

AMENDED BY
BY-LAW No. 2945/125/93
Nov. 8, 1993
DATE

THE CORPORATION OF THE CITY OF PORT COLBORNE

REPEALED BY
BY-LAW No. 4930/155/06
DECEMBER 11, 2006
DATE
SECTIONS
2, 3, 4 (iii) 75 (xi),
5, 6, 7 AND 9
ONLY.

AMENDED BY
BY-LAW No. 3291/20/96
March 11, 1996
DATE

BY-LAW NO. 2876/55/93

BEING A BY-LAW TO PROVIDE FOR A MUNICIPAL POUND AND THE LICENSING AND REGISTRATION OF DOGS AND FOR REGULATING THE RUNNING AT LARGE OF DOGS AND TO REQUIRE REMOVAL OF DOG EXCREMENT AND TO REPEAL BY-LAWS 524/34/76 AS AMENDED AND 2074/21/88

WHEREAS Section 210 of the Municipal Act, R.S.O. 1990, Chapter M.45 provides that By-laws may be passed by the councils of local municipalities:

For providing sufficient yards and enclosures for the safekeeping of such animals as it may be the duty of the poundkeeper to impound;

For providing for animal identification systems including tagging, tattooing or microchip implantation and for requiring owners to identify their domestic animals by those systems and for charging such fees as may be set out in the by-law in respect of the identification system;

For determining the compensation to be allowed for services rendered in carrying out the provisions of any Act with respect to animals impounded or distrained and detained in the possession of the distrainer;

For requiring, within any defined areas of the municipality, an owner of a dog to keep the dog leashed and under the control of some person when the dog is on land in the municipality other than that of the owner, unless prior consent is given by the person owning the land on which the dog is found;

For requiring an owner of a dog to remove forthwith excrement left by the dog anywhere in the municipality and for excluding from the operation of the by-law such class or classes of physically handicapped persons as may be set out in the by-law;

For requiring the muzzling or leashing of a dog after it has bitten a person or a domestic animal;

For licensing and regulating and requiring the registration of dogs and for imposing a licence fee on the owners of them including the imposition of a higher fee in the case of female dogs or for each additional dog or female dog where more than one is owned by any one person or in any one household and a lower fee in the case of dogs that are at least six months old that have been spayed or neutered;

For prohibiting or regulating the running at large of dogs in the municipality or 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 the Council of the Corporation of the City of Port Colborne deems it desirable to pass a by-law for the above purposes;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF PORT COLBORNE ENACTS AS FOLLOWS:

1. DEFINITIONS

For the purpose of this By-law:

- (a) "Canine Control Officer" means the person appointed by by-law as Canine Control Officer of the Corporation, and any authorized representative

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thereof, while performing his official duties;

- (b) "City Clerk" shall mean the Clerk of the Corporation of the City of Port Colborne and any authorized representative thereof.
- (c) "City Treasurer" shall mean the Treasurer of the Corporation of the City of Port Colborne and any authorized representative thereof.
- (d) "Control" shall mean that a dog shall be deemed to be under control when such dog is under the care of a responsible person or is physically restrained.
- (e) "Corporation" means the Corporation of the City of Port Colborne;
- (f) "Dog" means any dog, male or female;
- (g) "Impounded" shall mean seized, delivered, received or taken into the Pound or any authorized vehicle operated by the pound keeper of the Corporation or his authorized representative in the performance of his official duties;
- (h) "Inspector" shall mean an inspector appointed under the Animals for Research Act, R.S.O. 1990, Chapter A.22.
- (i) "Owner" of a dog includes any person who possesses or harbours a dog and, where the owner is a minor, the person responsible for the custody of the minor and "owns" and "owned" have a corresponding meaning;
- (j) "Person" includes an individual, corporation, partnership or other legal group or entity capable of having rights and duties.
- (k) "Police work dog" means a dog trained for and actually engaged in law enforcement for a Police Force.
- (l) "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 shall conform to the requirements of the Animals for Research Act, R.S.O. 1990.
- (m) "Pound Keeper" shall mean the person appointed by by-law as Pound Keeper of the Corporation or any authorized representative thereof while in the performance of his official duties;
- (n) "Redemption Period" shall mean that period of time within which the owner of a dog or cat that has been impounded in a pound has the right to redeem it.
- (o) "research facility" means premises on which animals are used in research and includes premises used for the collecting, assembling or maintaining of animals in connection with a research facility, but does not include a farm on which pregnant mares are

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kept for the collection of urine.

- (p) "Regulations" means the regulations made under the Animals for Research Act, R.S.O. 1990, Chapter A.22.
- (q) "Running at Large" means that a dog shall be deemed to be running at large if found in any place other than the premises of the owner of the dog and not under the control of any person;
- (r) "veterinarian" means a person registered under the Veterinarians Act, R.S.O. 1980, C.22, s. 1, revised.

2. RUNNING AT LARGE

- (i) All dogs within the boundaries of the City of Port Colborne shall be so confined or controlled as to prevent them from running at large and no owner shall fail to control or confine his dog so as to prevent it from running at large.

3. SEIZING, IMPOUNDING, RETURN TO OWNER, KILLING

- (i) Any dog found running at large contrary to this by-law shall be seized by the Canine Control Officer and dealt with as hereinafter provided.
- (ii) The Canine Control Officer shall forthwith impound at the pound every dog seized by him.
- (iii) In lieu of proceeding in accordance with subsection 3(ii), the Canine Control Officer may at his discretion return the dog to the owner, but in such case, the Canine Control Officer shall deliver a warning to the owner.
- (iv) A dog impounded in the dog pound shall thenceforth become the responsibility of the authority operating the dog pound and recovery or disposal of any such dog shall be in accordance with the regulations governing the dog pound.
- (v) Notwithstanding any other provision of this by-law, the Canine Control Officer may kill or destroy, whether before or after impounding, any dog deemed to be running at large in the City of Port Colborne at any time.

4. LICENSING AND REGISTRATION OF DOGS

- (i) Notwithstanding Section (xii), no person shall keep a dog which is 12 weeks or more in age in the City of Port Colborne without obtaining a license from the City of Port Colborne for every such dog in accordance with the provisions of this by-law.
- (ii) No person or persons occupying premises within the City of Port Colborne shall own or possess or house more than three dogs, excluding unweaned puppies, at such premises. within the City of Port Colborne unless a kennel license is obtained.
- (iii) The owner of every dog in respect of which he is liable for a dog license shall pay to the City Treasurer, on or before the 15th day of March each year, the applicable license fee set out in Schedule "A" to this by-law.

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- (iv) A person in the City of Port Colborne who becomes an owner of a dog or dogs after the 10th day of March in a given year shall register and obtain a license from the City of Port Colborne for every such dog within five (5) days after the acquisition of such dog and shall pay the applicable fee set out in Schedule "A" to this By-law.
- (v) Every person who owns a dog shall, at the time of paying to the City of Port Colborne the license fee required by this by-law, register the said dog by furnishing, to the person to whom the license fee is paid, the following information:
 - (a) the name and address of the owner of the dog
 - (b) the name and description of the dog being registered
 - (c) such other information as may be required by the issuer of the licence.
- (vi) The City Treasurer shall, upon payment of the proper license fee, furnish to the owner of the dog a receipt of the license fee paid and a tag bearing a serial number and the year in which it was issued and the owner shall keep the tag securely fixed on the dog at all times until the tag is renewed or replaced, but the tag may be removed while the dog is being lawfully used for hunting in the bush.
- (vii) The City Clerk shall keep, or cause to be kept, a book in which shall be recorded the name and address of the owner of every dog registered and licensed under this by-law, the date of registration, the serial number of the dog tag issued, the particulars of the dog for which such license is issued, and the amount paid by such owner for such license and tag.
- (viii) A license shall expire on the thirty-first day of December of the year in which it was issued.
- (ix) The license fee paid under this section shall be applied only to the dog respecting which the fee is paid and no person shall use a dog tag upon a dog other than the dog for which it was issued.
- (x) No person, other than the owner, the Canine Control Officer or the Pound Keeper, shall remove a tag from a licensed dog during the year for which such tag was issued.
- (xi) Where any owner proves to the satisfaction of the City Treasurer that a tag issued pursuant to the provisions of this by-law has been lost or destroyed, he may procure from the City Treasurer a replacement tag for the sum set out in Schedule "A" to this by-law.
- (xii) The owner of a kennel of dogs which are registered or eligible for registration with an association incorporated under the Animal Pedigree Act, shall pay an annual license fee, as set out in Schedule "A" to this by-law and such owner shall be exempt from any further fee in respect of such dogs for that year.
- (xiii) A kennel license shall be issued providing the location of said kennel complies with all local zoning and building by-laws and is approved by Council of the Corporation of the City of Port Colborne.

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5. OPERATION OF PUBLIC POUND

- (i) There shall be established a public pound at such a place or places as the Council shall from time to time designate by by-law, resolution, or agreement of the Council and the same shall be the charge of such person, persons or societies as the Council may appoint.
- (ii) Unless a Pound Keeper is separately appointed, the Canine Control Officer shall carry out the duties of the Pound Keeper.
- (iii) The Pound Keeper shall impound any cat or dog brought to the public pound by any person upon payment of the impounding fee set out in Schedule "B" hereto.
- (iv) Where the Pound Keeper has impounded a dog or cat that has a tag, name plate or other means of identification, the Pound Keeper shall,
 - (a) notify the nearest office of the Ontario Society for the Prevention of Cruelty to Animals or any society affiliated therewith; and
 - (b) take all reasonable steps to find the owner of the dog or cat and shall forthwith notify the owner, if found, that the dog or cat has been impounded.
- (v) The redemption period shall be three days, excluding the day on which the dog or cat was impounded, or such longer period as the regulations prescribe and holidays shall not be included in calculating any redemption period.
- (vi) During the redemption period and subject to subsection (xi), the Pound Keeper shall not destroy or cause or permit to be destroyed any dog or cat that is in the pound but the Pound Keeper may return the dog or cat to the person who owned it before it came into the Pound Keeper's possession, subject to the payment of such damages, fines and expenses as are required by law.
- (vii) Any owner claiming a dog that is in the pound shall, if so claiming within twenty-four (24) hours after the dog has been impounded, pay to the Pound Keeper the impounding fees set out in Schedule "B" to this By-law and after twenty-four (24) hours has elapsed, said owner shall pay to the Pound Keeper an additional sum for boarding fees in accordance with Schedule "B" hereto.
- (viii) No person shall obtain or regain possession of a dog from the Pound Keeper without first being in possession of a valid license for such dog, and producing the tag therefore or exhibiting the license therefore to the Pound Keeper.
- (ix) In the case of a dog bearing a tag, the impounding fee shall apply only after the owner has been notified.
- (x) After the redemption period has expired and subject to subsection (xi), the Pound Keeper shall not destroy or cause or permit to be destroyed any dog or cat that is in the pound but the Pound Keeper may,
 - (a) return the dog or cat to the person who owned it before it came into the possession of the pound keeper, subject to the payment of such damages, fines and expenses as are required by law;

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- (b) sell the dog or cat, dispose of it by gift or hold it in possession for sale or disposal by gift to a purchaser or donee in good faith,
 - (i) as a pet,
 - (ii) for use in hunting, or
 - (iii) for working purposes; or
 - (c) sell the dog or cat to the operator of a registered research facility in Ontario who has requested the Pound Keeper to sell a dog or cat, as the case may be.
- (xi) The Pound Keeper may destroy or cause or permit to be destroyed any dog or cat that has been impounded in the pound where,
 - (a) the person who owned the dog or cat before it came into the possession of the Pound Keeper has requested in writing that the dog or cat be destroyed;
 - (b) an inspector or veterinarian has ordered that the dog or cat be destroyed under subsection (xv);
 - (c) the dog or cat has been impounded in the pound for the redemption period and the Pound Keeper has satisfied all requests referred to in clause (x)(c) from operators of research facilities; or
 - (d) during the redemption period, the dog or cat is in a pound and,
 - (i) is ill or injured and in the Pound Keeper's opinion is incapable of being so cured or healed as to live thereafter without suffering, and
 - (ii) the Pound Keeper has satisfied all requests referred to in clause (x)(c) from operators of research facilities.
- (xii) Where the Pound Keeper sells a dog or cat to the operator of a research facility under subsection (x)(c), the price of the dog or cat,
 - (a) where no maximum price has been prescribed in the regulations in respect of the dog or cat, shall not exceed a price that is reasonable having regard to all the circumstances; or
 - (b) shall not exceed the maximum price prescribed in the regulations in respect of the dog or cat.
- (xiii) In addition to the price paid for a dog or cat under clause (xii)(b), the Pound Keeper may require the operator of a research facility to pay such amount as is prescribed in the regulations in respect of the care, treatment, food and accommodation of a dog or cat.
- (xiv) Where a dog or cat is sold or otherwise disposed of in a manner referred to in subsection (x), no person shall make any payment in respect of the dog or cat to the Pound Keeper or any person employed at the pound but shall make such payment in the manner and to such other person as is prescribed in the regulations.

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- (xv) An inspector or veterinarian may order a dog or cat to be destroyed,
 - (a) where, during the redemption period the dog or cat is in a pound and is ill or injured and, in the opinion of the inspector or veterinarian, is incapable of being so cured or healed as to live thereafter without suffering; or
 - (b) where the dog or cat,
 - (i) is in a pound,
 - (ii) has not been redeemed by its owner within the redemption period, and
 - (iii) is, in the opinion of the inspector or veterinarian, not suitable for use in research by reason of ill health, injury, malnutrition, excessive age or other infirmity.
- (xvi) The Pound Keeper shall at all times identify a dog or cat that is impounded pursuant to this by-law in such manner as is prescribed in the regulations.
- (xvii) The Pound Keeper shall maintain within the pound a record of every animal in the pound in accordance with the Regulations.
- (xviii) The provisions of Section 5 do not apply to an animal that by reason of being suspected of being infected with any communicable disease is confined in a pound pursuant to the Laboratory and Specimen Collection Centre Licensing Act or the Animal Disease and Protection Act (Canada).

6. LEASHING

Every owner of a dog within the City of Port Colborne shall keep said dog on a leash not exceeding 2.5m in length when said dog is on land within the City of Port Colborne other than that of the owner, unless prior consent is given by the person owning the land on which the dog is found.

7. REMOVAL OF DOG WASTE

The owner of a dog shall forthwith remove excrement left by such dog on any land which is not owned or occupied by said owner and dispose of such excrement in an acceptable sanitary manner.

8. MUZZLING

- (a) Every owner of a dog that has bitten a person or domestic animal shall keep said dog 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 human or animal, at all times.
- (b) Every owner of a dog which has bitten a person or domestic animal may be exempted from this requirement by the Council of the Corporation of the City of Port Colborne if said owner requests a hearing before Council and Council decides in favour of the exemption.
- (c) This section shall not apply to a police work dog.

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9. PENALTIES

- (i) Any person convicted of a breach of the provisions of this by-law shall be liable upon conviction pursuant to The Provincial Offences Act to a fine not exceeding Two Thousand Dollars (\$2,000.00) (exclusive of costs).
- (ii) Should any provision of this by-law be declared by a court of competent jurisdiction to be void or ultra vires for any reason, the remaining provisions shall, nevertheless, remain valid and binding and shall be read as if the offending section or sub-section had been struck out.

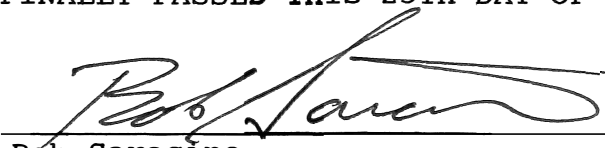
10. ENFORCEMENT

This By-law shall be enforced by the Canine Control Officer and Pound Keeper of the City of Port Colborne and by any officer appointed by the Council of the Corporation of the City of Port Colborne for the enforcing or carrying out of the provisions of this by-law.

11. BY-LAWS REPEALED

By-law No. 2074/21/88 and By-law No. 524/34/76 as amended by By-law No. 877/78/79 are hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 25TH DAY OF MAY 1993.


Bob Saracino
MAYOR


L. C. Hunt
CITY ADMINISTRATOR & CLERK

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SCHEDULE "A"
TO
BY-LAW NO. 2876 / 55 / 93

1. Where the license fee for any year is paid on or before the date such fee is due the license fee shall be:

Where only male dogs are kept,

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| (a) for a male dog, if only one is kept: | \$ 7.00 |
| (b) for each additional male dog: | \$10.00 |

Where only female dogs are kept,

- | | |
|---|---------|
| (c) for a female dog if only one is kept: | \$10.00 |
| (d) for each additional female dog | \$20.00 |

Where both male and female dogs are kept,

- | | |
|---|---------|
| (e) for one female dog and one male dog: | \$20.00 |
| (f) for one female dog and two male dogs: | \$30.00 |
| (g) for two female dogs and one male dog: | \$40.00 |

For the purposes of this By-law, a spayed female dog shall be deemed a male dog.

Note: The due date for a license is March 15th of any year or the fifth day following the date of acquisition of the dog where the dog is acquired during the current year, whichever date is the later.

2. Where the license fee for any year is paid after the date such fee is due, a five dollar (\$5.00) penalty fee shall apply in addition to the fee set out in Section 1 of this Schedule.
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|----------------------------------|---------|
| 3. Replacement fee for lost tag: | \$2.00 |
| 4. Kennel license fee: | \$25.00 |

SCHEDULE "B"
TO
BY-LAW NO. 2876 / 55 / 93

1. Impounding Fees:

Where dog was seized by the Canine Control Officer prior to impounding: \$15.00

Where dog was delivered to the Pound by the owner and impounded at owner's request: \$ 7.00

Where cat was delivered to the Pound by the owner and impounded at owner's request: \$ 4.00

Where lost and found dog or cat was delivered to the Pound by person other than owner and impounded: no charge

2. Boarding Fees:

Per diem, dog or cat: \$ 6.00