



Animal Control and Licencing Bylaw No. 1780

Consolidated to January 23, 2020

TOWN OF SMITHERS

BYLAW NO. 1780

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LIST OF AMENDMENTS

BYLAW NO.	ADOPTION DATE	AMENDMENT No.	GENERAL DESCRIPTION
1886	January 14, 2020	#1	Fees and Charges

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BYLAW NO. 1780

ANIMAL CONTROL AND LICENCING

*A Bylaw to regulate the keeping of animals within
the Town of Smithers*

WHEREAS the Town of Smithers has adopted an Animal Control Bylaw regulating the control, licensing, and protection of dogs and the keeping of animals within the Town of Smithers;

AND WHEREAS the *Community Charter S.B.C.*, 2003 Part 3, Division 6 provides that Council may, by Bylaw, regulate, prohibit and impose requirements with respect to animals and to provide for a system of licenses, permits and approvals.

NOW THEREFORE be it resolved that the Council for the Town of Smithers in open meeting assembled, enacts as follows:

1. **CITATION:**

This Bylaw may be cited for all purposes as "Bylaw No. 1780- Animal Control and Licensing", and comes into effect on the date of adoption.

2. **REPEALS:**

This Bylaw repeals "Bylaw No. 1644 – Dog License and Control", and "Bylaw No. 717, 1985 – Animal and Poultry" and any amendments thereto.

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SECTION 1 - ADMINISTRATIVE PROVISIONS

- 1.1 This bylaw may be cited as “Bylaw No.1780 - Animal Control and Licensing” and takes effect as of the date of adoption.
- 1.2 If any section, subsection, sentence, clause or phrase in this bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the decision shall not affect the validity of the remaining portion of the bylaw.

SECTION 2 - DEFINITIONS

- 2.1 In this bylaw:

“ANIMAL” means a domestic or farm animal but excludes a dog owned by the Royal Canadian Mounted Police or a certified guide or assistance dog owned by a person with visual or other disabilities.

“Animal Control Officer” means the person appointed by the Council of the Town of Smithers to carry out the provisions of this bylaw and the Community Charter S.B.C. 2003 c 26; or a peace officer;

“Aggressive Dog” means a dog that meets one or more of the following conditions:

- a) has, without provocation, aggressively pursued or harassed a person or other animal or has demonstrated a propensity, tendency or disposition to do so; or
- b) has, without provocation, bitten or caused non-serious injury to a person or another animal or has demonstrated a propensity, tendency or disposition to do so; or
- c) an Animal Control Officer has reasonable grounds to believe is likely to cause injury to a person or animal.

“At Large” with reference to a dog means:

- a) a dog located elsewhere than on the premises of the person owning or having the custody, care or control of the dog that is not under the immediate charge and control of a responsible and competent person;
- b) a dog located upon a highway or other public place, including a school ground or park, that is not secured on a leash to a responsible and competent person or;
- c) a dangerous dog that is on the premises of the owner that is not contained in an enclosure or securely confined within a dwelling.

“Cattle” Means any horse, mule, ass, swine, sheep, goat, cow or other animal of the bovine species;

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“Council” means the duly elected Municipal council of the Town of Smithers;

“Dog” means an animal of the canine species irrespective of sex or age.

“Dangerous Dog” means a dog that meets one or more of the following conditions:

- a) has killed or seriously injured a person,
- b) has killed or seriously injured another dog or domestic animal, while in a public place or while on private property, other than the property owned by the person responsible for the dog, or
- c) which an Animal Control Officer has reasonable grounds to believe is likely to kill or seriously injure a person.

“Enclosure” means:

- a) a locked pen or other structure having secure sides and a secure top, and if it has no bottom secured to the sides, the sides must be embedded in the ground to a minimum depth of four hundred and fifty (450) millimeters and constructed to prevent the entry of young children and the escape of the dangerous dog;
- b) the locked pen or other structure shall provide the dangerous dog with shelter from the elements and be of the minimum dimensions of one and one-half (1.5) metres by three (3) metres and be a minimum of one and one-half (1.5) metres in height; and
- c) the locked pen or other structure shall not be within one (1) metre of the property line or within five (5) metres of a neighboring dwelling unit.

“FARM ANIMAL” means any domesticated animal normally raised for food, milk or as a beast of burden and without limiting the generality of the foregoing includes: cattle, horses, swine, sheep, goats, mules, donkeys, asses and oxen; but does not include poultry;

“Hen” means a domesticated female chicken that is at least four (4) months old.

“Impounded” means when a dog is seized, delivered, received or taken into the pound or in the custody of the Animal Control Officer;

“Leash” means a line, thong or chain used for the purpose of restraining a dog and which does not exceed 183 centimetres (6 feet) in length and which is made of materials of sufficient strength that the dog cannot break it;

“LICENSE” means a license issued under this Bylaw for the current license year;

“LICENSE YEAR” means the period from January 1st to December 31st in any year;

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“Muzzled” means prevented from biting by means of a humane fastening or covering device of adequate strength secured over the mouth.

“Owner” includes any person who owns, possesses or harbours any dog, or has custody, care or control of any dog;

“Person” includes any corporation, partnership or party and their heirs, executors, administrators and other legal representatives of such person to whom the context can apply according to law;

“Poultry” means domestic fowls, such as chickens, turkeys, ducks, or geese, raised for meat or eggs.

“Pound” means any facility established, maintained or operated as a pound in accordance with this bylaw;

“Running at large” means a dog is deemed to be running at large where it is not under control by being:

- (a) on the property of its owner or of another person who has the care and control of the dog;
- (b) in direct or continuous control of a person who is competent to control it;
- (c) securely confined within an enclosure; or
- (d) securely fastened so that it is unable to roam;

“Town” shall mean the Town of Smithers;

“Unlicensed Dog” means any dog for which the licence for the current year has not been paid as provided in this bylaw or to which the licence tag provided by this bylaw is not attached;

“Veterinary Clinic” means any building, structure or premises in which animal sickness diagnosis and treatment is carried out and which may include hospitalization.

SECTION 3 - LICENCING

- 3.1 No person shall keep any dog over the age of four (4) months unless a valid licence has been issued in respect of that dog under this bylaw.
- 3.2 An application for a licence under this bylaw shall be made by paying the fee prescribed in Schedule “A” attached hereto and forming part of this bylaw, and applying to the town in such form as the Town may from time-to-time prescribe.

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- 3.3 Upon receipt of the prescribed fee and a completed application form signed by the owner of the dog, the Town shall issue a licence and corresponding licence tag for the dog.
- 3.4 Every licence and corresponding licence tag issued under this bylaw:
- (a) expires on the 31st day of December of the year in which it was issued; and
 - (b) is valid only in respect of the dog for which it was issued.
- 3.5 The person to whom a licence is issued under this bylaw shall, while the licence is valid and subsisting, affix and keep affixed the corresponding licence tag to the collar or harness worn by the dog for which the licence is issued.
- 3.6 Where a licence tag is lost or destroyed, or where ownership of a validly licensed dog is transferred, or where the owner of a dog, which has a valid licence of another jurisdiction moves into the Town, the owner shall, by paying the fee prescribed in Schedule "A" apply to the Town, in a form or manner prescribed by the Town, for a replacement licence tag.
- 3.7 No person other than the Town or authorized agent of the Town or the owner of the dog shall remove from such dog a licence tag issued pursuant to this bylaw or a collar or harness to which a licence tag is attached.

SECTION 4 - DANGEROUS DOGS

- 4.1 The owner of a dangerous dog must be at least nineteen (19) years of age.
- 4.2 On the first day that the Town Office is open for business after a dog has been declared a dangerous dog, or that a person becomes the owner of a dangerous dog, the owner shall attend at the Town Office:
- (a) to pay the fee set out in Schedule A of this Bylaw for licensing a dangerous dog;
 - (b) to have the dangerous dog photographed and the photo retained at the Town Office for identification purposes;
 - (c) to provide to the Animal Control Officer proof of public liability insurance in the amount of not less than one million dollars (\$1,000,000) for the entire period of the dog license to cover both the premises where the dangerous dog is kept and all claims arising out of dog bites or dog attacks, wherever they may occur, caused by the dog for which the license is sought.

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- 4.3 Every owner of a dangerous dog shall notify in writing an Animal Control Officer within three (3) days should the dangerous dog be moved, sold, gifted or transferred to another person, or die, and the owner remains liable for the actions of the dangerous dog until such notice is given.
- 4.4 Every owner of a dangerous dog shall immediately notify an Animal Control Officer when that dog is running at large.
- 4.5 The owner of a dangerous dog shall ensure that when the dog is on the property of the owner, it is either securely confined:
- (a) indoors and under the control of a person who is at least nineteen (19) years of age or
 - (b) outdoors within an enclosure as required by this Bylaw, constructed to prevent the escape of the dangerous dog and capable of preventing the entry of any person not in control of the dog.
- 4.6 When the dangerous dog is off the property on which it normally resides, the owner of a dangerous dog shall at all such times:
- (a) ensure the dog is securely muzzled;
 - (b) ensure the dog is on a leash which does not exceed one point two (1.2) metres in length in a manner that prevents it from chasing, injuring or biting other domestic animals or humans as well as preventing damage to public or private property; and
 - (c) ensure the dog is under the control of a person who is at least nineteen (19) years of age.
- 4.7 The owner of a dangerous dog shall ensure that the dog does not:
- (a) chase, injure or bite a person;
 - (b) chase, injure or bite a domestic animal;
 - (c) run at large; or
 - (d) damage private or public property.
- 4.8 On the first day the Town Office is open for business after a dog has been declared an aggressive dog, or that a person becomes the owner of an aggressive dog, the owner shall attend at the Town Office to pay the fee set out in Schedule A of this Bylaw for licensing an aggressive dog.
- 4.9 Every owner of an aggressive dog shall notify in writing an Animal Control Officer within three (3) days should the aggressive dog be moved sold, gifted or transferred to another person, or die, and the owner remains liable for the actions of the aggressive dog until such notice is given.

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- 4.10 Every owner of an aggressive dog shall ensure that at all times that the dog is on the owner's property, the dog is:
- (a) securely confined indoors; or
 - (b) if outdoors on the owner's property, both under the control of a competent person of at least 19 years of age and securely confined on the premises within a fenced area so as to prevent the dog from leaving the premises; or
 - (c) if outdoors on the owner's property, securely tethered in such a manner as to prevent the dog from leaving the premises.
- 4.11 Every owner of an aggressive dog shall ensure that at any time that the dog is off the owner's property, the dog is:
- (a) securely muzzled;
 - (b) on a leash in a manner that prevents it from chasing, injuring or biting other domestic animals or humans as well as preventing damage to public or private property, and
 - (c) under the control of a person at least 19 years of age that is competent to control the aggressive dog.

SECTION 5 – DOG CARE AND CONTROL

- 5.1 No person shall suffer or permit any dog owned, possessed or harbored by them:
- (a) to run at large or to trespass in or upon any private lands or premises;
 - (b) to do any act that injures a person or persons whether on the property of the owner or not;
 - (c) to do any act that injures an animal or animals whether on the property of the owner or not.
- 5.2 No person shall suffer or permit any dog owned, possessed or harbored by them:
- (a) to bite a person or persons whether on the property of the owner or not;
 - (b) to bite an animal or animals whether on the property of the owner or not.
- 5.3 No person shall own any dog unless the dog is provided with:
- (a) clean potable drinking water at all times and suitable food in sufficient quality and quantity to allow for normal growth and maintenance of normal body weight;
 - (b) food and water receptacles that are kept clean and disinfected and located so as to avoid contamination by excreta;
 - (c) the opportunity for periodic exercise to maintain good physical and mental health including the opportunity to be unfettered from a fixed area; and
 - (d) necessary veterinary care when the dog exhibits signs of pain, suffering, illness or disease.

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- 5.4 No person shall own a dog which normally resides outside or which is kept outside unless the dog is provided with outside shelter that:
- (a) ensures the protection of the dog from heat, cold and wet that is appropriate for the dog's weight and type of coat and provides sufficient space to allow the dog the ability to turn about freely and stand, sit or lie easily in a normal position;
 - (b) is at least 1 ½ times the length of the dog's length in width and at least as high as the dog's height measured from the ground to the highest point of the dog when the dog is standing in a normal position; and
 - (c) is in an area to provide sufficient shade to protect the dog from the direct rays of the sun at all times.
- 5.5 No person shall keep a dog in a pen or run area for any length of time unless the person causes the pen or run area or both to be cleaned and sanitized regularly and all excreta to be removed promptly so as not to accumulate.
- 5.6 No person shall cause a dog:
- (a) to be fastened, hitched or tied by any rope, chain or cord that is directly fastened, hitched or tied to the dog's neck; or
 - (b) to be confined in an enclosed space, including a vehicle, without adequate ventilation.
- 5.7 If an Animal Control Officer finds an animal in critical distress and if in his or her opinion:
- (a) the animal would not survive such injury, disease or sickness; or
 - (b) it would be an act of humanity to destroy the animal, the Animal Control Officer may destroy the animal, provided that all reasonable attempts to locate or contact the known owner have been exhausted and that the process will not cause the animal to suffer unduly.
- 5.8 No person shall suffer or permit any dog of which they are the owner, possessor or harbourer to make any noise anywhere in the municipality, which disturbs the quiet, peace, rest, enjoyment, comfort, or convenience of the neighborhood or of a person or persons in the vicinity.
- 5.9 No person shall suffer or permit any dog to leave or deposit excrement any place other than the property of the owner unless the owner takes immediate steps to remove such excrement and to dispose of same in a sanitary manner.

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- 5.10 The owner of a dog shall, at all times when the dog is not on a leash and under the control of a person who is competent to control the dog, keep the dog securely confined on the property belonging to or controlled by the owner:
- (a) by keeping the dog indoors;
 - (b) within a fenced area sufficient to prevent the escape of the dog, or
 - (c) by securely tethering the dog in such a manner as to prevent the dog from leaving the property.
- 5.11 No person shall keep, harbour or have in their possession any dog suffering from any infectious or communicable disease, unless such dog is in isolation on the owner's property and is undergoing treatment for the cure of such disease.

SECTION 6 – FARM ANIMALS

- 6-1. Poultry, Pigeons or Doves - No poultry, pigeons, or doves shall be kept in any part of a dwelling house or in any store or other place of business, except in a business licensed through the Town of Smithers to sell or keep such fowl.
- 6-2. ***Permitted Areas for Hens***
In residential zones R-1, R-2, R-6 and P-1 in auxiliary to a Community Garden (as well as existing permitted zoned R-7 and A-1 and the Fall Fair Grounds) the keeping of hens will be permitted for personal use, provided that no neighbourhood health, environmental or nuisance problems result.
- 6-3. ***Keeping of Hens***
The keeping of hens for domestic purpose is permitted as an auxiliary use to a detached, single-family dwelling on any lot with an area greater than 550m² (5,920 ft²) in R-1, R-2, R-6 and P-1 Zones, subject to the following conditions:
- a) *The owner of the property resides on the property where the hens are kept, or obtains written permission from the property owner;*
 - b) *Roosters are prohibited;*
 - c) *The keeping of hens is limited to a maximum of:*
 - i. *six (6) hens as an auxiliary use to a detached, single-family dwelling;*
 - ii. *twelve (12) hens on a P-1 property in conjunction with a Community Garden;*
 - iii. *twelve (12) poultry for each 0.4 ha of parcel area in zones A-1 or R-7.*

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- d) *Hens must be kept in a run that is:*
 - i. *fenced on all sides and entirely covered from above in a manner that will keep predators and vermin from entering and hens from escaping;*
 - ii. *of sufficient size to provide at least 1.0 m² (10.76 ft²) of roofed outdoor enclosure per hen; and*
 - iii. *sited at least 3.0 m (9.84 ft) from the principal building and 1.5 m from the side or rear property line, while being located to the side or rear of the principal building.*
- e) *At least one (1) coop must be provided in such a way that it:*
 - i. *is kept clean and be monitored daily for suitable cleanliness;*
 - ii. *is sited at least 3.0 m (9.84 ft) from the principal building and 1.5 m from the side or rear property line, while being located to the side or rear of the principal building;*
 - iii. *allows at least 0.5 m² (5.3 ft²) of coop floor area per hen; and*
 - iv. *includes at least one perch no shorter than fifteen (15) cm, per hen and one nest box, per 4 hens.*
- f) *All hens must be provided sufficient food, water, shelter, light, ventilation, veterinary care; and opportunities for essential behaviors such as scratching, dust-bathing, and roosting; to maintain good health;*
- g) *That feed be stored in such a manner as to not provide an attractant to bears, other wildlife, or vermin;*
- h) *Manure must be stored within a fully enclosed structure, with no more than 0.08 m³ (3 ft³) of manure stored at one time;*
- i) *All manure not used for composting or fertilizing must be removed from the property;*
- j) *Biosecurity procedures must be followed as recommended by the Canadian Food Inspection Agency;*
- k) *Hens are permitted for personal use only, and selling eggs, manure, meat, or other products derived from hens is prohibited;*
- l) *Slaughtering or euthanizing hens within Town limits is prohibited unless at a certified facility; and*
- m) *Backyard hen flocks must be registered for a fee of \$15 with the Town of Smithers by completing Schedule 'C' of this Bylaw.*

6-4. **KEEPING OF FARM ANIMALS**

No person shall cause or permit any cattle or farm animals to be kept or harbored within the Town, whether on private property or not, unless as allowed in the R-7 Rural Residential Hobby Farm, A-1 Agricultural Zone, or as allowed on the Fall Fair Grounds.

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SECTION 7 - ENFORCEMENT

- 7.1 The Animal Control Officer or his appointed representative may immediately seize and impound:
- (a) any dog found at large contrary to this Bylaw;
 - (b) any unlicensed dog;
 - (c) Any dog on unfenced land and not securely tethered or contained;
 - (d) any aggressive or dangerous dog, to hold for fourteen (14) days or longer if deemed necessary to observe the dog for any disease, and the owner will have to bear no cost of boarding the dog for this period of time.
- 7.2 An Animal Control Officer may enter a place to exercise the power under section 7.1 of this Bylaw, provided that in doing so, the Animal Control Officer complies with the provisions in sections 49(4) to (9) of the *Community Charter*.
- 7.3 Where a dog is seized and impounded pursuant to Section 7.1 the Animal Control Officer shall:
- (a) if the dog is unlicensed the Animal Control Officer shall retain it for seventy-two (72) hours, excluding Saturdays, Sundays and Statutory holidays unless such dog be sooner reclaimed in accordance with section 7.5.4 herein; or
 - (b) if the dog is licensed, forthwith notify the owner thereof in person, by telephone or by mail addressed to the last known address of the owner in which case the notice shall be deemed to have been received by the owner seventy-two (72) hours after deposit thereof in the Post Office at Smithers, giving the following information:
 - (i) date and time of impoundment;
 - (ii) description of the dog;
 - (iii) address at where the application may be made for the release of the dog; and
 - (iv) costs of seizure, expenses to the date of the notice and any continuing costs and expenses.
- 7-4. Where the owner of an impounded dog is known, cost of the impoundment fee and daily charges for such dog as prescribed in Schedule "B", even though the owner fails or neglects to reclaim such dog, may be sought through whatever action is considered necessary.

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- 7.5 (a) If the owner of an impounded dog does not:
- (i) in the case of an unlicensed dog within seventy-two (72) hours of the dog being impounded; or
 - (ii) in the case of a licensed dog within seventy-two (72) hours of being notified pursuant to Section 7.3 (b);
 - (iii) in the case of a dangerous or aggressive dog after fourteen (14) days in accordance with Section 7.1 (d);
- appear at the Town of Smithers office and release the dog so impounded by payment of the fee and charges set out in Schedule "B" attached hereto and forming part of this bylaw, plus the cost of a licence for the dog, if applicable, the Animal Control Officer may dispose of such dog as hereinafter set out.
- (b) If the dangerous or aggressive dog has not been reclaimed within the said fourteen (14) days, the Animal Control Officer may cause such dangerous or aggressive dog to be destroyed. However, where the owner of such dog requests a further period of time in which to construct an enclosure for the dog, the Animal Control Officer may extend the time limited to reclaim the dangerous or aggressive dog for a period of not more than thirty (30) days upon receiving payment in advance of all charges prescribed by schedules A and B hereof; provided that when such dangerous or aggressive dog has been impounded and is found to be suffering from any injury, disease or sickness, the Animal Control Officer may destroy such dangerous or aggressive dog if it is in his opinion that such dangerous or aggressive dog would not survive such injury, disease or sickness, or that it would be an act of humanity to destroy such dangerous or aggressive dog.
- (c) After the expiration of the relevant period of time set out in Subsection (a) the Animal Control Officer may cause the dog to be sold or if in the Animal Control Officer's opinion the dog cannot or should not be sold, he may destroy the dog.
- (d) Where any dog is sold pursuant to Subsection (c) all property therein shall pass to the purchaser and all right of property in the dog that existed before the sale, shall be extinguished.
- (e) The fee for such a sale shall be as set out in Schedule "B".
- 7.6 Notwithstanding any other provisions of this bylaw, if it is found that any impounded dog is suffering from a disease and/or is injured the Animal Control Officer may immediately destroy such dog if he is of the opinion that such dog constitutes a hazard or that it would be an act of humanity to destroy such animal.

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- 7.7 The Animal Control Officer may, where he has reason to believe that an unlicensed dog has taken refuge on any premises, (A) enter on the premises and request the occupant of such premises to satisfy him that such dog is licensed and to exhibit a valid license tag, or to forthwith deliver to him such dog; and (B) where any dog is found to be on any such premises as aforesaid, no person shall fail or refuse to so satisfy the Animal Control Officer or to exhibit such license tag, or shall fail, neglect or refuse to deliver such dog to the Animal Control Officer on request, or shall resist or interfere with the Animal Control Officer in seizing such dog.
- 7.8 The Animal Control Officer is hereby authorized to issue a "Notice of Offense" to any person alleged to have offended against the provisions of Sections 4, 5 and 6 of the bylaw and the said Notice shall specify that the owner may make payment to the Town Office for offenses as detailed in Schedule "B".
- 7.9 A "Notice of Offense" as specified in Section 7.8 of this bylaw shall be deemed to be sufficiently served:
- (a) if served personally on the owner of the dog or animal concerned;
 - (b) if mailed by certified mail to the address of the owner of the dog or animal concerned.
- 7.10 A person receiving such "Notice of Offense" may make payment of the amount specified in such notice to the Town Office within four (4) days of the date of such notice in lieu of appearing in Court to answer any charge with respect to the offenses.
- 7-11. No person shall remove or attempt to remove any dog in the custody of the Animal Control Officer, or a dog that is in the Pound.
- 7-12. Where a dangerous dog has caused serious injury to a person or killed a domestic animal as defined by the *Community Charter*, the owner may reclaim such dog on application to an Animal Control Officer at any time prior to its sale or destruction on proof of ownership and on payment of a \$5,000.00 impound fee and any other charges applicable under Schedule A.
- 7-13. Where the dangerous dog has caused serious injury to a person or killed a domestic animal as defined by the *Community Charter* the Animal Control Officer may detain the dog pending court proceedings under Section 49 of the *Community Charter*, to seek an order to have the dog humanely destroyed. Should the order not be granted the dangerous dog may be reclaimed by the owner upon payment of the impound fee of \$5000.00 plus any other applicable charges under Schedule A.

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- 7-14. This bylaw shall be administered by the Chief Administrative Officer, his/her designate and/or the Animal Control Officer.
- 7.15 Any employee of the Town appointed to administer this bylaw may enter upon, at all reasonable times, any property in order to ascertain whether the regulations and provisions of this bylaw are being or have been complied with.

SECTION 8 – POUND

- 8.1 A dog pound shall be established at a location agreed upon in the operational contract with the Town of Smithers to receive and detain any dog subject to impoundment under the provisions of this bylaw, and a dog so impounded shall be detained until disposed of in accordance with the provisions of this bylaw.
- 8.2 Notwithstanding the provisions of Section 8.1, the Town Council may change the location of the pound to any location within the boundaries of the Town of Smithers.
- 8.3 The pound facilities established herein shall be maintained and operated by the Town of Smithers.
- 8.4 Notwithstanding Section 8.3, the Town may, at its option, contract with any competent person for the provision, maintenance and/or operation of the pound facilities.
- 8.5 A record of all dogs impounded shall be kept by the Animal Control Officer. Such record shall include the time, place, manner of impoundment, and disposal of each dog.

SECTION 9 - PENALTIES

- 9.1 Any person who contravenes or violates any of the provisions of this Bylaw or who suffers or permits anything to be done in contravention or violation of this Bylaw or who neglects to do, or refrains from doing, anything required to be done pursuant to this Bylaw, commits an offense against this Bylaw and shall upon conviction be liable to a fine of not less than One Hundred Dollars (\$100.00) and not more than Five Thousand Dollars (\$5,000.00) and, where the offense is a continuing one, each day that the offense is continued shall constitute a separate offense.
- 9.2 Every person who commits an offense against this bylaw is liable upon summary conviction to a fine of not more than Five Thousand Dollars (\$5,000.00) and not less than One Hundred Dollars (\$100.00) plus any fees and charges outstanding plus the cost of a license for a dog.

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- 9.3 The owner of any aggressive dog impounded pursuant to the provisions of this Bylaw may reclaim such aggressive dog on application to the Animal Control Officer at any time prior to its sale, disposal or destruction, on proof of ownership and on payment of all the following charges:
- (a) for unlicensed aggressive dogs, the license fee for an aggressive dog plus the sum of Five Hundred Dollars (\$500.00) for the first impoundment, Seven Hundred Fifty Dollars (\$750.00) for the second impoundment, One Thousand Dollars (\$1000.00) for the third and Five Thousand Dollars (\$5000.00) for any subsequent impoundment;
 - (b) for licensed aggressive dogs, the sum of Five Hundred Dollars (\$500.00) for the first impoundment, Seven Hundred Fifty Dollars (\$750.00) for the second impoundment, One Thousand Dollars (\$1000.00) for the third and Five Thousand Dollars (\$5000.00) for any subsequent impoundment.
- 9.4 The owner of any dangerous dog impounded pursuant to the provisions of this Bylaw may reclaim such aggressive dog on application to the Animal Control Officer at any time prior to its sale, disposal or destruction, on proof of ownership and on payment of all the following charges:
- (a) for unlicensed dangerous dogs, the license fee for an aggressive dog plus the sum of Five Hundred Dollars (\$500.00) for the first impoundment, Seven Hundred Fifty Dollars (\$750.00) for the second impoundment, One Thousand Dollars (\$1000.00) for the third and Five Thousand Dollars (\$5000.00) for any subsequent impoundment;
 - (b) for licensed dangerous dogs, the sum of Five Hundred Dollars (\$500.00) for the first impoundment, Seven Hundred Fifty Dollars (\$750.00) for the second impoundment, One Thousand Dollars (\$1000.00) for the third and Five Thousand Dollars (\$5000.00) for any subsequent impoundment.

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READ A FIRST TIME THIS 13TH DAY OF OCTOBER, 2015.

READ A SECOND TIME THIS 13TH DAY OF OCTOBER, 2015.

READ A THIRD TIME THIS 10TH DAY OF NOVEMBER, 2015.

RESCINDED THIRD READING THIS 24TH DAY OF NOVEMBER, 2015.

READ A THIRD TIME AS AMENDED THIS 24TH DAY OF NOVEMBER 2015.

ADOPTED THIS 8TH DAY OF DECEMBER, 2015.

The Corporate Seal of the Town of Smithers
was hereto affixed in the presence of:

Taylor Bachrach
Mayor

Susan Bassett
Acting Chief Administrative Officer

**CERTIFIED A TRUE AND CORRECT
COPY** of Bylaw No. 1780, cited as "Bylaw
No. 1780-Animal Control and Licencing
Bylaw"

Susan Bassett
Corporate Administrator

TOWN OF SMITHERS

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SCHEDULE “A”

LICENCE FEES

Animal Licence fees will be charges in accordance with the Town’s Fees and Charges Bylaw, as may be amended from time to time.

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SCHEDULE "B"

1. FEE FOR SEIZURE AND IMPOUNDMENT OF ANY DOG OTHER THAN A DANGEROUS OR AGGRESSIVE DOG.

(a) Impoundment Fees

(i) First impoundment (if licensed)	\$25.00
(ii) First impoundment (if unlicensed)	\$50.00
(iii) Second impoundment (occurring within a 12 month period)	\$75.00
(iv) Third impoundment (occurring within a 12 month period)	\$100.00
(v) Fourth impoundment (occurring within a 12 month period)	\$200.00

(b) Per Diem Charges

For each twenty-four (24) hour period of impoundment or fraction thereof after the first twenty-four (24) hours of impoundment (including applicable taxes). \$10.00

- (c) In addition to the payments received under (a) and (b) preceding, if a dog is unlicensed for the current year, a current licence tag must be purchased before a dog can be released.

2. FEE FOR THE SEIZURE AND IMPOUNDMENT OF A DANGEROUS DOG

(a) Impoundment Fees

(i) First impoundment	\$500.00
(ii) Second impoundment (occurring within a 12 month period)	\$750.00
(iii) Third impoundment (occurring within a 12 month period)	\$1000.00
(iv) Subsequent impoundments (occurring within a 12 month period)	\$5000.00

(b) Per Diem Charges

For each twenty-four (24) hour period of impoundment or fraction thereof after the first twenty-four (24) hours of impoundment (including applicable taxes). \$10.00

- (c) In addition to the payments received under (a) and (b) preceding, if a dog is unlicensed for the current year, a current licence fee must be paid before a dog can be released.

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3. FEE FOR THE SEIZURE AND IMPOUNDMENT OF AN AGGRESSIVE DOG

(a) Impoundment Fees

- | | |
|---|-----------|
| (i) First impoundment | \$500.00 |
| (ii) Second impoundment (occurring within a 12 month period) | \$750.00 |
| (iii) Third impoundment (occurring within a 12 month period) | \$1000.00 |
| (iv) Subsequent impoundments (occurring within a 12 month period) | \$5000.00 |

(b) Per Diem Charges

For each twenty-four (24) hour period of impoundment or fraction thereof after the first twenty-four (24) hours of impoundment (including applicable taxes). \$10.00

- (c) In addition to the payments received under (a) and (b) preceding, if a dog is unlicensed for the current year, a current license fee must be paid before a dog can be released.

4. FEES FOR DOGS OTHER THAN A DANGEROUS OR AGGRESSIVE DOG RUNNING AT LARGE OR NOT ON A LEASH

- | | |
|---|----------|
| (a) (i) First offense for a licensed dog | \$25.00 |
| (ii) First offense for an unlicensed dog | \$50.00 |
| (iii) Second offense (occurring within a 12 month period) | \$75.00 |
| (iv) Third offense (occurring within a 12 month period) | \$100.00 |
| (v) Fourth offense (occurring within a 12 month period) | \$200.00 |

- (b) In addition to the payments received under (a) preceding, if a dog is unlicensed for the current year, a current licence fee must be paid.

5. FEES FOR DANGEROUS OR AGGRESSIVE DOG RUNNING AT LARGE

- | | |
|------------------|----------|
| (a) Each offense | \$200.00 |
|------------------|----------|
- (b) In addition to the payments received under (a) preceding, if a dog is unlicensed for the current year, a current licence fee must be paid.

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6. FEES FOR DANGEROUS OR AGGRESSIVE DOG EITHER UNMUZZLED OR NOT ON A LEASH ON A HIGHWAY OR PUBLIC PLACE

- (a) Each offense \$200.00
- (b) In addition to the payments received under (a) preceding, if a dog is unlicensed for the current year, a current licence fee must be paid.

7. FEES FOR DANGEROUS OR AGGRESSIVE DOG INADEQUATELY CONFINED ON PRIVATE PROPERTY

- (a) Each offense \$200.00
- (b) In addition to the payments received under (a) preceding, if a dog is unlicensed for the current year, a current licence fee must be paid.

8. EUTHANASIA

- (a) For the euthanasia of a dog weighing 10 kg or over (including 7% Goods and Services Tax) \$100.00
- (b) For the euthanasia of a dog weighing under 10 kg (including 7% Goods and Services Tax) \$80.00

9. SALE OF UNCLAIMED DOGS TO NEW OWNER

- (a) This fee shall be reimbursed to the new owner if the dog is spayed or neutered within six (6) months of adoption. \$35.00

10. FEE FOR FAILURE TO REMOVE DOG FAECES

- (a)
 - (i) First offense (occurring in a 12 month period) \$50.00
 - (ii) Second offense (occurring in a 12 month period) \$75.00
 - (iii) Third offense (occurring in a 12 month period) \$100.00
 - (iv) Fourth offense Mandatory Court Summons issued.
- (b) In addition to payments received under (a) preceding, if a dog is unlicensed for the current year, a current licence fee must be paid.

11. FEE FOR FAILURE TO MEET HEN KEEPING REGULATIONS

Each offence to hen keeping regulations under Section 6 of this bylaw will result in the following fines

- (a)
 - (i) First offense (occurring in a 12 month period) \$50.00
 - (ii) Second offense (occurring in a 12 month period) \$75.00
 - (iii) Third offense (occurring in a 12 month period) \$100.00
 - (iv) Fourth offense Mandatory Court Summons issued.

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Schedule "C" Bylaw No.1780

**Town of Smithers
Hen Flock Registration**

HEN OWNER: _____

STREET ADDRESS: _____

MAILING ADDRESS: _____

PHONE NUMBER: HOME _____ WORK _____

EMAIL: _____

☐ I confirm that I reside on the above property, Or that have permission from the property owner.

Property Owner Name: _____

Property Owner's Phone Number: _____

Property Owner's Email: _____

☐ I confirm that I have read and understand the information regarding Backyard Hens under Bylaw No. 1780

Date : _____

Applicant's Signature _____

One time application fee:

Date Paid: _____

Entered into Flock Registration: _____

Approved By: _____