



The Municipal Corporation of the Town of Fort Erie

BY-LAW NO. 58-12

BEING A BY-LAW TO AMEND DOG REGULATION BY-LAW NO. 119-97 AND FEES AND CHARGES BY-LAW NO. 40-09 FOR RESCUE FOSTER DOGS

WHEREAS By-law No. 119-97, as amended, was passed by the Municipal Council of the Town of Fort Erie on August 18, 1997, to regulate, restrict and prohibit the keeping and running at large of dogs, and

WHEREAS By-law No. 40-09, as amended, was passed by the Municipal Council of the Town of Fort Erie on March 9, 2009, to establish fees and charges for various services provided by the Town of Fort Erie, and

WHEREAS at the Council-in-Committee meeting held on May 22, 2012 Report No. CS-15-12 was approved to authorize the a further amendment to By-law No. 119-97 to include rescue foster dog provisions pursuant to the criteria set out therein, and

WHEREAS it is deemed desirable to further amend By-law No. 119-97 to include rescue foster dog provisions, and to further amend By-law No. 40-09 to include a rescue foster dog licence fee;

NOW THEREFORE the Municipal Council of the Town of Fort Erie hereby enacts as follows:

1. **THAT** Section 3 of Part II of By-law No. 119-97, as amended, is further amended by adding thereto, immediately following Section 3(b), the following:

“(c) No person shall possess or harbour a rescue foster dog without a licence.”
2. Section 4 of Part II of By-law No. 119-97, as amended, is repealed and the following section substituted therefor:

“4. The provisions of Section 3 are subject to the following:

 - (a) Sections 3(a) and (b) herein do not apply to any person keeping a kennel of purebred dogs registered with the Canadian Kennel Club, Incorporated, so long as the said kennel is registered and the kennel, pens, or runs are operated and maintained in accordance with the provisions of this by-law.
 - (b) The dog limit per household or on any premises provided for in Subsection 3(a) may be exceeded for the purpose of fostering rescue dogs subject to the following:
 - (i) Completion of the appropriate application form which shall be accompanied by proof in writing from a bona-fide registered not-for-profit animal rescue organization declaring that the foster family applicant is/are a member in good standing;

- (ii) The rescue foster dog licence fee shall be as established under Schedule "LLS-B" to By-law No. 40-09, as amended or superseded from time to time. The annual licence fee covers up to two (2) rescue foster dogs. When the subject dog(s) are adopted and when any new dog(s) are fostered by the applicant in the licence year, the tags shall transfer to the new rescue foster dog(s) despite Sections 9(b) and 10(b) herein;
- (iii) Fostering rescue dogs shall be limited to agricultural properties with a minimum of five (5) acres of land;
- (iv) A maximum of two (2) rescue foster dogs may be permitted in addition to the maximum three (3) dog limit provided for in Subsection 3(a) hereof, for a maximum period of twelve (12) months at any one time;
- (v) In the event a rescue foster dog is pregnant and gives birth while in the foster home, the S.P.C.A. shall be notified immediately, and the foster family shall have eight (8) weeks in order to wean to the puppies and remove them from the foster home;
- (vi) Proof of adoption of a rescue foster dog shall be provided to the S.P.C.A."
3. **THAT** Schedule "LLS-B" to By-law No. 40-09, as amended, "Dog Licensing Fees and Charges", is repealed and replaced with Schedule "LLS-B" attached hereto as Schedule "A".
4. **THAT** Schedule "A" to By-law No. 119-97, as amended, is hereby amended by adding the following fine as Item 11:
- | | | | |
|-----|---|---------------|---------|
| 11. | Possessing or harbouring unlicensed rescue foster dog | Section 3 (c) | \$50.00 |
|-----|---|---------------|---------|
5. **THAT** the new set fine shall come into force and effect upon receipt of the Judge's Order issued by the Ministry of the Attorney General.
6. **THAT** in the event any provisions of this by-law conflict with By-law No. 119-97, as amended, the provisions of this by-law shall prevail, with modifications, where necessary.
7. **THAT** pursuant to the provisions of Sections 23.1 to 23.5 inclusive of the *Municipal Act, 2001*, as amended, the Clerk of the Town of Fort Erie is hereby authorized to effect any minor modifications or corrections solely of an administrative, numerical, grammatical, semantical or descriptive nature or kind to this by-law or its schedules as such may be determined to be necessary after the passage of this by-law.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 28th DAY OF MAY, 2012.


MAYOR

CLERK

I, Carolyn J. Kett, the Clerk, of The Corporation of the Town of Fort Erie hereby certifies the foregoing to be a true certified copy of By-law No. 58 -12 of the said Town. Given under my hand and the seal of the said Corporation this _____ day of _____, 20____.

SCHEDULE "LLS-B"

to By-law No. 40-09

LEGAL & LEGISLATIVE SERVICES**Dog Licensing Fees and Charges**

The *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides municipalities with authority to establish and impose fees and charges.

DESCRIPTION		FEE
Spayed or Neutered (per new dog) (evidenced by a certificate of veterinarian)		\$ 25.00
	Licences purchased after June 30th (proof that dog was purchased or lawfully acquired after June 30 th of that year required)	\$ 20.00
Unaltered (per new dog)		\$ 35.00
	Licences purchased after June 30th (proof that dog was purchased or lawfully acquired after June 30 th of that year required)	\$ 30.00
Fee for Non-Renewal before April 1st (in the year following expiration) – added to license fee		\$ 10.00
Transfer of Licence Re-Registration Fee		\$ 5.00
Kennel Licence (kennel of purebred dogs registered with the Canadian Kennel Club Incorporated, or any such other bona fide kennel club, which is not licensed as a shop or place where animals or birds for use as pets are sold or kept for sale, subject to subsection 11(c) of By-law No. 119-97 as amended or superseded from time to time)		\$125.00
Replacement Licence for New Residents to Town of Fort Erie		\$ 5.00
Replacement Tag		\$ 5.00
Poundkeeper Boarding Expenses	First Occurrence (plus costs)	\$ 20.00
	Second Occurrence (plus costs)	\$ 25.00
	Third Occurrence (plus costs)	\$ 30.00
	Fourth Occurrence (plus costs)	\$ 35.00
	Other Services: 1st day or part thereof	\$ 12.00
	Each day thereafter	\$ 9.00
Rescue Foster Dog Licence Fee - per Year		\$125.00