



**DISTRICT OF PORT EDWARD
ANIMAL CONTROL & LICENSING BYLAW No. 519, 2011**

**A BYLAW TO REPEAL THE ANIMAL CONTROL & LICENSING
BYLAW # 298; and Amended Bylaw #301 and Bylaw # 341**

**A BYLAW TO PROVIDE FOR ANIMAL CONTROL, LICENSING,
PROTECTION AND REGULATION OF DOGS AND OTHER ANIMALS
WITHIN THE DISTRICT OF PORT EDWARD**

WHEREAS the purpose of a municipality includes providing for the good government of its community; providing for services, law and other matters for community benefits; providing for the stewardship of the public assets of its community; and fostering the economic, social and environmental well being of its community;

NOW THEREFORE the Council of the District of Port Edward, in open meeting assembled, enacts as follows:

INTERPRETATION

1. In this bylaw;

Animal – means any domestic animal (such as any dog, cat, horse, cow, sheep, mule, goat, pig, rabbit, bees, poultry, bird, or fowl) not covered as “wildlife” under provincial legislation.

Aggressive Behaviour – means snarling, growling, or pursuing another animal or person;

At Large – means when not on the property of the owner; or

- i) not under the immediate charge and control of a responsible and competent person; or
- ii) not under the direct control or within the immediate vicinity of the owner when in an unauthorized off-leash area;
- iii) in or upon a public place posted as being prohibited to dogs.

Bylaw Enforcement Officer - means the person or persons from time to time appointed by the Council as bylaw enforcement officer, includes a peace officer and Conservation Officer.

Cattle – includes bulls, cows, oxen, heifers and calves.

Council - means the duly elected Council of the District of Port Edward.

Dangerous Dog – means a dog that:

- a) has killed or seriously injured a person,
- b) has killed or seriously injured a domestic animal, while in a public place or while on private property, other than property owned or occupied by the person responsible for the dog,
- c) a Bylaw Officer or Peace Officer has reasonable grounds to believe are likely to kill or seriously injure a person;

Dog - means an animal of the canine species being 6 months of age or greater, irrespective of sex.

Incurable Disease - includes, without limiting the meaning, rabies, incurable injury, and mutilation which would inevitably result in death.

Kennel - means a parcel where three or more dogs are kept, trained, cared for, bred, treated, hospitalized or boarded for remuneration or for the purposes of sale.

Leash - means a device, or use of a device, constructed of leather, nylon or other similar strong material that is no more than six (6) feet in length and no less than three (3) feet and of sufficient strength and design to restrain the size and strength of the animal for which it will be (or is being) used. One end must remain securely affixed to a collar or harness securely attached to the animal with the other end held by a person capable of controlling the animal at all times;

Licence - means a licence tag for an animal issued between the periods of January 1st to December 31st, both inclusive, in any year by the Municipality;

Livestock Animals (Large) – means those animals included in the following list: dairy and beef cattle, bulls, goats, pigs including potbellied breeds, sheep, donkeys and mules, and horses.

Livestock Animals (Small) – means such animals as: Domestic fowls, pigeons, chicken (except for roosters), rabbits, ducks, geese, honey bees, and other game birds

Municipality - means the District of Port Edward.

Owner – includes any person who owns, possesses, or harbours, or has custody, control or care of any animal;

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

Pound – means any facility or Animal Shelter established, maintained, or operated as pound in accordance to this Bylaw;

Pound Keeper - means the person or persons from time to time appointed by the Council as the municipal pound keeper.

Public Place - means a place which is owned or controlled by a public body and which is open to use by the public.

Restricted Dogs- means any dog as defined in **Schedule “C”** of this Bylaw

Unlicensed animal - means any animal in which a licence under this bylaw has not been issued for the current year, or having been issued, means that the tag provided for under this bylaw has not been attached in accordance with this bylaw.

Vicious Dog – means a dog that:

- a) according to the records of the Municipality, has killed or injured a person or pet, or without provocation, has demonstrated “aggressive behavior” a or aggressive pursued or harassed person; or
- b) that, to the knowledge of the owner, has killed or injured a person or pet, or without provocation, has aggressively pursued or harassed a person or demonstrated aggressive behavior towards another person or animal.

DOG LICENCES

2. No person shall own or keep a dog on or after the commencement of the licence year without obtaining forthwith from the municipality and holding a licence for the dog.
3. Upon payment of the appropriate licence fee set out in schedule "A" to this bylaw, the Municipality shall issue to the owner a dog licence tag which shall be securely fastened to a collar or harness worn by the dog at all times except when the dog is penned up or enclosed on the owner's land and premises.
4. A dog licence shall be worn only by the dog for which it is issued, and is not transferable to another dog, or to an owner other than the person to whom the licence was issued.
5. The Municipality may issue a duplicate dog licence tag upon being satisfied by the owner that the original tag issued by the Municipality has been lost or stolen and upon payment of the fee provided in Schedule "A" to this bylaw.
6. A licence may be issued to a person under the age of sixteen if the application for the licence is accompanied by the written consent of the parent or guardian of the applicant, and in that case the parent or guardian is deemed to be the owner of the dog for the purposes of this bylaw.
7. The municipality shall keep a book in which shall be recorded the name and address of the owner of each dog for which a licence is issued, the date of issuance of the licence, the description of the dog, and the licence number.

PROHIBITIONS

8. No person other than the owner, a veterinarian in the course of his professional duties, or the Pound keeper, shall remove from such dog a licence tag issued pursuant to this bylaw or a collar or harness to which a licence tag issued pursuant to this bylaw is attached.
9. No owner of an animal shall permit or cause it to be at large or on a highway in the Municipality.
10. No owner of a vicious dog shall permit suffer or allow the dog to be on a highway or in a public place or any other place that is not owned or controlled by that owner unless the dog is muzzled to prevent it from biting another animal or human.
11. The owner of a vicious dog shall, at all times while the dog is on premises owned or controlled by that owner, keep the dog securely confined either indoors or in an enclosed pen or other structure capable of preventing the entry of young children and adequately constructed to prevent the dog from escaping.
12. No person shall hinder, delay or obstruct the pound keeper or any person or persons lawfully engaged in seizing or conveying any dog or dogs to the pound.
13. No person shall keep or harbour any animal except in accordance with the provisions of this bylaw.
14. The owner of a female dog in heat shall keep her on a leash, unless she is confined within a building or kennel, until she is no longer in heat.
15. No person shall rescue or remove or attempt to rescue or remove, an animal lawfully in the custody of the pound keeper, a peace officer or a bylaw enforcement officer pursuant to this bylaw.
16. No person shall keep three (3) or more dogs on any one parcel, unless that person has obtained a business licence for the operation of a kennel, pursuant to Bylaw No. 389, 1997, of the Municipality, and a kennel licence pursuant to this bylaw.

ESTABLISHMENT OF POUND

17. The establishment, maintenance and operation of facilities for the impounding of animals at such place or places and upon such premises as the Council may by resolution from time to time determine is hereby authorized.

POUND KEEPER

18. The authority to seize and impound animals conferred by this bylaw upon the pound keeper may be exercised by a peace officer, a bylaw enforcement officer or Conservation Officer.
19. If any Peace Officer, bylaw enforcement officer, or Conservation Officer seizes a dog pursuant to Section 18, he shall as soon as practical, notify the Pound keeper of such seizure and cause such dog to be delivered to the pound keeper.
20. The Pound keeper shall receive and impound any dog delivered to him by a Peace Officer, Bylaw Enforcement Officer, or a Conservation Officer pursuant to Section 19.

21. The Pound keeper is hereby authorized to seize and impound unlicensed dogs, and dogs and other animals which are at large or any dog acting in a dangerous or vicious manner.
22. The Pound keeper shall record in a book kept for that purpose, 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, redeemed, sold or destroyed;
 - e) the fees paid by the redeeming party;
 - f) the amount of the proceeds of the sale, if any.
23. The pound keeper may destroy any animal suffering from an incurable disease.
24. The Pound keeper may remove or cause to be removed the carcass of any animal killed on public property within the municipality.

IMPOUNDMENT

25. The owner of an animal impounded pursuant to this bylaw may redeem it from the pound at any time within 3 clear days of the time of its impoundment by paying to the pound keeper the impoundment fee set out in Schedule "B" to this bylaw.
26. Subject to Section 23 of this bylaw, if an impounded animal is not claimed and redeemed within three clear days of the time of its impoundment, then the pound keeper may destroy the animal or sell it for not less than the amount of the impoundment fee.
27. Where a licenced dog is impounded, it shall not be sold or destroyed without first delivering or sending a notice by telephone, or in person, or, failing these two means, by double registered mail to the owner of the dog at the address shown on the licence application. In the case of notice by telephone or in person, the notice shall state that if the dog is not claimed within 24 hours, the dog may be destroyed. In the case of notice delivered by double registered mail, the notice shall state that if the dog is not claimed within 48 hours of the date of the delivery, the dog may be destroyed.
28. Where the owner of an impounded dog is known, the owner shall pay 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.
29. If an animal is known to have inflicted a bite on another animal or person, then it may be kept in isolation, and if it is determined by a veterinarian that the animal is suffering from rabies or any other transmittable or contagious disease, the Bylaw Officer may immediately destroy the animal.

- 29.1 Except where the Bylaw Officer has made an application to the Provincial Court for an order that a Dangerous Dog be destroyed or has determined that a Vicious Dog suffers from rabies or transmittable or contagious disease and is to be destroyed, the owner of a Dangerous or Vicious Dog impounded pursuant to this Bylaw, may reclaim the dog after the 21 day impounding period, or at such earlier time as the Bylaw Officer may determine, on application to the Bylaw Officer and upon establishing proof of ownership of the dog, payment of the fees set out in the Schedules to this Bylaw and delivery to the Bylaw Officer of an executed statement in the form supplied by the Bylaw Officer.
- 29.2 If the Dangerous Dog which has been impounded pursuant to section 29 of this Bylaw, is not reclaimed after the 21 day impounding period, or at such earlier time as determined by the Bylaw Officer, the Bylaw Officer may, at any time thereafter, cause the dog to be destroyed.
- 29.3 Further to section 29.2 and for certainty, only in cases where the owner of the Dangerous Dog or Vicious Dog has requested a further period of time in which to construct an enclosure for the dog, the Bylaw Officer may extend the time limit to reclaim the dog for a period of time not to exceed 30 days, provided that payment in advance has been received for all fees prescribed in the applicable Schedules that are attached to and form part of this Bylaw.

GENERAL

30. In the event of an outbreak or threatened outbreak in the municipality of rabies or any other disease affecting dogs, which may be transmitted to human beings, the Council may at any time, by resolution, order and direct that:
- a) all dog owners shall securely tie their dogs up, or otherwise effectively confine and prevent them from being at large in the Municipality; and
 - b) all dogs at large, whether licensed or not, shall be taken to the pound keeper and kept there until claimed, sold or destroyed, pursuant to Sections 25, 26, 27 and 29.
31. No person who owns a dog shall permit or cause the dog to cry or bark in a manner which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity of the place where the dog is kept.
31. An owner whose dog defecates on another person's property shall forthwith remove the defecated matter.

KENNELS

32. (a) An owner of a kennel shall apply to the District for a kennel licence, and upon payment of the kennel licence fees set out in Schedule "A" to this bylaw and proof of compliance with all other relevant municipal bylaws, the owner shall be issued a kennel licence and licence tags for each dog kept in the kennel.
- (b) A kennel licence is not a substitute for a licence required by the municipality's business licence bylaw, and does not relieve an owner of a kennel from compliance with that bylaw nor any other relevant bylaw of the municipality.

33. No person shall;
- (a) permit or cause a dog to be unattended or uncontrolled in an open air run in a kennel between the hours of 9:00 p.m. and 7:00 a.m.;
 - (b) allow a dog to run loose in a kennel except in an adequately fenced area;
 - (c) permit or cause barking, yelping, howling or other frequent noise to emanate from a kennel.
34. The owner or operator of a kennel shall;
- (a) ensure that all animals in the kennel are under control and are restrained from frequent barking, yelping, howling or making other noises;
 - (b) keep the kennel at all times in good repair;
 - (c) keep the kennel and the yard surrounding it at all times in a clean and sanitary condition and free of vermin and rodents;
 - (d) collect all uneaten food from the kennel daily, wrap it and place it in a garbage can for collection;
 - (e) dispose of all manure, dung or refuse and all liquid waste from the kennel in a manner which meets the approval of the Medical Health Officer and the Municipality;
 - (f) dispose of all hair clippings and waste paper in a sanitary manner; and
 - (g) keep the kennel regularly cleaned and disinfected, and free of any offensive or disagreeable odours to the satisfaction of the Medical Health Officer.

ENFORCEMENT

35. A peace officer, bylaw enforcement officer, Conservation Officer and pound keeper, *or other authorized employee or agent* is hereby authorized to enter, at all reasonable times, on any property to ascertain whether the provisions of this bylaw are being observed.

SCHEDULES

36. Schedules "A"; "B" and "C" of this bylaw form part of this bylaw and are enforceable in the same manner as this bylaw.

PENALTIES

37. A person who contravenes this bylaw commits an offence punishable on summary conviction and is liable to a fine of not less than \$50 and not more than \$10,000.

REPEAL

38. That "Animal Control & Licensing Bylaw No. 298,1992, " and "Amendment to Dog License & Control Amendment bylaw No. 301, 1992" and "Amendment District of Port Edward Animal Control and Licensing Amendment Bylaw No. 341, 1994" is hereby repealed but not so as to revive any provision not contained therein.

CITATION

39. This bylaw may be cited as "District of Port Edward Animal Control and Licensing Bylaw No. 519, 2011."

READ a first time this 11th day of October, 2011.

READ a second time this 11th day of October, 2011.

READ a third time this 11th day of October, 2011.

GIVEN FOURTH AND FINAL READING AND ADOPTED this 25th day of October, 2011.

Mayor

Director of Corporate Services

**Certified a true copy of Bylaw No. 519, 2011
cited as "District of Port Edward Animal Control
& Licensing Bylaw No. 519, 2011".**

Director of Corporate Services

SCHEDULE "A"

LICENCE FEES

CLASSIFICATIONS	YEARLY FEE
Neutered male dog (Veterinarian's certificate required)	\$10
Spayed Female Dog (Veterinarian's certificate required)	\$10
Unneutered male dog	\$20
Unsplayed female dog	\$50
Kennel Licence	\$50
Duplicate Licence	\$ 5
Guide Dog used by a blind person or a patrol under the control of R.C.M.P.	\$ 0

SCHEDULE "B"

IMPOUNDMENT FEES

Basic Fee	\$50
Unlicensed dogs	Basic fee plus appropriate Licence Fee
Animals held for more than 24 hours	Basic fee plus \$10 for each additional 24 hours or less per animal
Vicious Dog	\$200 plus \$10 for each additional 24 hours or less per animal

SCHEDULE “C” – RESTRICTED DOGS

The following are deemed to be “Restricted Dogs” for the purposes of this Bylaw, and shall include any dog of mixed breeding which includes, but is not limited to the following breeds:

1. Pit Bull
2. Pit Bull Terrier
3. American Pit Bull Terrier
4. Staffordshire Bull Terrier
5. American Staffordshire Terrier
6. Cane Corso
7. Italian Mastiff
8. Presa Canarios
9. Fila Brasileiro
10. Argentinean Dog
11. Any dog which has the appearance and physical characteristics predominantly conforming to the standards for any of the above breeds as established by the Canadian Kennel Club, or the American Kennel Club, or the United Kennel Club and as determined by a veterinarian licensed to practice in the Province of British Columbia.