

TOWN OF LADYSMITH

BYLAW NO. 1155

A bylaw to provide for the licensing, 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 poundkeepers; 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:
 - (a) "**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;
 - (b) "**council**" means the Municipal Council of the Town of Ladysmith;
 - (c) "**dog**" shall mean any dog apparently over the age of six (6) months, and shall include bitch;
 - (d) "**habitually noisy dog**" means any dog which barks continually for longer than 15 minutes;
 - (e) "**municipality**" shall mean and include the area within the boundaries of the Town of Ladysmith;
 - (f) "**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;
 - (g) "**pound**" shall mean a pound established in accordance with the provisions of the Bylaw, and shall also include any motor vehicles used by the pound keeper or any buildings, enclosure or lands established as a pound pursuant to this Bylaw;
 - (h) "**pound keeper**" shall mean the person appointed from time to time by the Council under the provisions of this Bylaw, or by a resolution made pursuant hereto, for the purposes of enforcing and carrying out the provisions of this Bylaw, and shall include any person acting on behalf of or assisting such pound keeper;
 - (i) "**treasurer**" shall mean the Treasurer of the Town of Ladysmith, or any other person duly appointed by the Municipal Council of the said town to collect dog licence fees;

- (j) "vicious dog" means any dog over the age of 3 months:
- (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 is a Pit Bull Terrier or Pit Bull or any dog of mixed breeding which includes either of these breeds.
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, a pound keeper 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 licensed 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:

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| - from January 01 - January 31 | \$25.00 |
| - from February 01 - December 31 | \$35.00 |
 - (b) notwithstanding section 4(a) spayed or neutered dogs shall receive a ten dollar (\$10.00) licence fee reduction.
 - (c) for a seeing eye dog or hearing dog a licence is required and shall be issued free of charge
 - (d) no owner may possess or harbour more than three (3) dogs over the age of six months old
 5. Every licence issued under this Bylaw shall expire on the 31st day of December next following the date on which the said licence takes effect and shall be accompanied by a metal tag, and the required application and licence shall be in such form or forms as the Treasurer may prescribe.
 6. The owner of every dog shall make application for a licence therefor and shall pay the required fee for the said licence as prescribed by this Bylaw to the Treasurer 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 metal tag may, upon producing the original receipt issued with the tag, obtain another from the Treasurer 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.

3 DOGS

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10. No person other than the owner shall remove any collar or tag from any licensed 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 habitually noisy dog.
 - (b) No person shall cause, suffer or permit any vicious 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 vicious 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 vicious 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.
 - (e) Every owner, possessor or harbourer of Pit Bull Terrier or Pit Bull shall carry liability insurance of not less than \$5,000,000.00.
 - (f) No new Pit Bull Terrier or Pit Bulls or any dog of mixed breeding which includes either of these breeds shall be permitted in the municipality.
 13. No owner of any dog kept within the municipality shall permit or suffer such dog to trespass on private property within the municipality.
 14.
 - (a) No owner of any dog shall permit or allow such dog to be at large on any 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, nor shall he allow any such dog to trespass on any area of Transfer Beach Park. Any dog found by the pound keeper 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 pound keeper shall forthwith inform the owner of such dog that he has done so. If the owner of such dog cannot reasonably be determined, the pound keeper 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 the 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 all 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 guide 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 poundkeeper 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 pound keeper or other person authorized by the Council to do so, or be left by such pound keeper 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 pound keeper 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 poundkeeper, for and in respect of each dog impounded by him as poundage charges, the following fees:

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| - First impounding | \$ 35.00 |
| - Second impounding of the same dog | \$ 55.00 |
| - Third impounding of the same dog | \$100.00 |
| - Fourth and each subsequent impounding of the same dog | \$200.00. |
 18. Any dog impounded shall be furnished with good and sufficient food, water, shelter and attendance by the pound keeper, for which the owner of the dog shall pay, in addition to the poundage charges, to the poundkeeper 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 pound keeper 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 poundkeeper may sell, dispose of, or destroy the dog forthwith.
- 21. No person shall hinder, delay or obstruct the poundkeeper 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 poundkeeper.
- 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 Licensing, 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 Licensing, 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.

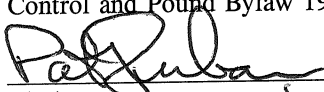


Mayor



Clerk

I hereby certify the above to be a true and correct copy of "Dog Licensing, Control and Pound Bylaw 1995, No. 1155".



Clerk