

REGIONAL DISTRICT OF KITIMAT-STIKINE

BY-LAW NO. 151

A by-law to regulate the keeping of dogs within Electoral Area "E" and a Specified Portion of Electoral Area "C" of the Regional District of Kitimat-Stikine

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## REGIONAL DISTRICT OF KITIMAT-STIKINE

## BY-LAW NO. 151

A By-law to regulate the keeping of dogs within Electoral Area "E" and a Specified Portion of Electoral Area "C" of the Regional District of Kitimat-Stikine.

WHEREAS it is deemed expedient to regulate the keeping of dogs within Electoral Area "E" and a Specified Portion of Electoral Area "C" of the Regional District of Kitimat-Stikine and to provide for the fixing, imposing, and collecting of license fees from the issuance of licences to any person who owns, possesses, or harbours any dog;

AND WHEREAS a specified area was established by by-law which grants the powers and authorities contained in Section 524, 525, Clause (t) of Section 932, subsections (2) and (4) of Section 933 and Section 934 of the Municipal Act;

NOW THEREFORE the Regional Board of the Regional District of Kitimat-Stikine, in open meeting assembled, enacts as follows:

## A. DEFINITIONS

In the construction and for the purposes of this by-law the following words and terms shall have the meaning hereby assigned:

1. "Regional Board" means the Regional Board of the Regional District of Kitimat-Stikine holding office from time to time.
2. "Treasurer" shall mean the Treasurer of the Regional District of Kitimat-Stikine.
3. "Dog" shall mean both male and female of the species apparently over the age of four (4) months.
4. "Impounded" shall mean seized, delivered, received, or taken into the Pound, or in the custody of the Domestic Animal Protection Officer, as provided for herein.
5. "Owner" in respect of any dog, includes possessor or harbourer, and "Owned" includes possessed or harboured.
6. "Domestic Animal Protection Officer" shall mean the person appointed from time to time by the Regional Board for the purpose of enforcing and carrying out the provisions of this by-law, and shall include any assistant or any person appointed by the Regional Board to assist in carrying out the provisions of this by-law.

7. "Pound" shall mean any building or enclosure or place established for impounding dogs by the Regional Board under the provisions of this by-law.
8. "Person" shall mean and includes any individual, corporation, partnership or party and the heirs, executors, administrators, or some other legal representatives of the same, to whom the context can apply according to law.
9. "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
10. "Unlicensed Dog" means any dog for which the license for the current year has not been paid as provided herein, or to any dog that the tag provided for herein is not attached.
11. "Transient" shall mean any person who is resident of Electoral Area "E" and a Specified Portion of Electoral Area "C" of the Regional District of Kitimat-Stikine for a short duration and who has not taken up permanent residency.
12. "Kennel" means a licensed structure or structures in which dogs are kept for the purpose of boarding or breeding.
13. "Electoral Area "E" and a Specified Portion of Electoral Area "C" of the Regional District of Kitimat-Stikine" means the enforcement area as outlined in Schedule 'F'.

#### B. LICENSING OF DOGS

1. The owner of every dog shall, annually on or before the thirty-first day of March in each year, or as soon thereafter as such dog shall attain the age of four (4) months, cause the same to be registered, numbered, described, and licensed in the office of the Regional District of Kitimat-Stikine and shall cause the dog to wear around its neck a collar, to which shall be attached the metal tag referred to in Section 7 of this by-law.
2. The license shall be issued by the Treasurer or such other person as he appoints from time to time and applications for licenses may be made to him, or to any other person duly authorized to receive same. Every license shall be distinguished by a number and a record shall be kept by the Treasurer and/or by the appointed person of all licenses issued, and for the purpose of identification, a general description of the dog in respect of which such license was issued.

3. A transient, who is the owner of a dog shall at the expiry of thirty (30) days residency within Electoral Area "E" and a Specified Portion of Electoral Area "C" of the Regional District of Kitimat-Stikine cause the said dog to be registered, numbered, described and licensed as outlined in Clause 2, herein.
4. Every household and business which keeps three (3) or more dogs shall be held to operate a kennel and must secure a Kennel License, in addition to each individual dog license, and such kennels shall be in conformance with the restrictions of the applicable Regional District of Kitimat-Stikine zoning by-law which restricts kennels to Rural and Agricultural Zoning designations only and be to standards as outlined in Schedule 'D'.
5. Every application for a license shall be accompanied by a license fee payable annually to the Regional District of Kitimat-Stikine as outlined in Schedule 'A'.

Before issuing a license for a spayed female dog, or neutered male dog, the Treasurer may require the owner to furnish proof that the dog has been spayed or neutered.

Should such a license fee not be paid by the 31st day of March of the licensing year, the owner of any dog not so licensed shall pay a further fee of \$5 (five dollars) unless such license fee shall not have been payable by the 31st day of the licensing year.

6. Every license issued under this by-law shall be for the calendar year in which the license is issued and shall expire on the thirty-first (31st) day of December next following the date on which the license takes effect. There shall be issued with each license a metal tag which shall be impressed or stamped with a number corresponding to the number of the license and with figures denoting the year in which the license expires.
7. Where the owner of a dog in respect of which a license is issued under this by-law sells or otherwise ceases to be the owner of the dog, the license shall become cancelled.

8. Any person holding a license for any dog under the provisions of the "Livestock Protection Act" and amendments thereto, or under a by-law of any other municipality or regional district of the Province of British Columbia shall not be liable to pay any license fee pursuant to this by-law in respect of the same dog for the unexpired portion of the period for which such license for such dog shall have been issued. This provision shall not apply to any person who has obtained the license in another municipality or regional district while residing within Electoral Area "E" and a Specified Portion of Electoral Area "C" of the Regional District of Kitimat-Stikine.
9. No person shall keep, harbour or have in his possession within Electoral Area "E" and a Specified Portion of Electoral Area "C" of the Regional District of Kitimat-Stikine any dog over four (4) months of age unless a license therefore pursuant to the provisions of this by-law has been obtained.

#### C. OFFENCES

1. No person shall keep or harbour any dog which tends to disturb the peace, quiet, rest, enjoyment, comfort or convenience of the neighborhood by its repeated barking or howling.
2. The Domestic Animal Protection Officer, upon evidence that a dog is causing a nuisance, may impound the dog or may issue a summons as set out in Section G.
3. The Domestic Animal Protection Officer may, where he has reason to believe that a dog, for which the license for the current year has not been paid, or that a dog not bearing the collar and metal tag as provided in Section B2 and B6 of this by-law, has taken refuge on any premises, request the occupant of such premises to satisfy him that such license has been paid and to exhibit such metal tag, or to forthwith deliver to him such dog; and where any dog is found to be on any such premises as aforesaid, any person, who fails or refuses to exhibit such license receipt and metal tag, or who fails, neglects, or refuses to deliver such dog on request, or who resists or interferes with such Domestic Animal Protection Officer in seizing such dog, shall be deemed to be guilty of any infraction of this by-law, and shall be subject, upon conviction, to the penalties herein provided.

4. It shall be unlawful for any person to permit any dog owned by him to run at large, or to trespass upon private lands or premises within the boundaries of Electoral Area "E" and a Specified Portion of Electoral Area "C" of the Regional District of Kitimat-Stikine.
5. The Domestic Animal Protection Officer may enter upon private lands for the pursuit of a dog or dogs causing any infraction of this by-law.
6. It shall be unlawful for any person to intervene or otherwise interfere with the Domestic Animal Protection Officer in the lawful exercise of his duties.
7. No person, without the authority of the person owning, or having the custody, care, or control of any dog, shall remove from any dog, any collar to which is attached the metal tag provided for herein, or remove such tag from any dog.
8. Vicious Dog
  - a) A dog which is known to attack or viciously pursue a person shall be confined by the owner in a building or secure enclosure and be securely muzzled or caged whenever off the owner's premises.
  - b) If a person permits his/her dog to be in contravention of sub-section (a) herein, said dog which attacks or viciously pursues a person shall be subject to the impoundment provisions of this by-law, 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.
  - c) If a dog bites a person and the dog has not been immunized against rabies, the dog shall be quarantined for two (2) weeks and kept under observation by the Domestic Animal Protection Officer at the cost of the owner.

## D. ESTABLISHMENT OF POUND

1. The Regional District may acquire a pound, or from time to time enter into an agreement with any person for the provision of a Regional District dog pound on private property.
2. The Regional District Board shall from time to time as may be required, appoint a Domestic Animal Protection Officer and hire an assistant or assistants as deemed necessary, and the Regional Board may enter into a contract or agreement with any persons to provide for such poundkeeping services.

## E. IMPOUNDING DOGS

1. It shall be lawful for the Domestic Animal Protection Officer, a police officer, or any person to seize any dog found running at large, or any unlicensed dog, and such Domestic Animal Protection Officer, police officer, or person shall, within forty-eight (48) hours after making such a seizure cause such dogs to be impounded into the custody of a Domestic Animal Protection Officer who shall retain such dog for seventy-two (72) hours and if the same is not reclaimed within the said seventy-two (72) hours the Domestic Animal Protection Officer may cause such dog to be sold or destroyed provided, however, that when any such dog is suffered from any injury, disease or sickness or from any other cause the Domestic Animal Protection Officer may in his discretion, immediately destroy such dog, if it is his opinion that such dog would not survive such injury, disease, or sickness, or that it would be an act of humanity to destroy such dog.
2. It shall be the duty of the Domestic Animal Protection Officer to receive any dog delivered to him by any police officer or other person which has been seized or impounded pursuant to the provisions of this by-law.
3. It shall be the duty of anyone impounding a dog under the provisions of this by-law to provide and supply proper shelter and to give sufficient food and water daily to all dogs detained.

4. The Domestic Animal Protection Officer, on being requested to call for and take away any dog which the owner thereof desires to have destroyed, may call for and take away and destroy or otherwise dispose of such dog, and for doing, he shall be entitled on behalf of the Regional District to demand and receive from such owner the destruction fee as outlined in Schedule 'A'.
5. The owner of any dog impounded pursuant to the provisions of this by-law may reclaim such dog on application to the Domestic Animal Protection Officer at any time prior to its sale or destruction on proof of ownership and on payment of the following charges:
  - a) If no license for the current year for the dog has been taken out by the owner, pursuant to this by-law, the license fee prescribed in Schedule 'A' together with the fee for impounding.
  - b) If the license for the current year for the dog has been taken out by the owner, pursuant to this by-law, or if the dog is licensed elsewhere and owned by a transient, as described in Section 4, the fee as set out in Schedule 'A' for impounding.
  - c) In addition to the charges as set forth in subsections (a) and (b) of this provision, a maintenance of sustenance fee as set out in Schedule 'A' for each twenty-four (24) hour period the dog has remained in the pound will be charged.
6. Notice of Impounding. If the owner of an impounded dog is known to the Domestic Animal Protection Officer, the Domestic Animal Protection Officer shall forthwith notify the owner by mail or telephone in accordance with the form set out in Schedule 'B' of this by-law.
7. In case the owner is not known or the owner so notified does not within three (3) days of notification appear at the pound and release the dog so impounded by the payment of the lawful fees as outlined in this by-law, the Domestic Animal Protection Officer may sell or destroy the dog or dogs as provided for in this by-law.



8. Sale of Impounded Dogs:
- a) Every owner or other person entitled to the possession of a dog which has been impounded as aforesaid shall forthwith upon being notified or become aware of such impounding, redeem the dog in accordance with the provisions of this by-law, or should the pound be broken and the dog escape therefrom and get back to the possession or custody of the owner or any person caring for the said dog, the said owner or said person shall still be liable for the payment of the fees and expenses chargeable and recoverable as set out in Section 'A'.
  - b) When selling a dog to a person other than the previous owner, the Domestic Animal Protection Officer shall ensure that the said dog is neutered, and if neutering (or spaying) is required, shall charge the veterinary fee to the purchaser.
9. The Domestic Animal Protection Officer shall neither in person nor by his agent purchase any dog impounded and sold at the pound or have any interest of any kind in any dog so purchased.
10. The Domestic Animal Protection Officer shall at least once each month send to the Treasurer a description of the dog or dogs sold, name of the purchaser, the date of sale, the amount realized, and the disposition thereof.
11. The proceeds of any sale of any impounded dog sold under the provisions of this by-law shall be turned over to the Treasurer once each month.
12. The Domestic Animal Protection Officer shall maintain proper records of all monies received by him pursuant to the provisions of this by-law and shall, at least once in every month pay over to the Treasurer the monies so received pursuant to the provisions of this by-law.

#### F. COMPENSATION

1. The Regional Board shall provide for the payment of compensation based on the formula provided in Section 10 of the Livestock Protection Act Regulations and to the owner of any sheep, goat, poultry, domestic rabbits, animals of the bovine species, swine, horses killed or injured by any dog apparently over the age of four (4) months, the owner of which, if known, may be ordered to reimburse the Regional Board with the amount of the compensation paid and attributable to his/her dog.

2. All claims shall be filed with the Treasurer pursuant to the provisions of this by-law.
3. No claim shall be authorized under this by-law by the Treasurer of the Regional Board unless:
  - a) The Treasurer or Regional Board is satisfied that the owner of the sheep, goat, poultry, domestic rabbits, animals of the bovine species, swine, horses and fur bearing animals under the Fur-Farm Act submitting the claim has taken all reasonable precautions for protecting such sheep, goat, poultry, domestic rabbits, animals of the bovine species, swine, and horses.
  - b) The loss has been reported to the Treasurer before the lapse of three (3) business days of the occurrence being discovered.
4. The payment pursuant to any claim under this by-law shall be in accordance with Section F.1 of this by-law.
5. The Treasurer is hereby authorized to approve any claim under this by-law up to the amount of one hundred dollars (\$100). Any claim in excess of one hundred dollars (\$100) shall be referred to the Regional Board for authorization of payment.
6. All claims under this by-law shall be filed according to the form attached hereto as Schedule 'C'.

#### G. PENALTY

1. For the contravention of any of the provisions of the by-law enacted under Section 934 of the Municipal Act an Information may be laid and a summons issued by means of a ticket in accordance with the procedure hereinafter set out:
  - a) The ticket may be composed of any one or more of the following:
    - (i) Information;
    - (ii) Notice;
    - (iii) Summons;

- b) A person issued a ticket may defend the charge, and where a person on whom a ticket is served appears to defend the charge, the ticket may be amended in like manner and to like extent as an Information may be amended under the Summary Conviction Act.
2. An Information for an alleged offence laid as provided in this section is not invalid solely because it is not taken under oath;
3. The ticket shall be in the form set out in Schedule 'E'.
4. The use on a ticket of any word or expression authorized by the Regional Board on the ticket made under this section or a general description of an offence shall be deemed sufficient for all purposes to describe the offence designated by such words or expression.
5. A ticket summons may, without the swearing of an Information, be delivered by a designated person employed by the Regional Board to enforce this by-law or by registered mail to the person charged with an offence hereunder, and delivery of the Ticket Summons to the person shall be deemed to be personal service of the summons upon that person.
6. Where a pecuniary penalty for the commission of the offence charged is indicated on the ticket, instead of appearing before a Justice at the time and place specified in the ticket, a person to whom a ticket is delivered may, whether or not the Information has been sworn,
  - a) cause to be delivered in accordance with directions on the notice the fine specified in the notice, whereinfor the person shall be deemed to have pleaded guilty to the offence with which he is charged in the notice and to have paid the fine imposed for the commission of the offence;

- b) but no conviction need be drawn up or entered unless required by the person convicted or for the purpose of reporting the conviction as required under the Summary Convictions Act.
7. The Judge directed to have general supervision of the Provincial Court within the specified area may, subject to the provisions of this by-law, fix pecuniary penalties to be indicated in the form attached.

#### H. TITLE

This by-law may be cited as the "Regional District of Kitimat-Stikine Electoral Area 'E' and a Specified Portion of Electoral Area 'C' Dog Regulation and Impounding By-law No. 151, 1980."

READ a first time this 6 day of September, 1980.

READ a second time this 6 day of September, 1980.

READ for a third time as amended this 21 day of February, 1981.

APPROVED by the Minister of Municipal Affairs this 17 day of June, 1981.

RECONSIDERED AND FINALLY ADOPTED this 20 day of June, 1981.

  
CHAIRMAN

  
SECRETARY-ADMINISTRATOR

Schedule 'A'REGIONAL DISTRICT OF KITIMAT-STIKINE

## Dog Regulations and Impounding By-law No. 151, 198\_

Fees

1. IMPOUNDMENT - (Adopted or released to owner)
  - a) Spayed or Neutered (Includes Board)
 

First impoundment in one year period	-	\$10.00
Second impoundment " " " "	-	20.00
Third " " " "	-	40.00
Each Additional " " " "	-	80.00
  - b) Not spayed or Neutered
 

First Impoundment in one year period	-	\$50.00
Second " " " " "	-	65.00
Third " " " " "	-	90.00
Each Additional " " " "	-	100.00
  - c) Any animal released under (b) shall receive a valid certificate redeemable at participating veterinarians for the spaying or neutering of the animals released. This fee shall be in lieu of all other Regional District charges.
2. DESTRUCTION -
 

Animals under 7 kg (15 pounds)	1.00
Animals 7 kg (15 lbs) and under 23 kg (50 lbs)	2.00
Animals 23 kg (50 lbs) and under 45 kg (100 lbs)	5.00
Animals 45 kg (100 lbs) and over	10.00
3. BOARD -(For unspayed or unneutered)
 

(Animals under 25 kg (50 lbs))	2.50
Animals 23 kg 50 lbs and under 45 kg (100 lbs)	3.50
Animals 45 kg (100 lbs) and over	5.00
4. LICENSING Annually
  - a) Dogs - (i) Neutered male or spayed female 6.00  
(ii) Unneutered male or unspayed female 20.00
  - b) Replacement or transfer of License 1.00
  - c) For each Kennel license as defined in Section 5 and subject to the restriction of the Regional District Zoning By-law, a fee of \$15 to be renewed annually.

Schedule 'B'

REGIONAL DISTRICT OF KITIMAT-STIKINE

Dog Regulation and Impounding By-law No. 151,  
1980. \_\_\_\_\_

IMPOUNDMENT NOTICE

TO:

Take notice that, pursuant to the provisions of the Regional District of Kitimat-Stikine "Dog Regulation and Impounding By-law No. 151, 1980,"

(description of dog or dogs impounded)

was (or were) impounded in the Pound kept by the undersigned at \_\_\_\_\_  
on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_,  
198\_.

And further take notice that unless, within three days after the date of this notice, you appear at the pound and release the dog(s) so impounded by the payment of the lawful fees and charges, the same will be destroyed or sold as provided in the said by-law.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 198\_.

\_\_\_\_\_  
DOMESTIC ANIMAL PROTECTION OFFICER

Schedule 'C'

REGIONAL DISTRICT OF KITIMAT-STIKINE

Dog Regulation and Impounding By-law  
No. 151, 1980.

Application for Compensation

1. Name \_\_\_\_\_
2. Address \_\_\_\_\_
3. At \_\_\_\_\_ a.m./p.m. on \_\_\_\_\_, 19\_\_

the following were killed by dogs:

Poultry

\_\_\_\_\_

Goats

\_\_\_\_\_

Sheep

\_\_\_\_\_

Animals of the  
Bovine Species

\_\_\_\_\_

Swine

\_\_\_\_\_

Horses

\_\_\_\_\_

4. Within Three (3) business days of \_\_\_\_\_, I notified \_\_\_\_\_.
5. The dog(s) are owned by \_\_\_\_\_, or are unknown and by diligent inquiry cannot be found.
6. I understand that, if approved, payment of this claim will be made pursuant to Section F.1 of By-law No. 151, 1980.

I solemnly declare that this is a true and correct statement.

DECLARED AT \_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_ before me \_\_\_\_\_

\_\_\_\_\_  
TREASURER

\_\_\_\_\_  
OWNER

SCHEDULE "D"REGIONAL DISTRICT OF KITIMAT-STIKINEDog Regulation and Impounding By-law No. 151, 1980Buildings or Structures Standards

Any building or structure, where three or more dogs are housed or sheltered, or where dogs are kept for breeding, boarding, training, sale or for any other purpose, shall be not less than 9 square meters (100 square feet) and each cage, compartment, pen and enclosure therein, shall not be less than 1 square meter (10 square feet).

Each compartment shall have a private access to an attached area of a minimum 3.75 square meters (40 square feet). Such outside area to be of surface impervious to moisture, and so constructed as to permit water and liquids to drain into a system acceptable to the Medical Health Officer.

Kennel buildings shall be built and maintained in such a manner that they are rat proof, weather proof, and shall provide adequate drainage, light and ventilation.

Every building shall be capable of being artificially heated to a minimum of 15° centigrade (59° fahrenheit).

Every kennel shall have an area for the storage of food, and kitchen facilities for the washing of dishes and utensils.

The floor of the kennel shall be artificial and capable of being washed and disinfected.

Every kennel shall have pressure water piped in for washing and flushing purposes.

Every kennel shall be situated within the required limits set out in the applicable Regional District of Kitimat-Stikine Zoning By-law, namely:

- a) Kennels are restricted to Rural and Agricultural zones only and shall be sited not less than:
- i) 30 meters (100 feet) from front, rear and exterior side lot lines.
  - ii) 7.5 meters (25 feet) from interior side lot lines.
  - iii) 30 meters (100 feet) from all wells or streams.
  - iv) 15 meters (50 feet) from a building used for one family residential use or accessory employee residential use.



Every kennel shall be cleaned daily, and all uneaten food or organic matter shall be removed daily, and placed in proper receptacles. Every operator of a kennel must keep his premises in a clean and sanitary condition, free from obnoxious odors, and in good state or repair.

Every operator of a kennel shall take all necessary precautions to see that the dogs in his kennels are under reasonable and proper control, and are restrained from frequent or habitual barking, yelping or howling.

The owner or operator of a kennel shall be required to ensure that the kennel is not left without proper supervision by a competent person for more than twelve hours.

SCHEDULE 'E'

REGIONAL DISTRICT OF KITIMAT-STIKINE

Dog Regulation and Impounding By-law No. 151, 1980

BY-LAW VIOLATION NOTICE

This is to inform you that you are in violation of Regional District of Kitimat-Stikine By-law No. 151 by

\_\_\_\_\_

(description of offense)

The voluntary penalty for the above offense is \$25.00 payable to:

Regional District of Kitimat-Stikine  
#9-4644 Lazelle Avenue  
Terrace, B.C. V8G 1S6

Voluntary payment within the below noted times will reduce the payment to the amount shown:

- \_\_\_\_\_ payment within 24 hours \$ 2.00
- \_\_\_\_\_ payment within 7 days \$ 4.00
- \_\_\_\_\_ payment within 14 days \$10.00

To prevent further action being taken by the Regional District, you are required to:

\_\_\_\_\_ (remedial action)

Issued to \_\_\_\_\_

Description \_\_\_\_\_

Location \_\_\_\_\_

Date \_\_\_\_\_ 19\_\_ Time \_\_\_\_\_

I swear that I have reasonable and probable grounds to believe that the offense noted above has occurred.

\_\_\_\_\_ Domestic Animal Protection Officer

FAILURE TO COMPLY AS REQUIRED MAY RESULT IN A CHARGE BEING LAID, REQUIRING YOUR APPEARANCE IN PROVINCIAL COURT.

Schedule "F"

Regional District of Kitimat-Stikine

Dog Regulation and Impounding  
By-law No. 151, 1980

ENFORCEMENT AREA 

