

THE CITY OF THE CITY OF WELLAND

BY-LAW NUMBER 2007 - 199

BEING A BY-LAW TO PROVIDE FOR THE LICENSING,
CONTROL AND REGULATION OF DOGS

WHEREAS Sections 8, 9, 10, and 11 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended provides that a Municipality has the authority to pass a bylaw, to regulate or prohibit, license as it considers appropriate 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 128 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances;

AND WHEREAS Section 129 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended provides that a municipality may prohibit and regulate with respect to noise, vibration, odour, dust and outdoor illumination, including indoor lighting that can be seen outdoors;

AND WHEREAS Section 130 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended provides that a municipality may regulate matters not specifically provided for by this Act or any other Act for purposes related to the health, safety and well-being of the inhabitants of the municipality;

AND WHEREAS Part XIV of the Municipal Act, 2001, S.O. 2001, c. 25 as amended provides that a municipality may pass by-laws providing for powers of entry, inspection powers, offences and penalties;

NOW THEREFORE THE COUNCIL OF THE CITY OF WELLAND ENACTS AS FOLLOWS:

SECTION 1 SHORT TITLE

1.1. This By-law shall be known as the "Dog Control and Licensing By-Law".

SECTION 2 BY-LAW EXEMPTIONS

2.1. This by-law shall not apply to the following:

- (a) an animal hospital or clinic, lawfully operated and supervised by a veterinarian,
- (b) the WDSPCA,
- (c) a Police Work Dog,
- (d) zoos, fairs, exhibitions, or circuses, operated or licensed, if applicable, by the City or other governmental authority, or

(e) a Research Facility registered under the Animals for research Act.

2.2. Section 7 and Section 16 of this By-law do not apply to a lawfully operated kennel.

2.3. Section 7 of this By-law does not apply to a canine vision dog, hearing dog or dog trained to provide assistance to a person with a disability.

SECTION 3 DEFINITIONS

3.1. For the purposes of this By-law:

- (a) "Appeal Committee" shall mean the three residents of the City of Welland appointed by City Council from time to time to hear appeals under this By-law;
- (b) "City" shall mean the Corporation of the City of Welland;
- (c) "Bark or Howl Excessively" means barking or howling that is of a persistent nature, over 20 minutes in duration;
- (d) "Bite" shall mean a wound resulting from a bite by an animal;
- (e) "Clerk" shall mean the City Clerk for the City of Welland;
- (f) "Consent Order" shall mean an undertaking signed by the Owner of a dog to adhere to certain restrictions with respect to the methods to be used in restraining his/her dog when it comes into contact with other persons or domestic animals;
- (g) "Control" means when a dog is on a lead/leash not to exceed 2.5 metres, held by a person or otherwise restrained or directed in its actions. Sound or voice shall not be deemed "control" under this By-law;
- (h) "Dangerous Dog" means any dog which 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 vicious dog, and includes a dog which has been declared vicious or dangerous in another municipality in Ontario;
- (i) "Dog" means any animal of the canine species irrespective of sex or neutered/spayed;
- (j) "Dog Tag" means the license issued by the City pursuant to this By-law to register and identify any dog within the boundaries of the said City which license shall include identification for the City to which it applies thereon;
- (k) "Domestic Animal" shall mean any tame and naturally gentle animal traditionally kept by a person as a pet and shall not include any dangerous or potentially harmful animal by way of aggression, toxins, venom or size;
- (l) "Holiday" shall mean any day where the designated Pound is not open to the public;
- (m) "Impounded" shall mean removed, delivered, received or taken into the Pound or any authorized vehicle operated by an Officer pursuant to the provisions of this By-law;

- (n) "Kennel" shall mean the same as a Kennel defined in the Zoning By-laws of the City, as amended from time to time;
- (o) "Microchip" means an encoded electronic device implanted in an animal by or under the supervision of a veterinarian, or by the WDSPCA, which contains a unique number that provides Owner information that is stored in a central database;
- (p) "Muzzle" means a humane fastening or covering device of adequate strength and design and suitable to the breed of the dog that fits over the mouth of a dog and cannot be removed by the dog, to prevent a dog from biting or attacking a person or domestic animal;
- (q) "Muzzle Order" means an Order issued to an Owner concerning his or her dangerous dog;
- (r) "Neutered Dog" means a male dog for which the Owner produces satisfactory evidence of its being neutered;
- (s) "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;
- (t) "Owner" means a person who possesses or harbours a dog, or animal, and where the Owner is a minor, the person responsible for the custody of the minor, and "owns" and "owned" have a corresponding meaning;
- (u) "Officer" means:
 - (i) any Police Officer;
 - (ii) the City, a Municipal Law Enforcement or By-law Enforcement Officer or other employee or agent of the City, authorized by the City for the purpose of enforcing and carrying out the provisions of this By-law;
 - (iii) the WDSPCA, the Poundkeeper, or any employee or agent of the WDSPCA or Poundkeeper, authorized for the purpose of enforcing and carrying out the provisions of this By-law;
- (v) "Person with a Disability" shall mean a person who has a degree of paralysis, amputation, lack of physical co-ordination, blindness, mental retardation, physical reliance on a guide dog or in a wheelchair or other appliance or device;
- (w) "Police Work Dog" shall mean a dog trained for and actually engaged in law enforcement for the Police or other person duly appointed as a Peace Officer;
- (x) "Pound" means those premises designated by the City for the detention, maintenance or disposal of dogs that have been impounded by an Officer and shall include any building or buildings and enclosures maintained on behalf of the City by any person or organization as is duly authorized to do so for the purposes of carrying out the provisions of this By-law and such building or buildings and enclosures shall conform to the Ontario regulations under the Animals for Research Act, R.S.O. 1990, Chapter A.22;

- (y) "Poundkeeper" shall mean the WDSPCA, the agency responsible for maintaining the Pound on behalf of the City;
- (z) "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;
- (aa) "Restrained" shall mean being kept securely confined inside a building or house or in an enclosed pen or other structure;
- (bb) "Running at Large" means a dog found in a place other than the premises of the Owner of the dog or the premises of some other person with such person's consent;
- (cc) "Spayed dog" means a female dog for which the Owner produces satisfactory evidence of its being spayed;
- (dd) "Veterinarian" means a veterinarian who is licensed to engage in the practice of veterinary medicine in Ontario under the Veterinarians Act.
- (ee) "WDSPCA" means the Welland and District Society for the Prevention of Cruelty to Animals, the agency to which animal control has been delegated to enforce the provisions of this By-law;

SECTION 4 PROVISION OF NEEDS

4.1. No person who keeps an animal within the municipality shall fail to provide such animal 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) necessary veterinary medical care when the animal exhibits signs of pain, illness or suffering;
- (d) if an animal is customarily kept out of doors, the Owner shall provide for the safekeeping of the animal including for its use at all times an adequate shelter;
- (e) contains a 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;
- (f) in an area providing sufficient shade to protect the animal from the direct rays of the sun at all times; and
- (g) pens and run areas must be regularly cleaned and sanitized and excreta removed and properly disposed of daily.

4.2. No person may cause a dog to be hitched, tied or fastened to a fixed object where a choke collar or choke chain forms part of the securing apparatus, or where a rope or cord is tied directly around the animal's neck.

- 4.3. No person shall keep any animal in the City tethered on a chain, rope or similar restraining device that is less than three (3) metres in length.
- 4.4. 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.
- 4.5. No person may cause a dog to be confined in an enclosed space, including a car, without adequate ventilation.
- 4.6. No person may transport an animal 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.
- 4.7. Nothing under this section requires the City to assume responsibility concerning distress or care of an animal, which is the obligation of the Ontario Society for the Prevention of Cruelty to Animals.

SECTION 5 UNSANITARY CONDITIONS PROHIBITED

- 5.1. No person shall keep an animal 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, hospital, commercial establishment, or other place.

SECTION 6 DOGS OWNER'S RESPONSIBILITY

- 6.1. No Owner shall suffer, permit, allow or for any reason have his or her animal, bark or howl excessively or in any other manner likely to disturb the quiet of any person.
- 6.2. No Owner of a dog shall permit his or her dog to,
- (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 dog shall permit it to trespass on any private property.

SECTION 7 LICENSING

- 7.1. The City hereby gives the WDSPCA authority to administer a dog licensing system on its behalf through the sale and supply of dog tags.
- 7.2. Every Owner of a dog, within the boundaries of the City shall procure, in each year, a license for each dog owned by him/her and shall pay an annual license fee in the amount as set out in accordance with Schedule "A" to this By-law.
- 7.3. Any Owner who acquires a dog after the 15th day in November in any year need only buy a dog tag for the subsequent year.

- 7.4. After the 1st day of November in any year, dog tags for the subsequent year shall be available for sale and shall be sold for the discount rate as outlined on Schedule "A" attached to this By-law up until the 1st day of February in the year for which the tag is valid. After the 1st day of February, dog tags for the current year shall be sold at the regular license fee rate as set out in Schedule "A" attached to this By-law.
- 7.5. A dog tag shall expires on the 31st day of December of the year for which it was issued.
- 7.6. The WDSPCA shall each keep, or cause to be kept, a record of the name and address of the Owner of every dog registered and licensed, within the municipal boundaries of the said City, the date of registration and the serial number of the dog tag issued.
- 7.7. A license or dog tag may be issued at no charge for canine vision dogs, hearing dogs or dogs trained to provide assistance to a person with a disability, and any Police Work Dog.
- 7.8. There shall be no refund or rebate to any Owner for any portion of a dog license when such license has been issued in accordance with the provisions of this By-law, with the exception of the following:
- (a) upon proof of neutered/spayed dog within six (6) months of the purchase of a dog tag within the current year to which the dog tag was purchased, a refund of the difference between the unneutered/unspayed and neutered/spayed license fee will be provided;
 - (b) no refund will be given for prior years.
- 7.9. No person shall transfer a dog license issued for a dog pursuant to the provisions of this By-law between dogs or between Owners. Where a dog has been destroyed and a new dog has been purchased, upon receipt of the old dog tag or authorized verification, a new dog tag may be issued upon payment of the replacement fee as set out in Schedule "A" of this By-law.
- 7.10. No person shall own, possess or harbour a dog within the municipal boundaries of the City or allow a dog to be owned, possessed or harboured on the premises of that person unless a license fee, for the current year, for the dog, as required by this By-law, has been paid and every Owner of dog shall keep the dog license securely fixed on the dog at all times when the dog is not on the premises of the Owner.
- 7.11. Where a dog tag issued pursuant to the provisions of this By-law has been lost or destroyed, the Owner may be issued a new dog tag upon payment of the replacement fee as set out in Schedule "A" attached to this By-law.
- 7.12. The City may direct that The WDSPCA undertake a door to door expired dog license follow-up and/or a door to door census for the purpose of determining the number of unlicensed dogs.
- 7.13. No person shall fail to register and license any dog in accordance with the provisions of this By-law.
- 7.14. The issuing of a certificate of offence does not relieve the Owner of an unlicensed dog of the responsibility of obtaining a license for the current year.
- 7.15. The City or its agent, upon payment of the proper dog tag fee, shall furnish the Owner of the

dog with a dog tag bearing a serial number and the term for which the said dog tag is valid and the Owner shall also be issued with a receipt for the dog tag fee paid.

- 7.16. Every dog Owner who takes up residence within the municipal boundary of the City and who has a current dog tag issued by another Province or Ontario municipality, shall not be required to purchase a new dog tag until the next calendar year immediately following the year of initial residence provided that such dog Owner formally notifies the City.
- 7.17. The WDSPCA may develop and implement application forms and other forms from time to time to assist with the administration of the Licensing system.

SECTION 8 RUNNING AT LARGE

- 8.1. No person, being the Owner or keeper of any dog within the municipal boundaries of the City, shall permit any such dog to run at large.
- 8.2. Any Officer shall be and is hereby authorized to seize and impound any dog found running at large within the municipal boundaries of the City contrary to the provisions of this By-law.
- 8.3. Where a dog seized and/or impounded under this By-law is injured or should be euthanized without delay for humane reasons or for reasons of safety to persons or animals, an Officer or veterinarian may euthanize the dog in a humane manner.
- 8.4. The Owner of a dog which is found running at large may be issued a certificate of offence by an Officer.

SECTION 9 LEASHING

- 9.1. No person shall keep a dog within the boundaries of the City unless said dog is under control at all times and when leashed, said leash shall not exceed 2.5 meters in length when said dog is on land within the boundaries of The City other than that of the Owner unless consent is given by the person owning the land on which the dog is found.

SECTION 10 IMPOUNDING

- 10.1. When a dog is impounded by an Officer for running at large or otherwise, it may be transported directly to the Pound where it shall be impounded for a minimum of four (4) days excluding the day of capture and any holidays. Any dog that is not claimed within the four day redemption period may be disposed of by the Humane WDSPCA subject to the requirements of the Pounds Act, R.S.O. 1990.
- 10.2. The Owner of any dog impounded pursuant to paragraph 10.1 may claim the dog from the Pound upon payment to the Poundkeeper of any redemption fees or boarding charges that may be applicable.
- 10.3. Any person claiming an unlicensed dog in accordance with paragraph 10.2 shall first pay to the Poundkeeper the required license fee for a current dog tag and any other charges that may apply in accordance with the provisions of this By-law.

SECTION 11 TRAPS

- 11.1. No person shall use, set or maintain a leghold trap, a killing trap or a snare within the City

unless approved otherwise by the Ministry of Natural Resources.

SECTION 12 DANGEROUS DOG

- 12.1. The City and/or The WDSPCA shall have the authority to declare a dog as dangerous and may make whatever inquiry deemed necessary to determine if a dog is dangerous. Any dog declared dangerous shall be muzzled and restrained immediately upon being served with Muzzle Order pursuant to the provisions as set out in this By-law.
- 12.2. An Officer may seize a dog that has been declared 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, including fees specified in Section 10.
- 12.3. No Person who owns, keeps, or harbours a dog that has been declared dangerous in accordance with this By-law shall allow:
- (a) the dog to be on any street or in any public place or any other place that is not owned or controlled by the Owner unless;
 - (i) the dog is secured on a substantial leash with a maximum length of 1 metre and of sufficient strength to restrain the dog to keep it from chasing a person or domestic animal;
 - (ii) the dog is muzzled in a manner that will not cause injury to the dog or interfere with its vision or respiration;
 - (iii) the dog is under the control of a person 16 years of age or older who has adequate strength to restrain the dog;
 - (b) the dog to come into contact with persons or domestic animals other than the Owner of the dog, the dog when on the Owner's premises must be kept securely confined either indoors or in an enclosed pen or other structure of minimum size of 1.5 metres by 3.0 metres or be within a securely fenced rear yard where the fence is a minimum height of 1.83 metres. The enclosed pen or the fenced yard shall be equipped with a locking device and self-latching device to prevent the dog from escaping. The self-latching device shall be designed in such a manner that the pen or gate cannot be opened from the outside by a child. The dog shall only be transported from one location to another by means of a collar type leash and a muzzle;
 - (c) a dangerous dog on his/her premises without conspicuously displaying a sign in accordance with the City's Sign By-law warning that there is a dangerous dog on the property.
- 12.4. No person shall fail to identify, the dangerous dog by way of an implanted microchip at the Owner's expense, such microchip information shall be provided to the Poundkeeper and/or Officer within 10 days.
- 12.5. A dangerous dog must be confined in a manner that will allow persons who have implied or express license to enter onto the premises of the dog Owner without fear of attack by the said dog.
- 12.6. The Owner must notify the WDSPCA and/or Officer forthwith if a dangerous dog is loose,

unconfined, has attacked another animal or human or has died or has been given away to another person or has moved and changed residency.

- 12.7. The Owner must ensure that a dangerous dog is spayed or neutered and that the required license fee is paid for a dangerous dog as set out in Schedule "A" to this By-law.
- 12.8. The Owner of a dangerous dog must forthwith enter into and maintain a policy of liability insurance in a form satisfactory to the WDSPCA and the City of the City of Welland, in an amount not less than one million (\$1,000,000.00) dollars for any damage or injury caused by such dog and must name The City and The WDSPCA as an additional insured. A certificate of insurance originally signed by an authorized insurance representative shall be submitted to the WDSPCA annually and as requested.
- 12.9. An Officer may issue a Muzzle Order to any Owner of a dangerous dog, containing such particulars as the Officer deems necessary concerning compliance with this by-law or deemed necessary by the Officer for the safety of the public.

SECTION 13 APPEALS

- 13.1. Where a dog has been declared dangerous by the City and/or The WDSPCA, pursuant to the provisions of this By-law, the Owner of the dog may apply to the Appeal Committee for a hearing in respect of such Muzzle Order.
- 13.2. An Application with the applicable fee as set out in Schedule "A" for a hearing shall be made in writing and delivered to the Appeal Committee Secretary within 10 days after the Muzzle Order has been served.
- 13.3. Within 30 days of receipt of the Application for a hearing from an Owner of the dangerous dog, the Appeal Committee Secretary shall convene a meeting of the Appeal Committee and shall give the Owner of the dog, any material witness relevant to the matter, the victim, if any, the Officer or agency which declared a dog dangerous and issued the Muzzle Order, and any such other persons as determined, 7 days written notice, by personal service or registered mail of the time, date and location of the hearing.
- 13.4. The Applicant and any other interested person may appear at the hearing and present oral, written or visual evidence related to the dog or matter.
- 13.5. 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.

SECTION 14 APPEAL COMMITTEE

- 14.1. The City hereby constitutes the City of Welland Dog Control Appeal Committee (herein referred to as the Appeal Committee), which shall be comprised of 3 residents of the City of Welland, appointed from time to time by City Council. A member of Council, a City employee, a member of the Board of the WDSPCA, and an employee of the WDSPCA are not eligible to be a member of the Appeal Committee.
- 14.2. The Appeal Committee shall deliberate the merits of the evidence presented and shall render its decision at the public hearing in accordance with the requirements of a Committee of

Council.

- 14.3. The decision of the Appeal Committee is final and binding.
- 14.4. The Appeal Committee shall confirm the Muzzle Order, or exempt the Owner of the dog from any of the muzzle, restraining or leashing requirements, or all, or dispose of an appeal by Consent Order. The Appeal Committee may impose or attach conditions to its decision.
- 14.5. The procedure of the Appeal Committee, appended hereto as Schedule "B" 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 policies and by-laws of the City concerning Committees of Council, or by the Municipal Act or the Statutory Powers and Procedures Act, as applicable.
- 14.6. Notwithstanding that an Applicant has applied for a hearing to appeal a Muzzle Order, all responsibilities on a person, as described in Section 12 hereto, including the Muzzle Order, take effect when the Muzzle Order is served on the person to whom it is directed and all responsibilities will remain in effect unless permitted otherwise by the Appeal Committee in its decision on the appeal. An appeal does not stay a Muzzle Order during the period of time waiting for the appeal to be heard.
- 14.7. 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 to the Applicant at the address shown on his/her Application, the City, The WDSPCA, Appeal Committee Members, the victim, and the Appeal Committee Secretary.

SECTION 15 ANIMAL WASTE

- 15.1. No person, except a person with a disability, who owns or controls a dog, shall fail to remove forthwith any feces left by such dog on public or private property and shall dispose of such feces in an acceptable sanitary manner.

SECTION 16 MAXIMUM NUMBER OF DOGS

- 16.1. No person shall keep, or permit to be kept, more than 3 dogs, excluding puppies less than 14 weeks old, on a property, regardless of whether that person is the owner of the dogs.
- 16.2. No person shall keep, or permit to be kept, a litter of puppies, on a property more than once in any 12 month period.

SECTION 17 ENFORCEMENT AND INSPECTION POWERS

- 17.1. This by-law shall be administered and enforced by the City, the WDSPCA, an Officer, or any person appointed or otherwise delegated the authority of administration and enforcement of this by-law.
- 17.2. An Officer may enter upon and within and inspect any land, property, building or structure at any time to determine if any section of this By-law is complied with, or to determine if any condition of license, direction or order issued pursuant to this By-law or the Municipal Act, or court has been complied with. Section 437 of the Municipal Act applies with respect to

dwellings.

- 17.3. An Officer has inspection powers described in Section 436 of the Municipal Act and any other applicable legislation.
- 17.4. No person shall hinder or obstruct or attempt to hinder or obstruct an Officer, in the exercise of a power or the performance of a duty under this By-law.
- 17.5. No person shall refuse to produce any documents or things required by an Officer in the exercise of a power or performance of a duty under this By-law, and every person shall assist any entry, inspection, examination, or inquiry by an Officer.
- 17.6. No person shall knowingly furnish false information to an Officer.

SECTION 18 OFFENCES AND PENALTIES

- 18.1. A person who contravenes any provision of this By-law, is guilty of an offence and liable upon conviction to a fine of not more than \$10,000.
- 18.2. Notwithstanding section 18.1, a person who contravenes any provision of this by-law concerning a dangerous dog, or who fails to comply with a Muzzle Order or a Consent Order is guilty of an offence and liable upon conviction to a fine of not more than \$25,000 for a first offence, and to a maximum fine of not more than \$50,000 for a subsequent offence, where there has been a previous conviction under this by-law.
- 18.3. In addition to the fine established in section 18.2, each day that a breach of this by-law continues concerning a dangerous dog or failing to comply with a Muzzle Order or a Consent Order, is considered a continuing offence. A person convicted of a continuing offence is liable to a fine of not more than \$10,000 for each day or part of a day that the offence continues.

SECTION 19 SEVERABILITY

- 19.1. 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.

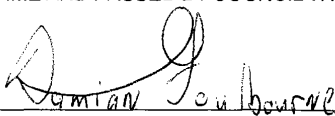

SECTION 20 BY-LAWS REPEALED

- 20.1. That By-laws 6540, 9494, 10715, and 10979 are hereby repealed.

SECTION 21 FORCE & EFFECT OF BY-LAW

- 21.1. This By-law shall come into force and take effect on the day of passing.

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS 18th DAY OF DECEMBER, 2007.


 _____ MAYOR

 _____ DEPUTY CLERK

SCHEDULE "A"
 TO BY-LAW 2007-199 OF THE CITY OF WELLAND
 CITY OF WELLAND DOG LICENSING AND APPEAL HEARING FEES

Description	Fee
1. Early purchase discount rate on or before February 1st each year:	
License, Neutered/Spayed dog*	\$15.00
License, Un-Neutered/Un-Spayed dog	\$25.00
Dangerous dog	\$100.00
2. After February 1st of each year:	
License, Neutered/Spayed dog*	\$20.00
License, Un-Neutered/Un-Spayed dog	\$35.00
Dangerous dog	\$100.00
3. Where a dog moves into the City and the Owner provides satisfactory proof that the dog was licensed in its previous municipality for the current year, a dog tag/license shall be issued free of charge.	NIL
4. Replacement Tag - verification of original tag purchase required	\$3.00
5. Application for Appeal Hearing - non refundable	\$300.00

NOTES:

- Items 1 and 2 are annual fees
- * Proof of spaying or neutering is required with a certificate from a veterinarian
- Senior citizens 65 years of age or older receive a 50% discount of the prescribed fee

SCHEDULE "B"
TO BY-LAW 2007-199 OF THE CITY OF WELLAND
CITY OF WELLAND PROCEDURE OF APPEAL COMMITTEE

Purpose

To rule on an appeal by a dog Owner concerning a Muzzle Order, or other provision relating to a dangerous dog.

Meeting Procedures

General – The Chair shall be elected from amongst the members of the Committee for a term to be determined by the Committee. The Chair shall be counted in determining quorum and shall be entitled to all the rights of a member including voting.

Introduction - Chair calls meeting to order and introduces Committee Members, Secretary, Officer, the appellant and victim, if any. Chair asks for disclosure of conflict of interest to any item on the agenda. Chair calls for any requests for deferral or withdrawal of an Application. Referral must be for a reasonable cause. Chair sets out evidentiary rules and proceedings.

Appeal Case - The appellant or agent may present their case/evidence 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 secretary 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 the Chair may determine if proceedings should 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 of Appellant -

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 Officer may ask questions of the appellant or the witnesses, on behalf of the City.
3. The victim, if any, may ask questions of the Appellant or witnesses

Other Speakers/Witnesses -

1. 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. (with a 15 minute time limit). Before speaking, any person must state their name and address for the record.

Cross examination of Other Speakers/Witnesses -

1. The Committee Members, Officer, Appellant, and victim may ask questions of any presenter from the public or victim.

Defence of Order or By-law - The Officer may present their case/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 secretary 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 person discussing any matter pertaining to personal finances or other matters, must advise the Chair in order that the Chair may determine if proceedings should 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. Any member of the public present, including the victim, if any, at these proceedings may ask questions of the Officer, by rising and being recognized by the Chair. Before speaking, any person must state their name and address for the record.

The Decision - Chair -

1. Shall advise interested parties that the Committee's decision is final and binding.
2. Chair asks if any Committee Member wishes to speak to the issue.
3. What is the pleasure of the Committee, any motions - Motions do not require to be seconded where a motion is moved. No discussion by the public at this point, unless point of clarification.
4. If there are no motions, the Chair is to call a vote to allow the appeal.
5. A tie vote shall be deemed a denial of the application.

PROCEDURE OF APPEAL COMMITTEE

After hearing all evidence and through Committee deliberation, the Committee shall decide one of the following:

NO.	DECISION	COMMENTS
1	Muzzle Order is CONFIRMED. The Application is denied.	Appellant has 14 days to appeal in writing to the Superior Court of Justice and to notify the City Clerk.
2	Dispose of Appeal or Application with a Consent Order	Consent Order to be completed and signed
3	Muzzle Order is hereby removed.	The Appeal is successful, no further action required. Any person can apply under the Dog Owners Liability Act for a Court Order.
4	Muzzle Order is hereby removed in part and allowed in part.	Appeal is partially successful. See comments under 1 and 3.
5	Defer the hearing to a later date for a legal opinion or more information.	Notice of date, time and place for deferred hearing to be given immediately within 5 days.

The Committee will render the decision at the public hearing, unless permitted otherwise.

The Secretary will record the proceedings, with names and statements made.

Compensation for Committee Members

The Council of the City of Welland hereby approves payment of \$50.00 to each member for a meeting attended by that member. There may be more than one hearing at a single meeting.