



DISTRICT OF HOUSTON
BYLAW NO. 1112, 2018

A bylaw to provide for the control and protection of animals, the licensing of dogs and the operation of impound facilities.

WHEREAS, pursuant to the *Community Charter*, the Council of the District of Houston may, by bylaw, regulate in relation to animals;

NOW THEREFORE, the Council of the District of Houston, in an open meeting assembled, enacts as follows:

PART 1 – INTERPRETATION AND APPLICATION

Definitions

1. In this bylaw:
 - (1) **Aggressive Dog** means a dog which has aggressively pursued or caused a minor injury to an animal or person
 - (2) **Aggressive Dog Licence** means a red tag imprinted with the name of the Municipality, a numerical code registered and granted by the District to the owner of a dog, and the word "aggressive".
 - (3) **Aggressively Pursue** means pursuing an animal or person without provocation and showing aggressive behavior such as growling or snarling.
 - (4) **Animal** includes any domesticated or wild animal.
 - (5) **Animal Control Officer** means the same as "Bylaw Enforcement Officer".
 - (6) **Animal Shelter** means a Society established and operated for the purpose of ensuring the welfare of animals, relocating abandoned animals, and sheltering abandoned animals.
 - (7) **At Large** means an animal:
 - (a) outside of an enclosure; and
 - (b) not leashed and under the control of the owner or another competent person while on a highway, park or other public place.
 - (8) **Collector** means the officer or employee appointed as such by the District.
 - (9) **Council** means the Council of the District.
 - (10) **Dangerous Dog** includes
 - (a) an aggressive dog which has seriously injured an animal;
 - (b) a dog which has killed an animal; or
 - (c) a dog which has seriously injured or killed a person.
 - (11) **District** means the Corporation of the District of Houston.
 - (12) **Dog** means any domesticated animal of the "canine" genus which is six months or older irrespective of sex.
 - (13) **Fees & Charges Bylaw** means *Comprehensive Fees & Charges Bylaw No. 1094, 2017* as amended.

- (14) **License** means a tag imprinted with the name of the Municipality and a numerical code registered and granted by the District to the owner of a dog.
- (15) **Livestock** includes any animal, except dogs and cats, which is usually kept or raised for agricultural purposes.
- (16) **Local Government** includes any municipality or Regional District except for the District of Houston.
- (17) **Minor Injury** means a physical injury to a person or animal that consists of pinches, minor localized bruising, scratches, shallow punctures, or lacerations in one direction only.
- (18) **Muzzled** means affixing a device over the mouth of a dog that is capable of preventing the dog from biting or nipping any person or other animal.
- (19) **Owner** means a person who is 18 years of age or older who possesses ownership of an animal.
- (20) **Police Dog** means a dog owned and employed in police operations by the Royal Canadian Mounted Police.
- (21) **Pound** means any building or enclosure designated by the District as a place for the impoundment of animals.
- (22) **Poundkeeper** means a person appointed by the District to operate and maintain a Pound.
- (23) **Premises** includes a parcel of land, strata parcel, building, or a fully contained and separate portion of a building.
- (24) **Puppy** means any domesticated animal of the "canine" genus which is under the age of six months.
- (25) **Serious Injury** or **Seriously Injured** means to cause or have caused a physical injury to a person or Animal that consists of deep punctures, lacerations in more than one direction, broken bones, or any injury requiring stitches or surgery.
- (26) **Ticket** means a municipal ticket information issued in accordance with the provisions of the *Community Charter* and *Municipal Ticketing Information System Implementation Bylaw No. 1060, 2014*.

Provincial Laws

- 2. Nothing in this bylaw will supersede the provisions of provincial laws and regulations, including but not limited to the *Livestock Protection Act*.

PART 2 – DELEGATION OF AUTHORITY

Powers of Bylaw Enforcement Officers

- 3. The Bylaw Enforcement Officer may do the following in relation to the enforcement of the provisions of this bylaw:
 - (1) enter onto privately owned lands at all reasonable times;
 - (2) enter into agreements with persons who are not employed with the District for the purpose of operating a Pound or providing animal control services;
 - (3) seize and impound animals in the manner authorized by this bylaw;
 - (4) authorize the release of animals impounded in the manner authorized by this bylaw;

- (5) issue tickets to persons who commit an offence against this bylaw;
- (6) refer disputed tickets to the Provincial Court of British Columbia; or
- (7) cause the disposal of an animal in the manner authorized by this bylaw.

Pound Establishment

4. The Bylaw Enforcement Officer will cause a Pound:
 - (1) to be established, operated and maintained; and
 - (2) to ensure that Poundkeepers are appointed for the purpose of operating the Pound.

Powers of the Collector

5. The Collector may do the following in relation to the enforcement of this bylaw:
 - (1) collect all fees levied pursuant to this bylaw;
 - (2) cause licenses to be issued; and
 - (3) revoke or suspend licenses.

Miscellaneous Powers

6. The Chief Administrative Officer may do all things necessary to give effect to this bylaw.

PART 3 – DOG LICENSING

Requirement to Register

7. An owner must register any dog in their possession by submitting an application to register the dog to the District in the form provided by the District from time to time along with the applicable licensing fee specified in the Fees & Charges Bylaw.

Voluntary Registration

8. An owner may register a puppy in their possession by submitting an application to register the puppy to the District in the form provided by the District from time to time, including the information required by section 10.

Owner must be an Adult

9. The District will not issue a licence to or in the name of any person under the age of 18 years.

Required Information

10. An owner must include the following information on an application:
 - (1) the approximate age of the dog being registered;
 - (2) a description of the dog including its breed, colour, and given name; and
 - (3) the civic address of the owner's residence;
 - (4) the owner's mailing address, if different from the civic address;
 - (5) a certificate from a qualified veterinarian confirming that the dog has been vaccinated against rabies; and
 - (6) a disclosure as to whether the dog has been sterilized, along with a certificate from a qualified veterinarian confirming that the dog has been sterilized.

Fee Discounts

11. The following discounts to the regular licence fee specified by the Fees & Charges Bylaw will be applied by the Collector with respect to an application to register a dog:

- (1) if an application to register a dog which has been sterilized is received by the District, the licensing fee will be reduced by 75 percent of the regular license fee;
- (2) if an application to register a dog or a license renewal is received by the District between January 1 and February 1 of the year the license will be active for, the licensing fee will be reduced by 25 percent of the total license fee after factoring in an applicable discount under section 11(1);
- (3) if an application to register a puppy is received, the licensing fee will be reduced by one-twelfth of the regular license fee for each calendar month that the puppy will be less than six months of age.

Transfer of License from other Jurisdiction

12. An owner may transfer a license from another local government to the District by submitting a transfer application and paying the applicable license transfer fee specified by the Fees & Charges Bylaw to the District.

Fees Non-Refundable

13. Any fees paid for a dog license will not be refunded to any person by the District.

Collector may Refuse Licence

14. The Collector may refuse to grant a licence to an owner if the owner:
 - (1) fails or otherwise refuses to provide any information required by section 10; or
 - (2) does not pay the applicable licensing fee.

Term of License

15. Each license issued by the District:
 - (1) will be effective for the calendar year it was purchased in;
 - (2) expires after December 31 of the year it was purchased in;
 - (3) may be transferred to a different owner by submitting a transfer application and paying the applicable license transfer fee specified in the Fees & Charges Bylaw to the District;
 - (4) may be replaced if the license has been lost, destroyed, or stolen by paying the applicable replacement license fee specified in the Fees & Charges Bylaw to the District;
 - (5) may be renewed by an owner by paying the applicable license fee specified in the Fees & Charges Bylaw to the District.

License Register

16. The Collector will cause a register of all licenses issued in accordance with this bylaw to be maintained which records:
 - (1) the name of a dog and its registered owner;
 - (2) the breed and colour of the dog;
 - (3) whether the dog has been sterilized;
 - (4) the most recent date on which the dog was vaccinated against rabies;
 - (5) the civic address at which the dog is registered to; and
 - (6) the date that the license was issued;

- (7) the license number;
- (8) the amount of licensing fees paid;
- (9) other contact information for the owner.

Register to be Updated with Replacement License

17. If a replacement license is purchased, the Collector will cause the register of licenses to be updated accordingly.

Invalidation of Licence due to Replacement

18. A replacement license will become the new licence registered with the dog it was purchased for and will automatically invalidate the licence being replaced by an owner.

PART 4 – GENERAL ANIMAL CONTROL

Requirement to Clean

19. An owner must keep the premises where an animal is kept in a clean and tidy condition free from the buildup of excrement and other hazardous waste.

Fertile Animal to be Confined

20. An owner of a female animal in heat must keep such animal securely confined in a building or other enclosure.

Quarantine of Infected Animal

21. An owner of an animal which is suffering from an infectious disease must not:
- (1) permit such animal to be in any public place whether or not the animal is then at large;
 - (2) keep or maintain such Animal in contact with or in proximity to another animal; and
 - (3) keep the animal locked in a secure place at all times.

May seek Veterinary Services

22. A person is not deemed to have committed an offence against section 21 by reason only of the fact that a person transports an animal suffering from an infectious disease to a place where the animal may obtain veterinary treatment or be destroyed.

Sign Tampering

23. A person must not deface, alter, or remove a sign that is required or authorized to be posted pursuant to this bylaw.

PART 5 – DOG CONTROL

Dogs must be Licensed

24. A person must not possess or have custody of a dog which is not licensed.

Limit of Dog Ownership

25. A person must not keep, permit or allow more than four dogs on any premises owned or occupied by such person.

Exemptions to Ownership Limit

26. Sections 24 and 25 do not apply to any premises lawfully used for a:
- (1) retail pet sales business;
 - (2) licensed veterinary clinics;

- (3) licensed animal groomers; or
- (4) licensed animal breeding businesses.

Display of License

27. An owner must affix a license issued to them to the dog it was registered to onto a collar which must be kept on the dog at all times.

Control of Dogs

28. A person who owns or has custody of a dog must keep such dog:
- (1) confined to the premises at which the person resides; or
 - (2) fixed to a leash when the dog is off the premises at which the person resides.

Dogs at Large

29. A person must not permit a dog in their possession or custody to be at large except:
- (1) a police dog under the custody of a peace officer; or
 - (2) as otherwise permitted as part of an event permitted in accordance with *Events Regulation Bylaw No. 1053, 2014* as amended.

No Barking

30. A person must not permit or allow any dog in their possession or custody to howl or bark:
- (1) when such howling or barking disturbs the peace, quiet, rest, enjoyment, comfort or convenience of individuals in the immediate area; and
 - (2) for a longer period of time, or periods totaling more than:
 - (a) five minutes over any one-hour period from 7:00 A.M. to 11:00 P.M.; or
 - (b) three minutes over any one-hour period between 11:00 P.M. and 7:00 A.M.

Rabies Vaccine Required

31. An owner must ensure any dog in their possession is vaccinated against rabies.

Abandonment of Dog

32. A person must not abandon a dog outside of a fenced enclosure or building for longer than fifteen minutes, even if such dog is on a leash or tether.

Unattended Dogs in Vehicles

33. A person must not leave a dog unattended in the cabin of a motor vehicle with the windows closed for any period of time between April 30 and October 1 of any given year.

Removing Excrement

34. If a dog defecates on any public or private property other than the Owner's premises, the Owner must remove the feces immediately.

Must Carry Disposal Equipment

35. An owner of a dog must carry a suitable means of removing dog feces on their person while the dog is not on the Owner's property.

PART 6 – IDENTIFICATION OF AGGRESSIVE AND DANGEROUS DOGS

Identification of Aggressive Dog

36. A dog will be deemed to be an aggressive dog by the District if such dog has aggressively pursued, attacked, or injured an animal, or aggressively pursued a person.

Identification of Dangerous Dog

37. A dog will be deemed to be a dangerous dog by the District if such dog:
- (1) seriously injures or kills an animal;
 - (2) was previously designated as an aggressive dog and aggressively pursues, attacks, or causes a minor injury to an animal; or
 - (3) attacks or injures a person.

Notice of Designation

38. The Bylaw Enforcement Officer must provide written notice to the owner of a dog designated as an aggressive dog or dangerous dog which sets out:
- (1) the reasons for such designation;
 - (2) the owner's rights pursuant to this bylaw with respect to such animal; and
 - (3) all requirements of this bylaw related to such animal.

Notice if Owner Cannot be Identified

39. If the Animal Control Officer cannot determine the owner of an aggressive dog or dangerous dog, the Bylaw Enforcement Officer may issue public notice through a media they deem appropriate as an alternative to the notice to be issued by section 38.

Licence Fee to be Paid

40. An owner of a dog which has been designated as an aggressive dog or dangerous dog must, within fourteen days of the day on which the notice described by section 38 or 39 was issued, pay the applicable licence fee specified by the Fees & Charges Bylaw.

Appeal of Designation

41. An owner of a dog which has been designated as an aggressive dog or dangerous dog may, within ten business days of the day on which the notice described by section 38 or 39 was issued:
- (1) submit a written request to the Corporate Officer to have the designation reconsidered;
 - (2) written reasons stating why the dog is not aggressive or dangerous; and
 - (3) any written assessment of the Dog, completed and prepared by a Dog behaviour specialist within the last six month(s) of the date of designation.

Owner Required to Pay Licensing Fee

42. An owner must pay the licensing fee for an aggressive dog or dangerous dog while making a request for reconsideration under section 41, but may be refunded despite section 13 if the appeal is successful.

Consideration of Appeal

43. If the written request for reconsideration is received by the Chief Administrative Officer within the time specified by section 41, the Chief Administrative Officer may provide the Owner and any Bylaw Enforcement Officer or complainant with an opportunity to make representations regarding the aggressive dog or dangerous dog.

Decision on Appeal

44. The Chief Administrative Officer may, in relation to an appeal made under section 41 regarding the designation of a dog as an aggressive dog or dangerous dog:
- (1) confirm, reverse, or amend the designation; and
 - (2) impose, modify, or cancel any restrictions, requirements, or conditions with respect to the designation as they deem necessary onto the owner.

PART 7 – CONTROL OF AGGRESSIVE AND DANGEROUS DOGS

Requirement to Licence Aggressive or Dangerous Dog

45. An owner of an aggressive dog or a dangerous dog must licence such a dog with the District.

Requirements to Possess an Aggressive Dog

46. An owner of an aggressive dog must:
- (1) sterilize the aggressive dog;
 - (2) have a microchip implanted into the aggressive dog within five business days of such designation and provide information related to the microchip to the Bylaw Enforcement Officer;
 - (3) disclose to any person who is entrusted with the possession or custody of the aggressive dog that the aggressive dog has been designated as such;
 - (4) if the aggressive dog is sold or given to another person aside from the owner, provide the District with the name, address, and telephone number of the new owner of the aggressive dog;
 - (5) advise the District within two business days of the death of the aggressive dog along with a certificate of death from a qualified veterinarian;
 - (6) advise the District immediately if the aggressive dog is at large, or has aggressively pursued or injured a person or animal; and
 - (7) comply with any restriction, requirement, or condition imposed pursuant to section 44(2) on the owner of the aggressive dog.

Aggressive Dog Must be kept Enclosed

47. An owner of an aggressive dog must keep such aggressive dog within the following structures when the aggressive dog is not muzzled:
- (1) a building;
 - (2) a securely locked enclosure at least 1.8 metres in height which:
 - (a) has a concrete, asphalt, or wooden floor;
 - (b) a roof; and
 - (c) wire or steel mesh sides'which prevents the entry of young children or animals, and the escape of the aggressive dog; or
 - (3) another structure which, in the opinion of a Bylaw Enforcement Officer, satisfactorily contains the aggressive dog on the owner's premises.

Aggressive Dog must be Muzzled

48. A person who removes an aggressive dog from a structure specified by section 47 must keep the aggressive dog:

- (1) muzzled; and
- (2) affixed to a leash that is:
 - (a) no more than one metre in length;
 - (b) held by a person who is at least 18 years of age; and
 - (c) held in a manner that prevents the aggressive dog from threatening, chasing, or injuring any person or other animal; and
 - (d) held in a manner that prevents the aggressive dog from damaging or destroying any property.

Aggressive Dog must not be At Large

49. An owner of an aggressive dog must not permit, suffer, or allow such aggressive dog to be at large.

Owner to Prevent Aggressive Behaviour

50. An owner of an aggressive dog must ensure that the aggressive dog does not:
- (1) threaten or create the reasonable apprehension of a threat to a person or other animal;
 - (2) display any aggressive behaviour;
 - (3) aggressively pursue a person or animal;
 - (4) injure a person or other animal; or
 - (5) damage or destroy any property.

Regulations Apply to Dangerous Dog

51. Sections 46 to 50 of this bylaw apply in relation to a Dangerous Dog.
52. In addition to the requirements of sections 46 to 50, an owner of a dangerous dog must:
- (1) display a sign at each entrance to the premises at which the dangerous dog is kept that:
 - (a) contains the words "WARNING DANGEROUS DOG ON PREMISES";
 - (b) contains a realistic illustration or picture of the head of a dog with bared teeth;
 - (c) is fixed to a fence or post; and
 - (d) is visible and capable of being read from the nearest sidewalk, street, or lane to any entrance to the premises; and
 - (2) within fourteen days of the dog being designated as a dangerous dog, obtain, maintain, and provide a copy of a liability insurance policy satisfactory to the Chief Administrative Officer which specifically covers any damages for personal injury and property damage caused by the dangerous dog in an amount not less than two million (\$2,000,000) per occurrence.

PART 8 – OFF LEASH AREAS

Establishment of Off Leash Areas

53. Council may designate areas of land owned by the District as "off leash areas" where a Dog may be exercised while not restrained by leash.

Off Leash Areas to be Marked

54. The District will cause all designated off leash areas to be clearly identified by way of signage posted on the boundaries of such off leash areas.

Dogs may be Off Leash

55. An owner may allow their dog to be off-leash in a designated off leash area, except for an aggressive dog or a dangerous dog.

Requirements for being Off Leash

56. In a designated off leash area with a dog in their custody, a person must:
- (1) carry a leash;
 - (2) keep the dog in view at all times; and
 - (3) immediately leash and remove the dog if it displays any aggressive behavior.

PART 9 – CONTROL OF LIVESTOCK

Owning Livestock

57. A person must not own or have custody of any livestock in any area of the municipality except as provided for by *Development Bylaw No. 1040, 2013* as amended.

Livestock to be contained

58. An owner of any livestock must not cause or permit such livestock to be at large.

PART 10 – IMPOUNDMENT OF DOGS

Impoundment of Dogs

59. The Bylaw Enforcement Officer may cause the seizure and impoundment of:
- (1) an unlicensed dog;
 - (2) a dog or puppy which is at large;
 - (3) an aggressive dog which is at large; or
 - (4) a dangerous dog which is at large.

Impoundment of Non-Compliant Aggressive or Dangerous Dog

60. If a restriction, requirement, or condition imposed on the owner of an aggressive dog or dangerous dog pursuant to section 44(2) is not complied with, the Bylaw Enforcement Officer may seize and impound the aggressive dog or dangerous dog.

Prohibition Against Rescue

61. A person must not attempt to rescue, rescue, or release a dog in the custody of the District unless expressly authorized to do so.

Impoundment Record

62. The Bylaw Enforcement Officer must record the date and time of impoundment along with a description of the animal.

Care of Dog to be Ensured

63. The Poundkeeper must ensure the care and maintenance of any dog impounded by the District.

Notice to be Provided

64. If a dog is impounded, the Bylaw Enforcement Officer will:

- (1) for a licensed dog, attempt to notify the owner through reasonable methods and inform such owner of the impoundment; or
- (2) for an unlicensed dog, post a notice in such public places as deemed necessary by the Bylaw Enforcement Officer to notify the owner of the impoundment.

Release of Impounded Dog

65. Prior to a dog being released into the custody of its owner, the owner must:
- (1) pay the impoundment fee specified by the Fees & Charges Bylaw;
 - (2) pay the daily maintenance fee specified by the Fees & Charges Bylaw for each day that the dog has been impounded;
 - (3) if the dog was in the pound on Saturday, Sunday, or Statutory Holiday, pay the weekend maintenance fee specified by the Fees & Charges Bylaw; and
 - (4) if the dog is not licensed, submit an application and pay the license fee specified by the Fees & Charges Bylaw.

Right of Refusal to Release Impounded Dog

66. A Bylaw Enforcement Officer has the right to refuse to release an impounded dog on reasonable grounds to any person for any of the following reasons or a combination thereof:
- (1) to protect the safety of the public from the animal;
 - (2) to protect the safety of the animal from the public;
 - (3) to protect the health and welfare of the animal from the person; or
 - (4) if the person is under eighteen years of age.

Release of Impounded Aggressive or Dangerous Dog

67. In addition to the requirements of section 65, prior to the Bylaw Enforcement Officer releasing an aggressive dog or dangerous dog into the custody of the owner, the owner must agree to, sign, and submit the release application in the form provided by the District from time to time.

Right of Refusal to Release Dangerous Dog

68. Notwithstanding section 65, the Bylaw Enforcement Officer must not permit a dangerous dog to be released into the custody of the owner if the Bylaw Enforcement Officer has caused an application to be made under section 73 to destroy the dangerous dog.

Reconsideration of Refusal

69. A decision to refuse the release an impounded dog by a Bylaw Enforcement Officer may be appealed by the owner of such dog in writing to the Chief Administrative Officer within three business days which includes the reasons for reconsideration.

Consideration of Request for Reconsideration

70. Upon receiving a request for reconsideration pursuant to section 69, the Chief Administrative Officer may:
- (1) deny the request and provide the owner written reasons for such immediately; or
 - (2) overturn the decision of the Bylaw Enforcement Officer and order the release of the impounded dog.

Disposal of Unclaimed Dog

71. The Bylaw Enforcement Officer may dispose of an impounded dog five business days after the date of its impoundment by:
- (1) advertising the dog for adoption;
 - (2) transferring custody of the dog to an animal shelter; or
 - (3) euthanizing the dog through humane means.

Euthanization of Diseased Dog

72. Notwithstanding section 71, the Bylaw Enforcement Officer may cause the immediate transfer or humane euthanization of a dog if it is diseased.

Disposal of Dangerous Dog

73. Notwithstanding section 71, the Bylaw Enforcement Officer may seek to dispose of a dangerous dog in the manner authorized by the *Community Charter*.

Adoption of Dog

74. A person may adopt a dog impounded by the District by paying the adoption fee and licence fee specified by the Fees & Charges Bylaw.

PART 11 – ENFORCEMENT

Offences

75. A person who violates or causes to be violated any of the provisions of this bylaw will be deemed to have committed an offence against this bylaw.
76. Each day that an offence continues will constitute a separate offence.
77. The Bylaw Enforcement Officer may enforce the provisions of this bylaw by:
- (1) serving a ticket onto a person who commits an offence in accordance with *Municipal Ticketing Information System Implementation Bylaw No. 1060, 2014* as amended;
 - (2) serving an information laid in accordance with the *Offence Act*;
 - (3) initiating an action authorized by the *Community Charter*, or
 - (4) a combination of the methods noted in subsections (1), (2) and (3).
78. A person who commits an offence against this bylaw is liable for a fine of up to \$10,000 for each offence.

PART 12 – COMMENCEMENT

Commencement Date

79. This bylaw will come into force on January 1, 2020.

Repealed Bylaw

80. *Pound & Animal Control Bylaw No. 918, 2004* and all amendments thereto are repealed.

District of Houston
Animal Control
Bylaw No. 1112, 2018

Citation

81. This bylaw will be cited as "Animal Control Bylaw No. 1112, 2018".

READ A FIRST TIME THIS 5TH DAY OF FEBRUARY, 2019
READ A SECOND TIME THIS 5TH DAY OF FEBRUARY, 2019
READ A THIRD TIME THIS 5TH DAY OF FEBRUARY, 2019
ADOPTED THIS 19TH DAY OF FEBRUARY, 2019



SHANE BRIENEN
MAYOR



JESSICA BAGNALL
CORPORATE OFFICER