

THE CORPORATION OF THE
T O W N O F P E L H A M
BY-LAW #646 (1980)

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

WHEREAS Subsection 1 of Section 5 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 license 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 is owned by any one person or in any one household;

AND WHEREAS Subsection 1 of Section 7 of the said Act, as amended, 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 in such manner as is provided by the by-law;

AND WHEREAS Subsection 2 of Section 7 of the said Act, as amended, provides that for the purpose of Section 7 of the said Act, 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;

AND WHEREAS people have a right to and should be ensured an environment free from unusual, unnecessary or excessive noise which may degrade the quality and tranquility of their life or cause nuisance;

AND WHEREAS Section 354, Subsection 118 of The Municipal Act, R.S.O. 1970, Chapter 384, authorizing the Council of the Corporation to pass by-laws to prohibit or regulate unusual noises or noises likely to disturb the inhabitants;

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

(I) INTERPRETATION: -----

1. For the purpose of this by-law: -

(a) "CORPORATION" means the Corporation of the Town of Pelham.

(b) "DOG" means any dog, male or female, whether or not they have been spayed or neutered, above the age of three months.

(c) "OWNER" includes a person who possesses or harbours a dog, and "owns" and "owned" have a corresponding meaning.

(d) "POUND" means the pound maintained by the Corporation of the Town of Pelham, or maintained on behalf of the Corporation of the

con't.....

Town of Pelham by any 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.

(e) "KENNEL" means a fenced enclosure and housing accommodation for purebred dogs registered in the Register of the Canadian Kennel Club Incorporated, as approved by the Inspector for the Corporation of the Town of Pelham.

(f) "BOARDING KENNEL" means a commercial establishment approved by the Inspector for the Corporation of the Town of Pelham for the keeping of dogs on a temporary basis, for a fee.

(g) "INSPECTOR" means any person or organization as may be authorized, from time to time, by the Corporation of the Town of Pelham to carry out duties which may be assigned and to issue any certificates which may be required.

(h) "POUNDKEEPER" means the Corporation of the Town of Pelham, 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.

(i) "RUNNING AT LARGE" 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.

(j) "CONTROL" a dog shall be deemed to be under the control of any person when such dog is on a lead not exceeding 2m in length or is otherwise physically restrained.

(k) "TREASURER" means the Treasurer of the Corporation of the Town of Pelham, or such other person as the Council of the Corporation of the Town of Pelham may designate by by-law to discharge or assist in discharging all or any of the duties assigned to the Treasurer by this by-law.

(l) "PROVINCIAL OFFENCES OFFICER" means a police officer or a person appointed under the Provincial Offences Act, R.S.O. 1979.

(m) "CANINE CONTROL OFFICER" means any person or organization as may be appointed, from time to time, by the Council of the Corporation of the Town of Pelham to carry out duties as may be assigned for the control of dogs in the Town of Pelham.

(II) LICENSING AND REGISTRATION: -----

2. (a) Every owner who resides in the Town of Pelham shall apply, on or before the 30th. day of June in each year, for a license for each dog owned or harboured by him/her unless he/she becomes an owner after the 30th. day of June, in which case an application for a license shall be made within 30 days of becoming an owner.

(b) Every license issued under this by-law shall be for the year of issue and shall expire on the 31st. day of December and the fee, or any portion of said fee, payable for said license shall be non-refundable under any circumstances.

(c) The annual license fee payable, by the owner, to the Treasurer of the Corporation, or such other person or organization

con't.....

as is authorized, from time to time, by the Council of the Corporation of the Town of Pelham, shall be as follows:

\$7.00	for a spayed or neutered dog (upon the production of a certificate, in writing, of a veterinary surgeon that the dog, male or female, has been spayed or neutered)
\$10.00	for each additional spayed or neutered dog
\$10.00	for a male dog, if only one is kept
\$15.00	for each additional male dog
\$15.00	for a female dog, if only one is kept
\$20.00	for each additional female dog

(d) Upon payment of a license fee for a dog, the owner shall be furnished with a tag, indicating the municipality, the license number and the year of issuance. The owner shall attach said tag to a collar and shall cause the dog for which such license and tag were issued to wear said tag and collar at all times during the year, except as provided for in The Dog Licensing, Live Stock and Poultry Protection Act, R.S.O. 1970, Chapter 133, as amended.

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

(f) Every owner who has procured a dog tag in any year may obtain a new tag upon signing a certificate of loss of the original tag and upon the payment of 25¢ per tag to the Treasurer.

(g) Every person who owns, operates or conducts a kennel of purebred dogs registered in the Register of the Canadian Kennel Club Incorporated shall pay to the Treasurer on or before the 30th. day of June, in each year, an annual license fee of \$25.00. Each application for a kennel license shall be accompanied by a certificate of the Inspector confirming that the premises to be used for kennel purposes have been inspected and are acceptable for such purposes. The license fee shall include two (2) dog tags, but, in addition, a person operating a kennel may obtain additional tags from the Treasurer at a cost of 25¢ per tag for each dog kept in the kennel over and above the number of two (2) and the tags obtained by such operator shall not be used for any dog other than the dog for which such tag was issued. The said tags shall be non-transferrable. The Council of the Corporation of the Town of Pelham may, upon the recommendation of the Inspector, revoke any license issued in accordance with the provisions of this subsection.

(h) Save and except as set out in subparagraph (i) hereunder, 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 license fee therefor, as required by this by-law has been paid and such dog is wearing a collar with the tag attached thereto.

(i) Where a Certificate is produced from the Canadian National Institute for the Blind stating that a dog is being used as a guide for a blind person, no fee shall be charged for a license and tag under this by-law.

(j) Upon presentation by the owner of proof of acquisition of a dog on or after the 1st. day of July, in any year, the fee

con't.....

payable for a license shall be one-half of the appropriate fee as outlined in subsection (c) above.

3. The Treasurer, on or before the 31st, day of January in each year, shall cause to be published in the local papers a notice bringing to the attention of the public the provisions of Section 2 of this by-law.

4. Every dog owner who takes up residence within the Town of Pelham throughout the course of any year shall, upon the surrender of an unexpired license, be issued a Town of Pelham license for the dog indicated on said license for a fee of 25¢.

5. Every person who fails to comply with the provisions of Section 2 of this by-law is guilty of an offence and subject to a fine of \$35.00.

(III) DOGS RUNNING AT LARGE: -----

6. (a) No owner shall allow a dog to run at large within the Town of Pelham, and if a dog is found running at large it shall be seized and disposed of as hereinafter provided.

(b) 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.

(c) It shall be the duty of the Canine Control Officer to seize and impound every dog:

(i) running at large within the Town of Pelham.

(ii) found off the premises on which it is habitually kept without a dog tag contrary to the provisions of any by-law passed by the Council of the Corporation of the Town of Pelham pursuant to Section 5 of The Dog Licensing, Live Stock and Poultry Protection Act.

(d) Every Niagara Regional Police Officer and Canine Control Officer is hereby authorized, and shall have power to seize and destroy, before impounding, any dog which is believed to be rabid or diseased, found running at large contrary to the provisions of this by-law.

(e) Any dog found running at large, contrary to the provisions of this by-law, shall be seized by the Canine Control Officer or any officer of the Niagara Regional Police Force and taken to the pound maintained by or for the Town of Pelham, where such dog shall be impounded and held for a period of three (3) days. If such dog is not claimed at the expiration of three (3) days, it may be sold or destroyed subject to the requirements of Section 24 of The Animals for Research Act, R.S.O. 1970, Chapter 22, provided however that nothing in this section shall prevent the poundkeeper from destroying an animal which is ill or injured and which, in the opinion of the poundkeeper, is incapable of being cured, pursuant to subsection 7 of Section 24 of

con't.....

The Animals for Research Act. For the purposes of this clause and clause (f), the period of three (3) days shall be reckoned exclusively of the day on which the dog is seized, Sundays and statutory holidays.

(f) In the event of any dog so seized, impounded and not being claimed by the owner within three (3) days, it may be destroyed by the poundkeeper or the poundkeeper may, at his/her discretion, sell the said dog to any person upon payment of a sum not exceeding \$25.00, which sum may be retained by the poundkeeper.

(g) Any owner of a dog which is found to be running at large is guilty of an offence and shall be subject to a fine of \$25.00 for the first offence and \$50.00 for the second and any subsequent offence within any one year period.

(h) No person shall regain or take possession of a dog from the pound without first being in possession of a valid license for such dog and producing a tag therefor, or exhibiting the license therefor to the poundkeeper.

(i) Any owner claiming a dog which has been seized and impounded shall pay to the poundkeeper the sum of \$5.00 and costs for the first offence; \$10.00 and costs for the second offence; \$20.00 and costs for the third offence; and, \$25.00 and costs for the fourth and subsequent offences.

(j) No person, other than the owner, or the poundkeeper shall remove a tag from a licensed dog within the year for which such tag was issued.

(IV) UNUSUAL NOISE: -----

7. No person who owns or has the control of a dog within the Town of Pelham shall permit the said dog to persistently bark or whine for a period of time that would reasonably be considered an annoyance or nuisance to other persons in the neighbourhood.

8. Every person who contravenes the provisions of Section 7 of this by-law is guilty of an offence and subject to a fine of \$50.00.

(V) GENERAL: -----

9. Every kennel and/or boarding kennel operator shall cause all dogs to be in the kennel enclosed in the building between the hours of 8:00 p.m. and 8:00 a.m.

10. 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.

11. The Canine Control Officer and the Poundkeeper shall keep a record of all dogs seized and impounded.

12. THAT By-law #177 (1973), as amended, be and the same is hereby repealed as of December 31st., 1980.

13. THAT this by-law shall be in force and take effect as of January 1st., 1981.

READ A FIRST, SECOND AND THIRD TIME
AND FINALLY PASSED BY COUNCIL THIS
22nd. DAY OF SEPTEMBER, 1980 A.D.

MAYOR

E. G. Bergenstein

CLERK

Mary Hackett