

# **CITY OF NIAGARA FALLS**

## **A CONSOLIDATED BY-LAW**

Being **By-law No. 75-253** as amended by:

By-law 77-59, By-law 77-251, By-law 78-93, By-law 81-136, By-law 82-18, By-law 91-60  
By-law 92-284, By-law 93-155, By-law 94-110, By-law 94-182, and By-law 95-250

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

WHEREAS subsection 1 of section 5 of The Dog Licensing and Live Stock and Poultry Protection Act, R.S.O. 1970, Chapter 133, provides that by-laws may be passed by the councils of local municipalities for licensing and requiring the registration of dogs and for imposing a licence fee on the owners of them, with the right to impose a larger fee in the case of female dogs and for each additional dog or female dog, where more than one is owned by any one person or in any one household;

AND WHEREAS subsection 1 of section 7 of the said Act as amended provides that by-laws may be passed by the councils of local municipalities for prohibiting or regulating the running at large of dogs in the municipality or in any defined area thereof, for seizing and impounding and for killing, whether before or after impounding, dogs running at large, contrary to the by-law, and for selling dogs so impounded at such time in such manner as is provided by the by-law;

AND WHEREAS subsection 2 of section 7 of the said Act as amended provides that for the purpose of section 7 of the said Act, a dog shall be deemed to be running at large when found in any place other than the premises of the owner of the dog and not under the control of any person;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS ENACTS AS FOLLOWS:

1. Interpretation

For the purposes of this by-law:

- (a) “Corporation” means The Corporation of the City of Niagara Falls;
- (b) “dog” means any dog, male or female, above the age of three months;
- (c) “owner” includes a person who possesses or harbours a dog, and “owns” and “owned” have a corresponding meaning;
- (d) “Society” means the Niagara Frontier Humane Society and includes its employees;
- (e) “Pound Keeper” means the Niagara Frontier Humane Society or such other person as is authorized from time to time by the Council of the Corporation to maintain a pound on behalf of the Corporation;
- (f) “dog tag” means a plate bearing a serial number and year of issue.

2. Licensing and registration

- (a) The Society and employees of the Portage Licence Bureau at the Stamford Green Shopping Plaza, the Gospel-General Book Shoppe at 5906 Main Street, Donna's Pet Parlour at 7167 Stanley Avenue, Creek Side Arts and Crafts at 8194 Cummington Square and The Corporation of the City of Niagara Falls at City Hall, are hereby appointed and authorized to issue and execute licences on behalf of the Corporation.
- (b) No person shall own, possess or harbour a dog unless a licence for such dog has been issued under this by-law;
  - (ba) Subject to subsection (h), no licence shall be issued under this by-law unless the specified licence fee is paid to the Society;
  - (bb) Every owner in the City of Niagara Falls of a dog shall, on or before the last day of February in each year, obtain a licence for each dog owned by him;
  - (bc) In the event that a person becomes an owner of a dog after the last day of February in any year, he shall obtain a licence for such dog forthwith upon becoming the owner thereof;
  - (bd) In the event that an owner of a dog becomes a resident of the City of Niagara Falls after the last day of February in any year, he shall obtain a licence for such dog forthwith upon becoming a resident;
- (c) Every licence issued under this by-law shall be valid only during the calendar year for which it was issued.
- (d) Subject to subsections (dc), (h), and (j), every owner of a dog who obtains a licence on or before the last day of February shall, upon issuance of the licence, pay an annual licence fee of:
  - (i) \$20.00 ... for each dog that is not neutered;
  - (ii) \$10.00 ... for each neutered dog (upon the production of a certificate in writing by a veterinary surgeon that the dog is neutered).
- (da) Subject to subsections (db), (dc), (h), and (j), every owner of a dog who obtains a licence after the last day of February shall, upon issuance of a licence, pay an annual licence fee of:
  - (i) \$18.00 ... for each dog that is not neutered;
  - (ii) \$15.00 ... for each neutered dog (upon the production of a certificate in writing by a veterinary surgeon that the dog is neutered).

- (db) Every person who becomes the owner of a dog after the first day of September in any year and who obtains a licence forthwith upon becoming the owner shall, upon issuance of the licence, pay an annual licence fee of one-half the applicable amount set out in subsection (d).
- (dc) Every person who, while a bona fide resident of another municipality in Ontario, obtains a dog licence from such municipality for the then current year and later in such year becomes a resident of the City of Niagara Falls shall, upon presentation of the current licence receipt issued by such other municipality for such dog and issuance of a licence under this by-law, pay an annual licence fee of \$1.00 for such year, provided that this subsection (dc) shall not apply in the event that prior to the issuance of a licence under this by-law such dog is found to be running at large or is such dog is claimed by the owner after having been impounded for running at large.
- (e) Every licence is personal to the holder thereof, and no licence is transferable.
  - (ea) On payment of a licence fee for a dog, the owner shall be furnished with a dog tag and 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 lawfully being used for hunting deer in the bush.
- (f) The Society shall procure, at its own expense, and keep available, an adequate supply of dog tags for each year, and shall keep a record of the names and addresses of owners and the serial number of tags and descriptions of dogs for which such tags are issued, together with a notation of neutering, if applicable.
- (g) Every owner of a dog who, in any year, has procured a dog tag from the Society pursuant to this by-law may, upon proof to the Society that such dog tag has been lost and payment of \$1.00 to the Society, obtain a new dog tag for the same year for which the original dog tag was issued.
  - (h) Where a Certificate is produced from The Canadian National Institute for the Blind stating that a dog is being used as a guide for a blind person, no fee shall be charged for a licence and tag under this by-law.
- (i) For every dog obtained and licensed after the first day of September in any year, one half of the required fee under subsection (d) shall be payable.

- (j) Every person who owns, operates or conducts a kennel of pure-bred dogs registered in the Register of the Canadian Kennel Club Incorporated shall pay to the Treasurer of the Corporation an annual licence fee of \$25.00 which shall be credited to the Society. The annual licence fee shall be accompanied by a certificate of the Society confirming that the premises to be used for kennel purposes have been inspected and are acceptable for such purpose. The licence fee shall include 5 dog tags but such person operating the kennel shall obtain additional tags from the Society at a cost of 75 cents per tag for each dog kept in the kennel over the number of five and the dog tags obtained by such operator shall be for specified dogs and shall not be used for any dog other than the dog for which such tag was issued. The said tags shall be non-transferable. The Council of the Corporation may, upon the recommendation of the Society, revoke any licence issued in accordance with the provisions of this by-law.
- (k) Any dog duly licensed for 1975 within the provisions of any by-law in effect on the date of passage hereof shall be deemed to be licensed under this by-law for 1975.
- (l) Every person who fails to comply with subsection (ea) of this section or who uses a tag upon a dog other than the dog for which it was issued is guilty of an offence and on conviction is liable to a fine of not more \$50.00.
- (ll) Every person who contravenes subsection (b) of this section is guilty of an offence and on conviction is liable to a fine of not more than \$25.00 for the first offence, not more than \$35.00 for the second offence and not more than \$50.00 for every subsequent offence, exclusive of costs.
- (m) Where an identification card is produced from the Hearing Ear Dogs of Canada identifying that a dog is being used as a guide to a hearing impaired person, no fee shall be charged for a licence and a tag under this by-law.
- (n) Where an identification card is produced from the Seizure Alert Companion Dog Association identifying that a dog is being used as a seizure alert dog to assist a person who suffers from epilepsy, no fee shall be charged for a licence and a tag under this by-law.

### 3. Dogs Running at Large

- (a) No dog shall run at large and no person shall permit a dog owned by him or her to run at large in the City of Niagara Falls at any time, and if found running at large, shall be seized and disposed of as hereinafter provided.
- (b) It shall be the duty of the Society to seize and impound every dog,
  - i) running at large within the City of Niagara Falls,

- ii) found off the premises on which it is habitually kept without a dog tag contrary to the provisions of any by-law passed by the Council of The Corporation of the City of Niagara Falls pursuant to Section 5 of The Dog Licensing and Live Stock and Poultry Protection Act.
- (c) Every Niagara Regional Police Officer and employees of the Society are hereby authorized, and shall have power, to seize and destroy, before impounding, any dog found running at large contrary to the provisions of this by-law.
- (d) Any dog found running at large, contrary to the provisions of this by-law, shall be seized by the employees of the Society or any officer of the Niagara Regional Police Force and taken to the Pound maintained by the Society, where such dog shall be impounded and held for a period of three days. If such dog is not claimed at the expiration of three days it may be sold or destroyed subject to the requirements of Section 24 of the Animals for Research Act, R.S.O. 1970, Chapter 22, provided however that nothing in this section shall prevent the Pound Keeper from destroying an animal, which is ill or injured and which, in the opinion of the Pound Keeper, is incapable of being cured, pursuant to subsection 7 of Section 24 of The Animals for Research Act. For the purpose of this clause and clause (e), the period of 3 days shall be reckoned exclusively of the day on which the dog is seized, Sundays and holidays.
- (e) In the event of any dog so seized and impounded and not being claimed by the owner within three days, it may be destroyed by the Pound Keeper or the Pound Keeper may, at his discretion, sell the said dog to any person upon payment of a reasonable sum, which sum may be retained by the Society.
- (f) For the purpose of this by-law,
  - (i) a dog shall be deemed to be running at large when found in any place other than the premises of the owner of the dog and not under the control of any person;
  - (ii) a dog shall be deemed to be not under the control of any person when it is not on a lead six feet in length or less held by a person, or when it is not otherwise physically restrained.
- (g) No person shall regain possession of a dog impounded unless such person produces a valid Niagara Falls licence or tag therefor to the Pound Keeper.
- (h) No person, other than the owner, or an employee of the Society and the Pound Keeper shall remove a tag from a licensed dog during the year for which such tag was issued.
- (i) Any owner of a dog claiming such dog after it has been seized and impounded, shall pay to the Society a pound fee of \$15.00 and any additional reasonable costs incurred by the Society in respect of such dog.

- (j) Every person who owns, controls or harbours a dog shall immediately clean up, remove and dispose any excrement left by the dog on any property, whether public or private, in the City of Niagara Falls, unless the person's sight is impaired and the dog is a seeing-eye dog, trained to guide or lead a blind person.
- 4. It is declared that notwithstanding that any section or sections of this by-law, or parts thereof, may be found by any Court of Law to be bad or illegal or beyond the power of the Council to enact, such section or sections or parts thereof shall be deemed to be severable and that all other sections or parts of this By-law are separate and independent therefrom and enacted as such.
- 5. Every person, who contravenes any provision of this by-law, is guilty of an offence and upon conviction is liable to a fine of not more than \$5000.00.
- 5A. Nothing in subsection 5 shall be deemed to restrict in any way the right to commence proceedings by certificate of offence or by information in accordance with The Provincial Offences Act, 1979.
- 6. This section repealed by by-law 94-182.
- 7. By-law Number 6662, 1964, be and the same is hereby repealed.

(Original By-law 75-253 was) passed this 1<sup>st</sup> day of December, 1975.

Jack L. Collinson / CLERK

George Bukator / MAYOR

First Reading: December 1<sup>st</sup>, 1975  
Second Reading: December 1<sup>st</sup>, 1975  
Third Reading: December 1<sup>st</sup>, 1975