

**THE CORPORATION OF THE VILLAGE OF LYTTON**  
**Bylaw No. 545, 2002**

**ANIMAL CONTROL AND LICENCING BYLAW**

A bylaw to provide for the licencing, control, and impounding of dogs within the Municipality as provided for in the *Local Government Act*.

The Council of the Corporation of the Village of Lytton in open meeting assembled, enacts as follows:

1. Definitions:

- 1.1 "Animal" means any dog.
- 1.2 "Animal Control Officer" means the person appointed from time to time by Council for the purpose of enforcing and carrying out the provisions of the Bylaw.
- 1.3 "At large" when used in reference to a dog means being elsewhere than on the premises of its owner and not secured on a leash to a competent person who has actual control over the dog.
- 1.4 "Collector" means the Collector of the Corporation of the Village of Lytton.
- 1.5 "Council" means the Municipal Council of the Village of Lytton.
- 1.6 "Dangerous Dog" means:
  - a) any dog with a known propensity, tendency, or disposition to attack without provocation either domestic animals or humans or otherwise threaten the safety of persons or domestic animals;
  - b) any dog which has killed or injured a person or domestic animal, or
  - c) any dog which, when provoked, attacks, chases, or approaches a person(s) upon the street, sidewalk, or any public grounds in a menacing fashion or apparent attitude of attack;Notwithstanding the above, a dog shall not be deemed to be a dangerous dog if they bite, attack, or threat of attack was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or was teasing, tormenting, abusing, or assaulting the dog or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the dog, or was committing or attempting to commit a crime.
- 1.7 "Dog" means any male or female animal of the canine species over the age of four months.
- 1.8 "Guard Dog" means any dog that's main purpose is the protection of a business, private property etc.
- 1.9 "Impounded" means seized, delivered, received, or taken into the pound or into the custody of the Animal Control Officer or such other person, company, organization or society appointed by Council.
- 1.10 "Kennel" means any buildings or structures for the accommodation of four (4) or more dogs; together with any fenced animal runs, accessory or incidental thereto.
- 1.11 "Kennel licence" means a licence issued by the Village for the keeping or harbouring of four or more dogs.
- 1.12 "Licence" means a licence for a dog issued by the Village.
- 1.13 "Own" includes the ownership, custody, control, possession or harbouring of any dog.
- 1.14 "Owner" means any person who owns or has in their custody, under their control, or harbouring any dog in the Village.
- 1.15 "Police Officer" means a member of the Royal Canadian Mounted Police.
- 1.16 "Pound" means any building or enclosure designated by Council for the confinement of dogs pursuant to this Bylaw.
- 1.17 "Unlicensed Dog" means any dog for which the licence fee for the current year has not been paid or any dog that is not wearing a licence tag for the current year.
- 1.18 "Village" means the Village of Lytton.

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**2. Impoundment:**

- 2.1 The Council is hereby empowered to appoint an Animal Control Officer and may enter into an agreement with such persons, firms, or societies for the purpose of operating and maintaining a pound.
- 2.2 The Animal Control Officer may seize and impound any dog, which is found to be at large in the village and upon such seizure:
  - a) shall make all reasonable efforts to identify and contact the owner of every dog received, whether the animal is living or dead.
  - b) shall provide for the owner a notice of the impounding of the dog in the form of Appendix "A" of this bylaw posted on all municipal bulletin boards.
  - c) shall ensure any dog impounded is provided with clean food and water and sheltered in sanitary conditions.
- 2.3 Any dog so impounded shall be kept and retained in the pound for a period of three (3) days and if such dog is not reclaimed by its owner within the said period, the dog will become the property of the Village. At that time the Animal Control Officer may, on the expiration of such a period of time sell, destroy, or place such dog for adoption.
- 2.4 Should a dog escape in any manner once impounded, the owner shall still be liable for the payment of all fees, fines, or expenses provided for in this bylaw.
- 2.5 Where in the opinion of the Animal Control Officer, a dog seized and impounded is injured or ill and should be destroyed without delay for humane reasons or for reasons of safety to persons, the dog may be euthanized if reasonable efforts to locate the owner of the animal have failed.
- 2.6 Where a dog seized and impounded is injured or ill and is treated by a veterinarian, the Village shall, in addition to any impoundment fees, be entitled to charge the person claiming the animal for the cost of the treatment and any related travel costs.
- 2.7 During the impoundment period, the owner may claim, or order the destruction of said dog and make payment to the Village in accordance with Schedule "B" of the Fees & Charges Bylaw 550, 2002 (which may be amended from time to time) of:
  - a) the appropriate fine where applicable;
  - b) the appropriate license fee where the dog is not licenced;
  - c) maintenance fees;
  - d) veterinary fees where applicable; and
  - e) any costs related to the destruction of the dog.

**3. Licencing:**

- 3.1 The owner of any dog aged four months or more shall obtain a licence for the animal by registering the dog with the Village and paying the annual fee as specified in the Fees & Charges Bylaw 550, 2002 which may be amended from time to time. The licence fee shall be 50% of the annual amount in cases where an owner provides proof to the satisfaction of the Collector that the dog, on or after September 1<sup>st</sup> in the current year,
  - a) has reached the licencing age of four (4) months; or
  - b) was brought into the Village from another municipality or from out of province.
- 3.2 Licence fees are due and payable on the first day of January each year.
- 3.3 A tag showing the licence number will be issued with each dog licence. The tag shall be attached to the dog's collar and be worn at all times by the licenced animal.
- 3.4 The Collector shall maintain a record of all licences issued under this bylaw, showing the name(s), address, and phone number of each owner(s), the date of issuance of each licence, the licence number, a description of the dog, and the amount of licence fees paid.

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3.5 Kennel licenses must be applied for and be in accordance with the Official Community Plan and Zoning Bylaws. For further information refer to the Official Community Plan and Zoning Bylaws.

4. Offences:

It shall be an offence under this bylaw:

- 4.1 To own any dog for which a licence has not been issued for the current year.
- 4.2 To own any dog which is not wearing a licence tag for the current year.
- 4.3 For an owner to allow or suffer their animal to be at large, or unlawfully on public property in the Village.
- 4.4 For any person to remove from any dog found to be at large the licence tag for the current year.
- 4.5 For any person to own a diseased dog unless it is securely confined in such a place and in such a manner that it does not endanger the safety of any person or other animal.
- 4.6 For an owner to permit his or her dog to, without provocation:
  - a) Chase, bite or attack any person;
  - b) Chase, bite or attack any domestic animal;
  - c) Damage public or private property.
- 4.7 For any owner to keep or harbour more than three dogs on any premises without first having obtained a kennel licence.
- 4.8 For any owner to fail to immediately remove and dispose of any excrement deposited by such dog on any place outside of the owner's property, in a waste container, or by other sanitary means,
- 4.9 For any owner to permit, allow, or for any reason have his or her dog, bark or howl excessively, or in any other manner that disturbs the quiet of any person.
- 4.10 For any owner of a female dog in heat to not keep such animal effectively contained on the owners property.
- 4.11 For any person attempting to take or who takes any dog that is in the lawful custody of the Animal Control Officer shall be guilty of an infraction of this bylaw.

5. Prohibition of Cruelty of Animals:

- 5.1 No person may keep any dog unless the dog 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 the maintenance of normal body weight;
  - b) Food and water receptacles kept clean and disinfected and located so as to avoid contamination of excreta;
  - c) The opportunity for periodic exercise sufficient to maintain good health, including the opportunity to be unfettered from a fixed area and exercised regularly;
  - d) Necessary veterinary medical care when the animal exhibits signs of pain or suffering.
- 5.2 No person may keep a dog which resides outside or which is kept outside for short to extended periods of time, unless the animal is provided with outside shelter:
  - a) To ensure 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 dog the ability to turn about freely and to easily stand, sit, and lie in a normal position;

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- b) At least 1 ½ times the length of the dog and at least the dog's length in width, and at least as high as the dog's height measured from the floor to the highest point of the dog when standing in a normal position plus 10%;
- c) In an area providing sufficient shade to protect the animal from the direct rays of the sun at all times;
- d) A pen and run area which must be regularly cleaned and sanitized and all excreta removed at least once a day;
- e) No person may cause a dog to be hitched, tied, or fastened to a fixed object where a choke collar or choke chain forms part of the securing apparatus, or where a rope or cord is tied directly around the animal's neck;
- f) No person may cause an animal to be confined in an enclosed space, including a car, without adequate ventilation.

**6. Diseased Dogs:**

- 6.1 When a complaint is made to the Animal Control Officer that an animal is suffering from an incurable disease as a result of which the animal is suffering pain or debilitation, the Animal Control Officer may investigate the same and if it is determined that the animal will be suffering if untreated, he/she may order the owner to have the animal treated or destroyed. If an owner fails to comply with the said order, the Animal Control Officer may seize such animal and impound the same, and after 72 hours of such impounding he/she may destroy such an animal. All costs and charges in respect of the seizure and disposal of the dog shall be deemed to be the responsibility of the owner.
- 6.2 It shall be lawful for the Animal Control Officer or any Police Officer to destroy any diseased dog found to be at large in the Village.

**7. Dangerous Dog or Guard Dog:**

- 7.1 The owner of a dangerous dog or guard dog shall ensure that:
  - a) Such dog is licenced with the Village as a dangerous or guard dog in accordance with the fees outlined in Schedule "B" of the Fees & Charges Bylaw 550, 2002 which may be amended from time to time.
  - b) Such dog is spayed or neutered;
  - c) It is the owners responsibility to ensure that offences as outlined in Section 5.2(f) do not occur;
  - d) At all times when off the owner's property, the dog shall be muzzled;
  - e) At all times when off the owner's property, the dog shall be on a leash not longer than one meter and under the control of a responsible person over the age of eighteen;
  - f) When such dog is on the property of the owner, it shall either be securely confined indoors, or in a securely enclosed and locked pen or structure, suitable to prevent the escape of the dangerous dog and capable of preventing the entry of any person not in control of the dog. Such pen or structure must have minimum dimensions of two meters by four meters and must have secure sides and secure top. If it has no bottom secured to the sides, the sides must be embedded into the ground no less than thirty centimetres deep. The enclosure must also provide protection from the elements for the dog. The pen or structure shall not be within one meter of the property line or within three meters of a neighbouring dwelling unit. Such dog may not be chained as a means of confinement;
  - g) A sign must be displayed at each entrance to the property and building in which the dog is kept warning in writing, as well as with a symbol, that there is a dangerous

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- or guard dog on the property. The sign shall be visible and legible from the nearest road or thoroughfare;
- h) A policy of liability insurance, satisfactory to the Village shall be in force in the amount of at least five hundred thousand dollars, which will cover the twelve-month licensing period, for injuries caused by the owner's guard or dangerous dog. This policy shall contain a provision requiring the Village to be named as an additional insured.
- 7.2 The Village shall have the authority to make whatever inquiry is deemed necessary to ensure compliance with the provisions outlined in this section.
- 7.3 If the owner of a dog that has been designated as a guard or dangerous dog is unwilling or unable to comply with the requirements of this section the Animal Control Officer may seek permission to seize and dispose of said dog. The disposal fee as outlined in Schedule B of the Fees & Charges Bylaw 550, 2002 (which may be amended from time to time) shall be deemed to be the responsibility of the owner. If the owner does not give permission, the Animal Control Officer may apply for a warrant to enter and search a property for said dog. The Animal Control Officer will complete an application for a Provincial Court Order for destruction before or after seizing said dog. Upon receipt of the order of destruction the Animal Control Officer will then have the dog humanely euthanized. All costs and charges with respect to the seizure and disposal of the dog shall be deemed to be the responsibility of the owner. Any dog that has been designated as a guard or dangerous dog under this bylaw shall not be offered for adoption.
8. Penalties:
- 8.1 Any person who contravenes any provision of this bylaw is guilty of an offence and is liable to the penalties prescribed in Schedule "B" of the Fees & Charges Bylaw 550, 2002 which may be amended from time to time.
- 8.2 Each day of violation of any provision of this Bylaw shall constitute a separate offence.
- 8.3 The levying and payment of any fines shall not relieve a person from the necessity of paying any fees, charges or costs from which he or she is liable under the provision of this Bylaw.
- 8.4 A Provincial Court Judge may, in addition to the penalties previously outlined in this Bylaw, if he considers the offence sufficiently serious, direct or order the owner of a dog to prevent such dog from doing mischief or causing the disturbance or nuisance complained of, or have the animal removed from the Village, or order the animal destroyed.
- 8.5 Where any person contravenes the same provision of this Bylaw twice and subsequent times within one twelve month period, the specified penalty payable in respect of the second and subsequent contravention's is double the amount specified on Appendix A of this Bylaw in respect of that provision.
9. Severability:  
The provisions of this bylaw are severable and the invalidity of any part of this bylaw shall not affect the validity of the remainder of this Bylaw.
10. Repeal:  
The Animal Control and Licensing Bylaw No. 520, 2000 is hereby repealed.

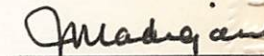
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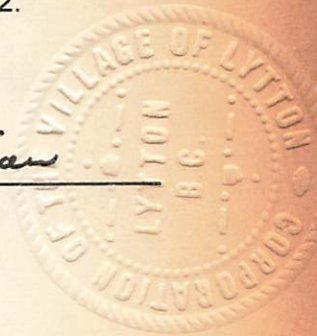
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This Bylaw may be cited as the "Village of Lytton Animal Control and Licencing Bylaw No. 545, 2002"

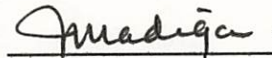
READ A FIRST TIME this	22 <sup>nd</sup> day of July 2002.
READ A SECOND TIME this	22 <sup>nd</sup> day of July 2002.
READ A THIRD TIME this	22 <sup>nd</sup> day of July 2002.
RECONSIDERED AND ADOPTED this	12 <sup>th</sup> day of August 2002.

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
CLERK



I hereby certify that the foregoing is a true  
and correct copy of the Corporation of the  
Village of Lytton Animal Control and Licencing  
Bylaw No. 545, 2002

  
\_\_\_\_\_  
CLERK

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This Bylaw may be cited as the "Village of Lyton Animal Control and Licensing Bylaw, 2002".

- READ A FIRST TIME this 22<sup>nd</sup> day of July 2002
- READ A SECOND TIME this 22<sup>nd</sup> day of July 2002
- READ A THIRD TIME this 23<sup>rd</sup> day of July 2002
- RECONSIDERED AND ADOPTED this 23<sup>rd</sup> day of August 2002



[Signature]  
CLERK

[Signature]  
MAYOR

I hereby certify that the foregoing is a true and correct copy of the Corporation of the Village of Lyton Animal Control and Licensing Bylaw No. 648, 2002.

[Signature]  
CLERK

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APPENDIX "A"

I, \_\_\_\_\_, Animal Control Officer for the Village of  
Lytton, advise that a dog described as follows: \_\_\_\_\_

\_\_\_\_\_

was seized at \_\_\_\_\_ a.m./p.m. on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

for the following reason(s):

\_\_\_\_\_  
\_\_\_\_\_

And I further advise that ownership of said dog will revert to the Village if not claimed  
according to the relevant sections of this Bylaw at \_\_\_\_\_ a.m./p.m. on the  
\_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

Notification posted \_\_ or given \_\_ to the owner on \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

by \_\_\_\_\_.  
Animal Control Officer