

**THE CORPORATION OF THE
TOWNSHIP OF WAINFLEET
BY-LAW NO. 014-2016**

AS AMENDED BY BY-LAW NO. 041-2018 & BY-LAW NO. 049-2019

Being a by-law to provide for the licensing,
control and regulation of dogs and to repeal
By-law No. 028-2007.

WHEREAS Section 9, 10, 11 of the *Municipal Act*, 2001, S.O. 2001, c.25 as amended provides that a Municipality has the authority to pass by-laws to regulate, prohibit and license with respect to animals;

AND WHEREAS Section 103 of the *Municipal Act*, 2001, S.O. 2001, c. 25 as amended provides for the seizure and impounding of animals, regulating or prohibiting with respect to the being at large or trespassing and the sale of impounded animals;

AND WHEREAS Section 105 of the *Municipal Act*, 2001, S.O. 2001, c. 25 as amended provides for the muzzling of a dog under any circumstances, the council of the municipality shall, upon the request of the owner of the dog, hold a hearing to determine whether or not to exempt the owner in whole or in part from the requirement;

AND WHEREAS Section 391 of the *Municipal Act*, 2001, S.O. 2001, c. 25 as amended provides that a municipality may pass by-laws imposing fees or charges for services or activities provided or done on behalf of it;

AND WHEREAS the Council of the Corporation of the Township of Wainfleet deems it expedient to license, regulate and control the keeping of dogs in the municipality;

NOW THEREFORE the Council of the Corporation of the Township of Wainfleet **HEREBY ENACTS AS FOLLOWS:**

1. SHORT TITLE

1. This by-law shall be known as the "Dog Control By-law".

2. DEFINITIONS

For the purpose of this By-law:

1. "**APPEAL COMMITTEE**" shall mean members appointed by Council from time to time to sit on this committee.
2. "**ANIMAL**" means a live, non-human vertebrate member of the Animal kingdom. **(as amended by Resolution No. C-235-2018)**
3. "**BARKING/HOWLING EXCESSIVELY**" means barking or howling that is of a persistent nature.
4. "**CLERK**" shall mean the Clerk of the Corporation of the Township of Wainfleet

5. **“CONTROL”** shall mean that a dog is deemed to be under control when such dog is on a lead not exceeding 2.5 m 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.
6. **“CORPORATION”** shall mean the Corporation of the Township of Wainfleet.
7. **“DOG”** shall mean any animal of the canine species irrespective of sex or neutered/spayed.
8. **“DOG TAG”** shall mean the licence issued by the Corporation pursuant to this by-law to register and identify any dog in the Township of Wainfleet.
9. **“HANDICAPPED PERSON”** shall mean a person who has a degree of paralysis, amputation, lack of physical co-ordination, blindness, intellectual disability, physical reliance on a guide dog or in a wheelchair or other appliance or device.
10. **“HOLIDAYS”** shall mean any day where the designated pound is not open to the public.
11. **“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.
12. **“KENNEL”** shall mean any building, structure, or enclosure for the purpose of keeping, housing, enclosing or harbouring dogs which are kept as pets or for show and shall also include the operation of boarding and/or breeding facilities for dogs.
13. **“MICROCHIP”** shall mean an encoded electronic device implanted in an animal by or under the supervision of a veterinarian, which contains a unique number that provides owner information that is stored in a central database.
14. **“MUZZLE”** means a humane fastening or covering device that provides adequate strength over the mouth of an animal to prevent it from biting
15. **“NEUTERED DOG”** means a male dog for which the owner produces satisfactory evidence of its being neutered.
16. **“NOT UNDER CONTROL OF ANY PERSON”** means when a dog is not on a lead/leash held by a person or not otherwise restrained or directed in its actions. Sound or voice shall not be deemed “control under this by-law”.
17. **“OFFICER”** shall mean:
 - a) any police officer;
 - b) a municipal by-law enforcement officer appointed by the Township; and
 - c) all animal control officers employed by the Welland & District Humane Society, including agents and inspectors designated as such under the Ontario Society for the *Prevention of Cruelty to Animals Act*,
18. **“OWNER”** shall mean a 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.

19. **"POTENTIALLY DANGEROUS DOG"** shall mean a dog that in the absence of any mitigating factors, chases or approaches any person or domestic animal, anywhere other than on the property of its owner, in a menacing fashion or apparent attitude of attack, including but limited to, behaviour such as growling or snarling or shows the disposition or tendency to be threatening or aggressive.
20. **"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*, RSO 1990, Chapter A.22, and regulations made thereunder.
21. **"POUNDKEEPER"** shall mean the person or organization responsible for maintaining the pound on behalf of the Corporation for the purpose of enforcing and carrying out the provisions of this by-law.
22. **"PRIVATE PROPERTY"** shall mean property other than the property of the owner or property of the person having care, custody or control of the dog.
23. **"PUREBRED"** means registered or eligible for registration in the register of the Canadian Kennel Club Incorporated, or equivalent, or with an association incorporated under the *Animal Pedigree Act* (Canada).
24. **"RESTRAINED"** shall mean being kept securely confined inside a building or house or in an enclosed pen or other structure.
25. **"RUNNING 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.
26. **"SOCIETY"** shall mean the Humane Society to which animal control has been delegated by the Township, to enforce the provisions of this by-law.
27. **"SPAYED DOG"** means a female dog for which the owner can produce satisfactory evidence of its being spayed.
28. **"VICIOUS DOG"** means any dog that has attacked, bitten, or caused injury to a person or domestic animal or has demonstrated a propensity, tendency or disposition to do so and shall have the same meaning as a dangerous dog and a dog which has been declared vicious or dangerous in another municipality in Ontario.

3. IDENTIFICATION

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

4. LICENSING

1. Every owner of a dog which is six (6) months of age or older, and is kept within the boundaries of the Township of Wainfleet shall, each year, procure and maintain in good standing, for each dog owner by him/her, a license issued pursuant to the provisions of this by-law.
2. Every license application shall be accompanied by the following:
 - a) the name, address and telephone number of the owner;
 - b) whether the dog is attack trained for a security service;
 - c) whether the dog is dangerous;
 - d) whether the dog is registered with a kennel;
 - e) a description of the dog sufficient to identify the dog, including an indication of whether the dog is spayed or neutered and proof thereof, if requested;
 - f) a valid rabies certificate;
 - g) the applicable fee as set out the current Fees and Charges By-law.
3. The dog tag fee paid under this section shall be applied only to the dog for 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.
4. The Corporation, the Society or its agent, 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, the Society or its agent shall also issue to the owner of the dog so licensed, a receipt of the dog tag fee paid.
5. The Corporation, the Society or its agent 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.
6. A dog tag shall expire on the thirty-first day of December of the year in which it was issued.
7. Any owner who acquires a dog after November 30th in any year need only buy a dog tag for the subsequent year.
8. After the first day of December in any year, dog tags for subsequent year shall be available for sale and shall be sold for the discount rate as outlined in By-law No. 011-2014 up until the first day of January in the year for which the tag is valid. After the first day of January, dog tags for the current year shall be sold at the regular license fee rate as set out the current Fees and Charges By-law.
9. 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 the current Fees and Charges By-law.
10. Every dog owner who takes up residence in the Township of Wainfleet 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 Township of Wainfleet dog tag until the next calendar year immediately following the year of initial residence by the owner in the Township of Wainfleet.

11. 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.
12. 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.

5. KENNELS AND KENNEL LICENSING

1. Every person who operates, or wishes to operate a kennel shall procure and maintain in good standing a license issued pursuant to the provisions of this By-law as well as the Corporation's Zoning By-law.
2. Every application for a Kennel Licence shall be accompanied by the following:
 - a) the name, address and telephone number of the owner;
 - b) the location of the proposed kennel;
 - c) a description of the nature of the kennel;
 - d) correspondence from the Manager of Planning of the Township that the kennel, as a land use, conforms to the Township's Zoning By-law;
 - e) the applicable fee as set out in the current Fees and Charges By-law.
3. The issuance of a kennel license entitles an owner to a dog tag for each dog that he or she keeps as a pet.
4. Every person who purchases a dog from a Kennel is individually responsible to obtain the appropriate license for the dog.
5. Every kennel license shall expire on the 31st day of December in the year for which it is issued and shall be renewable yearly.
6. Approval or renewal of a Kennel License shall be conditional upon receipt of confirmation from an Officer that the Kennel meets all legal current requirements for the humane treatment of dogs in a Kennel and confirmation of compliance with applicable current codes of practice as published under direction of the Canadian Veterinary Medical Association.
7. Every Owner of a Kennel and every person who operates or manages a Kennel shall ensure that the Kennel is kept in a clean and sanitary condition, is free of refuse of any kind at all times so as to prevent the arising of excessive odours there from, has a fly prevent programme and is kept free of vermin at all times.
8. Every Owner of a Kennel shall maintain a log of all dogs contained in the Kennel in accordance with the requirements as determined by the Corporation, the Society or its agent.
9. Every Owner of Kennel and every person who has made an application for a Kennel License shall permit an Officer to enter and inspect the Kennel or proposed Kennel operation at any and all reasonable times, upon production of proper identification, for the purposes of determining compliance with this by-law. Failure to allow such inspection may result in suspension or non approval/renewal of a Kennel License.

10. No person or persons occupying premises within the Corporation of the Township of Wainfleet shall own, control, possess or harbour or board more than three (3) dogs in a dwelling unit unless they first procure a Kennel License.
11. Where the Corporation, the Society or its agent refuses a Kennel License or suspends or revokes a Kennel registration, the owner or operator of a Kennel may appeal to Council in accordance with Council's procedures.
12. Where an appeal is filed, Council shall hear the appeal in accordance with its procedures and shall have all the powers and functions of an officer in deciding the appeal.

6. EXEMPTIONS

1. Notwithstanding section 5.10, a temporary exemption to own or possess or house more than three (3) dogs may be provided, upon Council approval, for compassionate reasons, working dogs or farming and/or herding dogs and must be applied for in writing to the Clerk.
2. Notwithstanding section 5.10, any existing property containing more than three (3) dogs prior to the final reading of this by-law shall be allowed to keep said dogs until the death of the dogs. The person or persons who owned said dogs shall not purchase another dog or dogs if there will be more than three (3) dogs located within that dwelling unit. To be exempted owner shall provide evidence of ownership of each dog by proof of registration for each dog from the previous year.

7. PROVISION OF NEEDS

1. Every person who keeps a dog within the municipality shall provide for such dog or cause it to be provided with:
 - a) clean, fresh drinking water available and suitable food of sufficient quantity and quality to allow for normal, healthy growth and the maintenance of normal, healthy body weight;
 - b) food and water receptacles kept clean and disinfected and located so as to avoid contamination by excreta;
 - c) the opportunity for periodic exercise sufficient to maintain good health, including the opportunity to be unfettered from a fixed area and exercised regularly under appropriate control;
 - d) necessary veterinary medical care when the animal exhibits signs of pain, illness or suffering;
 - e) if an animal is customarily kept out of doors, the owner of the animal shall provide for the safekeeping of the animal including for its use at all times a structurally sufficient, weather-proofed and insulated enclosure of appropriate size and dimension;
 - f) a house or shelter that will provide protection from heat, cold and wet that is appropriate to the animal's weight and type of coat. Such shelter must provide sufficient space to allow the animal the ability to turn around freely and lie in a normal position;

- g) area providing sufficient shade to protect the animal from the direct rays of the sun at all times; and
 - h) pens and run areas that must be regularly cleaned and sanitized and excreta removed and properly disposed of daily.
2. No person may cause a dog to be hitched, tied or fastened to a fixed object where a prong collar or choke chain forms part of the securing apparatus, or where a rope or cord is tied directly around the animal's neck.
 3. No person shall keep any dog in the Township tethered on a chain, rope or similar restraining device that is less than three (3) metres in length.
 4. No person may cause a dog to be hitched, tied or fastened to a fixed object as the primary means of confinement under circumstances that can be reasonably deemed to be inhumane.
 5. No person may cause a dog to be confined in an enclosed space, including a car, without adequate ventilation.
 6. No person may transport a dog in a vehicle outside the passenger compartment unless it is adequately confined or unless it is secured in a body harness or other manner of fastening which is adequate to prevent it from falling off the vehicle or otherwise injuring itself.

8. UNSANITARY CONDITIONS PROHIBITED

1. No person shall keep a dog in an unsanitary condition within the municipality. Conditions shall be considered unsanitary where the keeping of an animal results in an accumulation of fecal matter, an odour, insect infestation or rodent attractants which endanger the health of the animal or any person, or which disturb or are likely to disturb the enjoyment, comfort or convenience of any person in or about any dwelling, office, or commercial establishment.

9. DOGS AND OWNER'S RESPONSIBILITY

1. No owner shall suffer, permit, allow or for any reason have his or her dog bark or howl excessively or in any other manner likely to disturb the quiet of any person.
2. No owner of a dog shall permit his or her dog to, without provocation:
 - a) chase, bite or attack any person;
 - b) chase, bite or attack any domestic animal or bird, or to fight with another dog or animal;
 - c) damage public property;
 - d) no owner of a dog shall permit it to trespass on any private property.

9.1 Animals in Vehicles (as amended by Resolution No. C-235-2018)

- 9.1.1 No person shall leave an Animal unattended in a motor vehicle unless;
- a) the Animal is restrained in a manner that prevents contact between the Animal and any member of the public; and
 - b) the Animal has suitable ventilation.
- 9.1.2 Notwithstanding subsection 9.1.1 of this By-law, no person shall leave an Animal unattended in a motor vehicle if the weather conditions are not suitable for the Animal to remain free from distress or injury.
- 9.1.3 Notwithstanding subsection 9.1.1 of this By-law, no person shall transport an Animal outside a passenger compartment of any motor vehicle unless the Animal is contained in a kennel or similar device that provides adequate ventilation, adequate space, protects the Animal from the elements and is securely fastened in such a manner to prevent distress or injury to the Animal.

10. DOGS RUNNING AT LARGE

1. All dogs within the Township of Wainfleet, 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.
2. Any dog found running at large contrary to this by-law shall be seized and delivered to the dog pound maintained by the Corporation, the Society or its agents and shall dispose of any dog as hereinafter provided.
3. 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.
4. 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 20 of this by-law.

11. AUTHORITY TO EUTHANIZE A DOG

1. Where a dog seized and/or impounded under this by-law should be destroyed without delay for humane reasons, an officer or veterinarian may euthanize the dog in a human manner with the owner being responsible for all costs incurred.

12. IMPOUNDING

1. The owner of any dog impounded pursuant to the provisions of this by-law may claim the same within four (4) 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.
2. 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 the 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 purpose of this section, the period of (4) four days shall exclude the day of capture, Sundays and any holidays.

3. 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.

13. IMMUNIZATION

1. A valid rabies certificate from a veterinary surgeon registered as a member of the Ontario Veterinary Association under the *Veterinarians Act*, and amendments thereto shall be produced when license is purchased.
2. A rabies certificate shall be dated no longer than one year from the date of the purchase of the license.
3. Failure to produce a rabies certificate shall constitute an offence under the provisions of this by-law and in addition to any other penalty or remedial action provided herein, the failure to provide such a certificate shall be forthwith reported to the Health Unit responsible for that area.
4. Every Owner of a Kennel or the operator of the Kennel shall refuse to admit a dog into the kennel unless it is immunized against distemper, hepatitis, rabies and parvo virus.
5. If a veterinarian confirms that a Kennel has an outbreak of distemper, hepatitis, rabies and parvo virus, or any infectious or contagious disease, the Kennel Licence shall be suspended and the Kennel shall be closed forthwith by an Officer. The Kennel may reopen and have its license reinstated upon receipt of a written report from the veterinarian that danger of disease is past.

14. POTENTIALLY DANGEROUS DOG

1. The Corporation, the Society or its agents shall have the authority to declare a dog as potentially dangerous and may make whatever inquiry deemed necessary to determine if a dog is potentially dangerous. Any dog declared potentially dangerous shall be muzzled and restrained immediately upon being served with notice to muzzle pursuant to the provisions as set out in this by-law.
2. The Officer may seize the dog that has been declared potentially dangerous and any dog so seized shall be impounded for a period not less than 10 days. The owner of the dog shall pay all applicable fees.
3. Every owner or harbourer of a potentially dangerous dog shall:
 - a) 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 under control of a person 16 years of age or older and have adequate strength to restrain the dog.
 - b) Ensure the dog is on a substantial chain or leach not exceeding 1.5 m 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.

- c) 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.
- d) Conspicuously display a sign on his/her premises warning that there is a dangerous dog on the property.
- e) Confine said dog that allows persons having lawful entry onto the premises without fear of attack by said dog.
- f) 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.
- g) Notify the Corporation, the Society or its agents 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.
- h) The designation of a potentially dangerous dog may be removed by the Corporation, the Society or its agents, following a period of two years from designation and pending a review that no offences have occurred.

15. VICIOUS DOG

1. The Corporation, the Society or its agents shall have the authority to declare a dog as vicious and may make whatever inquiry deemed necessary to determine if a dog is vicious. Any dog declared vicious shall be muzzled and restrained immediately upon being served with notice to muzzle pursuant to the provisions as set out in this by-law.
2. The Officer may seize the dog that has been declared vicious and any dog so seized shall be impounded for a period not less than 10 days. The owner of the dog shall pay all applicable fees.
3. Every owner or harbourer of a vicious dog shall:
 - a) 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 under control of a person 16 years of age or older and have adequate strength to restrain the dog.
 - b) Ensure the dog is on a substantial chain or leash not exceeding 1.5 m 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.
 - c) 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.

- d) Conspicuously displace a sign on his/her premises warning that there is a dangerous dog on the property.
- e) Confine said dog that allows persons having lawful entry onto the premises without fear of attack by said dog.
- f) 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.
- g) Notify the Corporation, the Society or its agents 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.

16. INSPECTION BY OFFICER

1. No person shall hinder or obstruct any Officer, Municipal Law Enforcement Officer, The Corporation's Chief Building Official or his/her designate under the Ontario Building Code and the Ontario Society for the Prevention of Cruelty to Animals to enter onto the property and to carry out an inspection of premises where dog(s) of the owner is kept or to make inquiries deemed necessary for the purposes of insuring compliance with the provisions of this by-law.
2. If a Kennel owner, dog owner or landowner is aware of possible diseases on his/her property, he/she must inform any officer prior to the officer entering onto the property of such owner.

17. REMOVAL OF DOG WASTE

1. Any person who owns, controls or harbours a dog shall remove forthwith, any feces left by such dog on any public or private lands within the Township of Wainfleet.
2. 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.

18. APPEALS

1. Where a dog has been declared vicious by the Corporation, the Society or its agents, pursuant to the provisions of this by-law, the owner of the dog may apply to the Corporation for a hearing in respect of such Notice to Muzzle.
2. An application with the applicable fee as set out in the current Fees and Charges By-law for a hearing shall be made in writing and delivered to the Clerk of the Corporation within 10 days after the Notice to Muzzle has been served.
3. 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.

4. The applicant and any other interested person may appear at the hearing and present oral, written or visual evidence related to the dog.
5. 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.

19. APPEAL COMMITTEE

1. 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.
2. The decision of the Appeal Committee is final and binding.
3. The Appeal Committee shall confirm the vicious dog declaration and order, or exempt the owner of the dog from any muzzle, restraining or leaching requirements, or all, or dispose of an appeal by Consent Order.
4. The procedure of the Appeal Committee, appended hereto as Schedule "A" to this by-law 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*.
5. Notwithstanding that an applicant as applied for a hearing to appeal a Notice to Muzzle, all responsibilities on a person, as described in section 13 hereto, including the 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.
6. 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 Health Department, the Corporation, the Society, members of Council, Appeal Committee Members and the clerk.

20. PENALTIES (As amended by By-law No. 049-2019)

1. (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*.
- (b) An Officer may issue a penalty notice immediately upon evidence of a violation to the owner of the property, in accordance with the AMPS By-law for Non-Parking Offences No. 027- 2019.

21. SEVERABILITY

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

22. BY-LAWS REPEALED

1. By-law No. 028-2007 shall be and are hereby repealed.

23. FORCE AND EFFECT OF BY-LAW

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

BY-LAW READ A FIRST TIME THIS 8TH DAY OF MARCH, 2016

BY-LAW READ A SECOND TIME THIS 8TH DAY OF MARCH, 2016.

BY-LAW READ A THIRD TIME AND FINALLY PASSED THIS 29TH DAY OF MARCH, 2016.

A. Jeffs, MAYOR

Smith, ACTING CLERK

SCHEDULE "A" TO BY-LAW NO. 014-2016

PROCEDURE OF APPEAL COMMITTEE

This schedule outlines appeal hearings before the Committee where a person wishes to challenge a designation made pursuant to the provisions of this By-law to designate a dog as vicious.

Meeting Procedure

Introduction – Chair shall call the meeting to order and introduce staff members, Officers, and ask the appellant and/or his or her agent to introduce themselves and victim, if any. At this time the Chair will set out evidentiary rules and proceedings and call for any Pecuniary Interest.

The procedure to be followed during the hearing is as follows:

Appeal Case – The appellant or agent may present their case and call witnesses.

1. Witnesses may be called by the appellant or agent. Before speaking, all witnesses must state their name and address in order that the recorder may enter them into the record.
2. Any exhibits presented by the appellant or agent should be clearly marked and distributed with enough copies to the Committee Members.
3. Any person discussing any matter pertaining to personal finances or other personal matters, must advise the Chair in order that proceedings may go "in camera" and members of the public and media, if any, will be asked to vacate the room before such discussions take place.

Cross Examination –

1. After the appellant has presented his/her case, Committee Members will have an opportunity to ask questions of the appellant, or the witnesses.
2. The Animal Control Officer may ask questions of the appellant or the witnesses, on behalf of the Corporation.
3. After the Committee has completed its questioning, any member of the public present, including the victim, if any, at these proceedings may speak to the appeal, by rising and being recognized by the Chair within a 15 minute time limit. Before speaking, any person must state their name and address for the record.
4. The Committee Members and Officer may ask questions of any presenter from the public, including the victim, if any.

Defence of Order – The Animal Control Officer may present evidence or call witnesses

1. Witnesses may be called by the Officer. Before speaking, all witnesses must state their name and address in order that the recorder may enter them into the record.
2. Any exhibits presented by the Officer should be clearly marked and distributed with enough copies to the Committee Members.
3. Any persons discussing any matter pertaining to personal finances or other matters, must advise the Chair in order that proceedings may go "in camera" and members of the

public and media, if any, will be asked to vacate the room before such discussion takes place.

Cross Examination –

1. Committee Members may ask questions of the Officer or the witnesses.
2. The appellant may ask questions of the Officer or the witnesses.
3. After the Committee has completed its questioning, any member of the public present, including the victim, if any, at these proceedings may speak to the Order, by rising and being recognized by the chair within a 15 minute time limit. Before speaking, any person must state their name and address for the record.
4. The Committee Members and appellant may ask questions of any presenter from the public, including the victim, if any.

The Decision – Chairperson –

1. Shall advise interested parties that the Committee's decision is final and binding.
2. What is the pleasure of the Committee, any motions – Motions must be seconded where a motion is moved. No discussion by the public at this point, unless point of clarification.
3. If there are no motions, the Chairperson is to move for the Committee to go "in camera" to deliberate a decision.

SCHEDULE "B" TO BY-LAW NO. 014-2016

Short Form Wording and Administrative Penalties.

Section	Short Form Wording	Penalty
3.1	Keep Dog without collar and affixed dog tag	\$100.00
5.1	Operate Kennel without a licence	\$500.00
5.10	Keep more than 3 dogs without Kennel License	\$100.00
7.1 (a)	Fail to provide fresh clean water	\$75.00
7.1 (b)	Fail to keep food and water area clean and disinfected	\$75.00
7.1 (c)	Fail to provide sufficient exercise	\$75.00
7.1 (d)	Fail to provide medical care	\$150.00
7.1 (e)	Fail to provide adequate enclosure	\$150.00
7.1 (f)	Fail to provide adequate shelter	\$150.00
7.1 (g)	Fail to provide sufficient shade	\$150.00
7.1 (h)	Fail to clean and sanitize pens and runs/Fail to remove and properly dispose excreta daily	\$75.00
7.2	Hitch, tie or fasten Dog by choke or prong collar as securing apparatus or tie rope or cord directly around Dogs neck.	\$150.00
7.3	Keep Dog tethered with restraining device less than 3m in length	\$75.00
7.4	Keep Dog hitched, tied or fastened in an inhumane way	\$150.00
7.5	Keep Dog in confined space, including car, without adequate ventilation	\$200.00
7.6	Transport Dog in vehicle outside passenger compartment without adequate safety devices	\$200.00
8.1	Keep Dog in unsanitary condition	\$200.00
9.2 (a)	Permit Dog to chase, bite or attack any person	\$150.00
9.2 (b)	Permit Dog to chase, bite or attack any domestic animal or bird or to fight with another dog or animal	\$150.00
9.2 (c)	Permit Dog to damage public property	\$75.00
10.1	Permit Dog to run at large	\$200.00
14.3 (a)	Permit Potentially Dangerous Dog in public place under control of person unable to restrain the Dog	\$200.00
14.3 (b)	Fail to keep Potentially Dangerous Dog on appropriate leash and muzzle	\$200.00
14.3 (c)	Fail to keep Potentially Dangerous Dog appropriately secured on premises	\$200.00
14.3 (d)	Fail to display warning of Dangerous Dog on premises	\$200.00
14.3 (g)	Fail to notify of Dangerous Dog at large/attack/demise/disposal	\$150.00
15.3 (a)	Permit Vicious Dog in public place under control of person unable to restrain the Dog	\$300.00
15.3 (b)	Fail to keep Vicious Dog on appropriate leash and muzzle	\$300.00
15.3 (c)	Fail to keep Vicious Dog appropriately secured on premises	\$300.00
15.3 (d)	Fail to display warning of Vicious Dog on premises	\$300.00
15.3 (g)	Fail to notify of Vicious Dog at large/attack/demise/disposal	\$250.00
16.1	Hinder or Obstruct Officer	\$100.00
17.1	Fail to forthwith remove Dog feces left on public or private lands	\$75.00