

**REGIONAL DISTRICT OF KITIMAT-STIKINE
BYLAW NO. 641, 2014**

A bylaw to license and regulate dogs and to establish an animal shelter pound in Electoral Area "E" and a Specified Portion of Electoral Area "C" of the Regional District of Kitimat-Stikine.

WHEREAS the Board of the Regional District of Kitimat-Stikine has established a dog control service in Electoral Area "E" and a Specified Portion of Electoral Area "C";

AND WHEREAS the Board of the Regional District of Kitimat-Stikine may exercise the powers under the *Local Government Act* in relation to a dog control service;

AND WHEREAS the Board of the Regional District of Kitimat-Stikine has deemed it necessary to make rules for the provision, operation and administration of the dog control service;

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

1.0 DEFINITIONS:

1.1 In this Bylaw, the following words and terms shall have the meaning hereby assigned:

"Aggressive Dog" means a Dog that has:

- a) bitten a Domestic Animal or person without causing serious injury or death;
- b) without provocation, approached or chased a person or Domestic Animal in a menacing or attacking fashion while At Large.

"Animal Control Officer" means a Regional District employee or agent appointed by the Regional Board for the purpose of enforcing and carrying out the provisions of this Bylaw.

"At Large" means being:

- a) in or upon the lands or premises of any person other than the Owner of the Dog without the consent, expressed or implied, of that person;
- b) in or upon a public place posted as being prohibited to Dogs;
- c) in or upon a public place or a highway, unless under the effective control of a responsible and competent person;

"Dangerous Dog" is as defined in the *Community Charter*, [SBC 2003] c. 26, as amended from time to time.

“Dog” means an animal of the canine species apparently over the age of four (4) months, and includes a Dangerous Dog of any age.

“Dog Tag” means a metal apparatus issued by the Regional District as proof of an Owner obtaining a Licence for the current Licensing Year.

“Domestic Animal” means an animal that is tame or kept, or that has been or is being sufficiently tamed or kept, to serve some purpose for people.

“Guide Dog” means a Dog that is a guide animal as that term is defined in the *Guide Animal Act*, RSBC 1996, c. 177 as amended from time to time.

“Impounded” includes seized, delivered, received, or taken into a Pound, or in the custody of an Animal Control Officer.

“Intact Dog” means an animal of the canine species apparently over the age of six (6) months and which the Owner cannot provide evidence that the animal has been spayed or neutered.

“Keep” means lodge, possess, harbour, board, bring upon, or feed on a regular basis on a Parcel of land.

“Kennel” means a Parcel where three or more dogs are kept, trained, boarded or bred, but does not include a Pound.

“Leash” means a chain or other material of sufficient strength that does not exceed six (6) feet in length, and that is suitable for the control of the Dog it is used for.

“Licence” means a licence issued for a Dog by the Regional District for the current Licensing Year.

“Licensing Fee” means the fee more particularly set out in Schedule “A”.

“Licensing Year” means that time period between January 1st and December 31st, inclusive, in each and every year.

“Owner” means any person who Keeps a Dog.

“Parcel” means a lot, block or other area in which land is held or into which land is subdivided and which is registered under one title, pursuant to the *Land Title Act*, RSBC 1996, c. 250.

“Police Dog” means a Dog owned by an accredited police force and trained to assist police.

“Pound” means the premises designated as a pound pursuant to this Bylaw and used to keep and maintain Dogs pursuant to this Bylaw and includes any vehicle used by the Animal Control Officer while carrying out his/her duties.

“Regional Board” means the Regional Board of the Regional District.

“Regional District ” means the Regional District of Kitimat-Stikine.

“Service Area” means Electoral Area “E” and a Specified Portion of Electoral Area “C” of the Regional District as outlined in Schedule “D”.

“Unlicensed Dog” means:

- a) a Dog which does not have affixed to a collar securely fastened about the Dog’s neck or to a harness securely fastened about the Dog a Dog Tag issued under this Bylaw or a similar bylaw of any other local government; or
- b) any Dog for which the Licence for the current year has not been paid as provided in this Bylaw.

2.0 LICENSING OF DOGS

2.1 No person shall Keep a Dog within the Service Area unless the person has obtained a Licence for the Dog in accordance with this Bylaw, except for a Guide Dog or Police Dog.

2.2 The Owner of a Dog shall:

- a) immediately upon becoming the Owner of the Dog; or
- b) on or before the 2nd day of January in a Licensing Year:

apply for a Licence and pay to the Regional District the Dog Licencing Fee listed in Schedule “A” and attached to this Bylaw.

2.3 If a Licensing Fee is payable under Subsection 2.2, an Owner who does not obtain a Licence within the prescribed time period must pay the late annual fee for such Dog as prescribed in Schedule “A”.

2.4 Every Licence issued under this Bylaw will be for the Licensing Year in which the Licence is issued and will expire at the end of the Licensing Year.

2.5 If the Owner of a Dog for which a Licence is issued under this Bylaw transfers ownership of the Dog to another person that person may transfer the Licence for the fee prescribed in Schedule “A”.

2.6 Any person taking up residence in the Service Area and owning a Dog bearing a valid current Licence issued by another local government is exempt from the Licensing Fee in the Licensing Year. However, such Owner shall notify the Regional District of the Owner’s name, address and Licence number issued by another local government for the Licensing Year.

2.7 Subsection 2.6 does not apply to a person who has obtained the Licence in another municipality or regional district while residing within the Service Area.

2.8 Despite the requirements in Subsections 2.1 and 2.2 this Bylaw, no Licensing Fee is payable in relation to a Guide Dog or Police Dog.

2.8.1 The Licensing Fees required by this Bylaw are listed in Schedule “A” to this Bylaw.

3.0 ANIMAL CONTROL OFFICER

3.1 The Board designates the Animal Control Officers and members of the Royal Canadian Mounted Police for the purposes of enforcing this Bylaw.

4.0 Standards of Care

4.1 Every Owner shall supply food of adequate quality and quantity to sustain his or her dog in good health,

4.2 Every Owner shall supply fresh, clean water of sufficient quantity to sustain his or her dog in good health.

4.3 No owner shall permit his or her dog to be confined to an enclosure or vehicle without adequate ventilation and sufficient shade to protect the dog from excessive heat and direct rays of the sun.

4.4 No owner shall permit his or her dog to be confined to an enclosure or vehicle without adequate shelter and sufficient cover to protect the dog from excessive cold.

5.0 NOISE CONTROL

5.1 No person who Keeps a Dog shall permit or cause the Dog to cry, bark or howl in a manner which tends to disturb the peace, quiet, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity of the Dog.

6.0 DOG AT LARGE

6.1 The Owner of a Dog must not permit or allow the Dog to be At Large.

6.2 The Owner of an Intact Dog must not permit or allow the Intact Dog to be At Large.

7.0 NO REMOVAL OF DOG TAG

7.1 Immediately after obtaining a Dog Tag, the Owner of a Dog must affix the Dog Tag to a collar or harness attached to the Dog.

7.2 Subject to Subsection 6.3, the Owner of a Dog must cause the Dog Tag to be fastened at all times to a collar or harness worn by that Dog.

7.3 A person shall not remove a Dog Tag or any collar to which a Dog Tag is attached from a Dog except:

- a) with the authority of the Owner; or
- b) to facilitate a medical service to the Dog.

7.4 Where the Dog Tag has been lost, destroyed, or mutilated the Owner shall obtain from the Regional District for the remainder of the current Licensing Year a replacement Dog Tag upon producing proof of purchase of a valid Dog Licence and paying the replacement fee prescribed in Schedule "A" to this Bylaw.

8.0 AGGRESSIVE DOG

8.1 No person, who is the Owner of an Aggressive Dog, shall permit the Aggressive Dog to be in or on a highway or public place unless the Aggressive Dog is securely leashed and under the control of a competent person.

9.0 DANGEROUS DOG

9.1 No person, who is the Owner of a Dangerous Dog, shall permit the Dangerous Dog to be in or on a highway or public place unless the Dangerous Dog is securely leashed and muzzled and under the control of a competent person..

10.0 ESTABLISHMENT OF POUND

10.1 The Thornhill Animal Shelter located on land legally described as Lot 1, Plan 8832, District Lot 373, Range 5, Coast District is established and may be maintained and operated as a Pound for the impoundment of unlicensed Dogs and Dogs unlawfully At Large within the Service Area, and as a shelter for Dogs.

11.0 IMPOUNDING DOGS

11.1 The Animal Control Officer or a Member of the RCMP may seize and impound:

- a) any Dog which is At Large; or
- b) any Unlicensed Dog.

11.2 If a Member of the RCMP seizes a Dog, the Member must, within forty-eight (48) hours after seizure, cause the Dog to be Impounded into the custody of an Animal Control Officer.

11.3 The Animal Control Officer will retain all Dogs impounded for a minimum of seventy-two (72) hours.

11.4 The impoundment fees and fines required by this Bylaw are listed in Schedule "A" to this Bylaw.

11.5 The Owner of any Dog Impounded pursuant to the provisions of this Bylaw may reclaim the Dog on application to the Animal Control Officer at the Pound prior to its sale or destruction on proof of ownership and on payment of the following fees and fines:

- a) the Licensing Fee for the current Licensing Year for the Dog, if it has not previously been paid, prescribed in Schedule "A"; or
- b) the impoundment fee, prescribed in Schedule "A";
- c) the boarding fee, prescribed in Schedule "A" for each whole or part twenty-four (24) hour period the Dog has remained in the Pound; and
- d) the applicable impoundment fine prescribed in Schedule "A".

11.6 A person must not:

- a) break open a Pound, or in any manner, directly or indirectly, aid or assist in breaking open a Pound;
- b) enter a Pound without the Animal Control Officer's permission; or
- c) take or release an Impounded Dog without the Animal Control Officer's permission and without paying all fees associated with the impounded Dog.

12.0 DISPUTE OF FINES

12.1 After paying an impoundment fine prescribed in Schedule "A", the Owner may appeal the imposition of the fine to the Regional Board

12.2 No appeal may be instituted unless the the Owner provides to the Regional District written notice of its intention to appeal within 14 days of the Owner claiming the Dog.

12.3 The appeal, if successful may only result in a full refund of the Fine amount. For certainty, the Owner may not appeal the amount of the fine.

12.4 A decision by the Regional Board in respect on an appeal under this section is final and may not be questioned, reviewed or restrained by a court in any manner.

13.0 SALE OR DESTRUCTION OF DOGS

13.1 If an Impounded Dog is not claimed within seventy-two (72) hours of being Impounded or the fees in respect of an Impounded Dog are not paid within seventy-two hours of the Dog being Impounded, the Animal Control Officer may euthanize, sell or otherwise dispose of the Dog including by adopting it out or arranging for foster care.

13.2 A person may adopt an Impounded Dog upon paying the adoption fee prescribed in Schedule "A" of this Bylaw.

14.0 KENNEL REGULATIONS

14.1 No person may operate a Kennel except as permitted by the applicable Zoning Bylaw.

14.2 No person shall keep three (3) or more Dogs per dwelling unit at any one time on any Parcel of land in the Service Area.

15.0 RIGHT OF INSPECTION

- 15.1 The Animal Control Officer or Peace Officer may enter on or into any property in accordance with sections 268 and 314.1 of the *Local Government Act* and this Bylaw.
- 15.2 The Animal Control Officer and Peace Officer, are designated by the Board of the Regional District under section 707.1 of the *Local Government Act*, and are authorized to use the powers in section 49 of the *Community Charter*, [SBC 2004] c. 26.

16.0 NO INTERFERENCE

- 16.1 No person shall interfere with an Animal Control Officer in the lawful exercise of his or her duties under this Bylaw.

17.0 PENALTY

- 17.1 Except as otherwise provided in this Bylaw, or the Regional District's Municipal Ticket Information Bylaw No. 621, 2012, a person who contravenes, violates or fails to comply with any provision of this Bylaw or who suffers or permits any act or thing to be done in contravention or violation of this Bylaw, or who fails to do anything required by this Bylaw, commits an offence and shall be liable upon conviction to a fine of not less than \$100.00 and not more than the maximum prescribed in the *Offence Act*, [RSBC 1996] c. 338 as amended from time to time, and for the cost of prosecution and any other penalty or order imposed pursuant to the *Local Government Act* or the *Offence Act*, as amended from time to time.

18.0 SCHEDULES

- 18.1 The schedules of this Bylaw form part of this Bylaw and are enforceable in the same manner as this Bylaw.

19.0 MISCELLANEOUS

- 19.1 This Bylaw comes into force on the date of its adoption.
- 19.2 If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by a Court of competent jurisdiction, the section, subsection, sentence, clause, or phrase may be severed from the remaining portion of this Bylaw.
- 19.4 The Regional District of Kitimat-Stikine Electoral Area "E" and a Specified Portion of Electoral Area "C" Dog Regulation and Impounding Bylaw No.494, 2002 and its amendments, is hereby repealed.
- 19.5 This Bylaw may be cited as the "Kitimat-Stikine Thornhill Dog Regulations and Impounding Bylaw No. 641, 2014".
- 19.6 Short Title – This Bylaw may also be cited as "Dog Regulation Bylaw No. 641, 2014"

READ a first time this 8th day of August, 2014.

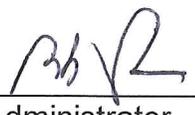
READ a second time this 8th day of August, 2014.

READ a third time this 8th day of August, 2014.

ADOPTED this 13th day of September, 2014.



Chair



Administrator

SCHEDULE "A"

REGIONAL DISTRICT OF KITIMAT-STIKINE

Thornhill Dog Regulations and Impounding Bylaw No. 641, 2014

FEES

1. LICENSING FEE

	Fixed	Intact
a) Annual Fee	\$20.00	\$60.00
b) Annual Late Fee	\$30.00	\$70.00
c) Replacement or Transfer of License	\$5.00	

2. IMPOUNDMENT FEE (Released to Owner)

	Licensed	Unlicensed
First Impoundment in One Year Period	free	\$50.00 (plus license fee)
Second Impoundment in One Year Period	60.00	
Third Impoundment in One Year Period	80.00	
Each Additional Impoundment " "	100.00	

3. IMPOUNDMENT FINE

a) Not Spayed or Neutered:		
First Impoundment in One Year Period*	250.00	250.00 (plus license fee)
Each Additional Impoundment	300.00	
b) Aggressive Dog		
First Impoundment	250.00	
Each Additional Impoundment	500.00	
c) Dangerous Dog		
First Impoundment	500.00	
Each Additional Impoundment	1000.00	

*First impoundment of a not neutered or spayed dog will include a spay/neuter certificate

4. ADOPTION FEE

All dogs \$185.00 **

All cats \$140.00 **

* Adoption fees include deposit for Spay and Neuter Certificate

5. BOARDING FEE

Per Day \$14.00

6. SURRENDER FEE

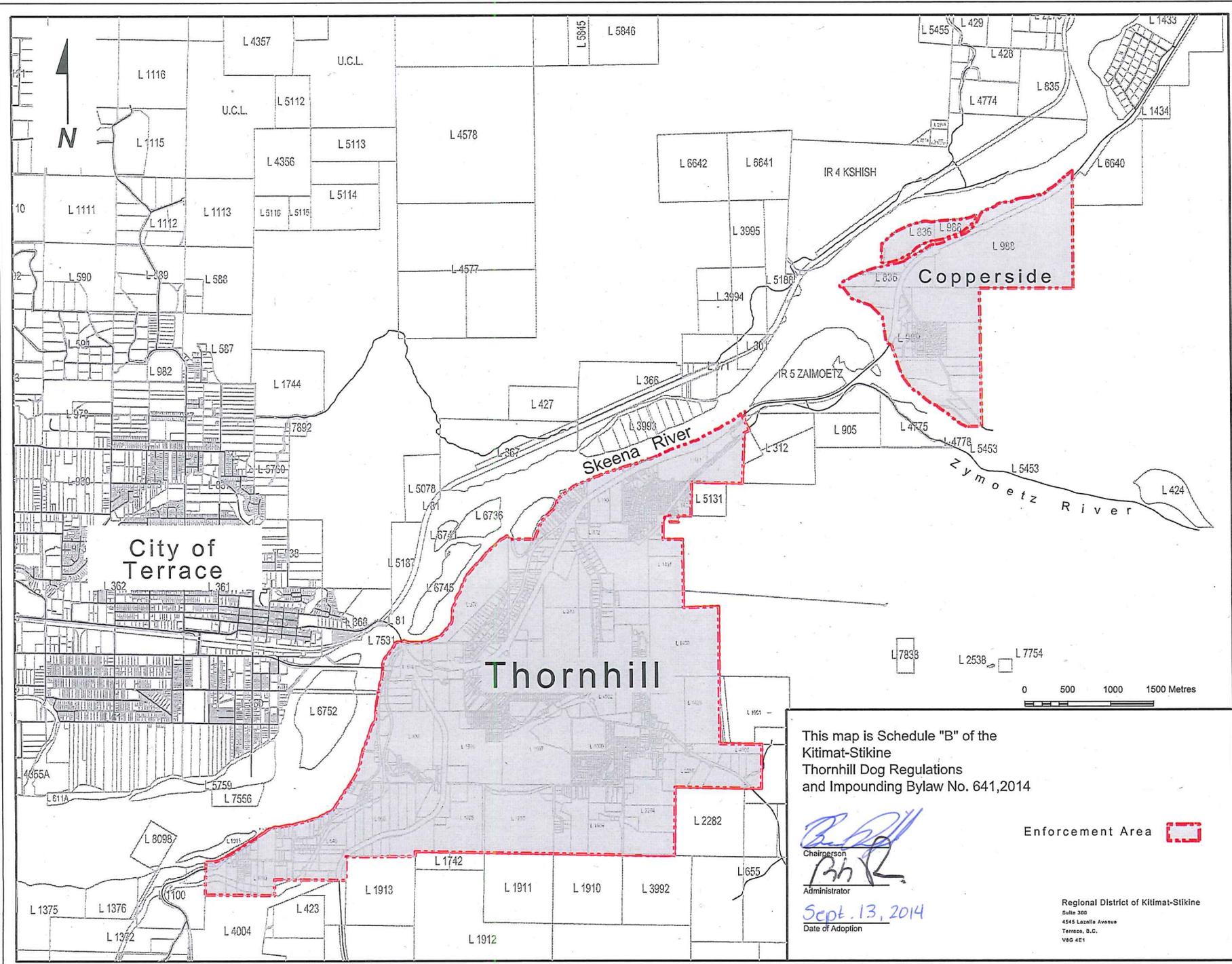
Owner Surrender \$50.00

SCHEDULE 'B'

REGIONAL DISTRICT OF KITIMAT-STIKINE

Dog Regulation and Impounding Bylaw No. 641, 2014

ENFORCEMENT AREA



This map is Schedule "B" of the
 Kitimat-Stikine
 Thornhill Dog Regulations
 and Impounding Bylaw No. 641,2014

[Signature]
 Chairperson
[Signature]
 Administrator

Sept. 13, 2014
 Date of Adoption

Enforcement Area

Regional District of Kitimat-Stikine
 Suite 300
 4545 Lazelle Avenue
 Terrace, B.C.
 V8G 4E1