

THE CORPORATION OF THE
TOWN OF PELHAM

BY-LAW NO. 97-2010
CONSOLIDATED BY-LAW FOR THE TOWN OF PELHAM
AND THE TOWNSHIP OF WAINFLEET

**Being a by-law for the Licensing and Registration of
Dogs, for Regulating the Keeping of Dogs and the
Control of Vicious or Dangerous Dogs**

WHEREAS the Municipal Act RSO 1990, Chapter M.45, Section 210 provides that by-laws may be passed by the Council of the local municipality to provide for animal identification systems, for requiring an owner to keep a dog leashed, for requiring the removal of excrement, for requiring the muzzling or leashing of a dog that has bitten a person or domestic animal, for licensing and regulating and requiring the registration of dogs and for imposing a fee on the owners of them, for prohibiting the running at large of dogs in the municipality and for seizing and impounding and 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-laws;

AND WHEREAS the Council of the Corporation of the Town of Pelham deems it necessary and advisable to pass a by-law to provide for the licensing and registration of dogs and for regulating the running at large of dogs within the Town in accordance with the Municipal Act RSO 1990, Chapter M.45, Section 210.

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

1. **SHORT TITLE:**

- (a) This by-law shall be known as the "Dog Control By-law"

2. **DEFINITIONS:**

For the purpose of this By-law:

- (a) **"CORPORATION"** shall mean the Corporation of the Town of Pelham.
- (b) **"DOG"** shall mean any animal of the canine species irrespective of sex or neutering.
- (c) **"OWNER"** shall mean a person who possesses or harbours a dog and "owns" and "owned" have a corresponding meaning.
- (d) **"POUND"** shall mean a building or buildings and enclosures maintained by the Corporation or on behalf of the Corporation by any such person or organization as is authorized, from time to time by the Council of the Corporation to so maintain a pound on behalf of the Corporation and such building or buildings and enclosures shall conform to the Ontario Regulations contained in the Animals for Research Act, Revised Statutes of Ontario, RSO 1990.
- (e) **"POUNDKEEPER"** shall mean the person or organization appointed for the purpose of enforcing and carrying out the provisions of this by-law.
- (f) **"AT LARGE"** shall mean a dog being elsewhere than on the premises of the dog owner or any person having custody or control of any dog and not being under the immediate control of a responsible person.
- (g) **"CONTROL"** shall mean that a dog is deemed to be under control when such dog is on a lead not exceeding 2.5m in length, under the control of a responsible person or is otherwise physically restrained. Sound or voice command is not deemed control under this by-law.
- (h) **"IMPOUNDED"** shall mean seized, delivered, received or taken into the pound or any authorized vehicle operated by the Poundkeeper pursuant to the provisions of this by-law.
- (i) **"ANIMAL CONTROL OFFICER"** shall mean any person or organization as may be appointed from time to time by the Corporation to carry out duties as may be assigned for the control of dogs pursuant to this by-law.

- (j) **"DOG TAG"** shall mean the licence issued by the Corporation pursuant to this by-law to register and identify any dog in the Town of Pelham.

3. **IDENTIFICATION**

- (a) No owner shall keep any dog in the Town of Pelham unless such dog has on a collar to which is affixed a dog tag issued under the provisions of this by-law.
- (b) The owner shall keep the dog tag securely fixed on the dog at all times until the dog tag is renewed or replaced.
- (c) All dog tags are renewable on the 1st of January in each year and are not transferable.

4. **DOGS RUNNING AT LARGE**

- (a) All dogs within the Town of Pelham, being the jurisdictional boundaries of this by-law, shall be so confined or controlled as to prevent said dogs from running at large and every owner or person having custody or control of a dog shall control his/her dog so as to prevent it from running at large.
- (b) Any dog found running at large contrary to this by-law shall be seized and delivered to the dog pound maintained by the Poundkeeper and the said Poundkeeper shall dispose of any dog as hereinafter provided.
- (c) The Corporation shall appoint one or more Animal Control Officers who shall investigate complaints of dogs running at large and it shall be the duty of the Animal Control Officer to make every effort to seize and impound every dog found running at large.
- (d) Any dog observed running at large and not able to be seized will be deemed to be at large pursuant to this by-law and the owner or person responsible for said dog may be prosecuted pursuant to Section 12 of this by-law.

5. **AUTHORITY TO KILL A DOG**

- (a) Where a dog seized under this by-law is injured or should be destroyed without delay for humane reasons or for reasons of safety to persons or animals, an Animal Control Officer, Police Officer or veterinarian may kill the dog in a humane manner.

6. **FEMALE DOG**

- (a) Every owner of an unspayed female dog shall confine and house such female dog during the whole period the dog is in heat in such manner that prevents other dogs from gaining access to said female dog.

7. **IMPOUNDING**

- (a) The owner of any dog impounded pursuant to the provisions of this by-law may claim the same within (4) four clear days after the day of seizure upon payment to the Poundkeeper of any redemption fees or boarding charges that may apply, including a current dog tag.
- (b) Any dog that is impounded and not claimed at the expiration of (4) four days may be disposed of subject to the requirements of Section 20 of the Animals for Research Act, RSO 1990, Chapter A.22, providing 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 20 of the Animals for Research Act, or that it would be an act of humanity so to destroy such dog. For the purposes of this section, the period of (4) four days shall be reckoned exclusively of the day on which the dog is seized, Sundays and statutory holidays.
- (c) It shall be the duty of the Poundkeeper, charged with enforcing the provisions of this by-law, to keep a record of all dogs impounded and how the same are disposed of and shall make quarterly reports to the Council of the Corporation showing the Pound's activities

8. VICIOUS DOG

- (a) A vicious or dangerous dog means:
 - (1) Any dog with a known propensity, tendency, or disposition to attack without provocation, humans, domestic animals or other animals; or
 - (2) Any dog which when unprovoked, chases or approaches a person on the streets, sidewalks or any public grounds in a menacing fashion or apparent attitude of attack; or,
 - (3) Any dog which has bitten a human or domestic animal without provocation.
- (d) Every owner or harbourer of a vicious dog shall:
 - (1) Not be permitted to allow the dog to be on any streets or in any public place or any other place that is not owned or controlled by the owner unless the dog is on a substantial chain or leash not exceeding 1.5m in length and muzzled in a manner that will not cause injury to the dog or interfere with its vision or respiration, but will prevent the dog from biting another animal or human.
 - (2) At all times while the dog is on the premises owned or controlled by such person, keep the dog securely confined either indoors or in an enclosed pen or other structure, of minimum size five feet by ten feet, capable of preventing the entry of children and other animals and adequately constructed to prevent the dog from escaping.
 - (3) Conspicuously display a sign on his/her premises warning that there is a dangerous dog on the property.
 - (4) So confine said dog that allows persons who have lawful entry onto the premises of the dog owner to have such entry without fear of attack by said dog.
 - (5) Allow an Animal Control Officer or Police Officer to inspect such pen or other structure or to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this by-law.
 - (6) Notify the Poundkeeper immediately if a dangerous dog is loose, unconfined, has attacked another animal or human or has died or has been sold or given away. If the dog has been sold or given away the owner or harbourer shall provide the Poundkeeper with the name, address and telephone number of the new owner.

9. LICENSING

- (a) The owner of a dog which is six (6) months of age and is kept within the boundaries of the Town of Pelham shall, each year, pay to the Treasurer of the Corporation, or the Poundkeeper, depending on the number of dogs and whether the dog be neutered or not, the dog tag fee in effect under this by-law in accordance with Schedule "A" to this by-law.
- (b) Every person who owns a dog shall, at the time of paying the dog tag fee required by this by-law, furnish to the person to whom the dog tag fee is paid, the following information:
 - (1) The name and address of the owner of the dog.
 - (2) The name and description of the dog being registered
 - (3) Such other information as may be required by the issuer of the dog tag.
- (c) The dog tag fee paid under this section shall be applied only to the dog respecting which the fee is paid and the dog tag issued shall not be transferable and shall not be used for or affixed to any other than the dog for whom it was issued.
- (d) The Corporation or Poundkeeper, upon payment of the proper dog tag fee, shall furnish to the owner of the dog a dog tag bearing a serial number and the year in which it was issued and the said Corporation or Poundkeeper shall also issue to the owner of the dog so licensed, a receipt of the dog tag fee paid.

- (e) The Corporation shall keep, or cause to be kept, a record of the name and address of the owner of every dog registered and licensed under this by-law, the date of registration and the serial number of the dog tag issued.
- (f) A dog tag shall expire on the thirty-first day of December of the year in which it was issued.
- (g) Any owner who acquires a dog after November 30 in any year need only buy a dog tag for the subsequent year.
- (h) Where any dog tag issued pursuant to the provisions of this by-law has been lost or destroyed, the owner may procure a duplicate dog tag upon payment of a fee as prescribed in Schedule "A" to this by-law.
- (i) Every dog owner who takes up residence in the Town of Pelham during the course of any year and who has possession of a dog licence, issued by another Province of Ontario municipality in which the owner formerly resided, for each dog owned, shall report the dog licence number, municipality and type of dog to the Corporation and shall not be required to obtain a Town of Pelham dog tag until the next calendar year immediately following the year of initial residence by the owner in the Town of Pelham.
- (j) A dog tag may be issued at no charge for canine vision dogs, hearing dogs or dogs trained to provide assistance to the physically impaired.
- (k) There will be no refund or rebate to any owner for any portion of a dog licence when such licence has been issued in accordance with the provisions of this by-law.

10. KENNELS SEE BY-LAW #2133 (1999) ATTACHED

- (a) Any person,
 - (1) who is the owner of a dog kennel, and
 - (2) who holds a Canadian Kennel Club Inc. registration in regard to the dogs in such kennel, and
 - (3) who has completed an application for an annual kennel licence which has been approved by the Council of the Town of Pelham, such approval being at the discretion of Council, shall pay an annual fee in accordance with Schedule "A" to this by-law as a license fee for such registered, pure-bred dogs and shall not be liable to pay in respect of these dogs any other license fee under this by-law.

11. REMOVAL OF DOG WASTE

- (a) Any person who owns, controls or harbours a dog shall remove, forthwith, any feces left by such dog on any public or private property.
- (b) The provisions to remove dog feces shall not apply to the owner of a canine vision dog, hearing dog or dog trained to provide assistance to the physically impaired.

12. PENALTIES

- (a) Every person who contravenes any of the provisions of this by-law is guilty of an offence and liable upon conviction to a penalty as prescribed under the Provincial Offences Act.

13. SEVERABILITY

- (a) Every provision of this by-law is declared to be severable from the remainder of the by-law and if any provision of this by-law shall be declared invalid by a Court of competent jurisdiction, such declaration shall not affect the validity of the remainder thereof.

14. BY-LAWS REPEALED

- (a) By-laws No. 1576 (1993), 1017 (1985), 1541 (1993) and 1855 (1996) shall be and are hereby repealed.

15. FORCE AND EFFECT OF BY-LAW

- (a) This by-law shall come into force, take effect and be passed on the third reading and final passage thereof.

READ A FIRST, SECOND AND THIRD TIME
AND FINALLY PASSED BY COUNCIL THIS
17th DAY OF MARCH, 1997 A.D.


MAYOR


CLERK

SCHEDULE "A"
TO BY-LAW NO. 2254

SCHEDULE "B"
TO DOG CONTROL BY-LAW NO. 97-2010
SHORT FORM WORDING & SET FINES

ITEM	COLUMN 1 DESCRIPTION OF OFFENCE	COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE	COLUMN 3 SET FINE
1.	Fail to prevent dog running at large	Section 4(a)	\$200.00
2.	Fail to obtain dog tag	Section 3(a)	\$ 50.00
3.	Fail to keep dog tag fixed on dog	Section 3(b)	\$ 50.00
4.	Fail to keep vicious dog leashed	Section 8(d)(1)	\$200.00
5.	Fail to keep vicious dog muzzled	Section 8(d)(1)	\$200.00
6.	Faild to keep vicious dog confined	Section 8(d)(2)	\$200.00
7.	Fail to display dangerous dog sign	Section 8(d)(3)	\$ 50.00
8.	Fial to allow officer to inspect	Section 8(d)(5)	\$ 50.00
9.	Fail to pay annual kennel fee	Section 10(a)(3)	\$100.00
10.	Fail to remove feces left by dog	Section 11(a)	\$ 50.00

NOTE: The penalty provision for the offences listed above is in Section 12 of By-law No. 97-2010, a certified copy of which has been filed.