

TOWN OF SMITHERS

DOG LICENCE AND CONTROL BYLAW NO. 1332, 2000

A Bylaw to provide for the licensing and regulation of dogs in the Town of Smithers

WHEREAS the Town wishes to adopt a Dog Licence and Control Bylaw regulating the control and licensing of dogs;

AND WHEREAS the *Municipal Act* R.S.B.C., 1996 c. 323 authorizes Council to appoint an officer;

AND WHEREAS the *Municipal Act* R.S.B.C., 1996 c. 323 provides that the Council may designate any other person to act in place of the appointed officer;

AND WHEREAS the *Municipal Act* R.S.B.C., 1996 c. 323 authorizes Council to provide for the seizure and impounding of dogs;

NOW THEREFORE the Municipal Council of the Town of Smithers in an open meeting assembled, enacts as follows:

SECTION 1 – ADMINISTRATIVE PROVISIONS

- 1.1 This bylaw may be cited as the “Dog Licence and Control Bylaw No. 1332, 2000” and takes effect as of the date of adoption.
- 1.2 The “Town of Smithers Dog Licence and Control Bylaw, No. 816, 1988” and amendments are hereby repealed.
- 1.3 If any section, subsection, sentence, clause or phrase in this bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the decision shall not affect the validity of the remaining portion of the bylaw.

SECTION 2 - DEFINITIONS

- 2.1 In this bylaw:

“Bylaw Enforcement Officer” means the person appointed by the Council of the Town of Smithers to carry out the provisions of this bylaw; or a peace officer;

“Council” means the duly elected Municipal council of the Town of Smithers;

“Dog” means an animal of the canine species that is apparently over the age of four (4) months;

“Impounded” means when a dog is seized, delivered, received or taken into the pound or in the custody of the Bylaw enforcement Officer;

“Leash” means a line, thong or chain used for the purpose of restraining a dog and which does not exceed 183 centimetres (6 feet) in length and which is made of materials of sufficient strength that the dog cannot break it;

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“Owner” includes any person who owns, possesses or harbours any dog, or has custody, control or care of any dog;

“Person” includes any corporation, partnership or party and their heirs, executors, administrators and other legal representatives of such person to whom the context can apply according to law;

“Pound” means any facility established, maintained or operated as a pound in accordance with this bylaw;

“Running at large” means a dog is deemed to be running at large where it is not under control by being:

- (a) on the property of its owner or of another person who has the care and control of the dog;
- (b) in direct or continuous control of a person who is competent to control it;
- (c) securely confined within an enclosure; or
- (d) securely fastened so that it is unable to roam;

“Town” shall mean the Town of Smithers;

“Unlicensed Dog” means any dog for which the licence for the current year has not been paid as provided in this bylaw or to which the licence tag provided by this bylaw is not attached;

“Vicious Dog” means:

- (a) any dog with a known propensity, tendency or disposition to attack without provocation other domestic animals or humans;
- (b) any dog which has bitten another domestic animal or human without provocation; or
- (c) a Pit Bull Terrier, American Pit Bull Terrier, Pit Bull, Staffordshire Bull Terrier, American Staffordshire Terrier or any dog of mixed breeding which includes any of the aforementioned breeds.

SECTION 3 - LICENCING

3.1 No person shall keep any dog over the age of four (4) months unless a valid licence has been issued in respect of that dog under this bylaw.

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- 3.2 An application for a licence under this bylaw shall be made by paying the fee prescribed in Schedule “A” attached hereto and forming part of this bylaw, and applying to the town in such form as the Town may from time-to-time prescribe.
- 3.3 Upon receipt of the prescribed fee and a completed application form signed by the owner of the dog the Town shall issue a licence and corresponding licence tag for the dog.
- 3.4 Every licence and corresponding licence tag issued under this bylaw:
- (a) expires on the 31st day of December of the year in which it was issued; and
 - (b) is valid only in respect of the dog for which it was issued.
- 3.5 The person to whom a licence is issued under this bylaw shall, while the licence is valid and subsisting, affix and keep affixed the corresponding licence tag to the collar or harness worn by the dog for which the licence is issued.
- 3.6 Where a licence tag is lost or destroyed, or where ownership of a validly licensed dog is transferred, or where the owner of a dog, which has a valid licence of another jurisdiction moves into the Town, the owner shall, by paying the fee prescribed in Schedule “A” apply to the Town, in a form or manner prescribed by the Town, for a replacement licence tag.
- 3.7 No person other than the Town or authorized agent of the Town or the owner of the dog shall remove from such dog a licence tag issued pursuant to this bylaw or a collar or harness to which a licence tag issued pursuant to this bylaw is attached.

SECTION 4 - DOG CONTROL

- 4.1 Every person who owns, possesses or harbours a dog shall not permit the dog to run at large.
- 4.2 Every person who owns, possesses or harbours a dog shall keep the dog on a leash and under the control of a competent person while on a highway or public place.
- 4.3 Every person who owns, possesses or harbours a vicious dog shall, at all times while on a highway or public place, keep the vicious dog on a leash, effectively muzzled to prevent it from biting another animal or human and under the control of a competent person.
- 4.4 Every person who owns, possesses or harbours a vicious dog shall, at all times while the vicious dog is on the premises owned or controlled by such person, keep the vicious dog securely confined either indoors or in an enclosed pen or other structure capable of preventing the entry of young children and adequately constructed to prevent the vicious dog from escaping.
- 4.5 Every person who owns, possesses or harbours a dog must immediately remove and dispose in a waste container or by other sanitary means, any fecal matter deposited by such dog in any place off the owner’s property.

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SECTION 5 - ENFORCEMENT

5.1 The Bylaw Enforcement Officer or his appointed representative may immediately seize and impound:

- (a) any dog running at large;
- (b) any dog that is suffering from a disease or is injured, and may immediately destroy such dog if he is in the opinion that such dog constitutes a hazard or that it would be an act of humanity to destroy such animal;
- (c) any unlicensed dog.
- (d) any vicious dog, to hold for fourteen (14) days or longer if deemed necessary to observe the dog for any disease, and the owner will have to bear no cost of boarding the dog for this period of time.

5.2 Where a dog is seized and impounded pursuant to Section 5.1 the Bylaw Enforcement Officer shall:

- (a) if the dog is unlicensed retain it for forty-eight (48) hours, excluding Saturdays, Sundays and Statutory holidays; or
- (b) if the dog is licensed, forthwith notify the owner thereof in person, by telephone or by mail addressed to the last known address of the owner in which case the notice shall be deemed to have been received by the owner forty-eight (48) hours after deposit thereof in the Post Office at Smithers, giving the following information:
 - (i) date and time of impoundment;
 - (ii) description of the dog;
 - (iii) address at where the application may be made for the release of the dog; and
 - (iv) costs of seizure, expenses to the date of the notice and any continuing costs and expenses.

5.3 Where the owner of an impounded dog is known, cost of the impoundment fee and daily charges for such dog as prescribed in Schedule "B", even though the owner fails or neglects to reclaim such dog, may be sought through whatever action is considered necessary.

5.4 (a) If the owner of an impounded dog does not:

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- (i) in the case of an unlicensed dog within forty-eight (48) hours of the dog being impounded; or
 - (ii) in the case of a licensed dog within seventy-two (72) hours of being notified pursuant to Section 5.2 (b);

appear at the Town of Smithers office and release the dog so impounded by payment of the fee and charges set out in Schedule "B" attached hereto and forming part of this bylaw, plus the cost of a licence for the dog, if applicable, the Bylaw Enforcement Officer may dispose of such dog as hereinafter set out.

- (b) After the expiration of the relevant period of time set out in Subsection (a) the Bylaw Enforcement Officer may cause the dog to be sold or if in the Bylaw Enforcement Officer's opinion the dog cannot or should not be sold he may destroy the dog.
- (c) Where any dog is sold pursuant to Subsection (b) all property therein shall pass to the purchaser and all right of property in the dog that existed before the sale shall be extinguished.
- (d) The fee for such a sale shall be as set out in Schedule "B".

5.5 Notwithstanding any other provisions of this bylaw, if it is found that any impounded dog is suffering from a disease and/or is injured the Bylaw Enforcement Officer may immediately destroy such dog if he is of the opinion that such dog constitutes a hazard or that it would be an act of humanity to destroy such animal.

5.6 Where the Bylaw Enforcement Officer has reason to believe that an unlicensed dog has taken refuge on any premises, no person shall interfere with the Bylaw Enforcement Officer in seizing such dog.

5.7 The Bylaw Enforcement Officer is hereby authorized to issue a "Notice of Offense" to any person alleged to have offended against the provisions of Section 4.1, 4.2, 4.3 and 4.4 of the bylaw and the said Notice shall specify that the owner may make payment to the Town Office for offenses as detailed in Schedule "B".

5.8 A "Notice of Offense" as specified in Section 5.7 of this bylaw shall be deemed to be sufficiently served:

- (a) if served personally on the owner of the dog concerned;
- (b) if mailed by certified mail to the address of the owner of the dog concerned.

5.9 A person receiving such "Notice of Offense" may make payment of the amount specified in such notice to the Town Office within four (4) days of the date of such notice in lieu of appearing in Court to answer any charge with respect to the offenses.

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- 5.10 No person shall remove or attempt to remove any dog in the custody of the Bylaw Enforcement Officer, or a dog that is in the Pound.
- 5.11 The Bylaw Enforcement Officer may, with respect to any dog that is running at large, mark the dog for identification purposes, by causing the dog to be struck by a paint pellet propelled by a gas-operated pellet pistol operated by the Bylaw Enforcement Officer or his/her designate.

SECTION 6 – POUND

- 6.1 A dog pound shall be established on Lot 4, Plan 4743, Sec 5, TP 2A, Range 5, except Plan 5845 (PID 011-355-085) to receive and detain any dog subject to impoundment under the provisions of this bylaw, and a dog so impounded shall be detained until disposed of in accordance with the provisions of this bylaw.
- 6.2 Notwithstanding the provisions of Section 6.1, the Town Council may change the location of the pound to any location within the boundaries of the Town of Smithers.
- 6.3 The pound facilities established herein shall be maintained and operated by the Town of Smithers.
- 6.4 Notwithstanding Section 6.3, the Town may, at its option, contract with any competent person for the provision, maintenance and/or operation of the pound facilities.
- 6.5 A record of all dogs impounded shall be kept by the Bylaw Enforcement Officer. Such record shall include the time, place, manner of impoundment, and disposal of each dog.

SECTION 7 - PENALTIES

- 7.1 Every person who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention or violation of any of the provisions of this bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw, commits an offense against this bylaw.
- 7.2 Every person who commits an offense against this bylaw is liable upon summary conviction to a fine of not more than Two Thousand Dollars (\$2,000.00) and not less than fifty dollars (\$50.00) plus any fees and charges outstanding plus the cost of a licence for the dog.
- 7.3 Every person who commits an offense against this bylaw involving a vicious dog is liable upon summary conviction to a fine of not more than Two Thousand Dollars (\$2,000.00) and not less than Two Hundred Dollars (\$200.00) plus any fees and charges outstanding.

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SECTION 8 – ADMINISTRATION

- 8.1 This bylaw shall be administered by the Chief Administrative Officer, his/her designate and/or the Bylaw Enforcement Officer.
- 8.2 Any employee of the Town appointed to administer this bylaw may enter upon, at all reasonable times, any property in order to ascertain whether the regulations and provisions of this bylaw are being or have been complied with.

READ A FIRST TIME THIS 8TH DAY OF MARCH, 2000.

READ A SECOND TIME THIS 8TH DAY OF MARCH, 2000, AS AMENDED.

READ A THIRD TIME THIS 8TH DAY OF MARCH, 2000.

RECONSIDERED AND ADOPTED THIS 22ND DAY OF MARCH, 2000.

Seal of the Town of Smithers
was hereto affixed in the presence of:

S E A L

Brian J. Northup
Mayor

Wallace Mah
Corporate Administrator (CAO)

CERTIFIED A TRUE AND CORRECT
COPY of “Dog Licence and Control Bylaw No.
1332, 2000”.

Wallace Mah
Corporate Administrator (CAO)

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SCHEDULE "A"

LICENCE FEES

1. For a:
 - (a) neutered male dog, in respect of which the applicant produces a certificate of neutering signed by a veterinarian;
 - (b) a female dog, in respect of which the applicant produces a certificate of ovario-hysterectomy signed by a veterinarian;a fee of..... \$15.00
2. For a male dog, not neutered, a fee of \$50.00
3. For a female dog, not spayed, a fee of..... \$50.00
4. Replacement licence or licence tag, a fee of \$4.00
(Including 7% Goods and Service Tax)

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SCHEDULE "B"

1. FEE FOR SEIZURE AND IMPOUNDMENT OF ANY DOG OTHER THAN A VICIOUS DOG.

(a) Impoundment Fees

- (i) First impoundment (if licensed) \$25.00
- (ii) First impoundment (if unlicensed)..... \$50.00
- (iii) Second impoundment (occurring within a twelve (12) month period)..... \$75.00
- (iv) Third impoundment (occurring within a twelve (12) month period) \$100.00
- (v) Fourth impoundment (occurring within a twelve (12) month period)..... \$200.00

(b) Per Diem Charges

For each twenty-four (24) hour period of impoundment or fraction thereof after the first twenty-four (24) hours of impoundment (including 7% Goods and Services Tax). \$10.00

- (c) In addition to the payments received under (a) and (b) preceding, if a dog is unlicensed for the current year, a current licence tag must be purchased before a dog can be released.

2. FEE FOR THE SEIZURE AND IMPOUNDMENT OF A VICIOUS DOG

(a) Impoundment Fees

- (i) Each impoundment.....\$250.00

(b) Per Diem Charges

For each twenty-four (24) hour period of impoundment or fraction thereof after the first twenty-four (24) hours of impoundment (including 7% Goods and Services Tax).\$10.00

- (c) In addition to the payments received under (a) and (b) preceding, if a dog is unlicensed for the current year, a current licence fee must be paid before a dog can be released.

3. FEES FOR DOGS OTHER THAN VICIOUS DOGS RUNNING AT LARGE OR NOT ON A LEASH

- (a) (i) First offense for a licensed dog.....\$25.00
- (ii) First offense for an unlicensed dog.....\$50.00
- (iii) Second offense (occurring within a twelve (12) month period)\$75.00
- (iv) Third offense (occurring within a twelve (12) month period)\$100.00
- (v) Fourth offense (occurring within a twelve (12) month period)\$200.00

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- (b) In addition to the payments received under (a) preceding, if a dog is unlicensed for the current year, a current licence fee must be paid.

4. FEES FOR VICIOUS DOGS RUNNING AT LARGE

- (a) Each offense..... \$250.00
- (b) In addition to the payments received under (a) preceding, if a dog is unlicensed for the current year, a current licence fee must be paid.

5. FEES FOR VICIOUS DOGS EITHER UNMUZZLED OR NOT ON A LEASH ON A HIGHWAY OR PUBLIC PLACE

- (a) Each offense.....\$250.00
- (b) In addition to the payments received under (a) preceding, if a dog is unlicensed for the current year, a current licence fee must be paid.

6. FEES FOR VICIOUS DOGS INADEQUATELY CONFINED ON PRIVATE PROPERTY

- (a) Each offense..... \$250.00
- (b) In addition to the payments received under (a) preceding, if a dog is unlicensed for the current year, a current licence fee must be paid.

7. EUTHANASIA

- (a) For the euthanasia of a dog weighing 10 kg or over (including 7% Goods and Services Tax) ...\$40.00
- (b) For the euthanasia of a dog weighing under 10 kg (including 7% Goods and Services Tax) ...\$20.00

8. SALE OF UNCLAIMED DOGS TO NEW OWNER

- (a) This fee shall be reimbursed to the new owner if the dog is spayed or neutered within six (6) months of adoption.\$35.00

9. FEE FOR FAILURE TO REMOVE DOG FAECES

- (a) (i) First offense (occurring in a twelve month period).....\$50.00
- (ii) Second offense (occurring in a twelve month period).....\$75.00
- (iii) Third offense (occurring in a twelve month period).....\$100.00
- (iv) Fourth offense Mandatory Court Summons issued
- (b) In addition to payments received under (a) preceding, if a dog is unlicensed for the current year, a current licence fee must be paid.

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DOG LICENCE AND CONTROL AMENDMENT BYLAW NO. 1332, 2000

INITIALS
REQUIRED

INITIALS
REQUIRED

ORIGI- NATOR	CORP ADMIN	ACTION TO BE TAKEN	CLERICAL STAFF	
			DONE	DATE
		FIRST READING		
		SECOND READING		
		RESCIND SECOND READING		
		AMEND BYLAW AND RE-READ SECOND		
		APPROVAL OF REGIONAL DISTRICT		
		APPROVAL OF MINISTRY OF HIGHWAYS		
		APPROVAL OF INSPECTOR OF MNCPLTS		
		APPROVAL OF MIN. OF MUN. AFFAIRS		
		ADVERTISE BYLAW		
		PUBLIC HEARING		
		THIRD READING		
		RESCIND THIRD READING		
		AMEND BYLAW AND RE-READ THIRD		
		APPROVAL OF INSPECTOR OF MNCPLTS		
		COUNTER-PETITION PROCESS		
		ADVERTISE BYLAW		
		PUBLIC HEARING		
		QUASHING PERIOD		
		ADOPTION		
		QUASHING PERIOD		
		FILE WITH INSPECTOR		

THIS MUST BE COMPLETED BY ORIGINATOR

LEGAL AUTHORITIES _____

MISCELLANEOUS _____

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DONE LIST FOR

DOG LICENCE AND CONTROL AMENDMENT BYLAW NO. 1332, 2000

Originator: _____

When a bylaw has had a reading:

Enter any action, i.e. readings, on the computer (**don't print that page**); and initial & date the checklist page, i.e. Feb 6, 1999

done on computer

(initials)

marked on checklist

(initials)

- ___ Had first and second readings..... ___
- ___ Been adopted ___

When a bylaw has been adopted:

- ___ Checklist has been put into blue working folder
- ___ Has been deleted from the Follow up list
- ___ Entered on the database, i.e. Feb 3, 1999, and printed for the bylaw index
- ___ Given to originator to re-initial page
- ___ Given to the Chief Administrative Officer for signature.

When it comes back from the Chief Administrative Officer:

- ___ Sealed and given to Mayor for signature

When it comes back from the Mayor:

- ___ Signed-bylaw copied for the blue working file.
- ___ Working file includes any relevant pages from Council Minutes.
- ___ Anything that needed changing in the Bylaw Index, i.e. amendments, etc., has been done _____

Bylaw given to Shannon for any possible follow-up, i.e. some of them need to be registered; signature needed on agreement, etc. _____

Finished, ready for filing _____ Shannon's initials