

DISTRICT OF NEW HAZELTON

BYLAW NO 213

**A Bylaw to provide for the licencing and regulation
of dogs in the District of New Hazelton**

WHEREAS the "Municipal Act" Chapter 290, Section 933, R.S.B.C. 1979, provides that Council may by Bylaw provide for such legislation, and further, that Section 934.1 of the "Municipal Act" Chapter 290, R.S.B.C. 1979, provides for the enforcement of such legislation;

NOW THEREFORE the Council of the District of New Hazelton in open meeting assembled, enacts as follows:

DEFINITIONS:

- "Collector"** means the Clerk/Treasurer of the District of New Hazelton.
- "Control Officer"** shall mean the person or persons appointed from time to time by Council to ensure compliance with this bylaw.
- "Council"** means the Council of the District of New Hazelton.
- "District"** shall mean the District of New Hazelton.
- "Dog"** means any animal of the canine species, four (4) months of age or over.
- "Impounded"** shall mean seized, delivered, received or taken into the Pound, or in the custody of the Control Officer, as provided for herein.
- "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.
- "Nuisance Dog"** means any dog which tends to disturb the peace, quiet, rest, enjoyment, comfort or convenience of the neighbourhood by its repeated barking or howling.
- "Owner"** includes any person who owns, possesses or harbours any dog, or has custody, control or care of any dog.

DEFINITIONS continued:

- “Person”** includes any corporation, partnership or individual and the heirs, executors, administrators, successors or assigns, as the case may be, and other legal representatives of such person to whom the context can apply according to law.
- “Pound”** shall mean any building or enclosure or place established for impounding dogs by the District of New Hazelton under the provisions of the bylaw.
- “Public Place”** any place other than the property of the owner of the animal.
- “Run at Large”** when used with reference to a dog or dogs shall mean being elsewhere than on the premises of a person owning or having the custody, care or control of any dog, and not being under the immediate charge of effective control of a responsible and competent person.
- “Unlicenced 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 tag provided for by this bylaw is not attached.
- “Vicious Dog”**
- (a) any dog with a propensity, tendency or disposition to attack without provocation other domestic animals or humans; or
 - (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.

(1.0) LICENCING:

- 1.1 No person shall keep any dog four months of age or older unless a valid and subsisting licence has been issued in respect of that dog under this bylaw.
- 1.2 An application for a licence under this bylaw shall be made by paying the fee prescribed in Appendix “A” attached hereto and forming part of this bylaw, and applying to the Collector in such form as the Collector may from time to time prescribe.

- 1.3 Upon receipt of the prescribed fee and a completed application form signed by the owner of the dog, the collector shall issue a licence and corresponding licence tag for the dog.
- 1.4 Every licence and corresponding licence tag issued under this bylaw:
 - (1.4.1) expires on the 31st day of December of the year in which it is issued; and
 - (1.4.2) is valid only in respect of the dog for which it is issued.
- 1.5 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 a collar or harness worn at all times by the dog for which the licence is issued.
- 1.6 Where a licence or licence tag is lost or destroyed, the person to whom the original licence was issued may, by paying the fee prescribed in Appendix "A", apply to the Collector, in a form and manner prescribed by him, for a replacement licence or licence tag.
- 1.7 No person other than 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.
- 1.8 Where the owner of a dog in respect to which a licence is issued under this bylaw sells or otherwise ceases to be the owner of the dog, the licence shall, in respect of that dog thereupon become cancelled.

(2.0) DOG CONTROL:

- 2.1 Every owner of a dog shall keep the dog on a leash while upon a highway or in a public place.
- 2.2 No person shall keep or harbour any nuisance dog.

(3.0) VICIOUS DOG:

- 3.1 No person who owns, possesses or harbours a vicious dog shall permit, suffer or allow the vicious dog to be on any highway or in any other place that is not owned or controlled by that person unless the vicious dog is effectively muzzled to prevent it from biting another animal or a human.

- 3.2 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.

(4.0) IMPOUNDING OF DOGS:

- 4.1 The Control Officer or any peace officer may immediately seize and impound:
- (4.1.1) any dog permitted to be at large
 - (4.1.2) any unlicensed dog
 - (4.1.3) any nuisance dog
 - (4.1.4) any vicious dog not restrained in compliance with section 3
- 4.2 If any peace officer seizes a dog pursuant to section 4.1 he shall as soon as practical notify the Control Officer of such seizure and cause such dog to be delivered to the Control Officer.
- 4.3 The Control Officer shall receive and impound any dog delivered to him by a peace officer pursuant to section 4.2.
- 4.4 The Control Officer shall retain in a pound any dog seized and impounded pursuant to this section and shall not release any such dog except in accordance with the provisions of this bylaw.
- 4.5 No person shall interfere with the Control Officer in the enforcement of this bylaw.
- 4.6 Where a dog is seized and impounded pursuant to section 4 the Control Officer shall:
- (4.6.1) if the dog is unlicensed retain it for seventy-two (72) hours; or
 - (4.6.2) 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 seventy-two (72) hours after deposit thereof in any post box within the District, giving the following information:

- (4.6.2.1) date and time of the impoundment
 - (4.6.2.2) description of the dog
 - (4.6.2.3) name and address of the Control Officer or Animal Shelter to whom application may be made for release of the dog
 - 4.6.2.4) costs of seizure, expenses to the date of the notice and any continuing costs and expenses.
- 4.7 Where the owner of an impounded dog is known, such owner shall pay the impoundment fee and daily charges for such dog as prescribed in Appendix "B", even though the owner fails or neglects to reclaim such dog.
- 4.8 If the owner or duly authorized agent of an impounded dog does not:
- (4.8.1) in the case of an unlicensed dog within seventy-two (72) hours of the dog being impounded or
 - (4.8.2) in the case of a licensed dog within seventy-two (72) hours of being notified pursuant to sub-section 4.6.2
- appear at the pound and release the dog so impounded by payment of the fees and charges set out in Appendix "B" attached hereto and forming part of this bylaw, plus the cost of a licence for the dog, if applicable, the Control Officer may dispose of such dog as hereinafter set out.
- 4.9 After the expiration of the relevant period of time set out in subsection 4.8 the Control Officer may cause the dog to be sold or adopted for an amount not less than the amount of any per diem charges outstanding plus the cost of a licence for the dog, if applicable, or if in the Control Officer's opinion the dog cannot or should not be sold he may destroy the dog.
- 4.10 The Control Officer shall require that a purchaser of a dog sold pursuant to subsection 4.9 shall agree, in writing, to have such dog neutered (if male) or spayed (if female) as soon as is practical after a Veterinary Surgeon determines that the dog is of sufficient age for the operation.
- 4.11 Where any dog is sold pursuant to subsection 4.9 all property therein shall pass to the purchaser and all right of property in the dog that existed before the sale shall be extinguished.
- 4.12 Notwithstanding any other provisions of this bylaw if it is found that any impounded dog is suffering from an incurable disease the Control 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 compassion to destroy such animal.

- 4.13 The Control Officer or his designate may remove or cause to be removed the carcass of any dog killed on public property within the District.
- 4.14 The Control Officer may, where he has reason to believe that an unlicensed dog has taken refuge on any premises, request the occupant of such premises to satisfy him that such licence has been paid and to exhibit such tag, or to forthwith deliver to him such dog; and where any dog is found to be on any such premises as aforesaid, no person shall fail to refuse to exhibit such licence receipt or tag, or fail, neglect, or refuse to deliver such dog on request, or resist or interfere with such Control Officer in seizing such dog.

(5.0) NOTICE OF OFFENCE:

- 5.1 The Control Officer is hereby authorized to issue a "Notice of Offence" in the form specified in Appendix "C" hereof to any person alleged to have offended against the provisions of this bylaw and the Notice shall specify that the owner may make payment to the Collector the sums specified in Appendix "B" of this bylaw.
- 5.2 A "Notice of Offence" as specified in Section 5.1 of this bylaw shall be deemed to be sufficiently served:
- (5.2.1) if served personally on the owner of the dog concerned
 - (5.2.2) if mailed by registered mail to the address of the owner of the dog concerned
- 5.3 A person receiving such "Notice of Offence" may make payment of the amount specified in such notice to the Collector within four (4) days of the date of such notice in lieu of appearing in Court to answer any charge with respect to the offences referred to in Section 5.1 of this bylaw.

(6.0) WARNING NOTICE:

- 6.1 The Control Officer shall issue a "Warning Notice" in the form specified in Appendix "D" hereof to any person alleged to have offended against the provisions of this bylaw by allowing a dog (other than a vicious dog) to run at large or to be a nuisance dog. No Warning Notice shall be issued if the dog is seized and impounded.
- 6.2 The Control Officer shall issue only one Warning Notice per calendar year per owner.

(7.0) GENERAL:

- 7.1 No person shall remove or attempt to remove any dog lawfully in the custody of the Control Officer or of any other person as herein provided, or in a pound.
- 7.2 Any dog which attacks or viciously pursues a person shall be subject to the impoundment provisions of this bylaw, and a Judge of the Provincial Court of British Columbia may, upon being satisfied that the dog has killed or injured, or is likely to kill or injure, a person or a domestic animal, order that the dog be killed in a manner prescribed in the order.
- 7.3 If a dog bites a person and the dog has not been immunized against rabies within two (2) years prior to the incident, the dog shall be quarantined for two (2) weeks and kept under observation by the Control Officer at the cost of the owner.

(8.0) VIOLATION OF BYLAW:

- 8.1 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 in violation of any of the provisions of this bylaw, other than those specifically covered in Appendix "A" and Appendix "B", or who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw, commits an offence against this bylaw.
- 8.2 Every person who commits an offence against this bylaw is liable upon summary conviction to a fine of not more than five hundred dollars (\$500.00) and not less than one hundred dollars (\$100.00) plus any fees and charges outstanding plus the cost of a licence for the dog.

(9.0) CITATION:

- 9.1 This Bylaw may be cited as the "District of New Hazelton Dog Control Bylaw No. 213, 1996".

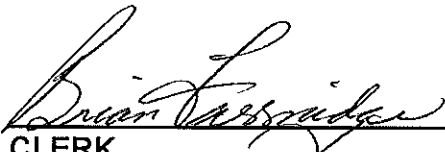
- (10.0) Bylaw No 111 and Bylaw No 177 are hereby repealed.

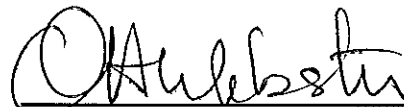
READ for the FIRST time this 7th day of May, 1996.

READ for the SECOND time this 7th day of May, 1996

READ for the THIRD time this 7th day of May, 1996

RECONSIDERED AND ADOPTED this 4th day of June, 1996


CLERK


MAYOR



BYLAW NO 213

APPENDIX "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 or other acceptable proof.
 - (b) **FEMALE DOG:** in respect of which the applicant produces a certificate of ovario-hysterectomy signed by a veterinarian or which is marked in a manner satisfactory to the Control Officer so as to indicate that it has had an ovario-hysterectomy.

a fee of	\$ 5.00
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2. For a male dog that is not neutered, a fee of \$ 15.00
3. For a female dog other than one described in subsection (b) of Section 1 of Appendix "A", a fee of \$ 15.00
4. For a replacement licence or licence tag, a fee of \$ 3.00
5. For a Guide Dog used by a blind person or a patrol under the control of the R.C.M.P. Nil

APPENDIX "B"**3 FEES FOR NUISANCE DOGS:**

- | | | | |
|-----|---|----|--------|
| (a) | (i) first offence | \$ | 100.00 |
| | (ii) second offence | \$ | 200.00 |
| | (iii) third offence | \$ | 300.00 |
| | (iv) fourth offence | \$ | 400.00 |
| (b) | In addition to the payments required under (a) preceding, the following payments will be required, if applicable: | | |
| | (i) where licence fee has not been paid for such dog (plus payment of licence fee for such dog) | \$ | 20.00 |
| | (ii) where licence fee has been paid for such dog but licence tag is not attached to such dog (plus payment for a licence tag replacement, if required) | \$ | 5.00 |

4 FEE FOR THE SEIZURE AND IMPOUNDMENT OF A VICIOUS DOG:

- | | | | | |
|-----|--|--|----|--------|
| (a) | Impoundment Fees: | (i) each impoundment | \$ | 200.00 |
| (b) | Per Diem Charges: | (i) for each twenty-four (24) hour period of impoundment or fraction thereof after the first twenty-four (24) hours of impoundment | \$ | 12.00 |
| (c) | In addition to the payments received under (a) and (b) preceding a current licence tag must be purchased before a dog can be released. | | | |

5 FEES FOR VICIOUS DOGS RUNNING AT LARGE:

- | | | | |
|-----|--|----|--------|
| (a) | (i) each offence | \$ | 250.00 |
| (b) | In addition to the payments received under (a) preceding, a current licence tag must be purchased. | | |

- 6 IMPOUNDMENT AND OFFENCE FEES shall be calculated on the basis that at January 1 of each year no impoundment or offence has taken place in respect to a dog.**



APPENDIX "C"

NOTICE OF OFFENCE pursuant to Section 5 of "Dog Licence and Control Bylaw No 213,1996"

TO: _____
ADDRESS: _____

This is your NOTICE OF OFFENCE as prescribed under the said Bylaw in respect of the offence shown checked (X) below.

(A) FOR DOG RUNNING AT LARGE:

- \$ 100.00 [1] First Offence for such dog
- \$ 200.00 [2] Second Offence for such dog
- \$ 300.00 [3] Third Offence for such dog
- \$ 400.00 [4] Fourth Offence for such dog

(B) FOR UNSPAVED FEMALE DOG RUNNING AT LARGE WHILE IN HEAT:

- \$ 110.00 [1] First Offence for such dog
- \$ 210.00 [2] Second Offence for such dog
- \$ 310.00 [3] Third Offence for such dog
- \$ 410.00 [4] Fourth Offence for such dog

(C) FOR NUISANCE DOGS:

- \$ 100.00 [1] First Offence for such dog
- \$ 200.00 [2] Second Offence for such dog
- \$ 300.00 [3] Third Offence for such dog
- \$ 400.00 [4] Fourth Offence for such dog

(D) FOR VICIOUS DOG AT LARGE:

- \$ 250.00 [1] Each Offence

(E) IN ADDITION TO THE PAYMENTS REQUIRED UNDER A, B, C & D PRECEDING, THE FOLLOWING PAYMENTS WILL BE REQUIRED IF APPLICABLE, FOR UNLICENCED DOG:

- \$ 20.00 [1] Where licence fee has not been paid for such dog plus payment of applicable licence fee
- \$ 5.00 [2] Where licence fee has been paid for such dog, but licence tag is not attached to such dog
- \$ 3.00 PLUS payment of a licence tag is required

TOTAL PAYMENT required for this offence

FOR YOUR INFORMATION:

The OFFENCE occurred at _____ on _____

Brief Description of dog involved: _____

The total sum indicated above may be paid at the Collector's Office during regular business hours at the Municipal Office, 3026 Bowser Street, New Hazelton, B.C. within four (4) days of the date of this Notice of Offence shown below, in lieu of appearing in Court to answer to any charge with respect to the said offence.

Signature of Control Officer

Date of this Notice



BYLAW NO 213

APPENDIX "D"

WARNING NOTICE

This is to advise we have reasonable grounds to believe that your dog

Description: _____

is _____ unlicensed _____ running at large _____ nuisance
_____ vicious _____ unspayed female dog running at large while in heat

and therefore in violation of the District of New Hazelton Licensing and Regulation Bylaw No 213, 1996.

Please contact the District of New Hazelton for the immediate remedial action necessary.

Issued to: _____

Address: _____

Date: _____

Control Officer Signature _____