

DISTRICT OF HUDSON'S HOPE

BYLAW NO. 589

A bylaw to provide for the control and licensing of animals.

WHEREAS under sections 703 to 707 of the *Municipal Act*, the Council may, by bylaw, regulate or prohibit the keeping of dogs and other animals; regulate or prohibit kennels; regulate or prohibit the running of poultry or rabbits on a highway or public place; regulate animal nuisances; set, impose and provide for the collection of licence fees from the issue of dog licences, provide for the seizure of dogs and other animals unlawfully at large; and establish, maintain and operate facilities as pounds; and

WHEREAS the Council deems it desirable that animal control continue to be undertaken and regulatory measures enacted in the District of Hudson's Hope;

NOW THEREFORE the Council of the District of Hudson's Hope, in open meeting assembled, enacts as follows:

Title

1. This Bylaw may be cited as "Animal Control and Licensing Bylaw No. 589, 1999"

Definitions

2. In this Bylaw:
 - "Animal Control Warden" means the person or persons appointed by the Council and referred to in section 21 of this Bylaw;
 - "business day" includes any day that the municipal office is open to the public;
 - "cat" means an animal of the species feline;
 - "Conservation Officer" means a conservation officer as defined in the *Wildlife Act*;
 - "Council" means the Council of the District of Hudson's Hope;
 - "dog" means an animal of the species canine;
 - "farm animal" means a domestic animal as defined under the *Livestock Protection Act* and, without limiting the foregoing, includes cattle, mules, donkeys, bison, goats, sheep, horses, swine and poultry;
 - "guide animal" means a guide animal as defined under the *Guide Animal Act* if that animal is used by a person with a disability to avoid hazards or to otherwise compensate for a disability;

- "impounded" means any animal that has been seized by the Animal Control Warden, or is detained in a Pound;
- "kennel" means any building, structure, compound, group of pens where three or more dogs are or are intended to be trained, cared for, bred, boarded, and for which a licence has been issued by the municipality under section 16 of this Bylaw;
- "licence" means a licence issued under the provisions of this Bylaw for the current calendar year;
- "leash" means a chain, cord or other material two metres or less in length;
- "municipal" or "municipality" means the District of Hudson's Hope;
- "owner" includes a person who is the possessor, harbourer or who has care and control of any animal subject to this Bylaw;
- "police dog" means any dog owned by an accredited police force;
- "Pound" means any building, yard or enclosure designated by the Council as a place for impoundment of animals;
- "resident" means any person who has resided in the municipality for at least 30 days;
- "S.P.C.A." means the Society for Prevention of Cruelty to Animals;
- "unlicensed dog" means any dog for which the licence for the current year, as provided by this Bylaw, has not been obtained, or to any dog that the licence tag provided for in this Bylaw, is not attached to the dog; and
- "vicious dog" means a dog, other than a police dog, which:
- (a) has a known propensity, tendency or disposition to attack other animals or persons;
 - (b) has, without provocation, pursued, attacked or bitten another animal or person; or
 - (c) has been trained for or is owned primarily, or in part, for the purpose of dog fighting.

Dogs

Keeping of Dogs

3. No person shall keep any dog except in accordance with the provisions of this Bylaw.

Control of Dog

4. (1) No dog owner shall permit any dog to be at large.
- (2) No dog owner shall cause, permit or allow his or her dog to cause damage to the property of another person.
- (3) No dog owner shall take or allow any dog onto any public beaches, swimming areas, parks or school grounds unless the applicable area has been designated and posted as "dogs on leash allowed".
- (4) No dog owner shall leave dog feces:
 - (a) on any highway or in a public place; or
 - (b) on any private property other than the property of the dog owner.
- (5) Where a dog leaves feces on a highway, in a public place, or on private property other than the property of the dog owner, the dog owner shall immediately remove the feces and deposit the feces in a suitable refuse container.

Vicious Dogs

5. (1) Every owner of a vicious dog must at all times, while the dog is on the property of the owner, keep the dog securely confined indoors or in an enclosed pen or structure capable of preventing the dog from escaping.
- (2) A vicious dog must be muzzled, leashed and under the control of a competent person when off the owner's property.

Dog in Heat

6. Every owner of an unspayed female dog must at all times, during that dog's period of estrus, keep the dog securely confined indoors or in an enclosed pen or structure capable of preventing the dog from escaping, except to convey that dog to a veterinarian or a kennel.

Tethering

7. (1) No person shall tether, tie, attach or otherwise fasten a dog by any means, to any traffic control device.
- (2) No person shall tether, tie or attach a dog in such a way that the dog is able to leave the boundaries of the owner's property.

Barking Dogs

8. No dog owner shall permit, allow, cause or suffer the noise of a barking, yelping or howling dog to disturb the quiet, peace, rest, enjoyment, comfort or convenience of persons in the neighbourhood or vicinity.

Dog Licensing

Licence Required

9. (1) Any dog that is over the age of 6 months and owned by a resident of the municipality, must be licensed as set out in this Bylaw.
- (2) Notwithstanding subsection (1), no licence is required for guide animals or police dogs.

Licence Application

10. (1) An application for a licence must be made on the form provided for that purpose by municipality.
- (2) Every licence shall be distinguished by a number and the municipality shall keep a record of all licences issued and a description of the dog being licensed. When requested by the municipality, the owner of a dog is required to provide details regarding the age, breed and sex of the dog to be licensed.

Proof of Spaying/Neutering

11. Before issuing a licence for a spayed or neutered dog, the municipality may require the owner to furnish proof that the dog has been spayed or neutered.

Licence Period

12. Licences issued under this Bylaw are for a calendar year.

Licence Fees

13. No licence shall be issued until the applicable licence fee, set out in Schedule A to this Bylaw, has been paid.

Licence Tags

14. (1) With every licence, a corresponding licence tag will be provided by the municipality to the owner for each licensed

dog. The licence tag will be impressed or stamped with the name of the municipality, the licence number and the licence year.

- (2) The owner of every licensed dog shall ensure that the licence tag for the current year is securely affixed to a collar or harness worn by the dog.
- (3) In the event that a licence tag issued for the current year is lost, a replacement tag will be provided to the owner upon payment of the required fee set out in Schedule A to this Bylaw.

Transfer of Licence

15. (1) Subject to subsections (2) and (3), every licence is issued for a specific dog and no person shall use a licence issued in respect of one dog for another.
- (2) Where the owner of a licensed dog sells or otherwise ceases to be the owner of that dog, the licence may be transferred to the new owner of the dog upon payment to the municipality of the required fee set out in Schedule A to this Bylaw.
- (3) Where the owner of a licensed dog sells or otherwise disposes of the said dog, the licence may be transferred to another dog purchased or acquired by the same owner. upon payment to the municipality of the required fee set out in Schedule A to this Bylaw.

Kennels

Licence Required

16. The owner or operator of a kennel is required to obtain a kennel licence from the municipality before the kennel is operated.

Kennel Regulations

17. (1) The issuance of a kennel licence is subject to the restrictions of all other applicable bylaws and regulations including the Zoning Bylaw, the Business Licence Bylaw and the Building Regulation Bylaw.
- (2) Before the municipality issues a kennel licence, the applicant shall pay the required fee as set out in Schedule A to this Bylaw.

- (3) If a kennel owner ceases to comply with all applicable provisions of this Bylaw, the kennel licence will be considered to be invalid and will be cancelled by the municipality.
- (4) Dogs are to be housed within a kennel between the hours of 8:00 p.m. and 7:00 a.m.
- (5) Notwithstanding section 9 (1), kennelled dogs are not required to be licensed.

Kennel Inspections

- 18. Prior to the issuance of a kennel licence, the Animal Control Warden may inspect the kennel.

Cats

- 19. No cat owner shall permit it to be at large.

Farm Animals

- 20. (1) No farm animal owner shall permit it to be at large.
- (2) No farm animal owner shall cause, permit or allow it to cause damage to the property of another person.

Animal Control Warden

- 21. The Council may from time to time, appoint an employee or contract with a person, to be an Animal Control Warden to administer and enforce the provisions of this Bylaw.

Authority

- 22. The Animal Control Warden may:
 - (a) issue municipal ticket informations or initiate other court processes for noncompliance with the provisions of this Bylaw;
 - (b) upon receipt of a complaint or with justification, enter, at all reasonable times, upon any property to ascertain compliance with the provisions of this Bylaw;
 - (c) impound any unlicensed dog or animal found at large;
 - (d) employ the use of S.P.C.A. approved lures, baits, nets, sonics, nooses, live traps, or other mechanical devices or humane means of apprehension of animals,

- provided that such methods are, in his or her opinion, necessary to enforce the provisions of this Bylaw;
 - (e) upon the advice or recommendation of a veterinarian, have any impounded animal destroyed that is diseased to such a degree as to be a menace to the public or other animals safety, or is so seriously injured that destruction is necessary to avoid obvious suffering and cruelty; and
 - (f) dispose of any animal as authorized by this Bylaw.
- 23. No person shall hinder, delay or obstruct in any manner, directly or indirectly, the Animal Control Warden or any other person while lawfully engaged in carrying out his or her duties under this Bylaw.

Impoundment

- 24. The Animal Control Warden shall deliver impounded animals to the Pound.

No Release of Impounded Animal

- 25. No person shall release or attempt to release any impounded animal from the Pound.

Notice of Impoundment

- 26.
 - (1) During the next business day following the impoundment of an animal, the Animal Control Warden shall cause a Notice of Impoundment, as set out in Schedule B to this Bylaw, to be posted on the community bulletin boards at the Post Office and at the municipal office. The Notice of Impoundment shall describe the animal, with or without a photograph, and state the date and location that it was impounded and the date and time after which the animal may be sold or destroyed if not otherwise claimed by the owner.
 - (2) The posting of the notice in section 26 (1) shall be deemed for all purposes to be sufficient notice to the owner of a dog or other animal.
 - (3) If an impounded dog is licensed, the Animal Control Warden shall use reasonable efforts to notify the owner of the impoundment.

- (4) It is the responsibility of the dog owner to notify the municipality of a change of address or telephone number for the purposes of notification under this section.

Care and Sustenance

27. All impounded animals will be provided with adequate food, water, shelter, and medical attention when required. The charges for these services are set out in Schedule A to this Bylaw.

Impoundment Charges

28. (1) An owner of an impounded animal shall apply to reclaim an impounded animal which application shall be made during regular business hours at the municipal office.
- (2) Upon payment of the applicable fees and charges set out in Schedule A to this Bylaw, the owner of any impounded animal, may reclaim that animal prior to its sale or destruction. The owner may be required to provide identification and proof of ownership of the impounded animal.
- (3) No dog may be released from the Pound unless it is licensed as required under this Bylaw.

Sale or Euthanasia of Animals

29. (1) If an impounded animal remains unclaimed for more than 72 hours, it may be sold or taken to a veterinarian or a recognized facility for euthanasia.
- (2) If an impounded animal is to be sold, the sale price shall be equal to the total of all fees and charges owed to the municipality for its impoundment, care and sustenance in accordance with Schedule A to this Bylaw.
- (3) When an owner of an impounded animal has failed to claim that animal and it has been destroyed by the municipality, the owner shall be responsible for all charges for impoundment, care and sustenance in accordance with Schedule A to this Bylaw and the costs to have the animal destroyed.

Penalties

General Penalties

30. Any person who contravenes any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention 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 offence and shall be liable, upon summary conviction, to a fine or penalty not less than \$50 and not more than \$2,000 for each offence and the costs of prosecution.

Separate Infractions

31. Every day that a provision of this Bylaw is contravened shall be considered to be a separate offence.

Application

32. This Bylaw shall apply to all areas of the municipality.

Severability

33. If any section, subsection, sentence, clause, or phrase of this Bylaw is for any reason held to be invalid by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

Schedules

34. Schedules A and B attached to this Bylaw are part of this Bylaw.

Repeal of Previous Bylaws:

35. The following Bylaws are repealed:
- (a) District of Hudson's Hope Dog and Cat Licensing and Control Bylaw No. 483, 1993;
 - (b) District of Hudson's Hope Dog and Cat Control and Licensing Amendment Bylaw No. 542, 1996;
 - (c) District of Hudson's Hope Animal Control and Impounding Bylaw No. 403, 1987;
 - (d) District of Hudson's Hope Animal Control and Impounding Amendment Bylaw No. 560, 1997; and

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Animal Control and Licensing Bylaw No. 589, 1999**

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- (e) District of Hudson's Hope Animal Control and
Impounding Amendment Bylaw No. 571, 1998.

Read a First Time this 28th day of June, 1999
Read a Second Time this 28th day of June, 1999
Read a Third Time this 28th day of June, 1999
ADOPTED this 13th day of October, 1999


MAYOR

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CLERK

Certified a true copy of Bylaw No. 589
this ____ day of _____, 1999

Clerk

**SCHEDULE A
Fees and Charges**

Annual Dog Licence Fees

1.	(1) (a) male – not neutered	\$15.00
	(b) female dog – not spayed	\$15.00
	(2) (a) male – neutered	\$5.00
	(b) female – spayed	\$5.00

Transfer or Replacement of Licence

2.	(1) transfer licence to new owner	\$1.00
	(2) transfer licence to new dog	\$1.00
	(3) replacement of lost tag	\$1.00

Kennel Licence

3.	Kennel licence	\$100.00
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Care and Sustenance

4.	(1) Daily charge for cats and dogs	\$5.00
	(2) Daily charge for farm animals	\$10.00

Disposal Fees

5.	(1) A dog or cat brought to the Pound for destruction	\$75.00
	(2) Pickup, destruction and disposal of a dog or cat	\$100.00
	(3) Requested pickup and disposal of carcass of a dog or cat	\$75.00

**SCHEDULE B
Notice of Impoundment**

TAKE NOTICE that the following animal was impounded by the District of Hudson's Hope at *[location]* on *[date]*.

Description of impounded animal:

This impounded animal may be reclaimed by its owner by applying to the municipal office during regular business hours. The municipal office is located at:

9904 – 100th Avenue in Hudson's Hope

The owner may be required to provide identification and proof of ownership of the impounded animal.

Fees and charges that are set out in Animal Control and Licensing Bylaw No. 589, 1999 and Municipal Ticket Information System Bylaw No. 590, 1999 will be required to be paid. No dog may be released from the Pound unless it is licensed as required under Bylaw No. 589.

If this impounded animal remains unclaimed after *[date]* and *[time]*, it may be sold or taken to a veterinarian or a recognized facility for euthanasia.

[Date of Notice]

Animal Control Warden
District of Hudson's Hope
Box 330
Hudson's Hope, BC, V0C 1V0
Telephone: (250) 783-9901
Fax: (250) 783-5741