



The Municipal Corporation of the Town of Fort Erie

By-law No. 74-2018

Being a By-law to Amend Dog Regulation By-law No. 119-97, as amended, to Regulate, Restrict and Prohibit the Keeping and Running at Large of Dogs, in the Town of Fort Erie

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

Whereas at the May 14, 2018 Regular Council Meeting, Council passed a Notice of Motion by Councillor Zanko requesting an amendment to By-law No. 119-97, as amended, with respect to animals being kept in confined spaces; and

Whereas it is deemed desirable to further amend By-law No. 119-97, as amended, with respect to Animals in Vehicles;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** section 2. of By-law No. 119-97, as amended, is further amended by adding the following definitions:
 - (aa) **“animal”** means any member of the animal kingdom, other than a human;
 - (ee) **“keep”** means to have temporary or permanent control or possession of an animal, and the words “kept” or “keeping” have a corresponding meaning;
 - (ff) **“motor vehicle”** means a motor vehicle as defined in the *Highway Traffic Act*, R.S.O. 1990, c.H.8, as amended;
 - (gg) **“Officer”** means a person duly appointed by Council as a Municipal Law Enforcement Officer and an Animal Control Officer employed by the Fort Erie SPCA including agents and inspectors designated as such under the *OSPCA Act* and all other enforcement officers as may be appointed by the Government of Canada, the Province of Ontario, the Regional Municipality of Niagara and the Town of Fort Erie;
 - (hh) **“person”** includes a corporation, association or any other non-incorporated entity; and
 - (ll) **“tether”** means a rope, a chain or any restraining device that prevents an animal from moving away from a localized area and the words “tethered” and “tethering” have a corresponding meaning.”
2. **That** By-law No. 119-97, as amended, is further amended by adding the following section:

“19A Animals in Vehicles

 - (a) For the purpose of this section, “roadway” means any street, highway or other place, whether publicly or privately owned, any part of which the public is permitted to use for the passage or parking of vehicles.

- (b) No person shall cause an animal to be confined in an enclosed space, including a motor vehicle, without adequate ventilation.
- (c) No person shall allow an animal to be outside of the passenger cab of a motor vehicle on a roadway, regardless of whether the motor vehicle is moving or parked.
- (d) Notwithstanding article 19A(c), no person shall allow an animal to be outside the passenger cab of a motor vehicle while on a roadway, including riding in the bed of a pick up truck or flat bed truck, unless the animal is:
 - (1) in a fully enclosed trailer;
 - (2) in a fully enclosed bed area of a truck, the dimensions of which permit the animal to fully stand up, sit down, turn around and lay down; or,
 - (3) contained in a crate or similar device manufactured for the confinement or transport of an animal, the dimensions of which permit the animal to fully stand up, sit down, turn around and lay down and which is securely fastened to the bed of the truck.
- (e) Notwithstanding article 19A(c), no person shall transport an animal in the bed of a pick up truck or flat bed truck unless the animal is securely tethered in such a manner that it cannot jump, slide or be thrown from the truck, is not in danger of strangulation, and cannot reach beyond the outside edge of the back of the truck.
- (f) No person shall keep an animal in any motor vehicle, part of a motor vehicle or trailer attached to a motor vehicle where doing so causes, or may cause, the animal illness, pain, injury or suffering or to become subject to undue or unnecessary hardship, privation or neglect.
- (g) An Officer may use any reasonable means as are necessary to remove an animal in need of assistance from a vehicle or any enclosed space.

3. **That** the new Section 19A Subsections (c) to (f) inclusive shall not be in full force and effect until June 19, 2018.

4. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 28th day of May, 2018.

Mayor

Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 74-2018 of the said Town. Given under my hand and the seal of the said Corporation, this day of _____, 20__.
