

VILLAGE OF GOLD RIVER

Bylaw No. 646, 2005

A bylaw to establish a pound and to licence and control dogs and other animals

WHEREAS pursuant to Section 8 of the *Community Charter* Council, may by bylaw, regulate, prohibit and impose requirements in relation to animals; and

WHEREAS Section 48 of the *Community Charter* provides Council authority to regulate the keeping of dogs and other animals in the municipality; and

WHEREAS Section 49 of the *Community Charter* provides special powers in relation to dangerous dogs;

NOW THEREFORE the Council of the Village of Gold River, in open meeting assembled, enacts as follows:

1. Interpretation

- “Animal” means any dog or domestic animal.
- “At Large”
- (1) with respect to a dog means being elsewhere than on the lands or premises owned or occupied by the Dog Owner and not on a Leash
 - (2) with respect to other animals means being elsewhere than on the lands or premises owned or occupied by the owner.
- “Bylaw Enforcement Officer” means the person or persons appointed by the Council as Bylaw Enforcement Officer, Public Safety Officer, Animal Control Officer, from time to time and includes a police officer.
- “Council” means the Municipal Council of the Village of Gold River.
- “Defecate” means to discharge faeces from the body.
- “Dangerous Dog” means a dog which
- (a) has bitten a human without provocation;
 - (b) has bitten an animal without provocation; or
 - (c) has a known propensity, tendency or disposition to attack or aggressively pursue without provocation a

human, or an animal; or
(d) a Restricted Dog.

“Dog”	means an animal of the canine species, male or female.
“Dog Licence”	means a licence for a dog for the current licencing year that has been paid for and that has been issued by the municipality.
“Enclosure”	means a fence or structure of at least 6 feet in height, forming an enclosure capable of preventing the entry of a child under the age of 10 years and adequately constructed to prevent a dog from escaping.
“Faeces”	means waste matter discharged from the bowels.
“He/Him”	means wherever the singular or masculine is used, it shall be construed as the plural or the feminine or neuter, as the case may be, where the parties or context so requires.
“Highway”	includes a street, road, road allowance, lane, bridge, viaduct and any other way open to public use, but does not include a private right-of-way on private property.
“Impoundment”	means to seize and confine an animal and place it in the established pound or custody of a Poundkeeper.
“Incurable Disease”	means rabies, incurable injury and mutilation which would inevitably result in death.
“Kennel”	means a parcel where four or more dogs are kept, trained, cared for, bred, treated, hospitalized or boarded for personal enjoyment, for remuneration or for the purpose of sale.
“Leash”	means a line, thong or chain used for the purpose of restraining a dog which is made of material of sufficient strength that the dog cannot break it.
“Licence Year”	means the period from January 1 st to December 31 st in any year.
“Municipality”	means the Village of Gold River.
“Municipal Office”	means the Municipal Office located at 499 Muchalat Drive.
“Owner”	means any person who owns or is in possession of or who has care, custody or control of a dog or animal, or any person who

harbors or allows a dog or animal to remain about the his house, land or premises.

- “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*.
- “Park” means any real property acquired by the Village of Gold River by means of purchase, lease, or otherwise held for the pleasure, recreation, or community use of the public and includes ball fields and playgrounds.
- “Pound” means premises used by the Poundkeeper to harbour and maintain animals pursuant to this bylaw or any vehicle used by the Poundkeeper.
- “Poundkeeper” means the person appointed by the Council as the Poundkeeper for the purpose of enforcing and carrying out the provisions of this bylaw and shall include a police officer, bylaw officer or any person acting on behalf of or assisting such Poundkeeper.
- “Public Place” means a place which is owned or controlled by a public body which is open to use by the public.
- “Restricted Dog” means:
- (a) a Pit Bull Terrier, an American Pit Bull Terrier, a Pit Bull, a Staffordshire Bull Terrier, an American Staffordshire Terrier or a Wolf-Hybrid; or
 - (b) a dog of mixed breeding which breeding includes the blood line of the breeds referred to in (a).
- “Ticket” means a ticket by which an Information may be laid and a Summons issued in accordance with the procedure set out in the *Offence Act* which is applicable to the enforcement of this bylaw.
- “Unlicenced” means that a licence under this bylaw has not been issued for the current year, or having been issued, means that the tag provided for under this bylaw has not been attached in accordance with this bylaw.

2. Licencing of Dogs

1. No person shall own, possess or harbour an Unlicensed Dog within the municipality.
2. A dog licence issued pursuant to this bylaw is valid for the licencing year in which it is purchased and shall expire on the 31st day of December in that licencing year.
3. Every person who obtains a dog licence shall be given a metal tag which shall be, at all times, fastened to a collar or harness worn by the dog for which the dog licence was issued.
4. A dog licence shall be worn only by the dog for which it is issued and is not transferable to another dog, or to an owner other than the person to whom the licence was issued.
5. The municipality may issue a duplicate dog licence upon being satisfied by the owner that the original tag issued has been lost or stolen and upon payment of the prescribed fee.
6. A licence may be issued to a person under the age of sixteen years if the applicant for the licence is accompanied by a written consent of the parent or guardian of the applicant, and in that case the parent or guardian is deemed to be the owner of the dog for the purpose of this bylaw.
7. The municipality shall maintain a log book, in which he shall record the name and address of the owner of each dog for which a licence is issued, the date of issuance of the licence and the description of the dog and the licence number.
8. The dog licence fees pursuant to this bylaw shall be those set out in Schedule "A" attached to and forming part of this bylaw.

3. Offences

1. A dog owner shall not permit, suffer or allow a dog to be at large.
2. A dog owner of a Dangerous Dog or a Restricted Dog shall at all times, while the dog is anywhere else than on lands or premises owned or occupied by the dog owner, keep the dog muzzled to prevent it from biting another animal or human.
3. A dog owner of a Dangerous Dog or a Restricted Dog shall at all times, while the dog is on land or premises owned or occupied by the dog owner, keep the dog securely confined either indoors or in an Enclosure.
4. The owner of a female dog in heat shall keep her confined within a building or kennel on private property until she is no longer in heat.

5. No person shall rescue or attempt to rescue an animal lawfully in custody of the Poundkeeper, police officer or bylaw enforcement officer pursuant to this bylaw. Further it is an offence to resist, obstruct or interfere with the Poundkeeper in the performance or course of their duties.
6. No person shall keep, harbour, house or maintain within the municipality a dangerous or habitually noisy dog.
7. No person shall keep dogs or animals to the extent of creating a nuisance, disturbance or public health hazard.
8. No person shall allow a dog or animal to defecate or deposit faeces on any property other than their own, unless provisions are immediately taken to clean up afterward, either by the owner or the person in control of the dog.
9. No household shall keep or have in their possession more than three (3) dogs over the age of three (3) months. Where any owner possesses or harbors four (4) or more dogs they shall be deemed to own a kennel subject to the current land use, subdivision or zoning bylaw of the municipality, and further the annual licence fee payable shall be subject to the current business licence bylaw of the municipality.

4. Pound

1. The Council is hereby empowered to establish, maintain and operate facilities for the impounding of dogs at such place or places and upon such premises as the Council may determine, by resolution.

5. Poundkeeper

1. The authority to seize and impound animals conferred by the bylaw upon the Poundkeeper may be exercised by a police officer or a bylaw enforcement officer.
2. The Poundkeeper or police officer may seize and impound a dangerous dog, any unlicensed dog or any dog found unlawfully on a street or running at large within the municipality.
3. The Poundkeeper, upon seizure and impoundment of a dog at large, shall make every effort to inform the dog owner, if known, that the dog has been seized and impounded.
4. If the owner of the dog is unknown to the Poundkeeper he shall within 24 hours of impoundment, cause a notice of such seizure and impoundment to be made in writing and affixed to the notice board of the Municipal Office and the posting of

such notice shall be deemed for all purposes to be sufficient notice to the owner of such dog.

5. The Poundkeeper, where he has reason to believe that an unlicensed dog has taken refuge on any premises, request the occupant of such premises to satisfy him that such licence has been paid and to exhibit such tag, or to forthwith deliver to him such dog; and where any dog is found to be on any such premises as aforesaid, no person shall fail or refuse to exhibit such licence receipt or tag, or fail, neglect or refuse to deliver such dog on request, or resist or interfere with such Poundkeeper in seizing such dog.
6. The Poundkeeper may, where he has reason to believe that an unlicensed dog has taken refuge on any premises that he has reason to believe are not occupied, enter such premises in order to seize such dog.
7. The Poundkeeper shall maintain a log book, in which he shall record the description of every dog impounded, the name of the person who impounded the dog, the time and location of the impoundment, the fees owing and the manner of disposal of the impounded dog.
8. The Poundkeeper may destroy any dog or animal suffering from an incurable disease or running in a pack, as specifically authorized under the *Livestock Protection Act*.
9. Notwithstanding any other provision of this bylaw, if it is found that any impounded animal is suffering from any injury, disease or sickness or from any other cause, or is unduly vicious, the Poundkeeper may, in his discretion, immediately destroy such animal if he is of the opinion that such animal would not survive such injury, disease or sickness, or that such animal constitutes a hazard or that it would be an act of humanity to destroy such animal.

6. Impoundment

1. The owner of a dog impounded pursuant to this bylaw may claim it from the pound at any time within 72 hours of the time of its impoundment by paying to the Poundkeeper the prescribed fees.
2. If after the expiration of not less than 72 hours the impounded dog is not claimed, the Poundkeeper may, on the expiration of this period, destroy or place such dog for adoption.
3. All costs for the destruction, boarding and tickets remain the responsibility of the owner even if the dog is not claimed.
4. The impoundment fees and maintenance fees for dogs, shall be those set out in Schedule "B" attached to and forming part of this bylaw.

7. General

1. The owner of an animal or dog shall ensure that it is kept, housed and fed in a manner conducive to its good health and wealth being.
2. Should an animal or dog be injured or suffering from any disease, the owner shall have the animal or dog examined and treated by a qualified veterinarian.
3. The owner shall ensure that structures, pens or enclosures used to accommodate any animal or dog shall be maintained in a clean and sanitary condition at all times and that all cleaning from such facilities are disposed of in a manner that will not create a nuisance or health hazard.
4. No person who owns a dog shall permit or cause the dog to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity of the place where the dog is kept.
5. Dogs are not allowed in tot lots, parks or ball fields at any time. Any such dog is considered to be At Large.

8. Kennels

1. An owner of a kennel shall apply to the municipality for a kennel licence and upon payment of the prescribed fee and proof of compliance with all other relevant municipal bylaws, the owner shall be issued a kennel licence and licence tags for each dog kept in the kennel.
2. A kennel licence is not a substitute for a licence required by the municipal business licence bylaw and does not relieve the owner of a kennel from compliance with that bylaw nor any other relevant bylaw of the municipality.
3. No person shall:
 - a) have or keep more than ten (10) dogs in a kennel;
 - b) permit or cause a dog to be unattended or uncontrolled in an open air run in a kennel between the hours of 9:00 p.m. and 7:00 a.m.
 - c) allow a dog to run loose in a kennel except in an adequately fenced area;
 - d) permit or cause barking, yelping, howling or other frequent noise to emanate from a kennel.
4. The owner or operator of a kennel shall:
 - a) ensure that all dogs in the kennel are under control and are restrained from frequent barking, yelping, howling or making other noise;
 - b) keep the kennel at all times in good repair;

- c) keep the kennel and yard surrounding it at all times in a clean and sanitary condition and free of vermin and rodents;
- d) collect all uneaten food from the kennel daily, wrap it and place it in a garbage can for collection;
- e) dispose of all manure, dung or refuse and all liquid wastes from the kennel in a manner which meets the approval of the Medical Health Officer and the municipality;
- f) dispose of all hair clippings and waste paper in a sanitary manner;
- g) keep the kennel regularly cleaned and disinfected and free of any offensive or disagreeable odors to the satisfaction of the Medical Health Officer.

9. Tickets

- 1. An information may be laid and a Summons issued by means of a ticket in accordance with the procedure set out in the *Offence Act* for contravention of Section 3, Offences of this bylaw.
- 2. The ticket shall be in the form set out in Schedule "C" attached to and forming part of this bylaw.
- 3. The pecuniary penalties for offences enforced by means of a ticket are, subject to the requirements of the *Offence Act*, as set out in Schedule "D" attached to and forming part of this bylaw.

10. Enforcement

- 1. A bylaw enforcement officer, Poundkeeper or police officer are hereby authorized to enter, at all reasonable times, onto any property subject to the bylaw to ascertain whether the provisions of this bylaw are being observed.

11. Schedules

- 1. Schedules "A", "B", "C" and "D" of this bylaw form a part of this bylaw and are enforceable in the same manner as this bylaw.

12. Penalty

- 1. Except as otherwise provided in this bylaw, any person who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention of this bylaw, or who refuses, or omits or neglects to fulfill, observe, carry out or perform any duty or obligation imposed by this bylaw shall be liable on summary conviction to a fine not exceeding TWO THOUSAND DOLLARS (\$2,000.00) but not less than the fines set out in Schedule "D".

13. Repeal

1. "Village of Gold River Animal Control and Pound Bylaw No. 588, 1998" is hereby repealed.

14. Citation

1. This bylaw may be cited for all purposes as the "Village of Gold River Animal Control and Pound Bylaw No. 646, 2005".

READ A FIRST AND SECOND TIME THIS	7 TH	DAY OF	FEBRUARY	2005.
READ A THIRD TIME THIS	7 TH	DAY OF	FEBRUARY	2005.
ADOPTED THIS	21 ST	DAY OF	FEBRUARY	2005.

- Original signed by the Mayor -

- Original signed by the Clerk-

D. Lewis

MAYOR

L. Plourde

CLERK

VILLAGE OF GOLD RIVER

Bylaw No. 646, 2005

Schedule "A"

Annual Licence Fees

Classification	Jan 1-31	After Jan 31
Neutered Male Dog (veterinarian's certificate required)	n/c	\$10.00
Spayed Female Dog (veterinarian's certificate required)	n/c	\$10.00
Unneutered Male Dog	\$30.00	\$40.00
Unspayed Female Dog	\$30.00	\$40.00
		All Year
Kennel Licence		\$75.00
Duplicate Licence		\$10.00
Neuter or Spay Rebate (Rebate only available upon presentation of veterinarian certificate of neutering or spaying and if a licence was purchased for an unneutered/unspayed dog in the same licence year).		\$30.00

VILLAGE OF GOLD RIVER

Bylaw No. 646, 2005

Schedule "B"

Impoundment Fees

Licensed Dog

First Impoundment	\$25.00
Second Impoundment	\$50.00
Third and every subsequent impoundment	\$100.00

Unlicensed Dog

Impoundment fee plus appropriate licence fee	\$50.00
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Dangerous or Restricted Dog

First Impoundment	\$500.00
Second and subsequent impoundments	\$1000.00

Dangerous or Restricted Dog

Impoundment fee in respect of a Dangerous or Restricted Dog which has caused injury to a person or animal	\$1000.00
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Maintenance Fee – for each 24 hours or less in addition to impoundment fees	As per Pound Agreement
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VILLAGE OF GOLD RIVER

Bylaw No. 646, 2005

Schedule "C"

(Copy of Ticket)

VILLAGE OF GOLD RIVER

Bylaw No. 646, 2005

Schedule "D"

Penalties for Ticket Offences

Offence	Fine	Section
Failure to display a valid licence	\$25.00	2 (1)
Dog at Large - First offence	\$25.00	3 (1)
- Second offence	\$50.00	
- Third and subsequent offence	\$100.00	
Failure to muzzle/leash Dangerous or Restricted Dog	\$200.00	3 (2)
Failure to enclose Dangerous or Restricted Dog	\$200.00	3 (3)
Failure to keep female dog in season, effectively confined on private premises	\$50.00	3 (4)
Resisting, interfering with or obstructing the Poundkeeper or designate in performance of duties	\$100.00	3 (5)
Dangerous Dog	\$100.00	3 (6)
Noisy Dog	\$100.00	3 (6)
Dog creating a nuisance, disturbance or health hazard	\$50.00	3 (7)
Failure to remove animal faeces	\$50.00	3 (8)