

CITY OF ST. CATHARINES

BY-LAW NO. 95-302

(as amended by By-laws 2005-231, 2005-310, 2006-281, 2009-233, 2010-012, 2011-190, and 2013-056)

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

WHEREAS Section 210, subsection 8 of the Municipal Act, R.S.O. 1990, Chapter M.45, provides that by-laws may be passed by the councils of local municipalities for requiring, within any defined areas of the municipality, an owner of a dog to keep the dog leashed and under the control of some person when the dog is on land in the municipality other than that of the owner, unless prior consent is given by the person owning the land on which the dog is found;

AND WHEREAS section 210, subsection 10 of the said Act provides that by-laws may be passed by the councils of local municipalities for requiring the muzzling or leashing of a dog after it has bitten a person or domestic animal;

AND WHEREAS Section 210, subsection 11 of the said Act provides that by-laws may be passed by the councils of local municipalities for licensing and regulating and requiring the registration of dogs and for imposing a license fee on the owners of them, including the imposition of a higher fee in the case of female dogs or for each additional dog or female dog where more than one is owned by any one person or in any one household;

AND WHEREAS section 210, subsection 13 of the said Act provides that by-laws may be passed by councils of local municipalities for prohibiting or regulating the running at large of dogs in the municipality or any defined area thereof, for seizing and impounding and for killing, whether before or after impounding, dogs running at large contrary to the by-law, and for selling dogs so impounded at such time and in such manner as is provided by the by-law;

AND WHEREAS The City of St. Catharines Act, 1982, received Royal Assent on November 18, 1992 and provides that the council of the Corporation of the City of St. Catharines may, by by-law, require any person who owns, controls or harbours a dog to remove forthwith excrement left by the dog on public or private property in the City of St. Catharines, and the Council may exclude from the operation of the by-law such class or classes of persons as may be set out in the by-law and as authorized by Section 210(9) of The Municipal Act, R.S.O. 1990 Chapter M.45.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. CATHARINES enacts as follows:

I. DEFINITIONS

For the purpose of this by-law:

1.

- a) "Animal" includes a dog;
- b) "City" means the corporation of the City of St. Catharines in the Regional Municipality of Niagara;
- c) "Clerk" means the City Clerk of the Corporation of the City of St. Catharines and shall include any designate of the City Clerk;
- d) "Council" means the Council of the corporation of the City of St. Catharines;
- e) "Dog" means any a male or female dog;
- f) "Guide Dog" means a dog trained and used actively to aid blind and physically challenged persons;
- g) "Highway" means a common and public highway and includes a street and a bridge forming part of a highway, or on, over or across which a highway passes;
- h) "Muzzled" means a humane fastening or covering device of adequate strength over the mouth to prevent a dog from biting;
- i) "Owner" means the person who keeps, possesses, or harbours a dog, and "owns" and "owned" have a corresponding meaning;
- j) "Pit Bull" has the same meaning as in the *Dog Owners' Liability Act R.S.O. 1990, c.D.16*, as may be amended from time to time (which is defined generally as a pit bull terrier, a Staffordshire bull terrier, an American Staffordshire terrier, an American pit bull terrier, or a dog that has an appearance and physical characteristics that are substantially similar to any those breeds) (**Amended by By-law 2005-231**)**
- k) "Police workdog" means a dog trained for and actually engaged in law enforcement for the Niagara Regional Police or other police authority;
- l) "Pound" means the pound maintained by The Corporation of the City of St. Catharines, or maintained on the behalf of The Corporation of the city of St. Catharines by such other person or organization as is authorized, from time to time, by the Council of the Corporation of the City of St. Catharines to so maintain a pound on its behalf;

- m) "Pound Keeper" means the Corporation of the City of St. Catharines or such other person or organization as is authorized, from time to time, by the Council of the Corporation of the City of St. Catharines to maintain a pound on behalf of the Corporation;
- ~~n) "Restrained" means being kept inside a building or house or in an enclosed pen of sufficient dimension and strength to be humane and to prevent a dog from coming into contact with persons other than the owner of the dog; (Amended by By-law 2005-231)~~
- o) "Restrained" means being kept inside a building or house or enclosed in a way that can be relied on to prevent the dog from breaking out of the property and from coming into contact with persons other than the owner of the dog (Amended by By-law 2005-231)
- p) "Restricted Pit bull" has the same meaning as in the *Dog Owners' Liability Act R. S.O. 1990, c.D.16*, as may be amended from time to time (which is defined generally as a pit bull that is owned by a resident of Ontario on August 29, 2005, or a pit bull that is born in Ontario within 90 days of that date) (Amended by By-law 2005-231)
- q) "Treasurer" means the Treasurer of the Corporation of the City of St. Catharines or his designate;
- r) "Vicious Dog" means a dog which, without provocation has bitten a person or a domestic animal;

II. DOGS RUNNING AT LARGE AND LEASHING

- 2. No owner of a dog shall allow a dog to run at large within the limits of the City.
 - a) It shall be the responsibility of the dog owner to ensure that their dog does not run at large within the limits of the City.
 - b) For the purpose of this Section 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. A dog shall be deemed to be not under the control of any person when the dog is not on a leash held by a person or is not otherwise physically restrained.
 - ~~c) Every person having control of a dog in a place other than his premises or the premises of the owner shall secure the dog to a leash not exceeding three metres in length and shall keep hold of such leash. (Amended by By-law 2005-231)~~

- c) Every person having control of a dog, save and except for a restricted pit bull, in a place other than the premises of the owner, shall secure the dog to a leash not exceeding 3 metres in length and shall keep hold of such leash at all times **(Amended by By-law 2005-231)**
- d) Except when restrained on the premises of the owner, every person having control of a restricted pit bull, shall ensure that the restricted pit bull is at all times equipped with a muzzle and secured by a leash in accordance with the requirements of the *Dog Owners' Liability Act R.S.O 1990, c.D.16*, and the regulations thereunder, as may be amended from time to time (which generally requires that the owner shall ensure that the dog is muzzled and secured to a leash not exceeding 1.8 metres in length, which is securely attached to either a collar or harness that is properly fitted upon the dog, and that all components of the leash, collar/ harness, and muzzle are strong enough to prevent the dog from breaking any of them). The owner shall keep hold of such leash at all times. **(Amended by By-law 2005-231)**
- e) Duly authorized agents of the City of St. Catharines, performing geese pestering services for the Municipality shall be exempt from the provisions of section 2 of this By-law. **(Amended by By-law 2009-233)**

~~2.1 The provisions of sections 2, 2(a), 2(b), and 2(c), shall not apply to the Leash-Free Dog Park located within the City of St. Catharines park known as "Burgoyne Woods", provided that at all times the dog is properly contained within the fully fenced-in area designated as the Leash-Free Dog Park and is under the direct supervision of the dog owner. **(Amended by By-law 2006-281) (Amended by By-law 2010-012)**~~

~~2.2 No person shall permit either a dog that has been declared vicious pursuant to the provisions of this by-law or a restricted pit bull to enter the Leash-Free Dog Park. **(Amended by By-law 2006-281) (Amended by By-law 2010-012)**~~

2.1 The provisions of sections 2, 2(a), 2(b), and 2(c), shall not apply to the Leash-Free Dog Parks that are located within the City of St. Catharines parks known as "Burgoyne Woods" and "Catherine Street Park", provided that at all times the dog is properly contained within the fully fenced-in area designated as the Leash-Free Dog Park and is under the direct supervision of the dog owner. **(Amended by By-law 2010-012)**

2.2 No person shall permit either a dog that has been declared vicious pursuant to the provisions of this by-law or a restricted pit bull to enter any Leash-Free Dog Park. **(Amended by By-law 2010-012)**

2.3 No person shall permit a dog, other than a "small dog", to enter the separate one-acre, fully fenced in area designated for "small dogs" within the Leash-free Dog Park at Burgoyne Woods. For the purpose of this section, a "small dog" is defined

as a dog which is not greater than 16 inches in height measured from the withers, which is the ridge between the shoulder blades of the dog, to the ground.
(Amended by By-law 2011-190)

3. The Council shall appoint one or more Canine Control Officers who shall investigate complaints of dogs running at large and shall catch and impound dogs running at large. The canine Control Officers shall also perform such other duties as Council may, from time to time, prescribe.
4. Every Niagara Regional Police Officer and Canine Control Officer is hereby authorized, and shall have power, to seize and destroy, without the necessity of first impounding, any vicious dog found running at large contrary to the provisions of this By-law.
5. Any dog found running at large, contrary to the provisions of this By-law, shall be seized by a Canine Control Officer or an Officer of the Niagara Regional Police Force and taken to the pound where such dog shall be impounded and held for a period of three days. If any such dog so seized and impounded is not claimed at the expiration of the three day period herein provided for, the Pound Keeper may at his discretion, and subject to the requirements of Section 20 of the Animals for Research Act, R.S.O. 1990, Chapter A.22, destroy such dog or sell such dog upon payment of a sum as prescribed by Council from time to time. Provided however that nothing in this Paragraph 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 20 of The Animals for Research Act. For the purpose of this clause, the period of three days shall be reckoned exclusive of the day on which the dog is seized, Sundays and holidays.
6. Any owner claiming a dog which has been seized and impounded shall pay to the Pound Keeper the required pound fee as prescribed by Council, from time to time, together with all costs incurred to the time of recovery.
7.
 - a) No person shall regain possession of a dog from the Pound without first being in possession of a current licence for such dog and producing the tag therefor, or exhibiting the licence therefor to the Pound Keeper.
 - b) No resident of the City of St. Catharines shall take delivery of a dog from the Pound without first being in possession of a licence for such dog and producing the said licence therefor to the Pound Keeper.
8. No person, other than the owner, the Canine Control Officer and the Pound Keeper, shall remove a tag from a licensed dog during the year for which such tag was issued.

9. The City Canine Control Officers and the Pound Keeper shall keep a record of all dogs seized and impounded.

III. MUZZLING OF VICIOUS DOGS

10. The Clerk shall be empowered to declare that a dog is vicious upon receipt of a signed declaration or affidavit, attested to by a witness who actually saw the alleged vicious dog bite a person or domestic animal. The declaration must identify the dog and the dog owner and address. Upon receipt of a duly executed declaration and/or affidavit, the Clerk shall within two days of receipt of the said declaration and/or affidavit, deliver or send a letter by ordinary mail to the owner of the vicious dog requiring that the dog be muzzled and restrained pursuant to the provisions of the by-law.

10.1 Pit bulls and restricted pit bulls are exempt from sections 10, and 11-17 of this by-law, and instead the provisions of the *Dog Owners' Liability Act R.S.O 1990, c.D.16* and the regulations thereunder, as may be amended from time to time, shall be deemed to apply. **(Amended by By-law 2005-231)**

11.
 - a) Where a dog has been declared vicious by the Clerk pursuant to the provisions of this by-law, the owner of the dog may apply for a hearing in respect of such declaration.
 - b) An application for a hearing under subsection 10(a) shall be made in writing and delivered to the Clerk within twenty (20) days of the owner receiving notice of the dog being declared vicious.
 - c) The applicant shall be given at least seven (7) days written notice of such hearing, mailed or delivered to the address shown in his or her application.
 - d) Every such application shall be considered at a public hearing held before Council.
 - e) The applicant and any other interested person may appear at the hearing and present oral or written evidence relating to the dog.
 - f) Upon the conclusion of a hearing conducted and arguments presented by the parties the Council may thereupon in respect of such application make any decision with regard to the appeal in the determination of whether the alleged vicious dog is to be found vicious pursuant to this by-law.
 - g) Written notification of the decision of the Council shall be delivered or mailed to the applicant at the address shown on his or her application, within thirty (30) days following the date of Council's decision.

- h) Notwithstanding that an applicant has applied for a hearing under this section from a declaration of the Clerk, the declaration of the Clerk is effective until the application is disposed of.
- 12. Every person who keeps a vicious dog shall muzzle the vicious dog, except when the vicious dog is on the premises of the owner of the vicious dog.
- 13. Every person who keeps a vicious dog shall keep the vicious dog restrained at all times, including when on the premises of the owner of the vicious dog.
- 14. No person shall keep a vicious dog in the City of St. Catharines if the vicious dog has been found not muzzled when off the premises of the owner of the vicious dog, or running at large in the said City, or not restrained when on the premises of the owner of the vicious dog.
- 15. Every person who keeps a vicious dog shall immediately notify the City Clerk after he or she has transferred the ownership of the vicious dog to any other person.
- 16. This by-law shall not apply to a police workdog.
- 17. Where a dog is alleged to have bitten any person, such dog may be impounded on the order of a Niagara Regional Police Officer, Regional Health officer, or by a canine Control Officer and held by the Pound Keeper until the proceedings referred to in the Dog Owner's Liability Act have been followed, provided that no dog shall be impounded for a period in excess of twenty-one (21) days unless otherwise ordered by the Provincial Court.

IV. LICENSING AND REGISTRATION

- 18.
 - a) The owner of a dog in the City of St. Catharines shall pay in each year to the Treasurer or such other person or organization as authorized by Council, a licence fee as prescribed by Council, from time to time. All licences shall expire on December 31st of the licensing year.
 - b) The said licence fee shall be payable as soon as a person becomes the owner of a dog or at any time when the dog is first possessed by the person or harboured by the person on their premises, whichever shall sooner occur.
 - c) The Clerk, on or before the 31st day of October in each year, shall cause to be published in The St. Catharines Standard a notice bringing to the attention of the public the provisions of sub-paragraphs (a) and (b), together with an outline of the required fees.

- d) There shall be no refund or rebate, to an owner, of any portion of the licence fees referred to above unless the dog is obtained from the Pound and subsequently returned due to illness, death or incompatibility within twenty-one (21) days of purchase.
- e) If, during a licensing year, the ownership of a dog changes to a new owner, the said new owner shall apply, within five working days from the first day of possession, to the Clerk for a transfer of the licence.
- f) There shall be no licence fee required from the owner or the person in possession of a guide dog provided such dog is used solely for the purpose of assisting persons who are blind or physically challenged.
- g) The Clerk shall keep a register showing the name and address of every owner and the number of the licences and tags issued, the date of such issue and the particulars of the dog for which such licence and tag are issued, and the amount paid by such owner for such licence and tag.

RESTRICTED PIT BULLS

- 18.1 The Clerk shall keep a register of all restricted pit bulls in the City of St. Catharines. **(Amended by By-law 2005-231)**
- 18.2 The owner of a restricted pit bull in the City of St. Catharines shall, on or before October 28, 2005, register such ownership with the Clerk by providing the following information:
 - a) the name of the owner;
 - b) the address of owner; and,
 - c) a description of the dog(s) including but not limited to the license number, age, breed, and colour of the dog(s). **(Amended by By-law 2005-231)**
- 18.3 In addition to the information required by section 18.2, after October 28, 2005, the owner of a restricted pit bull in the City of St. Catharines shall provide the Clerk with proof of sterilization by a veterinarian. **(Amended by By-law 2005-231)**
- 18.4 The owner shall sign the register and certify the contents of their entry on the register to be true. **(Amended by By-law 2005-231)**
- 18.5 Every person that obtains ownership of a restricted pit bull in the City of St. Catharines after October 28, 2005, shall register such ownership with the Clerk, and, in addition to the information required by section 18.2, shall provide proof that the dog is a restricted pit bull in accordance with the provisions of the *Dog Owners' Liability Act R.S.O 1990, c.D.16*, and the regulations thereunder, as may be amended from time to time. **(Amended by By-law 2005-231)**

- 18.6 If the owner of a restricted pit bull intends to transfer ownership of the restricted pit bull, they shall notify the Clerk at least five days prior to the date of transfer, of the name and address of the prospective owner and the particulars of the dog(s) to be transferred. **(Amended by By-law 2005-231)**
- 18.7 No person shall own, possess or harbour a restricted pit bull in the City of St. Catharines, or allow a restricted pit bull to be owned, possessed or harboured on his premises, unless the owner has registered with the Clerk as required by this by-law. **(Amended by By-law 2005-231)**
19. Upon payment of the licence fee, the said Treasurer shall issue to the owner a licence valid until the 31st day of December next ensuing. During the period of November 1st and December 31st of the same year, a new licence shall be taken out for the keeping of every dog for the succeeding year, in accordance with the schedule of fees as prescribed by Council from time to time.
20. Upon payment of the licence fee, there shall be issued to the owner a tag, consisting of a metallic plate or of such other material as may be approved by the Clerk and having stamped thereon a number and figure indicating the year for which the licence fee has been paid.
- 21.
- a) The owner shall attach such tag to a collar and shall cause the dog, for which such licence and tag were issued, to wear such tag and collar at all times during the year.
 - b) No person shall use a tag upon a dog other than the dog for which the tag was issued.
22. The owner of a kennel of pure-bred dogs registered in the Register of The Canadian Kennel Club Incorporated, or of a class designated as pure-bred as may be determined by regulation or the Canadian Kennel Club Incorporated, shall pay the required annual licence fee to the Treasurer on or before the 31st day of December in each year, and shall be entitled to receive and have a kennel licence and a tag for each dog, and the kennel owner is not liable to pay, in respect of such pure-bred dogs, individual licence fees under this By-law. Such tags shall only be valid for as long as the dog for which the tag is issued is within the charge and control of the kennel owner.
23. No person shall own, possess or harbour a dog in the City of St. Catharines, or allow a dog to be owned, possessed or harboured on his premises, unless the licence fee therefor, required by this by-law, has been paid and such dog is wearing a collar with the tag attached thereto.

- 23.1 No person shall keep in or about a dwelling unit more than three (3) dogs except on any lands located outside the urban boundary of the City of St. Catharines. **(Amended by By-law 2005-310)**
- 23.2 Notwithstanding section 23.1, a person may apply to Council for an exemption to keep more than three (3) dogs in or about a dwelling unit where those dogs are working or service dogs. **(Amended by By-law 2013-56)**
24. Any dog duly licensed for the year 1995 within the provisions of By-law No. 76-157, as amended, shall be deemed to be licensed within the provisions of this By-law for the year 1995.

~~V. REMOVAL OF ANIMAL WASTE~~ **(Amended by By-law 2005-310)**

V. CARE OF DOGS (Amended by By-law 2005-310)

25. Any person who owns, controls or harbours a dog shall remove forthwith any feces left by such dog on a highway, in a public park, on a square, on an avenue, on a sidewalk, on a driveway, or on any other public or private property situate in the City of St. Catharines. Failure to promptly remove the feces shall be deemed to be a breach of this By-law.
- 25.1 No person who owns, controls or harbours a dog shall fail to ensure the provision of adequate water and shelter. For the purpose of this section adequate water shall mean clean and potable water in sufficient quantities and available to the dog at all times, and adequate shelter shall mean shelter of a type that will properly protect the dog from exposure to the elements and of a sufficient size to entirely accommodate the dog. **(Amended by By-law 2005-310)**
- 25.2 No person who owns, controls or harbours a dog shall cause or permit a dog to be left in a vehicle without proper ventilation. **(Amended by By-law 2005-310)**
26. The provisions of this By-law do not apply to a blind person accompanied by a dog serving as a guide or leader.

VI. ENFORCEMENT AND PENALTIES

27. It is declared that notwithstanding that any section of this by-law, or part 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.
28. Any person who contravenes any of the provisions of this by-law or its schedules is guilty of an offence and is subject to the penalties provided for such an offence

in the Provincial Offences Act R.S.O. 1990, c.P. 33, as amended, and any successor thereto.

29. In addition to the requirements of this by-law, all dog owners shall comply with the provisions of the *Dog Owners' Liability Act R.S.O 1990, c.D.16*, as may be amended from time to time. **(Amended by By-law 2005-231)**
30. In the event of any conflict between the provisions of this by-law and the provisions of the *Dog Owners' Liability Act R.S.O 1990, c.D.16*, and the regulations thereunder, the provision that is the most restrictive in relation to controls pertaining to pit bulls shall apply. **(Amended by By-law 2005-231)**