

## DISTRICT OF 100 MILE HOUSE

### BYLAW NO. 1131

A bylaw to provide for the Control and Licensing of Animals and the Operation of Pound Facilities in the Municipality.

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This bylaw may be cited for all purposes as the ***“District of 100 Mile House Animal Control and Pound Operation Bylaw No. 1131, 2008”***.

The Council of the District of 100 Mile House in open meeting assembled enacts as follows:

#### Part I – Interpretation

1. **“animal”** includes a dog, cat, horse, sheep, goat, mule, ass, swine, rabbit, poultry, llama, cow or other animal of the bovine species;

**“Bylaw Enforcement Officer”** means any person so appointed by Council or pursuant to any enactment to enforce this bylaw and includes peace officers and the poundkeeper;

**“Collector”** means the Director of Financial Administration of the District of 100 Mile House or any person authorized by Council to perform the duties assigned in this bylaw to the Collector:

**“District”** means the area contained within the boundary of the District of 100 Mile House;

**“Exotic Animal”** means any animal that is not normally domesticated in Canada or is wild by nature. Exotic animals include, but not limited to, any of the following orders and families, whether bred in the wild or captivity, and also any of their hybrids with domestic species. The animals listed in parentheses are intended to act as examples and are not to be construed as an exhaustive list or limit the generality of each group of animals, unless otherwise specified:

1. Non-Human primates and prosimians (monkeys, chimpanzees, baboons)
2. Felidae (lions, tigers, bobcats, lynx, cougars, leopards, jaguars, not domesticated cats)
3. Canidae (wolves, coyotes, foxes, jackals, not domesticated dogs)
4. Ursidae (all bears)
5. Reptilia (iguanas, all venomous and constricting snakes)
6. Arachnida (trachulas, scorpions and all venomous spiders)
7. Crocodilia (alligators, crocodiles)
8. Proboscidae (elephants)
9. Hyanenidae (hyenas)

10. Artiodactyla (hippotamuses, giraffes, camels, not cattle or seine or sheep or goats)
11. Procyonidae (raccoons, coatis)
12. Marsupialia (kangaroos, opossums)
13. Perissodactylea (rhinoceroses, tapirs, not horses or donkeys or mules)
14. Edentara (anteaters, sloths, armadillos)
15. Viverridae (mongooses, civets, and genets)

**“impounded”** means seized, delivered, received or taken into the Pound or into the custody of the Bylaw Enforcement Officer or any officer;

**“incurable/contagious disease”** means any disease, sickness, injury or mutilation which would inevitably result in death, including without limitation, rabies;

**“keeping”** means owning, possessing, having the care, custody or control of, or harbouring;

**“Kennel”** means a facility for the care of four (4) or more dogs, cats or other household pets, where such animals are kept commercially for boarding, propagation, training, grooming or sale;

**“Municipality”** means the Corporation of the District of 100 Mile House;

**“neutered male dog”** means a male dog certified as neutered by any licensed veterinarian;

**“owner”** means any person:

- a) to whom a licence for a dog has been issued under this bylaw;
- b) who owns, is in possession of or has the care, custody or control of any animal;
- c) who harbours or allows any animal to remain about his house, land or premises;

**“Pound”** means any facility, building, structure or enclosure used to harbour and maintain animals pursuant to this bylaw or any vehicle used by the Poundkeeper.

**“Poundkeeper”** means the person or persons that from time to time may be appointed by Council to perform the duties of poundkeeper as specified in this bylaw and shall include the Bylaw Enforcement Officer, Peace Officer and any person acting on behalf of or assisting such Poundkeeper;

**“spayed female dog”** means any female dog certified as spayed by any licensed veterinarian;

**“unlicensed dog”** means any dog for which the license for the current year has not been paid or any dog which does not have affixed to its collar or harness a valid and subsisting license tag;

**“vicious dog”** means any dog which without provocation has bitten another domestic animal or human;

**“Zoning Bylaw”** means the bylaw of the District of 100 Mile House that regulates the use of land, as it may be amended or replaced from time to time.

## **Part 2 – Licensing of Dogs**

### Licenses

- 2.1 No person shall keep any dog unless a valid and subsisting license has been obtained under this bylaw for that dog. A license may be obtained by completing a “Dog License Application” form.
- 2.2 Every license and corresponding license tag issued under this bylaw shall expire on the 31<sup>st</sup> day of December of the year in which it was issued.
- 2.3 Every license and corresponding license tag issued under this bylaw is valid only in respect of and shall be worn only by the dog for which it was issued and is not transferable to a dog other than the dog for which the license and corresponding licence tag was issued.

### Fees

- 2.4 The owner of every dog shall pay an annual license fee for that dog assessed as follows:
  - a. for each neutered male or spayed female dog, a fee of \$30.00;
  - b. for each male dog other than a neutered male, a fee of \$50.00;
  - c. for each female dog other than a spayed female, a fee of \$50.00;
  - d. notwithstanding the provisions of sub-paragraphs (a), (b), (c), above:
    - (i) an application for a license or a renewal license received on or before February 28<sup>th</sup> in a licensing year will be issued at no cost to the applicant.
- 2.5 Where a dog is not four months old until after the 30<sup>th</sup> day of June in the current calendar year, or a dog has been moved into the District after the 30<sup>th</sup> day of June, the license fee shall be as follows:
  - a. for each neutered male or spayed female, dog, a fee of \$20.00;
  - b. for each male dog other than a neutered male, a fee of \$35.00;

- c. for each female dog other than a spayed female, a fee of \$35.00.

#### Duties of Collector

- 2.6 The Collector, or their designate, shall receive dog license fees and is responsible for issuing dog licenses and license tags.

#### License Tag

- 2.7 Every owner of a dog in respect of which a license has been issued under this bylaw shall, while the license is valid, affix and keep affixed on the dog, by collar, harness or other suitable device, the license tag issues.
- 2.8 No person other than the owner of a dog shall remove the license tag affixed on that dog by the owner.

#### Replacement Licenses

- 2.9 The Collector may issue a replacement license or license tag upon:
  - a. being satisfied by the owner that the original license or license tag issued by the Collector in respect of that dog has been lost or stolen;
  - b. receipt of a fee of \$2.50; and
  - c. receipt of a completed "Dog License Application" form.
- 2.10 If the person to whom the license was issued sells or otherwise ceases to be the owner of a dog, the new owner of that dog shall obtain a license and corresponding license tag in respect of that dog upon submitting a completed "Dog License Application" form.

### **Part 3 – Kennels And Dog Shelters**

- 3.1 No person shall keep more than three (3) dogs at any one time on any parcel within the District, unless such person is the operator of a kennel in accordance with Section 3.2 of this bylaw.
- 3.2 No person shall operate a kennel on any parcel in the District that is in an area not zoned in accordance with the Zoning Bylaw.

### **Part 4 – Control Of Dogs**

- 4.1 Every person owning or keeping any animal shall prevent that animal from being at large in the District.
- 4.2 For the purposes of this bylaw, a dog is deemed to be at large where it is not under control by being:

- a. on the property of its owner;
  - b. in the direct and continuous charge of a person who is competent to control it;
  - c. securely held on a leash not exceeding three metres (9.8 feet) by a person who is competent to control it so that is unable to roam, or
  - d. securely confined within an enclosure.
- 4.3 For the purposes of this bylaw, any animal other than a dog is deemed to be at large when, in the opinion of the Bylaw Enforcement Officer, such animal is led, driven or strays on any highway or public place and is not under the direct and continuous charge of a person who is competent to control it.
- 4.4 Subject to Part 5 of this bylaw, every person owning or keeping any dog shall prevent that dog from being on any public property within the district unless the dog is held on a leash not exceeding 3 metres (9.8 feet) by a person who is competent to control it.

#### **Part 5 – General Prohibitions**

- 5.1 The Council may designate all or any part of a park or public place as an area in which no animals shall be permitted and such an area may be marked by signs or other devices.
- 5.2 Every person owning or keeping any animal shall prevent such animal from being in an area designated pursuant to Section 5.1.
- 5.3 The Bylaw Enforcement Officer may seize and impound any animal that is found on any land designated pursuant to Section 5.1.
- 5.4 The Poundkeeper shall retain in the Pound any animal seized and impounded pursuant to this section and shall not release any such animal except in accordance with the provisions of this bylaw.

- 5.5 It is an offence for any person owning or keeping a dog to fail to immediately remove and dispose in a waste container or by other sanitary means, any excrement deposited by such dog in any place off the owner's property.
- 5.6 As an exception, subsection 5.5 does not apply to the owner of a seeing eye dog.
- 5.7 No person shall own, keep or harbour any animal or bird which by its barks, cries or other noises disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.

## **Part 6 – The Pound**

- 6.1 The Pound will be designated by resolution of Council of the District of 100 Mile House.

## **Part 7 – The Poundkeeper**

- 7.1 The Council may by resolution appoint a Poundkeeper, and such assistance as may be required, all at such salary or remuneration as Council may determine.

### **Contracting Out**

- 7.2 The Council may enter into an agreement with the Poundkeeper for the purpose of:
  - a. maintaining and operating a Pound;
  - b. managing the Pound; and
  - c. providing for the collection, distribution and payment of any revenue and expenditures derived from the operation of the Pound.
- 7.3 Every Poundkeeper, when required by the Council, shall give a bond to the Municipality, in the sum of one hundred dollars (\$100.00), that he will and faithfully perform the duties of his office, and account for and pay over to the Municipality all monies which he shall receive by virtue of his office
- 7.4 Every Poundkeeper shall pay over to the Collector all monies received by him by virtue of his office if and when instructed to do so, and shall at all times produce his financial records for the inspection of Council or the Collector when required to do so.
- 7.5 Whenever any seizure or impoundment has been made as herein provided, the Poundkeeper shall daily furnish the seized animal with sufficient food, water, shelter and attendance during the whole period the animal continues to be

impounded, and for so doing the Poundkeeper shall be entitled to demand and receive from the owner a maintenance fee specified in this bylaw.

- 7.6 No person shall take or rescue or attempt to take or rescue any animal that is in the lawful custody of a Poundkeeper.
- 7.7 No person shall resist or interfere with a Bylaw Enforcement Officer or Poundkeeper in the performance of their duties under this bylaw.

## **Part 8 – Impounding**

### Authority to Seize

- 8.1 The Bylaw Enforcement Officer may impound any dog and any animal which is found by him/her to be at large within the Municipality pursuant to Sections 4.1, 4.2 or 4.3 of this bylaw.

### Duty to Inform Owner

- 8.2 Subject to Section 8.5, where an animal that has been impounded has identification stating the name and address of the animal's owner, the Poundkeeper shall forward a notice to the owner of the animal stating that the animal has been impounded.
- 8.3 Where the owner of an impounded animal is unknown to the Poundkeeper, the Poundkeeper shall cause a notice of impoundment to be posted on the notice board at the main entrance to the Municipal Hall.
- 8.4 The notice referred to in Section 8.3 shall include a description of the animal which has been impounded and shall specify the place where, and the time when, the said animal may be sold or destroyed if not previously reclaimed, which time shall be not less than three days after the date on which the said notice was published or posted.
- 8.5 Where the Poundkeeper posts a notice in accordance with Section 8.3, he shall be deemed to have informed the owner of the animal of the impoundment as required by Section 8.2.
- 8.6 The Poundkeeper shall retain any impounded animal for a period of 8 calendar days, and if such animal is not reclaimed within the 8 calendar days, the Poundkeeper may:
- a. allow its adoption by any person by means of sale or auction; or
  - b. destroy the animal.

### Impoundment Fees

- 8.7 The owner of any impounded animal may reclaim the animal at any time prior to its sale or destruction, by providing to the Poundkeeper proof of ownership and paying the following fees, where applicable:
- a. an impounding fee of twenty-five (\$25.00) for the first impoundment; fifty dollars (\$50.00) for the second impoundment; one hundred and fifty dollars (\$150.00) for the third impoundment; two hundred and fifty dollars (\$250.00) for the fourth and subsequent impoundments and applicable license fees if the dog is unlicensed.
  - b. maintenance costs:
    - i. for any animal other than a horse - \$9.00 per day for dogs and \$9.00 per day for cats;
    - ii. for a horse - \$10.00 per day or portion of a day;
  - c. a license fee, as required by this bylaw, where the impounded animal is a dog and the dog is unlicensed; and
  - d. any fine or penalty imposed under this bylaw.
- 8.8 The Poundkeeper may destroy any animal suffering from an incurable /contagious disease upon certification of the animal's condition by a licensed veterinarian. Fees incurred will be collected from the animal's owner as set out in Section 8.10.
- 8.9 Any animal that is destroyed pursuant to this bylaw shall be destroyed by a veterinarian in a manner that causes the quick death of the animal without unreasonable risk of harm to other animals or any other person. Fees incurred will be collected from the animal's owner as set out in Section 8.10.

### Destruction of Animals at Owner's Request

- 8.10 Where the owner of any animal desires it to be destroyed, the Poundkeeper may provide such a service upon the owner paying the following fees:
- a) \$25.00 plus the veterinarian fee.



### Duty of Poundkeeper to keep Records

- 8.11 The Poundkeeper shall keep a record book in which he shall record the following information:
- a. the number and description of each dog impounded,
  - b. the description of each other animal impounded;
  - c. the name of the person who brought or caused the animal to be impounded;
  - d. the day and the hour on which the animal was received, reclaimed, sold or destroyed;
  - e. the fees paid by the reclaiming party; and
  - f. the amount of the proceeds of the sale, if any.
- 8.12 No liability shall attach to the Poundkeeper or the Municipality for any animal destroyed in accordance with the provisions of this bylaw.

### **Part 9 – Unlicensed Dogs**

- 9.1 Where the Bylaw Enforcement Officer has reason to believe that an unlicensed dog is on any premises, the Bylaw Enforcement Officer may request the occupant of the premises:
- a. to satisfy the Bylaw Enforcement Officer that a license has been obtained and a license tag has been issued for that dog; or
  - b. to deliver the dog to the Bylaw Enforcement Officer;

And where any dog is found to be on any such premises as set out above, no person shall:

- a. fail or refuse to produce any license or license tag issued for a dog;
  - b. fail or refuse to deliver any dog to the Bylaw Enforcement Officer;
- or
- c. resist or interfere with the Bylaw Enforcement Officer in impounding any dog.

### **Part 10 – Vicious Dogs**

- 10.1 a. no person shall own or keep a vicious dog unless it is confined indoors or confined in a securely enclosed and locked dog shelter constructed to prevent the escape of the vicious dog, and capable of preventing the entry of young children;

- b. such dog shelter shall have secure sides and a secure top, and if it has no bottom secured to the sides, the sides must be imbedded in the ground to a minimum depth of one foot;
- c. every person who possesses or harbours a vicious dog shall not permit, suffer or allow the dog to be on any streets or in any public place or any other place that is not owned or controlled by that person, unless the dog is muzzled to prevent it from biting another animal or human;
- d. The Bylaw Enforcement Officer may request owners of vicious dogs to comply with these regulations.

### **Part 11 – Exotic Animals**

- 11.1 All exotic animals are strictly prohibited within the municipal boundaries.

### **Part 12 – Cat Regulations**

- 12.1 No person shall keep more than three (3) cats at any one time on any parcel within the District, unless such person is the operator of a kennel in the accordance with Section 3.2 of this bylaw.

No person shall keep more than three (3) cats at any one time on any parcel within the District, unless such person is a Foster Home for the SPCA. A copy of an authorized SPCA Foster Home Application must be submitted to the District.

- 12.2 Any person that owns more than three (3) cats, prior to adoption of this bylaw, must complete and submit Schedule “A”, Grandfathering Consent Form for approval by the District.

### **Part 13 – Penalties and Severability**

- 13.1 Every person who contravenes a provision of this bylaw is guilty of an offence and upon summary conviction is liable to a fine of not more than \$2,000, plus the costs of prosecution.
- 13.2 If any section, subsection or clause of this bylaw is held invalid by a Court of competent jurisdiction, that portion shall be severed and the remainder of this bylaw shall be deemed to have been adopted without the invalid and severed section, subsection or clause.

**Part 14 – Repeal**

14.1 The District of 100 Mile House Animal Control and Pound Operation Bylaw No. 1088, 2007, and all amendments thereto, are hereby repealed.

READ A FIRST, SECOND AND THIRD TIME this 30<sup>th</sup> day of September, 2008.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Corporate Officer

