

TOWN OF LADYSMITH



“Dog Licencing, Control & Pound Bylaw 1995, NO. 1155”

*Consolidated Version as on December 1, 2021
(This consolidation is authorized by “Bylaw Revision Bylaw 2022, No. 2090”)*

*Consolidated for Convenience Only
This consolidation is not a legal document. Certified copies of the original bylaws should be
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July 15, 1996

Includes Amendment Bylaw Nos.:1262, 1554, 1772, 1842, 1852, 1883, 2095

TOWN OF LADYSMITH

BY-LAW NO. 1155

A bylaw to provide for the animal licencing, control and impounding of dogs within the Town of Ladysmith.

WHEREAS pursuant to Section 524 of the Municipal Act, the Council may by bylaw fix, impose and provide for the collection of licence fees and issuance of licences to a person who owns, possesses or harbours a dog, and the bylaw may require a separate dog licence for each dog, and may vary the amount of the fee according to the sex, age, size or breed of the dog;

AND WHEREAS pursuant to Section 933(1) of the Municipal Act the Council may by bylaw applicable throughout the municipality or in any defined area of it, regulate or prohibit, and the regulations may be different for different areas, the keeping of dogs and define areas in which they may be kept or may not be kept;

AND WHEREAS pursuant to Section 933(2) of the Municipal Act the Council may by bylaw provide for the seizure, impounding and detention of unlicensed dogs unlawfully at large; regulate and fix the fines and fees, including damages for trespassing on private property, to be levied and collected by Animal Control Officers; and provide for the sale or destruction of dogs impounded where prescribed fines, fees and other charges are not paid within a reasonable time;

NOW THEREFORE the Council of the Town of Ladysmith in open meeting assembled enacts as follows:

1. In this Bylaw, unless the context otherwise requires, the following expressions where used shall have the respective meanings hereby assigned to them:

BL 1554 **“Animal Licencing, Control and Pound Bylaw”** shall mean Bylaw 1155, as amended and any succeeding legislation.

BL 1554 **“Animal Control Officer”** shall mean those individuals appointed from time to time to enforce the provisions of the Animal Licencing, Control and Pound Bylaw.

“At Large” shall mean, for the purposes of this Bylaw, as being elsewhere than on the premises of the owner of such dog and not restrained by a competent person by means of an adequate leash attached to the dog.

“Council” means the Municipal Council of the Town of Ladysmith.

BL 1554 **“Director of Financial Services”** shall mean the Director of Financial Services of the Town of Ladysmith, or any other person duly appointed by the Municipal Council of the said town to collect dog licence fees.

BL 1554

“Dangerous Dog” means any dog over the age of four (4) months, including a restricted dog:

- i. With a known propensity, tendency or disposition to attack without provocation other domestic animals or humans; or
- ii. Which has bitten another domestic animal or human without provocation; or
- iii. Which an Animal Control Officer has reasonable grounds to believe is likely to attack without provocation, animal or human.

“Dog” shall mean any dog apparently over the age of six (6) months, and shall include bitch.

“Effective Control” shall refer to any dog restrained by any device or enclosure that prevents it from being at-large. It shall also mean any dog under direct verbal control in an off leash area. A dog not responding quickly to a verbal command will be deemed to be “not under effective control”.

“Habitually Noisy Dog” means any dog which barks continually for longer than 15 minutes.

“Municipality” shall mean and include the area within the boundaries of the Town of Ladysmith.

“Owner” means any person who owns or who is in possession of or who has the care, custody, or control of a dog, or any person who harbours or allows a dog to remain about his house, land or premises, and “own” includes possessed or harboured.

“Pound” shall mean a pound established in accordance with the provisions of the Bylaw, and shall also include any motor vehicles used by the Animal Control Officer or any buildings, enclosure of lands established as a pound pursuant to this Bylaw.

BL 1554

“Restricted Dog” shall include Pit Bull Terrier, American Pit Bull Terrier, American Staffordshire Terrier, English Bull Terrier, Staffordshire Terrier; and any dog of mixed breeding, over the age of four (4) months which includes the aforementioned breeds.

BL 1772

A dog is not a “Restricted Dog” if the dog and dog owner have successfully completed the tests required to qualify for the Canine Good Neighbour (CGN) or Canine Good Citizen (CGC) Certification.

2. The Council may from time to time enter into an agreement with a person or persons for the establishment, maintenance and operation, within or without the municipality, of facilities for the impounding of dogs at such place or places and upon such premises as the Council may from time to time determine.
3. The Council is hereby empowered to appoint from time to time, by resolution, an

Animal Control Officer to maintain and operate a pound or pounds established pursuant to the provisions of this Bylaw.

4. Every dog kept within the municipality shall at all times be licenced pursuant to the provisions of this Bylaw, and the owner of every such dog shall apply to the Town for, and take out an annual licence in respect of such dog, and at all times hold a valid licence in respect to such dog while the dog is kept within the municipality, and shall pay for such licence the annual licence fee as hereinafter set out:

- (a) For every dog over the age of six (6) months, whether male or female:

BL 2094 -from January 01 – January 31st \$49.00
 -from February 01 – December 31st \$59.00

BL 1842 (b) Not withstanding section 4(a) spayed or neutered dogs shall receive an eighteen dollar (\$18.00) licence fee reduction.

BL 1554 (c) For an assistance dog a licence is required and shall be issued free of charge.

BL 1554 (d) No owner or household may possess or harbour more than three (3) dogs over the age of four (4) months.

BL 1554 5. Every licence issued under this Bylaw shall expire on the 31st day of December following the date in which the said licence takes effect and shall be accompanied by a brass tag displaying the permanent licence number assigned to the dog. All offences and impoundments shall be recorded using the permanent licence number. The required application and licence shall be in such form or forms as the Director of Financial Services may prescribe.

6. The owner of every dog shall make application for a licence therefore and shall pay the required fee for the said licence as prescribed by this Bylaw to the Director of Financial Services on or before the 1st day of February in each year.

If any person becomes the owner of a dog after the 1st day of February in any year, such person shall make application for a licence and pay the licence fee therefore as required by this Bylaw forthwith after the acquisition of such dog.

7. No person shall keep, harbour or have in his possession any dog within the municipality unless a licence therefore, as required by the provisions of this Bylaw, has been first obtained.

8. The owner of any dog which has lost its brass tag may, upon producing the original receipt issued with the tag, obtain another from the Director of Financial Services by paying a fee of Five dollars (\$5.00).

9. The owner of every dog shall keep on such dog a collar to which shall be attached

the tag accompanying the current licence therefore.

10. No person other than the owner shall remove any collar or tag from any licenced dog.
11. Every person who is the owner of a female dog in heat shall keep such dog effectively within a closed building, and shall not suffer or permit such female dog to run or be at large while in heat.
12.
 - (a) No person shall keep, harbour or have in his possession any dog that, by making frequent or loud noise continuously for fifteen (15) minutes or more, disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.
 - (b) No person shall cause, suffer or permit any dangerous dog owned or harboured by him to be on a highway or in any public place, or to be on any private lands and premises without the consent of the occupier of such lands and premises.
 - (c) Section 12(b) does not apply to any dangerous dog which is firmly held on a leash by a person competent to restrain the dog and which is muzzled by a properly fitted device, which must allow the animal to drink.
 - (d) Every owner, possessor or harbourer of a dangerous dog shall, at all times, while the dog is on the premises owned or controlled by such person, keep the 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 dog escaping.

BL 1554

- (e) Restricted Dogs
 - (i) The owner of a restricted or dangerous dog must satisfy the Animal Control Officer that a suitable containment area exists for the dog. This pen or structure, excluding the owner's dwelling, must be on the owner's property. If the owner of a restricted dog does not comply with this requirement within fourteen (14) days, the dog will be impounded until such time that the owner provides a suitable containment area. The owner will be responsible for daily maintenance fees during impoundment. If suitable containment area does not exist after fourteen (14) days of notification of impoundment, the dog will be destroyed.
 - (ii) When not contained on its owner's property, any restricted dog must be muzzled and on a maximum six (6) foot leash.
 - (iii) All restricted dogs over the age of six (6) months must be spayed or neutered. Dogs registered with a recognized registry, such as the

Canadian, American or British Kennel Club, are exempt.

- (iv) The Animal Control Officer may impound any restricted dog not complying with the containment, muzzle or leash requirements.

BL 1852 13. ~~No owner of any dog kept within the municipality shall permit or suffer such dog to trespass on private property within the municipality.~~

BL 1554

BL 1852

*underlined
text*

14. (a) No owner of any dog shall permit or allow such dog to be at large on any private property (other than that of the dog owner), public highway, street, lane, park or any other public place, unless it is accompanied by a competent person and is restrained by that person by means of an adequate leash attached to the dog. Dogs on-leash or off-leash are not permitted on sports fields, playground areas of parks or park areas marked as “No Dogs Allowed” or on First Avenue during street closures for the special events. If instructed by the Animal Control Officer, any dog owner shall be required to construct, within a reasonable timeframe, an adequate enclosure to prevent their dog from roaming at-large. Any dog found by the Animal Control Officer to be at-large, or otherwise in violation of this Bylaw, may be apprehended and/or impounded, and upon such apprehension and/or impoundment the Animal Control Officer shall forthwith inform the owner of such dog that he has done so. If the owner of such dog cannot reasonably be determined, the Animal Control Officer shall cause a notice of such apprehension and impoundment to be made in writing and affixed in a prominent place upon the Notice Board at the main entrance to City Hall, and the posting of such notice as aforesaid shall be deemed for all purposes to be sufficient notice to the owner of such dog.
- (b) Section 14(a) authorizes officers, employees and agents of the municipality to enter at reasonable times on any property that is in violation of this Bylaw to carry out and enforce the provisions of this Bylaw.
- (c) If a dog defecates in or upon a street, public beach, park, public school ground or any other public place or private property other than property owned or occupied by the dog owner or the person having charge of the dog, the dog owner or person having charge of the dog shall cause the excrement to be removed immediately upon its deposit.
- (d) Section 14(a) does not apply to a blind person accompanied by a service dog.
- (e) Excrement removed pursuant to Section 14(c) shall not be deposited on any private property other than that owned or occupied by him, or in any public place except, where the excrement is securely contained in an impermeable bag or other impermeable container so as not to ooze, leak or fall out, into a municipal litter receptacle.

15. (a) Notwithstanding the provisions of Section 14 of this Bylaw, the Animal Control Officer may issue to the owner of a dog a Violation Notice, in the form set forth in Schedule "A" hereto and made part of this Bylaw, that their dog has violated the provisions of this Bylaw. The notice shall indicate the offence committed and will impose upon the owner of the dog a penalty of One Hundred Dollars (\$100.00) for the first offence and Two Hundred Dollars (\$200.00) for the second offence for the second violation.
 - (b) The notice may be delivered to the owner of the dog by the Animal Control Officer or other person authorized by the Council to do so, or be left by such Animal Control Officer or authorized person at the residence of the owner of the dog or be forwarded by mail to the last known address of the owner of the dog.
 - (c) The owner to whom a Violation Notice has been issued and delivered in the manner aforesaid shall be at liberty to pay or cause to be paid in person or delivered by mail in accordance with the notice in that regard appearing on the Violation Notice, the penalty specified therein, whereupon the owner so charged will be deemed to have pleaded guilty to the offence with which he is charged in the Violation Notice and to have paid the penalty imposed therefore.
 - (d) Failure to make such payment on or before the date stated in the Violation Notice shall render the owner of the dog subject to the penalties provided for a breach of the provisions of this Bylaw.
16. The Animal Control Officer shall keep a record in respect to each dog impounded showing the date and hour of the impoundment, a brief description of the dog, and the manner in which such dog has been disposed of, and of all monies received and dispersed by him in respect of the operation of the pound.
 17. There shall be levied and collected by the Animal Control Officer, for and in respect of each dog impounded as poundage charges, the following fees:

BL 1554	<u>Licensed Dogs</u>	
	- First offence	\$50
	- Second offence	\$100
	- Third and subsequent offences	\$200
	- Dangerous or restricted dogs	\$300
	<u>Unlicensed Dogs</u>	
	- First offence	\$100
	- Second offence	\$150
	- Third and subsequent offences	\$300
	- Dangerous or restricted dogs	\$400

18. Any dog impounded shall be furnished with food and sufficient food, water, shelter and attendance by the Animal Control Officer, for which the owner of the dog shall pay, in addition to the poundage charges, to the Animal Control Officer for every day or part of a day, the sum of Ten Dollars (\$10.00) for the time such dog is impounded.
19. If the owner or other person entitled to the possession of any dog impounded shall appear at the pound and claim such dog at any time before the sale or disposal thereof, it shall be the duty of the Animal Control Officer to deliver up the same to such owner or other person, upon receiving the amount in full of the poundage charges and the expenses charged pursuant to this Bylaw in respect of such dog.
20. If no person entitled to claim possession of any dog impounded shall appear at the pound and claim such animal within four (4) days after the same shall have been impounded, or if the owner or other person entitled to the possession of any dog impounded shall refuse or neglect to pay poundage charges and other charges payable pursuant to this Bylaw in respect of such dog, the Animal Control Officer may sell, dispose of, or destroy the dog forthwith.
21. No person shall hinder, delay or obstruct the Animal Control Officer or any person or person lawfully engaged in attempting to catch, catching or transporting any dog to the pound.
22. No person shall break open the pound or in any manner, either directly or indirectly, aid or assist in breaking open the pound, or shall take or let any dog out of the pound, without the consent of the Animal Control Officer.
23. Notwithstanding the foregoing, every person who commits a breach of the provisions of this Bylaw shall, on summary conviction, be liable to a fine or penalty not exceeding One Hundred Dollars (\$100.00) and costs, recoverable and enforceable in the manner provided by the Offence Act.

REPEAL OF PREVIOUS BYLAWS

24. "Dog Licencing, Control and Pound Bylaw 1974, No. 599" and all amendments thereto are hereby repealed.

CITATION

25. This Bylaw may be cited for all purposes as “Dog Licencing, Control and Pound Bylaw 1995, No. 1155”.

READ A FIRST TIME on the 1st day of MAY, 1995.

READ A SECOND TIME on the 1st day of MAY, 1995.

READ A THIRD TIME on the 8th day of JULY, 1996.

ADOPTED on the 15th day of JULY, 1996.

Original signed by Mayor Rob Hutchins
Mayor

Original signed by Pat Durban
Clerk