

THE CORPORATION OF THE
T O W N O F P E L H A M
BY-LAW #462 (1978)

Being a by-law to provide for licensing and
regulating the keeping of dogs.

WHEREAS Section 5, Subsection 1 of The Dog Licensing and Live Stock and Poultry Protection Act, R.S.O. 1970, Chapter 133, provides that by-laws may be passed by the Councils of local municipalities for licensing and requiring the registration of dogs and for imposing a licence fee on the owners of them, with the right to impose a larger fee in the case of female dogs and for each additional dog or female dog, where more than one dog is owned by any one person or in any one household;

AND WHEREAS Section 7, Subsection 1 of the said Act provides that by-laws may be passed by the Councils of local municipalities for prohibiting or regulating the running at large of dogs in the municipality or in any defined area thereof, for seizing and impounding and for killing, whether before or after impounding, dogs running at large, contrary to the by-law, and for selling dogs so impounded at such time and in such manner as is provided by the by-law;

AND WHEREAS Section 7, Subsection 2 of The Dog Licensing and Live Stock and Poultry Protection Act, R.S.O. 1970, Chapter 133, has been amended by an Act to amend The Dog Licensing and Live Stock and Poultry Protection Act, R.S.O. 1974, Chapter 94, to provide that a dog shall be deemed to be running at large when found in any place other than the premises of the owner of the dog and not under the control of any person;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF
PELHAM ENACTS AS FOLLOWS:

1. INTERPRETATION -

1. For the purposes of this By-law:

- (a) "Dog" means a male or a female dog.
- (b) "Owner" of a dog includes a person who possesses or harbours a dog, and "owns" and "owned" have a corresponding meaning.
- (c) "Pound" means the pound maintained by the Corporation of the Town of Pelham, or maintained on behalf of the Corporation of the Town of Pelham by the Welland Humane Society, or such other person or organization as is authorized, from time to time by the Council of the Corporation of the Town of Pelham to so maintain a pound on behalf of the Corporation.
- (d) "Pound Keeper" means the Corporation of the Town of Pelham, the Welland Humane Society, or such other person or organization as is authorized, from time to time, by the Council of the Corporation of the Town of Pelham to maintain a pound on behalf of the Corporation.

- (e) A dog shall be deemed to be "running at large" when found elsewhere than on the premises of the owner and not under the control of any person.
- (f) "Control" shall mean the ability of the person present and in charge of any dog to restrain or direct its actions whether or not such dog is on a leash.
- (g) "Pure Bred" means registered or eligible for registration in the register of the Canadian Kennel Club Incorporated.

II. LICENSING AND REGISTRATION -

2. THAT,

(a) Subject to Subsection "C" the owner of a dog in the Town of Pelham shall pay to the Treasurer of the Corporation of the Town of Pelham in each year, a licence fee as follows:

\$7.00 for a spayed or neutered dog (upon the production of a certificate, in writing, of a veterinary surgeon that a dog, male or female, has been neutered or spayed);

\$7.00 for each additional spayed or neutered dog;

\$7.00 for each male dog

\$10.00 for each female dog

\$25.00 for kennel licence provided that the owner holds a Canadian Kennel Club registration

(b) (i) The said licence fee shall be payable by the owner as soon as he becomes the owner of a dog or at any time when the dog is first possessed by him or harboured by him on his premises, whichever shall sooner occur.

(ii) Where the owner acquires a dog after March 1st., he shall only be charged a licence fee under subsection (a) in a pro-rata basis, calculated by the number of months of possession over 12 times the appropriate fee.

(c) The licence fee after May 31st. in 1978 and March 1st. of each year thereafter shall be as follows:

\$14.00 for a spayed or neutered dog (upon the production of a certificate, in writing, of a veterinary surgeon that a dog, male or female, has been neutered or spayed);

\$14.00 for each additional spayed or neutered dog;

\$14.00 for each male dog

\$20.00 for each female dog

(d) The said Treasurer, on or before the 31st. day of January in each year, shall cause to be published a notice bringing to the attention of the public the provisions of sub-paragraphs (a), (b) and (c).

(e) There shall be no refund or rebate, to an owner, of any portion of the licence fees referred to above.

(f) There shall be no licence fee required from the owner or the person in possession of a seeing-eye dog, provided such dog is used solely for the purpose of assisting a person whose sight is impaired.

(g) The Treasurer of the Corporation of the Town of Pelham shall cause to be kept a register showing the name and address of every owner and the number of the licences and tags issued, the date of such issue and the particulars of the dog for which such licence and tag are issued, and the amount paid by such owner for such licence and tag.

3. Upon payment of the licence fee, the said Treasurer shall issue to the owner a licence valid until the 31st. day of December next ensuing. On or before March 1st. of each succeeding year, a new licence shall be taken out for the keeping of every dog for such year, in accordance with the schedule of fees included in Section 2 above.

4. Upon payment of the licence fee, there shall be issued to the owner a tag, consisting of a metallic plate or of such other material as may be approved by the Treasurer and having stamped thereon a number and figure indicating the year for which the licence fee has been paid.

5. (a) The owner shall attach such tag to a collar and shall cause the dog, for which such licence and tag were issued, to wear such tag and collar at all times during the year.

(b) No person shall use a tag upon a dog other than the dog for which the tag was issued.

6. The owner of a kennel of pure-bred dogs registered in the Register of The Canadian Kennel Club Incorporated, or of a class designated as pure-bred in the regulations made under The Dog Licensing and Live Stock and Poultry Protection Act, shall pay an annual licence fee of \$25.00 to the Treasurer on or before the 1st. day of March in each year, and shall be entitled to receive and have a kennel licence and a tag for each dog, and he is not liable to pay, in respect of such pure-bred dogs, any licence fee under this by-law.

7. No person shall own, possess or harbour a dog in the Town of Pelham, or allow a dog to be owned, possessed or harboured on his premises, unless the tax or licence fee therefor, required by this By-law, has been paid and such dog is wearing a collar with the tag attached thereto.

8. After the 1st. day of March in each year, it shall be the duty of the Treasurer or his duly appointed representative:

(a) to notify each dog owner, who obtained a licence in the previous year and who has not obtained a licence for the current year, that a licence must be obtained within fourteen days, or a violation ticket will be issued by the Town Corporation, as referred to in Paragraph (b) which follows;

(b) to issue a violation ticket to the owner of any dog which has not been registered and licensed in accordance with the provisions of this By-law, notwithstanding the fact that the dog at the time may be on the property where it is habitually kept and/or that, at the time, it is under the control of its owner or any other person. The owner of the unlicensed dog shall be subject to a penalty of \$25.00 for the first offence and \$35.00 for the second and any subsequent offence, as prescribed on the violation ticket, and such penalty may be paid voluntarily, within 7 days, to the Town Treasurer who shall receive such payment as the payment of a penalty in full satisfaction with respect to the alleged offence, provided that the person, to whom the ticket was issued, being the owner of the unlicensed dog, registers the dog and secures a licence for it, before paying the penalty.

(c) in the event that the violation ticket referred to above has not been paid within 7 days, to report the name of each such owner to the Niagara Regional Police Department, for prosecution hereunder.

9. The said Police Department shall enforce the provisions of this By-law and lay such informations and have such summonses issued for infractions thereof, as may be necessary to enforce due observance.

III. DOGS RUNNING AT LARGE -

10. No dog shall run at large in the Town of Pelham and no owner shall permit his dog to run at large in the Town.

11. (a) The Owner of a dog which is found to be running at large shall be issued a violation ticket and shall be subject to a penalty of \$25.00 for the first offence and ~~\$35.00~~ ^{\$50.00} for the second and any subsequent offence, ^{WITHIN ANY ONE YEAR PERIOD, \$50.00} as prescribed on the violation ticket. Such penalty may be paid voluntarily within 7 days, to the Town Treasurer who shall receive such payment as the payment of a penalty in full satisfaction with respect to the alleged offence and a receipt shall be given to the person making the payment.

(b) In the event that the violation ticket referred to above has not been paid within 7 days, the name of each such owner shall be reported to the Niagara Regional Police Department for prosecution hereunder.

12. The Council shall appoint one or more Canine Control Officers who shall investigate complaints of dogs running at large and shall

catch and impound dogs running at large. The Canine Control Officers shall also perform such other duties as Council may, from time to time, prescribe.

13. Every Regional Police Officer and Canine Control Officer is hereby authorized, and shall have power, to seize and destroy, before impounding, any vicious dog found running at large contrary to the provisions of this By-law.

14. Any dog found running at large, contrary to the provisions of this By-law, shall be seized by a Canine Control Officer or an Officer of the Niagara Regional Police Force and taken to the Pound where such dog shall be impounded and held for a period of three days. If any such dog so seized and impounded is not claimed at the expiration of the three day period herein provided for, the Pound Keeper may at his discretion, and subject to the requirements of Section 24 of The Animals for Research Act, R.S.O. 1970, Chapter 22, destroy such dog or sell such dog upon payment of a sum not exceeding Ten Dollars. Provided however that nothing in this paragraph shall prevent the Pound Keeper from destroying an animal which is ill or injured and which, in the opinion of the Pound Keeper, is incapable of being cured, pursuant to subsection 7 of Section 24 of The Animals for Research Act. For the purpose of this clause, the period of three days shall be reckoned exclusive of the day on which the dog is seized, Sundays and holidays.

15. Any owner claiming a dog which has been seized and impounded shall pay to the Pound Keeper the sum of Seven Dollars (\$7.00) plus Three Dollars (\$3.00) per day plus a further sum based upon these amounts as described in paragraph 2 (a) above per each dog unlicensed.

16. (a) No person shall regain possession of a dog from the Pound without first being in possession of a licence for such dog and producing the tag therefor, or exhibiting the licence therefor to the Pound Keeper.

(b) No resident of the Town of Pelham shall take delivery of a dog from the Pound without first being in possession of a licence for such dog and producing the tag therefor to the Pound Keeper.

17. No person, other than the owner, the Canine Control Officer and the Pound Keeper, shall remove a tag from a licensed dog during the year for which such tag was issued.

IV. GENERAL -

18. The Town Canine Control Officers and the Pound Keeper shall keep a record of all dogs seized and impounded.

19. (a) Any dog duly licensed for the Year 1978 within the provisions of By-law #177 (1973) as amended by By-law #400 (1977) shall

be deemed to be licenced within the provisions of this By-law for the year 1978.

20. It is declared that notwithstanding that any section or sections of this By-law, or parts thereof, may be found by any Court of Law to be bad or illegal or beyond the power of the Council to enact, such section or sections or parts thereof shall be deemed to be severable and that all other sections or parts of this By-law are separate and independent therefrom and enacted as such.

21. Any summons issued which alleges a violation of Section 2 or 11 of the within by-law may have attached thereto a notice that shall indicate that the person summoned for the first time under the said Section shall be allowed to make a voluntary payment out of Court of the sum of \$25.00, or when summoned for a second time within a 12 month period for the same offence, shall be allowed to make a voluntary payment out of Court of the sum of \$35.00, provided such voluntary payment is made not later than 5 days before the date of appearance shown on the summons, and the plea of guilty set out on the summons is signed by the person charged.

22. Any person convicted of a breach of any of the provisions of this By-law shall forfeit and pay at the discretion of the Provincial Judge, a penalty not exceeding \$50.00, exclusive of costs, and further such penalty shall be recoverable under The Summary Convictions Act.

23. That By-law #177 (1973) as amended by By-law #400 (1977) be and the same are hereby repealed.

READ A FIRST, SECOND AND THIRD TIME
AND FINALLY PASSED BY COUNCIL THIS
1st. DAY OF MAY, 1978 A.D.


MAYOR


CLERK