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PART 5 - POLICE AND FIRE REGULATIONS  
Division 5 - Animal Control

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Subdivision 1 - Interpretation

5.5.1. 1. In this Division unless otherwise specified:

“Animal” means any member of the animal kingdom, other than a human being, that is not considered wildlife in relation to the Wildlife Act including animals listed under the most current regulation regarding S.9(1)(c) of the Community Charter.

"Animal Control Officer" shall mean the person(s), company or organization appointed from time to time by the District to ensure compliance with this Division of the *Municipal Code*.

“Cat” shall mean any domesticated Animal of the feline species apparently over the age of FOUR (4) months;

"Dangerous Animal" shall mean:

- a. an Animal that has killed or seriously injured a person or Animal;
- b. an Animal which has a known tendency or disposition to attack humans or Animals without provocation;
- c. an Animal which has bitten, attacked or aggressively pursued a person or Animal without provocation;
- d. an Animal Control Officer has reasonable grounds to believe the Animal is likely to kill or seriously injure a person;

"Dangerous Dog" shall mean:

- a. a Dog that has killed or seriously injured a person or Animal;
- b. a Dog which has a known tendency or disposition to attack humans or Animals without provocation;
- c. a Dog which has bitten, attacked or aggressively pursued a person or Animal without provocation;
- d. an Animal Control Officer has reasonable grounds to believe the Dog is likely to kill or seriously injure a person;

"Dog" shall mean any domesticated Animal of the canine species apparently over the age of FOUR (4) months;

"Guide Dog" shall mean a Dog as defined as a Guide Dog or Service Dog under the *Guide Dog and Service Dog Act* (PART 5 - POLICE AND REGULATIONS, Division 5 - Animal Control, does not apply to 'Guide Dogs', except S. 5.5.2);

“Leash” shall mean a tether, strap or device, not exceeding two (2) metres in length, used to secure an Animal to a person;

"Owner" shall mean any person over the age of 18, residing on the property where the animal is normally harboured, possessed or domiciled;

"Owner of Record" shall mean the person or persons shown as the licensed owner on the District record;

"Paved Roadway" shall mean the paved surface of any road or parking lot and shall include an area two (2) metres adjacent to the paved surface;

"Paved Walkway" shall mean the paved surface of any walkway and shall include an area of two (2) metres adjacent to the paved surface;

"Pound" shall mean the place or places designated by the District for the care and control of impounded animals;

"Poundkeeper" shall mean any person or organization appointed by Council to operate the pound and includes the employees of the poundkeeper;

"Running at Large" shall mean an Animal not under control by being other than:

- a. on the property of its Owner or of another person who has the care and control of the Animal; or
- b. when in the District of Kitimat other than designated off leash areas located at the District of Kitimat Dog Park, Hirsch Creek Park, Forest Avenue and the Kitimat River Dike, attached directly by a Leash to a person competent to control the Animal and to ensure the Animal does not break free; or
- d. securely confined within an enclosure.

5.5.1.2

Nothing in this Division should be interpreted as attempting to regulate Wildlife as defined in the *Wildlife Act*, R.S.B.C. 1996, c. 488 and amendment thereto.

Subdivision 2 - Licences

- 5.5.2.
1. No person shall own, possess or harbour any Dog within the boundaries of the District unless a valid and subsisting licence has been issued by the District under this Division for such a Dog.
  2. No Dog licence shall be issued to any person under the age of EIGHTEEN (18) years, unless such person provides the District with the written consent, from their parent or guardian; and any parent or guardian providing a written consent shall be deemed to be the Owner of Record of the Animal.
  3. Every licence issued under this Division shall be for a specific Dog, and no person shall place, fix or use a licence issued in respect of one Dog on or for another Dog.
  4. The Owner of a Dog for which a licence and corresponding licence tag have been issued under the division shall affix, and keep affixed, the licence tag on the Dog by a collar, harness, or other suitable device except where the Owner has a certificate from a qualified veterinarian that the Dog cannot, due to sickness, injury or disease, comfortably wear a collar, harness or other suitable device.
  5. On or before February 15th every Owner shall apply for a licence for that calendar year for each Dog. On being satisfied the application meets the provisions of this Division and on receiving the appropriate fee listed in Schedule "A" of this Division, the District shall issue a Dog licence and numbered Dog tag.
  6. The District, upon being satisfied that the Dog has been acquired after February 15th, may prorate the purchase of the full licence fee by the number of full months remaining in the licence period, provided that in no event shall the licence fee be prorated to less than a THREE (3) month period.
  7. Owners applying for licences for a spayed female Dog or neutered male Dog, shall provide proof to the satisfaction of the District that their Dog is in fact spayed or neutered.
  8. The Owner of a licenced Dog shall, within thirty days of the Owner's change of address, notify the Poundkeeper of the change.
  9. Where an Owner has a valid licence for a Dog from an area other than the District, upon surrender of that licence, a credit of one month for each month the surrendered licence remains in effect in the period January 1st to December 31st, will be given.

- 5.5.2. 10. The District upon being satisfied that a tag issued has been lost or stolen, may issue a replacement tag on the payment of the fee listed in Schedule "A" of this Division.
11. All Dog licence fees payable under this Division are non-refundable.

Subdivision 3 - Impoundment

- 5.5.3. 1. Any Animal Running at Large or violating any portion of this Division commits offence and the animal may be impounded and/or the Owner may be prosecuted.
2. No person shall take an Animal into or otherwise allow any Animal to be within the fenced area of the Kitimat Municipal Cemetery.
3. No person shall tether or otherwise fasten an Animal in a public place.
4. No Animal shall be released from impoundment except to the Owner, or delegate, and until all provisions of this Division are complied with and all applicable charges, licence fees, board costs, damage costs and/or fines as specified in Schedule "A" are paid to the Poundkeeper.
5. Notwithstanding any other provision, a Dog may not be released from impoundment if it is judged by the District, Animal Control Officer, or Poundkeeper to be a Dangerous Dog and an application is made to the Provincial Court for an order that the Dangerous Dog be destroyed. A Dangerous Dog that is not the subject of an application to the Provincial Court for Destruction may be released back to the Owner of Record after a 21-day impoundment period or at an earlier time as the Animal Control Officer may determine, and after all payment of fees set out in the Schedule A.
6. When an Animal has been impounded, the Poundkeeper shall provide good and sufficient nourishment, shelter and attendance.
7. Where the Poundkeeper can determine from District licence records the Owner of Record of an impounded Animal, the Poundkeeper shall attempt to notify the Owner of Record by telephone of such impoundment.

- 5.5.3.
8.
    - a. All impounded Animals shall be kept for a maximum period of SEVENTY-TWO (72) hours, excluding Sundays and Statutory Holidays, or until released to the Owner Record or designate, whichever is shorter.
    - b. After SEVENTY-TWO (72) hours, if unclaimed by the Owner or designate, ownership of the Animal will be with the District and the Animal may be destroyed, retained or ownership transferred; at the discretion of the District.
  9. Any Animal may be destroyed at any time on the request of the Owner of Record or designate, or if the Animal is diseased or suffering.
  10. The Owner of Record or Owner shall be responsible for all uncollected amounts in respect of an impounded Animal whether or not they effect the release of the Animal.

Subdivision 4 - Obstruction

- 5.5.4. 1. No person shall hinder, delay or obstruct any person lawfully engaged in the capturing or the taking to the Pound of any Animal under this Division and no person shall release, take or let out any Animal from the Pound, without the consent of the Poundkeeper.

Subdivision 5 - Nuisance

- 5.5.5. 1. The Owner of any Animal, or any person who is in possession of or harbouring any Animal which; by excessive barking, or howling or by chasing any person or Animal, or otherwise disturbs the quiet and peace of any person, shall be guilty of an infraction of this Division.
2. No Owner shall keep their Animal in such a manner that they, or their feces, are offensive to sight or smell.
3. The Owner or person in charge of any Animal shall remove immediately any feces defecated by the Animal from any private residential or commercial property unless the property is owned by the Owner or person in charge of the Animal and dispose of it in a sanitary manner.
4. The Owner or person in charge of any Animal, shall remove immediately any feces deposited by the Animal from publicly accessible areas of City Centre, Service Centre, Kildala Neighbourhood, Whitesail Neighbourhood, and Nechako Neighbourhood, and dispose of it in a sanitary manner.
5. No person may keep an animal unless the animal is provided with:
- a. clean, potable drinking water at all times and suitable food of sufficient quantity and quality to allow for normal growth and maintenance of normal body weight;
  - b. food and water receptacles kept clean and disinfected and located so as to avoid contamination by fecal matter;
  - c. the opportunity for periodic exercise sufficient to maintain good health, including the opportunity to be free from a fixed area and exercised regularly under appropriate control;
  - d. necessary veterinary medical care when the animal exhibits signs of pain or suffering;
  - e. no person may keep an animal which normally resides outside, or which is kept outside for short to extended periods of time, unless the animal is provided with outside shelter;

f. protection from heat, cold and wet that is appropriate to the animal's weight and type of coat. Such shelters must provide sufficient space to allow the animal the ability to turn around freely and to easily stand, sit and lie in a normal position; and

g. no person shall willfully abandon an animal anywhere within the District of Kitimat

#### Subdivision 6 - Dangerous Dogs/Dangerous Animals

- 5.5.6.
1. An Animal Control Officer may designate a Dog as a Dangerous Dog if the Dog:
    - a. Bites a human or Animal without provocation
    - b. Has a known propensity, tendency or disposition to attack a human or Animal without provocation, or
    - c. Has previously been designated as a Dangerous Dog and endangers the safety of a person or Animal.
  2. After designating a Dog as a Dangerous Dog, an Animal Control Officer must inform the Owner of Record of the designation in writing and outlining the responsibilities of the Owner of Record of a Dangerous Dog and all fines and licensing fees that pertain to a Dangerous Dog.
  3. No Owner of a Dangerous Dog/Dangerous Animal shall permit the Dangerous Dog/Dangerous Animal to be Running at Large in the District unless the Dangerous Dog/Dangerous Animal is kept on a Leash, tether or other suitable device not exceeding two (2) metres in length, is securely fitted with a humane basket muzzle that allows the Dog or Animal to pant and drink and so as to prevent the Dangerous Dog/Dangerous Animal from biting a person or Animal, and is under the immediate care and control of a competent person so as to prevent it from endangering the safety of any person or Animal.
  4. The Owner of a Dangerous Dog/Dangerous Animal shall, at all times when the Animal is on the Owner's property, keep the Animal securely confined within a building or enclosure capable of preventing the Animal's escape and in any other manner as requested by the Animal Control Officer. The property Owner must affix a 'Dangerous Dog' or 'Dangerous Animal' sign to their fence or home where the Dog or Animal is kept, in a form as directed by the Animal Control Officer.

- 5.5.6. 5. The Owner of a Dangerous Dog must
- a. On request of an Animal Control Officer allow them to photograph the Dog
  - b. Within two (2) working days of moving to a new residence, provide an Animal Control Officer or Poundkeeper with the Owner's new address
  - c. Within two (2) working days of selling or giving away the Dangerous Dog, provide an Animal Control Officer or the Poundkeeper with the name, address and telephone number of the new Owner.
  - d. Within two working days of the death of the Dangerous Dog, provide an Animal Control Officer or the Poundkeeper with a veterinarian's certificate of the death, and
  - e. Immediately advise an Animal Control Officer or the Poundkeeper if the Dangerous Dog is loose, or has bitten or attacked any person or Animal.
6. Failure to abide by any of the conditions of Subdivision 6 – Dangerous Dogs/Dangerous Animals are grounds for impoundment of the Dangerous Dog/Dangerous Animal.

Subdivision 7 - Number of Cats and Dogs

- 5.5.7. 1. No person shall keep, harbour or permit to remain on any dwelling in a residential zone more than FOUR (4) Dogs at any one time.
2. No person shall keep, harbour or permit to remain on any dwelling in a residential zone more than SIX (6) Cats at any one time
3. No person shall keep, harbour, or permit to remain on any dwelling in a residential zone at any one time an aggregate of more than SEVEN (7) Dogs and Cats.

Subdivision 8 - Spay or Neuter Requirements

- 5.5.8. 1. Without limiting the generality of the prohibition in the foregoing Section 5.5.3.1, no person shall permit a Cat or Dog to Running at Large if the Cat or Dog is not spayed or neutered.
2. Any Cat or Dog released under this section shall receive a certificate for a \$100 reduction in the fees for a spay or neuter from participating veterinarians.
3. Every impounded Animal shall be considered to be unsterilized unless the Owner is able to provide evidence otherwise.
4. There are no exemptions from these requirements.

Subdivision 9 - Micro Chip Requirements

- 5.5.9. 1. Without limiting the generality of the prohibition in the foregoing Section 5.5.3.1, no person shall permit a Cat or Dog to be Running at Large if the Cat or Dog does not have an internal microchip for identification purposes.
2. If a fee is imposed under this section the Owner shall have the opportunity to receive a microchip inserted into the Cat or Dog by the Kitimat Community Humane Society at no additional cost.

SCHEDULE "A"

FEES

DOG LICENCES

1	Neutered Male or Spayed Female	\$15.00/yr.
2	Intact Dogs	\$50.00/yr.
3	Guide Dogs	No Charge
4	Replacement of Lost Tag	\$2.00
5	Dangerous Dog	\$300.00

IMPOUNDMENT OF ANIMALS NOT LABELED AS DANGEROUS

1st Impoundment	\$30.00
2nd Impoundment within 24 calendar months of last impoundment	\$60.00
3rd Impoundment within 24 calendar months of last impoundment	\$100.00
4th Impoundment within 24 calendar months of last impoundment	\$300.00
5th Impoundment within 24 calendar months of last impoundment	\$500.00
Additional Impoundment Fee for Unlicensed Dog	\$30.00
Additional Impoundment Fee for Animals not Spayed or Neutered	\$100.00
Additional Impoundment Fee for Animals without a Micro-Chip	\$25.00

IMPOUNDMENT OF DANGEROUS DOGS/ANIMALS

1st Impoundment	\$500.00
2nd Impoundment within 24 calendar months of last impoundment	\$1,000.00
3rd Impoundment within 24 calendar months of last impoundment	\$1,500.00
4th Impoundment within 24 calendar months of last impoundment	\$2,000.00
5th Impoundment within 24 calendar months of last impoundment	\$2,500.00
Additional Impoundment Fee for Unlicensed Dangerous Dog	\$100.00
Additional Impoundment Fee for Animals not Spayed or Neutered	\$500.00
Additional Impoundment Fee for Animals without a Micro-Chip	\$25.00

BOARD

Per Day \$10.00

DESTRUCTION

Cats Under 2 Months	No Charge
Animal Under 10 lbs.	\$3.00
Animals from 10 to Under 50 lbs.	\$5.00
Animals Over 50 lbs.	\$10.00