

THE CORPORATION OF THE CITY OF WELLAND

BY-LAW NUMBER 2019 - 15

**A BY-LAW TO PROHIBIT AND REGULATE ANIMALS  
BEING AT LARGE**

**WHEREAS** pursuant to Section 11(3)(9) of the Municipal Act, S.O. 2001, c.M.25 (the "Act"), municipalities have jurisdiction to pass bylaws with respect to animals;

**AND WHEREAS** Section 446 of the Act, a municipality may enact a by-law to require that a matter or thing be done and in default, the matter or thing may be done by the municipality at the person's expense and further that the costs of doing so may be added to the tax roll and collected in the same manner as taxes;

**AND WHEREAS** pursuant to Section 103 of the Act, municipalities may pass bylaws regulating or prohibiting animals being at large or the trespassing of animals, including, but not limited to, the seizure or impounding of animals;

**AND WHEREAS** Section 436 of the Act provides that a municipality has the power to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not, among other things, a by-law passed under this Act has been complied with;

**AND WHEREAS** it has been deemed by the Council of the Corporation of the City of Welland necessary to pass a By-law to regulate and prohibit animals being at large, including being at large on a highway;

**BE IT ENACTED** as a Bylaw of the Corporation of the City of Welland as follows:

**1. DEFINITIONS**

- (a) **"Animal"** shall mean any animal as defined in Section 11.1 of the Act, other than a domestic dog or cat.
- (b) **"City"** shall mean The Corporation of the City of Welland.
- (c) **"Owner"** shall mean the registered or beneficial Owner of an animal, and any person possessing, harbouring, or keeping an animal and, where the Owner is a minor, the person responsible for the custody of the minor, and includes a person who is temporarily the keeper or is in control of the animal and the word "owns" has a corresponding meaning.
- (d) **"Pound Keeper"** means the person or organization appointed for the purposes of enforcing animal control in the City.
- (e) **"Running at Large"** shall mean being any other place than the Owners land or premises.
- (f) **"Trespass"** means being on private property without permission of the Owner of the private property or being at large on property owned by the City.
- (g) **"Welland and District Humane Society"** shall mean the Welland and District Humane Society which is the local affiliated society of the OSPCA that provides animal shelters and pounds at 60 Provincial Street, Welland, Ontario, L3B 5W7
- (h) **"Under the Control"** shall mean the any animal shall be leashed, tethered or harnessed while off of the Owner's property.

**2. Keeping of Animals**

No person shall keep animals on any premise in the City unless the premises are zoned to permit the keeping of animals by the City of Welland Zoning Bylaw No. 2017-117, as amended, and any successor thereto.

**3. Prohibition**

- (a) No Owner shall allow, permit or cause any animal to run at large in the City.
- (b) No Owner or person in charge of any animal shall permit an animal to trespass.

**4. Impounding**

- (a) Where an animal is found to be running at large, the pound keeper may try to contact the Owner to retrieve their animal.
- (b) Where any animal is running at large contrary to this bylaw the animal may be impounded by the Pound Keeper.
- (c) Any animal seized by the Pound Keeper may be placed in a suitable shelter for the type of animal until the animal is claimed.

**5. Claiming**

- (a) The Pound Keeper shall make reasonable efforts to determine the identity of the Owner of the animal and to inform the Owner and the municipal clerk that an animal has been impounded, in accordance with the Pounds Act, R.S.O. 1990, c P. 17.
- (b) The Owner of any animal impounded pursuant to this bylaw may obtain the release of said animal upon payment of the fees incurred for the capturing, impounding and care of the animal.
- (c) Where an animal is injured before or after being seized or impounded, and in the opinion of the Pound Keeper should be destroyed without delay for humane reasons or for reasons of safety to persons or animal, the Pound Keeper may destroy the animal in a humane manner as soon after being seized or impounded.
- (d) Where an animal is seized or impounded by the Pound Keeper, and the services of a veterinarian are required, the Owner shall pay to the Pound Keeper all fees and charges of the veterinarian services in addition to the costs incurred for the capturing, impounding and care of the Animal.
- (e) If any animals impounded by the Pound Keeper pursuant to this bylaw are not claimed within eight (8) days after impounding, or if the damages, penalties and expenses imposed by this bylaw or otherwise payable bylaw are not paid, the Pound Keeper may sell such animal(s).

**6. Sale Procedures**

A sale of animals by the Pound Keeper shall be made in accordance with the provisions of the Pounds Act, except that:

- (a) the notices for the sale thereof under Section 10 of the Pounds Act shall be given by the Pound Keeper within two (2) days after impounding, and
- (b) a copy of the notice of sale shall be mailed by prepaid ordinary mail to the last known address of the Owner, if such Owner is known to the Pound Keeper;

**7. Appointment of Pound Keeper**

Welland and District Humane Society is hereby appointed as Pound Keeper for the purposes of this Bylaw.

**8. Remediation**

- (a) Where the Owner is in default of doing any matter or thing directed or required to be done under this by-law, an officer may direct the completion and enforcement of such matter or thing at the Owner's expense.
- (b) The City may recover the costs incurred pursuant to this by-law in accordance with Section 446 of the Act.
- (c) The City may, prior to recovering costs incurred invoice Owners requesting voluntary payment of said costs.
- (d) The City may place a lien on the property as per Section 446 of the Act.

**9. Enforcement**

- (a) Where a person fails to comply with the requirements of this Bylaw, the City may give the person notice and direction to comply. Further, where a person is directed and fails or neglects to comply with such notice, upon conviction shall be liable to fines as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.
- (b) A Pound Keeper may enter upon land at any reasonable time for the purpose of carrying out an inspection to determine whether or not:
  - i) The provisions of this Bylaw are being complied with; or
  - ii) A direction or notice under this Bylaw is being complied with
- (c) No Person shall hinder or obstruct any Pound Keeper, or any Persons lawfully acting in the aid of such Pound Keeper, in the executions of their duties under this Bylaw.

**10. Offences and Penalties**

Every person who contravenes any provision of this bylaw is guilty of an offence and upon conviction is liable to fines as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.


**11. Force and Effect of Bylaw**

This By-law shall come into full force and effect upon approval of the set fines by order of the Chief Justice of Ontario.

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS

19<sup>TH</sup> DAY OF February, 2019.

  
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Frank Campion, MAYOR

  
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Rosanne Mantesso, ACTING CLERK

THE CORPORATION OF THE CITY OF WELLAND  
BY-LAW 2019- 15  
BEING A BY-LAW TO PROHIBIT AND REGULATE  
ANIMALS AT LARGE WITHIN THE CITY OF WELLAND

PART I PROVINCIAL OFFENCES ACT

ITEM	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
1.	Permit animal to run at large	3(a)	\$125.00
2.	Permit animal to trespass	3(b)	\$125.00
3.	Obstructing an Officer of Agent	9(c)	\$125.00

NOTE: The penalty provision for the offences listed is Section 10) of By-law 2019-15, a certified copy of which has been filed and s. 61 of the Provincial Offences Act, R.S.O. 1990, c. P. 33

*Approved  
March 2019  
SW*