

DISTRICT OF STEWART

BYLAW NO. 815- 2006

A bylaw to provide for the licensing and control of animals within the municipal boundaries of the District of Stewart.

WHEREAS Council may regulate, prohibit and impose requirements in relation to animals further to sections 8(3)(k), 47, 48 and 49 of the *Community Charter*, including bylaw enforcement and related matters further to sections 260-275 of the *Community Charter*,

NOW THEREFORE the Council of the District of Stewart in open meeting assembled enacts as follows:

1. CITATION

This Bylaw may be cited for all purposes as the “Animal Control Bylaw No. 815-2006.”

2. DEFINITIONS

Animal includes a cat, dog, poultry, rabbit and farm animals.

Animal Control Officer means a municipal employee, officer or agent designated by the Council for the purpose of enforcing and carrying out the provisions of this bylaw and shall include any assistant(s).

At Large means being elsewhere than on the lands or premises of the owner of the animal and not under the immediate control of a responsible person and with respect to a dog – not on a leash.

Bylaw Enforcement

Officer means the person or persons appointed by the Council to enforce the bylaws of the District of Stewart and includes a peace officer.

Cat means an animal of the species feline that is over the age of six months.

Council means the elected Council of the District of Stewart.

Commercial

Kennel means a Kennel in which at least five (5) but no more than ten (10) dogs are trained, cared for, boarded, groomed or kept for breeding and selling purposes;

Dangerous

Dog means a dog that has killed or seriously injured a person or a domestic animal while in a public place or while on private property, other than property owned or occupied by the person responsible for the dog or a dog that an animal control officer has reasonable grounds to believe is likely to kill or seriously injure a person or domestic animal and includes a Restricted Dog.

District	means the District of Stewart.
Dog	means an animal of the species canine that is over the age of six months and includes a dangerous dog of any age.
Enclosure	means a fence or structure of at least two point four (2.4) metres [six (6) feet] in height forming or causing a confined area suitable to prevent the entry of young children and suitable to confine the dog enclosed.
Farm Animal	means a domesticated animal normally raised or kept for food, milk or a beast of burden and, without limiting the foregoing, includes cattle, donkeys, goats, horses, mules, oxen, buffalo, sheep, fallow deer and swine.
Highway	includes a street, road, avenue, lane, bridge, crescent, alley, sidewalk, viaduct, boulevard and any other way open to public use.
Hobby Kennel	means a Kennel in which at least three (3) but not more than five (5) dogs are kept for breeding, show or other hobby purposes.
Impounded	means seized, delivered, received or taken into the Pound or the custody of the Pound Keeper.
Incurable Disease	includes, without limiting the meaning, rabies, incurable injury and mutilation that would result in death.
Kennel	means a building, structure, compound, group of pens or cages or property in which or where three (3) or more dogs or other animals are or are intended to be trained, cared for, boarded or kept for any purpose whatsoever, and includes a building or part of a building in which three or more dogs are kept for breeding purposes.
Kennel Licence	means a licence issued by the District to any person who keeps three (3) or more dogs on a parcel of land.
Keep	means lodge, possess, harbour, board, bring upon or feed on a regular basis on a parcel of land.
Leash	means a chain, line, thong, rope or other material of sufficient strength that does not exceed two point four (2.4) metres [six (6) feet] in length and that is suitable for control of the dog that it is used for.
Licence	means a licence issued for a dog by the District in the current Licensing Year consisting of a metal tag bearing a number corresponding to the number under which the dog is described and registered by the District.
Licence Tag	means a metal tag bearing a licence number corresponding to the number

under which the dog is registered by the District.

Licensed Dog	means a dog that is wearing, either on its collar or harness, a Licence Tag.
Licensing Year	means that time period between January 1 st and December 31 st inclusive in each and every year.
Owner	means any person who keeps an animal.
Pack	means three (3) or more dogs running at large.
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.
Poultry	includes domestic fowl, ducks, geese and turkeys.
Pound	means the premises used for the confinement and impoundment of animals pursuant to this bylaw and includes any vehicles used by the Pound Keeper.
Pound Keeper	means the person or persons as employed or appointed by Council as the District Pound Keeper and includes animal control officers, bylaw enforcement officers and assistants and contract veterinarians.
Restricted Dog	means a Pit Bull Terrier, an American Pit Bull Terrier, a Pit Bull, a Staffordshire Bull Terrier, an American Staffordshire Terrier or a crossbreed of any of the aforementioned breeds.
Unlicensed Dog	means a Dog that does not have affixed to a collar securely fastened about the Dog's neck, or to a harness securely fastened about the Dog, a Licence Tag issued under this bylaw or a similar bylaw of any other local government.

3. ADMINISTRATION

- 3.1 The Council may, by resolution, provide for the appointment of one or more Animal Control Officers to ensure compliance with this Bylaw, for the establishment of a Pound, the appointment of one or more Pound Keepers and for other requisite services pursuant to this Bylaw.
- 3.2 The Council may contract with any person or persons for services and facilities required pursuant to this Bylaw.

4. DOG LICENCING

- 4.1 No person shall own or keep an Unlicensed Dog.
- 4.2 The Owner of a Dog shall make application for a Dog Licence immediately upon becoming owner of the Dog and on or before the thirty-first (31st) day of January in each calendar year and pay the required fee as listed in Schedule "A" attached hereto.
- 4.3 No Dog Licence shall be issued to or in the name of any person under the age of nineteen (19) years.
- 4.4 The Licence Tag for which Dog the Licence was obtained must at all times be fastened to a collar or harness worn by that Dog.
- 4.5 Where the Licence Tag has been lost, destroyed or mutilated, the Dog Owner shall acquire for the remainder of the current Licensing Year a Replacement Licence Tag upon producing proof of purchase of a valid Dog Licence and upon payment of a fee as listed in Schedule "A" attached hereto.
- 4.6 When an Owner of a Licensed Dog has a change of address within the District, the Owner shall promptly notify the District.
- 4.7 Every Licence issued under this Bylaw shall expire on the thirty-first day of December following the date on which the Licence was issued and is valid only in respect of the Dog for which it is issued.
- 4.8 Prior to the issuance of a Licence for a spayed female dog or a neutered male dog, the District will require the Owner to furnish reasonable proof that the Dog has been spayed or neutered.
- 4.9 Where the ownership of a Dog in respect of which a current Licence has been issued under this Bylaw changes, the new Owner must apply to the District to have the Licence transferred without charge to the new Owner.
- 4.10 No Licence Fee shall be payable for a Dog that is trained for and used in assisting:
- (a) law enforcement agencies in the carrying out of their duties; or
 - (b) persons suffering from a disability that necessitates such assistance, including blindness, deafness and paralysis.
 - (c) Dogs that are exempt from Licence Fees under this section, shall nevertheless be registered and wear a Licence Tag.
- 4.11 The District shall keep a Register in which shall be recorded the name and address of the Owner of each Dog for which a Licence is issued, the date of issuance of the Licence, the description of the Dog and the Licence number.

5. DOG REGULATONS

- 5.1 The Owner of a Dog must not permit or allow their Dog:

- (a) to be at large;
 - (b) to chase, attack or bite a person or an animal;
 - (c) to howl, bark, cry or make other noises where such howling or barking disturbs or is likely to disturb persons in the neighbourhood or vicinity.
- 5.2 The Owner of a Dog must not tie, tether or otherwise fasten by any means a Dog to any traffic control device or support thereof, any fire hydrant or fire protection equipment, handrails or any other object in such a way as to obstruct the public or create a nuisance.
- 5.3 No Owner of an Unspayed Female Dog shall allow such Dog to leave the premises of the Owner during such Female Dog's ovulatory period except to convey the Dog directly to a veterinarian or kennel.
- 5.4 No Owner of an Unspayed Female Dog shall allow such Dog during its ovulatory period to be unattended in a yard that is not enclosed.
- 5.5 The Owner of a Dog shall immediately remove and dispose in a waste container or by other sanitary means any fecal matter deposited by such Dog on public property or private lands.
- 5.6 The Owner of a Dog shall not permit fecal matter to accumulate on his property in such a manner as to be offensive to smell or unsanitary.
- 5.7 An Owner may cause or allow a Dangerous Dog
- (a) to be on a highway or in a public place only if the Dangerous Dog is:
 - (i) firmly held on a leash by a person competent to restrain the Dangerous Dog and
 - (ii) muzzled by a properly fitted humane device.
 - (b) to be on private land or in a private building or structure only with the consent of the occupier of that property and only if muzzled by a properly fitted humane device.
- 5.8 The Owner of a Dangerous Dog must advise the District:
- (a) within two (2) working days of selling or giving away the Dangerous Dog, of the name, address and telephone number of the new Owner;
 - (b) within two (2) working days of the death of the Dangerous Dog; and
 - (c) immediately if the Dangerous Dog is at large or has bitten or attacked a person or animal.

6. COMMERCIAL KENNELS

- 6.1 No person shall keep five (5) or more dogs at any one time on any parcel of land in the District unless that person has obtained a Commercial Kennel Licence and paid all related fees as listed in Schedule "A" attached hereto and is the holder of a current and valid Business Licence.

- 6.2 Every operator shall take effective precautions to ensure that animals under his/her care are properly controlled and restrained from excessive barking, yelping or howling or other noise.
- 6.3 Every operator shall ensure that the animals are fed and watered from utensils that have been washed daily.
- 6.4 Every operator shall protect all female dogs in heat so as to prevent neighbourhood dogs from excessive barking, yelping or howling or other noise.
- 6.5 Every operator shall, at all reasonable times, permit the Animal Control Officer of the District to enter and inspect the Commercial Kennel for the purposes of ascertaining whether the provisions of this Bylaw are being observed.
- 6.6 Every operator shall:
- (a) maintain a register of animals in the Kennel, clearly providing the following information:
 - (i) the name, address and telephone number of the owner of the animal,
 - (ii) the name and breed of the animal,
 - (iii) for a dog, the licence under which the dog is registered.
 - (b) make the register available to the Animal Control Officer of the District at all reasonable times.
- 6.7 Each building used as a Commercial Kennel shall be:
- (a) kept at all times in good repair;
 - (b) kept at all times in a clean and sanitary condition and free from vermin and rodents;
 - (c) kept regularly disinfected and free of offensive and disagreeable odours;
 - (d) kept free of manure, dung and refuse.

and have a competent person in attendance at all times.

- 6.8 No person shall operate, maintain or carry on or permit to be operated, maintained or carried on any Commercial Kennel unless the Building, Business Licence, Noise, Unsightly Premises and Zoning Bylaws are being adhered to.
- 6.9 Council delegates to the Animal Control Officer the power to cancel or suspend a Commercial Kennel Licence if the provisions of this Bylaw are not observed by the operator.

7. HOBBY KENNELS

- 7.1 No person shall keep three (3) to five (5) dogs at any one time on any parcel of land in the District unless that person has obtained a Hobby Kennel Licence and paid all related fees as listed in Schedule "A" attached hereto.
- 7.2 Every operator shall take effective precautions to ensure that the dogs under his/her care are properly controlled and restrained from excessive barking, yelping or howling.

- 7.3 Every operator shall ensure that the dogs are fed and watered from utensils which have been washed daily.
- 7.4 Each Hobby Kennel shall:
- (a) have a fenced-off area for dogs to have adequate exercise area when not supervised;
 - (b) have a suitable whelping area;
- 7.5 Every operator shall protect all female dogs in heat so as to prevent neighbourhood dogs creating problems for the neighbourhood.
- 7.6 Every operator shall, at all reasonable times, permit the Animal Control Officer of the District to enter and inspect the Hobby Kennel for the purposes of ascertaining whether the provisions of this Bylaw are being observed.
- 7.7 No person shall operate, maintain or carry on or permit to be operated, maintained or carried on any Commercial Kennel unless the Building, Business Licence, Noise, Unsightly Premises and Zoning Bylaws are being adhered to.
- 7.8 Council delegates to the Animal Control Officer the power to cancel or suspend a Hobby Kennel Licence if the provisions of this Bylaw are not observed by the operator.

8. REGULATIONS FOR OTHER ANIMALS

- 8.1 The Owner of any Farm Animal, Poultry or Rabbit shall not permit, suffer or allow that Animal to:
- (a) stray, trespass or be unlawfully at large on a highway or other public place;
 - (b) stray or trespass on private property;
 - (c) graze on unfenced land unless securely tethered or contained; or
 - (d) be kept on any parcel of land or property other than in accordance with the District's Zoning Bylaw.
- 8.2 No person may keep six (6) or more cats at any one time on any parcel of land in the District.
- 8.3 The Owner of an Animal shall immediately remove and dispose in a waste container or by other sanitary means any fecal matter deposited by such Animal on public property or private lands.

9. IMPOUNDMENT AND MAINTENANCE OF ANIMALS

- 9.1 The Animal Control Officer and /or Pound Keeper may seize and impound:
- (a) any Animal that is at large;
 - (b) any Unlicensed Dog;

- (c) any Dog that is in violation of any portion of this Bylaw;
 - (d) any Animal that is, in the opinion of the Officer or Keeper, suffering unreasonably.
- 9.2 If a Dog bites a person and the Dog has not been immunized against Rabies, the Dog shall be quarantined for ten (10) days and kept under observation by the Pound Keeper at the cost of the Owner.
- 9.3 The Pound Keeper shall ensure that all Animals seized and impounded pursuant to this Bylaw shall receive sufficient food, water and shelter and that they are not mistreated while under seizure or impoundment.
- 9.4 The Pound Keeper shall within the 24 hours after seizure of any Animal pursuant to this Bylaw, where the Owner of the Impounded Animal can be identified, notify the Owner in person, by telephone or by mail addressed to the last known address of the Owner the particulars of the Impounded Animal and advise that the Animal will be destroyed or sold after the expiration of seventy-two (72) hours from the time of seizure unless the Animal is redeemed.
- 9.5 Impounded Animals shall be kept in the Pound for a minimum period of seventy-two (72) hours, unless claimed by the Owner after payment of all related fees and charges as listed in Schedule "A" attached hereto.
- 9.6 If an Impounded Animal is not claimed within the seventy-two (72) hour period and fees and fines in respect of that Animal are unpaid, the Pound Keeper may, on the expiration of this period, destroy, sell or otherwise dispose of the Animal.
- 9.7 If it is found that an Impounded Animal is suffering from any injury, disease or sickness the Pound Keeper may immediately destroy such Animal if, in his opinion, such Animal would not survive such injury, disease or sickness.
- 9.8 The Pound Keeper must maintain a Log Book that shall record the description of every Dog impounded, the time and location of the impoundment, the fees owing and the manner of disposal.
- 9.9 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 Pound Keeper's permission;
 - (c) take or release an Impounded Animal without the Pound Keeper's permission and without paying all fees, charges and penalties associated with the Impounded Animal.
- 9.10 The hours during which Impounded Animals may be claimed from the Pound Keeper will be posted from time to time at the District office building.

10. ENFORCEMENT

- 10.1 This Bylaw may be enforced:

- (a) by an Information laid in accordance with the *Offence Act*,
- (b) by means of a ticket under the *Community Charter*, or
- (c) both of the above noted methods (a) and (b).

10.2 With respect to enforcement further to a ticket under the *Community Charter*, the fines outlined in Schedule "B" attached hereto shall apply.

10.3 With respect to enforcement further to the *Offence Act*,

- (a) the maximum fine for all offences is Five Thousand Dollars (\$5,000.00)
- (b) the minimum fine for a contravention of "Dangerous Dog" related offences that result in injury to a human or another animal is a fine of One Thousand Dollars (\$1,000.00).
- (c) the minimum fine for a contravention of "Dangerous Dog" related offences that do not result in injury to a human or another animal is a fine of:
 - (i) Two Hundred Fifty Dollars (\$250.00) for a first contravention,
 - (ii) Five Hundred Dollars (\$500.00) for a second contravention,
 - (iii) Seven Hundred Fifty (\$750.00) for a third or subsequent contravention.
- (d) the minimum fine for any other offence is:
 - (i) the fine outlined in Schedule "B" for a first contravention, and
 - (ii) double the fine outlined in Schedule "B" for a second or subsequent contravention.

10.4 All escalating fines apply to the Owner of a Dog or Dangerous Dog and apply regardless of whether previous contraventions were for different Dogs or Dangerous Dogs.

11. MISCELLANEOUS

11.1 In reckoning time for purposes of this Bylaw, any period of time expressed in days shall be exclusive of any holiday as defined by the *Interpretation Act*. Where the time limit or the date under this Bylaw for any proceeding falls due on a day when the offices of the District are not open to the public, the time so limited shall extend to (and such things may be done on) the day next following on which the offices are open to the public.

11.2 If any provision of this Bylaw is determined by a court of competent jurisdiction to be unlawful or unenforceable, that provision shall be severed from this Bylaw and shall not affect the validity of any remaining provision of this Bylaw.

11.3 A Dog that is validly licensed under "Animal Control and Dog Licence Bylaw No. 668-1996 at the time when this Bylaw comes into effect is considered to be validly licensed under this Bylaw until that licence expires.

11.4 "Animal Control and Dog Licence Bylaw No. 668-1996 and amendments thereto are hereby repealed.

READ A FIRST TIME this 10th day of April, 2006.

READ A SECOND TIME this 10th day of April, 2006.

READ A THIRD TIME this 8th day of May, 2006.

ADOPTED this 12th day of June, 2006.

Angela Brand Danuser
Mayor

John Holland
Clerk

DISTRICT OF STEWART

ANIMAL CONTROL BYLAW NO. 815-2006

SCHEDULE "A"

FEES AND CHARGES

1. Annual Licence Fees

(a)	Unneutered Male Dog	\$ 25.00
(b)	Neutered Male Dog	\$ 10.00
(c)	Unspayed Female Dog	\$ 25.00
(d)	Spayed Female Dog	\$ 10.00
(e)	Dangerous Dog	\$ 50.00
(f)	Replacement Licence Tag	\$ 5.00

* New licences issued from July 1 to December 31 of any given year shall be eligible for a fee reduction of 50% of the above fees. This does not apply to renewals for dogs that were required to be licensed prior to July 1.

2.	Commercial Kennel Licence Fee	\$ 150.00
	Hobby Kennel Licence Fee	\$ 100.00

3. Impoundment Fees

	<u>Unlicensed</u>	<u>Licensed</u>	<u>Dangerous</u>
(a) 1 st Impoundment	\$ 40.00	\$ 25.00	\$ 60.00
(b) 2 nd Impoundment	\$ 60.00	\$ 45.00	\$ 80.00
(c) 3 rd & Subsequent Impoundments	\$ 90.00	\$ 75.00	\$ 110.00

4.	Per Diem Care	\$ 15.00/day
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5.	Disposal Fee	\$ 25.00
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DISTRICT OF STEWART

ANIMAL CONTROL BYLAW NO. 815-2006

SCHEDULE "B"

FINES

<u>Description of Offence</u>	<u>Section</u>	<u>Amount of Fine</u>
Unlicensed Dog	4.1	\$ 75.00
Licence Tag Not Fixed	4.4	\$ 25.00
Fail to Notify of Change of Address	4.6	\$ 10.00
Dog at Large	5.1(a)	\$ 75.00
Dog Attack	5.1(b)	\$ 250.00
Dog Attack – Injury	5.1(b)	\$ 500.00
Dog Noise	5.1(c)	\$ 50.00
Dog Tethered to Hydrant	5.3	\$ 25.00
Female Dog in Heat Off Premises	5.4	\$ 100.00
Female Dog in Heat in Unfenced Yard	5.5	\$ 50.00
Failure to Remove Dog Feces	5.6	\$ 25.00
Accumulation of Fecal Matter	5.7	\$ 75.00
Dangerous Dog Attack	5.1(b)	\$ 500.00
Dangerous Dog Attack – Injury	5.1(b)	\$1,000.00
Dangerous Dog Not Muzzled or Leashed	5.8(a)	\$ 250.00
Dangerous Dog on Private Land without Consent of occupier	5.8(b)	\$ 250.00
Fail to Advise of Dangerous Dog's New Owner	5.9(a)	\$ 25.00
Fail to Advise of Dangerous Dog's Death	5.9(b)	\$ 10.00
Fail to Advise of Dangerous Dog Attack	5.9(c)	\$ 250.00
Unlicensed Kennel	6.1, 7.1	\$ 125.00
Kennel – Excessive Noise	6.2, 7.2	\$ 50.00
Kennel – Failure to Wash Utensils	6.3, 7.3	\$ 50.00
Kennel – Failure to Protect Dog in Heat	6.4, 7.5	\$ 50.00
Kennel – Failure to Maintain Register	6.6	\$ 50.00
Kennel – Failure to Maintain Building	6.7	\$ 75.00
Kennel – Lack of Fenced Off Area	7.4	\$ 50.00
Animal at Large	8.1	\$ 50.00
Possession of Six or More Cats	8.2	\$ 75.00
Failure to Remove Animal Feces	8.3	\$ 25.00
Break Open a Pound	9.9(a)	\$ 100.00
Unlawful Entry into Pound	9.9(b)	\$ 50.00
Release of Impounded Animal	9.9(c)	\$ 100.00