the Dog is off the property of the Owner, ensure:
  - b. That the Dog is securely on a Leash with a maximum length of 1.83 metres (6 ft) and of sufficient strength to restrain the Dog and keep it from chasing a person or Domestic Animal;
  - c. That a Muzzle is humanely fastened over the mouth of a Dog to prevent the Dog from biting or attacking a person or Domestic Animal;
  - d. That the Dog is under the control of a person sixteen (16) years of age or older.
  - e. Within thirty (30) days, have the Dog identified with a Microchip implantation at the
  - f. Owner's expense and register the said Microchip number with the Municipal Law Enforcement Manager or Supervisor;
  - g. Notify the Municipal Law Enforcement Manager or Supervisor within forty-eight (48) hours after the ownership of the Dog is transferred to another person or municipality;
  - h. Notify the Municipal Law Enforcement Manager or Supervisor within forty-eight (48) hours of any changes to the residency of the Dog;
  - i. Notify the Municipal Law Enforcement Manager or Supervisor within forty-eight (48) hours should the Dog be destroyed.
- 5.4. Every Order to Muzzle shall include a statement advising the Owner of the ability to make application for a hearing before the Appeal Committee in accordance with the provisions of this By-Law.
- 5.5. The Owner shall comply with all terms and requirements made in an Order to Muzzle.
- 5.6. Where the Owner of the Dog is in contravention of the Order to Muzzle, the Owner shall release custody of the Dog to an Animal Services Officer who shall impound the Dog at an Animal Shelter until hearing of any appeal, or should the time to appeal expire, dispose of such Dog in the manner provided in section 4.2 or 4.6 of this By-law;
- 5.7. Section 5.1 of this By-law shall not apply to a Police Work Dog.

#### Appeal

- 5.8. Where a Dog has been declared a Dangerous Dog by the Municipal Law Enforcement Manager or Supervisor, pursuant to the provisions of this By-law, the Owner of the Dog may apply for a hearing in respect of such Order to Muzzle.
- 5.9. An Application for a hearing under Subsection 5.10 shall be made in writing and delivered to the Clerk within thirty (30) days after the Order to Muzzle has been served.

- 5.10. Upon receipt of the Application for a hearing from an Owner of the alleged Dangerous Dog, the Clerk shall convene a meeting of the Appeal Committee and shall give the Owner of the Dog and the person who saw the alleged Dangerous Dog Bite a person or a Domestic Animal, (7) days written notice by personal service or registered mail of the time, date and location of the hearing.
- 5.11. The Applicant and any other interested person may appear at the hearing and present oral or written evidence relating to the Dog.
- 5.12. When the Owner of the Dog does not attend at the proper time and place, the Appeal Committee may proceed with the hearing in his or her absence and the applicant shall not be entitled to any further notice of the proceeding.
- 5.13. 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) days following the date of the hearing.
- 5.14. The Appeal Committee may confirm the Order to Muzzle or exempt the Owner of the Dog from any of the Muzzling, restraining or Leashing requirements, or all, or may dispose of an appeal by Consent Order.
- 5.15. The decision of the Appeal Committee is final and binding.
- 5.16. Notwithstanding that an Applicant has applied for a hearing to appeal the Notice to Muzzle, the Order to Muzzle 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.
- 5.17. A written copy of the decision of the Appeal Committee, pursuant to Section 5.15 or the Consent Order, pursuant to Section 5.16, shall be prepared, as soon as is practicable after the conclusion of the hearing, and shall be delivered or mailed by ordinary mail to the Applicant at the address shown on his or her Application, the Defendant, Police, the Region of York Public Health Department, Animal Services Officer, Municipal Law Enforcement Manager, Members of Council, Appeal Committee Members and the Clerk.
- 5.18. The Notice of the hearing or any matter which arises relating to the proceedings of the Appeal Committee not covered in the provisions of this By-law shall be governed by the *Statutory Powers Procedures Act*, R.S.O. 1990, c. S.22.

## **6. PROHIBITED ANIMALS**

- 6.1. No person shall Keep any of the following Animals as Domestic Animals:
  - a. All marsupials (such as kangaroos and opossums);
  - b. All non-human primates (such as gorillas and monkeys);
  - c. All felids, except the domestic cat;
  - d. All canids, except the domestic Dog;
  - e. All viverrids (such as mongooses, civets and genets);

- f. All mustelids (such as skunks, weasels, otters, badgers except the domestic ferret
- g. All ursids (bears);
- h. All perissodactylus ungulates, except the domestic horse and ass;
- i. All artiodactylus ungulates, except the domestic goat, sheep, pig, and cow;
- j. All procyonids (such as raccoons, coatis and cacomistles);
- k. All hyaenas;
- l. All elephants;
- m. All pinnipeds (such as seals, fur Seals and walruses);
- n. All snakes of the families pythonidae and boidae, except for the species ball python (python regius);
- o. All venomous reptiles;
- p. All ratite birds (such as ostriches, rheas and cassowaries);
- q. All diurnan and nocturnal raptors (such as eagles, hawks, owls, and falcons);
- r. All edentates (such as anteaters, sloths and armadillos); s) All bats;
- s. All crocodilians (such as alligators and crocodiles); and
- t. All arachnids (such as tarantulas).

6.2. Examples of Animals of a particular prohibited group in Section 6.1 are given in parentheses. They are examples only and shall not be construed as limiting the generality of the group.

6.3. Section 6.1 and 6.2 of this By-law apply within the entire geographic area of the Town except in the following locations:

- a. Any animal shelter operated by or under the auspices of any government or governmental agency; and
- b. Any hospital or health care facility operated by or under the auspices of any government or governmental agency where such Animal is used for the purpose of medical testing or experimentation; and
- c. Any lands or premises maintained under the auspices or supervision of PAWS; and
- d. On the premises of a licensed Wildlife Rehabilitation Centre.

## **7. FEEDING OF WILDLIFE**

7.1. 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, or feral Domestic Animal on private or public property.

7.2. Section 7.1 does not apply to the feeding of song birds on a property, provided the following feeding requirements are met by the resident:

- a. Seed is placed in a bird feeding device that is sufficiently above grade as to not attract or be accessible by Wild Animals;
- b. Bird feeding practices do not attract large flock of homing birds such as wild, feral or domestic Pigeons; and
- c. Spillage of seed upon the ground is removed by the property owner or resident forthwith and disposed of in such a manner that it does not attract Wild Animals, feral or stray Domestic Animals.

7.3. Section 7.1 does not apply in the following situations:

- a. The leaving of food as bait in a trap by a property owner or resident to capture a nuisance Animal inhabiting or habituating their property

pursuant to the *Fish and Wildlife Conservation Act, 1997*, S.O.1997, c.41.

- b. The leaving of food as bait by a licensed trapper, an employee of a licensed wildlife or pest control agency, a Municipal Law Enforcement Officer, an Ontario Society for the Prevention of Cruelty to Animals Agent, or Police Officer in the performance of their duties.

## **8. LEG HOLD TRAPS**

- 8.1. Unless otherwise permitted by law, no person shall leave a leg hold or foot hold trap in any place where it may reasonably capture any Animal.
- 8.2. Unless otherwise permitted by law, no person shall capture any Animal by means of a leg hold or foot trap.

## **9. RECOVERY OF EXPENSES**

- 9.1. The Town shall have the right to recover from the Owner of an Animal all costs incurred in applying and enforcing this By-law which costs shall include but not be limited to an administration fee, any expenses including veterinary fees, livestock appraisal fees, and any charges permitted by any federal or provincial legislation, or any other By-Law of the Town;

## **10. POWER OF ENTRY**

- 10.1. The Town may enter on a property at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
  - a. the provisions of this By-law;
  - b. an order issued under this By-law; or
  - c. an order made under Section 431 of the *Municipal Act, 2001*, S.O. 2001, Chapter 25, as amended.

## **11. PENALTY AND ENFORCEMENT**

- 11.1. Any person who contravenes any of the provisions of this By-law shall, upon issuance of a penalty notice in accordance with the Administrative Monetary Penalty System By-law, be liable to pay an administrative penalty and any administrative fees, in accordance with the Administrative Monetary Penalty System By-law, as amended from time to time, or any successor thereof.
- 11.2. Every person who contravenes any provision of this By-law, including and Order issued under this By-law, is guilty of an offence and upon conviction is liable to a fine as provided for by the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended
- 11.3. If an order has been issued under this By-law, and the order has not been complied with, the contravention of the order shall be deemed to be a continuing offence for each day or part of a day that the order is not complied with.
- 11.4. Every person who is guilty of an offence under this By-law shall be subject to the following penalties:

- a. Upon a first conviction, to a fine of not less than \$200.00 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 \$200.00 and not more than \$100,000.00;
- c. Upon conviction for a continuing offence, to a fine of not less than \$500.00 and not more than \$10,000.00 for each day or part of a day that the offence continues. The total of the daily fines may exceed \$100,000.00;
- d. Upon conviction of a multiple offence, for each offence included in the multiple offence, to a fine of not less than \$200.00 and not more than \$10,000.00. The total of all fines for each included offence is not limited to \$100,000.00.

11.5. For the purposes of this By-law, “multiple offence” means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this By-law.

11.6. For the purposes of this By-law, an offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.

11.7. Every person shall comply with any Notice or Order issued under the authority of this By-law.

## **12. SEVERABILITY**

12.1. If a court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this By-law and it is hereby declared that the remainder of the By-law shall be valid and shall remain in force.

## **13. TRANSITION PROVISION**

13.1. Notwithstanding the repeal of By-law 2019-047-RE and all amendments thereto, that By-law shall continue to apply to any acts, omissions or occurrences, and to any offences that took place prior to the enactment of this By-law.