

THE CORPORATION OF THE
TOWN OF PELHAM
BY-LAW #3757(2016)

Being a by-law to amend By-law #97-2010 being a by-law for licensing and registration of dogs, regulating keeping of dogs and control of vicious or dangerous dogs, in order to provide for an Appeal Process and an Appeal Committee.

WHEREAS Council of the Corporation of the Town of Pelham has an established by-law in place relating to the process for the control of vicious or dangerous dogs; and

WHEREAS a formal process to provide the authority and process for considering Appeals against a Muzzle Order is required;

NOW THEREFORE the Council of the Corporation of the Town of Pelham enacts as follows:

1. THAT By-Law #97-2010 be amended to include the following:

16. **APPEALS:**

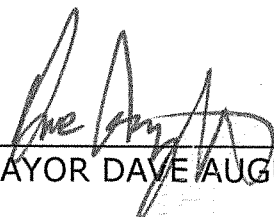
- (a) Where a dog has been declared vicious by the Town and/or the Society, pursuant to provisions of this b-law, the owner of the dog may apply to the Town for a hearing in respect of such Notice to Muzzle;
- (b) An application with the applicable fee of \$150.00, which fee may be amended from time to time in accordance with the Consolidated Fee Schedule for the Town of Pelham, for a hearing shall be made in writing and delivered to the Clerk of the Town within 10 days after the Notice to Muzzle has been served;
- (c) Upon receipt of the application for a hearing from an owner of the alleged vicious dog, the Clerk shall convene a meeting of the appeal Committee and shall give the owner of the dog, any material witness relevant to the declaration, the victim, if any, and the agency which declared the vicious dog and issued the Notice to muzzle, 7 days written notice, by personal service or express post mail of the time, date and location of the hearing;
- (d) The applicant and any other interested person may appear at the hearing and present oral, written or visual evidence related to the dog;
- (e) When the owner of the dog does not attend at the proper time and location, the Appeal Committee may proceed with the hearing in his/her absence and the applicant shall not be entitled to any further notice of the proceeding.

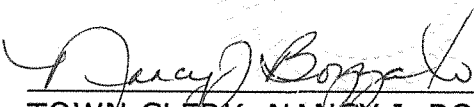
17. **APPEAL COMMITTEE:**

- (a) The Appeal Committee shall consist of the Council for the Town of Pelham, with the Mayor as the Chair of the Committee and the Deputy Mayor as Vice Chair should the Chair be unable to preside;
- (b) 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 10 days following the date of the hearing;
- (c) The decision of the Appeal Committee is final and binding;
- (d) The Appeal Committee shall confirm the vicious dog declaration and order, or exempt the owner of the dog from any of the

- muzzle, restraining or leashing requirements, or all, or dispose of an appeal by Consent Order;
- (e) The procedure of the Appeal Committee, appended hereto as Schedule A to By-law 3756(2016), shall govern the hearings of the matter subject only to the discretion of the Chair of the Committee to modify such procedures for the purpose of accommodating exigent circumstances and further to the extent that any matter arising during the course of proceedings not covered in the provisions of this by-law, shall be governed by the Statutory Powers and Procedures Act;
 - (f) Notwithstanding that an applicant has applied for a hearing to appeal a Notice to Muzzle, all responsibilities on a person, as described in By-law 97-2010, Section 8, including a Notice to Muzzle, take effect when the declaration is served on the person to whom it is directed and all responsibilities will remain in effect until the Appeal Committee has made its decision on the appeal;
 - (g) A written copy of the decision of the Appeal Committee, or the Consent Order shall be prepared, as soon as practicable after the conclusion of the hearing, and shall be delivered or mailed by express post mail to the applicant at the address shown on his/her application, the defendant, Niagara Regional Police, Regional Public Health Department, the Town, the Society, members of Council as Appeal Committee Members and the Clerk.

ENACTED, SIGNED & SEALED THIS
20th DAY OF JUNE, 2016 A.D.


MAYOR DAVE AUGUSTYN


TOWN CLERK, NANCY J. BOZZATO