

THE CORPORATION OF THE VILLAGE OF TELKWA

BYLAW NO. 552, 2005

ANIMAL CONTROL AND LICENSING BYLAW

Being a bylaw to provide for the regulation, control and licensing of dogs and other animals within the Village of Telkwa.

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

SECTION I - CITATION AND REPEAL

- 1.1 This Bylaw may be cited for all purposes as "Animal Control Bylaw No.552, 2005:
- 1.2 That Bylaw No. 538, 2003 cited as "Animal Control Bylaw No. 538, 2003" and any amendments thereto are hereby repealed.

SECTION 2 - DEFINITIONS

"*Animal*" includes a rabbit, horse, mule, donkey, swine, sheep, or goat, and a turkey, goose, duck, other poultry, pigeons, as well as any cattle or fur-bearing animal or other animal by whatever technical or familiar name known.

"*Animal Control Officer*" means a person appointed by the Corporation of the Village of Telkwa to carry out the provisions of this Bylaw. The duties and authorities of the Animal Control Officer, as defined in this Bylaw, may be delegated by the Corporation of the Village of Telkwa to the Bylaw Enforcement Officer.

"*At large*", "run at large", and "running at large" means a dog that is unleashed, or not on the property of its owner or of another person who has the care and control of the dog, or not under immediate control of a competent person.

"*Bylaw Enforcement Officer*" means a person appointed by the Corporation of the Village of Telkwa to carry out the provisions of the Corporation of the Village of Telkwa's bylaws.

"*Cattle*" includes any horse, donkey, swine, mule, llama, emu, ostrich, ass, swine, sheep, goat, cow or other animal of the bovine species.

"*Claimed*" means to pay all applicable fines and take possession of the animal.

"*Companion Animal*" means domestic animals that are not currently listed in the Livestock Protection Regulations.

"*Competent Person*" means a person who is able to exercise control over the dog.

"*Collector*" means the person appointed by Council to collect fees and fines.

"*Council*" means the Mayor and Council of the Corporation of the Village of Telkwa.

“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 not 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 the threat of attack was sustained by a person who, at the time, was committing a wilful trespass or other tort upon the premises occupied by the owner of the dog, or was teasing, tormenting, abusing or assaulting the dog, or was committing or attempting to commit a crime.

“Dog” means an animal of the species canine that is apparently over the age of four (4) months.

“Domestic Animal” means an animal that is tame or kept, or that has been or is being sufficiently tamed or kept, to serve some purpose for the use of people and that is listed under the Livestock Protection Act.

“Highway” means any highway, street, road or public alleyway.

“Impounded” means when a dog or an animal is seized, delivered, received or taken into the pound or into custody by the Animal Control Officer or By-law Enforcement Officer.

“Kennel” means a place where more than 2 dogs are bred, reared, trained or boarded.

“Muzzled” means sufficiently securing the mouth of an animal so it is unable to bite.

“Owner” includes any person who owns, possesses, or harbours, or who has custody, control or care of any animal referred to in this bylaw.

“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.

“Police Officer” means a member of the Royal Canadian Mounted Police.

“Pound” means any building or enclosure designated by Council for the confinement of dogs pursuant to this Bylaw.

“Redeemed” means all applicable fines have been paid and the animal has been recovered.

“Unlicensed Dog” means any dog for which the license fee for the current year has not been paid to the Village and to which a current tag, issued by the Village is not attached.

“Village” means the Corporation of the Village of Telkwa.

SECTION 3 - LICENSE TAG REQUIREMENT & ADMINISTRATION

3.1 The owner of any dog aged four months or more shall obtain a license for the animal by registering the dog with the Village and paying the annual fee as set out in Schedule A attached to and forming part of this bylaw. The license fee shall be 50% of the annual amount in cases where an owner provides proof to the satisfaction of the Collector that the dog:

- a) has reached the licensing age of four (4) months after September 1st; or
- b) was brought into the Village from another municipality or from out of province after September 1st.

3.2 Every person applying for a license for a neutered or spayed dog shall present written certification from a licensed veterinarian or a sworn statement that the dog has been neutered or spayed.

3.3 A person that owns or possesses a dog within the boundaries of the Village shall pay to the Collector the fees for each license as set out in Schedule A attached to and forming part of this bylaw.

3.4 A record of the name, address and telephone number of the owner, the dog tag number, the name and sex of the dog and a description of the dog shall be kept in the Annual Dog Register.

3.5 Every license and corresponding license tag issued for a dog under this bylaw:

- a) expires on the 31st day of December of the year in which it was issued; and
- b) is transferable to another dog of the same owner, only in the event of death to the licensed dog and following written notice to the Village.

3.6 The person to whom a license is issued under this Bylaw shall, while the license is valid and subsisting, affix and keep affixed the corresponding license tag to a collar or harness worn at all times by the dog for which the license was issued. No person shall remove a license tag from a dog except the owner or Animal Control Officer .

3.7 When a license or license tag is lost or destroyed, the person to whom the original license was issued may be issued a replacement tag for the fee set out in Schedule A attached to and forming part of this bylaw.

3.8 Fees paid for a dog license are not refundable.

3.9 Where the owner of a dog in respect of which a license has been issued under this Bylaw ceases to be the owner, the license shall be cancelled.

SECTION 4 - DOG AND OTHER ANIMAL CONTROL

- 4.1 Every owner of a dog shall keep the dog on a leash not longer than 2 metres and under the control of a competent person while upon a highway or public place or any place not owned by that person.
- 4.2 Every person in control of a dog or other animal shall immediately remove and dispose in a waste container or by other sanitary means, any excrement deposited upon any public place or private land other than the animal's owner's land.
- 4.3 No owner of a dog or any other animal shall permit the animal to be at large within the Village.
- 4.4 The Animal Control Officer may secure and transport any dog running at large in a dog trap designed for this purpose or any other secure, humane method for this purpose.
- 4.5 An owner having custody of a female dog in heat shall confine the animal during the ovulation period.
- 4.6 Every owner of a dangerous dog shall, while the dog is on the owner's premises, keep the dog securely confined indoors, or within a fenced yard or an enclosure that is:
 - (a) capable of preventing inadvertent entry by any person including a child,
 - (b) adequately constructed to prevent the dog from escaping or inflicting harm on any person, companion or domestic animal, and
 - (c) posted with a sign at each point of entry advising that a dangerous dog is within.
- 4.7 Without limiting the foregoing, no person who owns, possesses or harbours a dangerous dog shall permit, or allow the dog to be on any highway, or any public place, or any place not owned or controlled by that person, unless the dog is muzzled and controlled in such a manner as to prevent it from biting another animal or human.
- 4.8 Upon receiving a complaint that a dog has attacked or attempted to attack any animal or human, the Animal Control Officer or authorized representative of the Village may:
 - (a) with the consent of the owner/occupier, enter private property to seize, impound and detain the dog;
 - (b) if a justice is satisfied on oath by evidence presented by the Animal Control Officer, Bylaw Enforcement Officer, or a member of the RCMP, the justice can issue a warrant to the officer to enter and search a property, including a dwelling place, to seize, impound and detain a dangerous dog;
 - (c) or, if a dangerous dog presents an imminent danger to the public and it is impractical to obtain a warrant, the Animal Control Officer or Bylaw Enforcement Officer, accompanied by the police, may enter into private property, other than a dwelling place, to seize, impound and detain a dog.

- 4.9 An Animal Control Officer can, if he/she believes it necessary, apply for a provincial court order for the destruction of a dangerous dog before or after the dog is seized, impounded and detained. An application for a provincial court order for destruction may commence prior to seizure of the dog but must be commenced within 21 days of seizure of the dog in order for the impoundment of the dog to continue; otherwise the dog is returned to the owner.
- 4.10 No person shall own, possess or harbour any diseased animal within the Village, unless the animal is securely fastened in such place and in such manner that it does not endanger the safety of any person or other animal.
- 4.11 No person shall operate or carry on a pony ride, petting zoo or circus exhibition or show unless a letter signed by a member of the British Columbia Veterinary Medical Association certifying that the animals are in good health is received by the Village Office at least one month prior to the day of the proposed performance.
- 4.12 No person shall keep or harbour any dog or other animal that disturbs the peace and quiet enjoyment of the neighbourhood.
- 4.13 No person shall permit any cattle to be housed, pastured, or maintained on any land within the Village.

SECTION 5 - NUMBER OF DOGS OR OTHER ANIMALS PERMITTED

- 5.1 For the purpose of this section, a dog or other animal that is fed or sheltered for 72 hours or more shall be deemed to be harboured;
- 5.2 No owner or occupier of a dwelling unit shall harbour or keep or allow to be kept in the dwelling unit:
- (a) more than two dogs over the age of 4 months unless they are temporarily caring for another animal for a period not to exceed 30 days.
- 5.3 A kennel shall not be permitted within the Village.
- 5.5 No person shall harbour:
- (a) a rooster
 - (b) more than ten 10 chickens or 3 rabbits on property under the size of 0.91 hectares (1.5 acres).
 - (c) more than 20 chickens, or 6 rabbits, or 6 turkeys on property over the size of 0.91 hectares (1.5 acres).
 - (d) a combined amount of chickens, turkeys, or rabbits that exceeds half of the quantities mentioned in section 5.5(b) and 5.5(c).

SECTION 6 - SEIZURE AND IMPOUNDMENT

- 6.1 The Animal Control Officer may enter upon any property or dwelling place in the Municipality to seize, impound and/or detain an animal:
- (a) with the permission of the owner/occupier, or;
 - (b) with a warrant, or;
 - (c) if unable or impractical to obtain a warrant, accompanied by the police.
- 6.2 The Animal Control Officer may seize and impound
- (a) any licensed or unlicensed dog,
 - (b) any dog found upon a highway or public place and not on a leash,
 - (c) any dangerous dog not confined as required by section 4.6
 - (d) any other animal unlawfully running at large.
 - (e) any animal or cattle within the Village prohibited in this bylaw.
- 6.3 The Animal Control Officer, may issue warnings, notices or fines as set out in Schedule A attached to and forming part of this Bylaw, rather than impounding an animal, if the owner of an animal has not been in violation of this Bylaw previously, or if impoundment of the animal is more costly to the Village than returning the animal to the owner.
- 6.4 The Animal Control Officer shall keep every impounded animal in the pound for at least 72 hours after seizure, unless sooner claimed as herein provided.
- 6.5 The Animal Control Officer may, with respect to any dog that is running at large, mark the dog for identification purposes, by causing the dog to be struck by a paint pellet operated by the Animal Control Officer or his/her designate.

SECTION 7 - RECLAMATION, ADOPTION OR DISPOSAL

- 7.1 The owner or agent of an impounded animal, other than a dangerous dog, may claim the animal by providing personal identification, identifying the animal being claimed, and:
- (a) attending the Village office during regular office hours; and
 - (b) paying all applicable fees as outlined in Schedule "A", attached to and forming part of this Bylaw, at the time of applying for the release of the animal.
- 7.2 If the owner does not redeem a dog or other animal within 72 hours of being impounded, the Animal Control Officer may sell the dog for the amount of the fees and fines owed to the Village for the animal; or may dispose of the animal.

SECTION 8 - CONTRAVENTIONS AND PENALTIES

- 8.1 No person shall rescue or attempt to rescue or interfere with any dog or other animal impounded under the provisions of this Bylaw, or interfere with or obstruct or impede the Animal Control Officer in the execution of his or her duties.
- 8.2 It is unlawful for any person to be in possession of any dog or other animal that has been impounded by the Animal Control Officer when the dog or other animal has not been redeemed in accordance with the provisions of this Bylaw.
- 8.3 Every person who violates any of the provisions of this Bylaw or who permits any act or thing to be done in contravention or violation of any of the provisions hereof or who neglects to do or refrains from doing anything required to be done by any of its provisions is guilty of an offence punishable on summary conviction and shall be liable to a fine as set out in Schedule A attached to and forming part of this Bylaw.
- 8.4 With the exception of dangerous dogs, as soon after seizure of any animal and pursuant to this Bylaw, the Animal Control Officer shall:
- (a) inform the Village Office of the seizure setting out the particulars of the impounded animal, including its ownership, where known; and
 - (b) advertise via the local radio station and on a public bulletin board that the animal will be sold or destroyed after expiration of 72 hours from the time of seizure unless, in the meantime, the animal is claimed.

SECTION 9 - NOTICE

- 9.1 The Animal Control Officer or Bylaw Enforcement Officer is hereby authorized to issue a written notice of offence to any person alleged to have offended against the provisions of this Bylaw, and said notice shall specify that the owner may make payment to the Village Office for offences in accordance with Schedule "A" attached hereto and forming part of this Bylaw in lieu of appearing in Court to answer any charges with respect to the offences referred hereto.

A notice of offence shall be deemed to be sufficiently served;

- a) if served personally on the owner, harbourer (a person over the age of 16) of the animal concerned,
- b) if mailed to the address of the owner or harbourer of the animal concerned; or
- c) if served to a person appearing to be over the age of sixteen (16) years who resides or normally resides at the address of the owner or harbourer of the animal concerned.

SECTION 10 - SEVERABILITY CLAUSE

10.1 In the event any portion of this Bylaw is for any reason declared to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed. Such decision shall not affect the Bylaw as a whole, and the remaining portions of the Bylaw shall remain in effect.

READ A FIRST TIME THIS day 24th of January, 2005
READ A SECOND TIME THIS 27th day of June, 2005
READ A THIRD TIME THIS 27th day of June, 2005
ADOPTED THIS 11th day of July, 2005.

Sharon L. Hartwell
Mayor

Ron Bowles
Corporate Administrator

Certified a true and correct copy of the
Village of Telkwa Animal Control
Bylaw No. 552, 2005 as adopted.

Ron Bowles
Corporate Administrator

THE CORPORATION OF THE VILLAGE OF TELKWA

ANIMAL CONTROL BYLAW NO. 552, 2005

SCHEDULE A

Impoundment Fees

Running at Large - First Offence	100.00
Running at Large - Second Offence	200.00
Running at Large - Third Offence (within 15 days of second offence)	300.00
Running at Large - Fourth Offence (within 15 days third offence)	500.00
Running at Large - Fifth Offence (within 15 days of fourth offence) Mandatory Court Appearance	
Maintenance per day or part day of impoundment	20.00

Notice of Offence Fees

Failure to license or, attach a license on a dog	\$ 50.00
Allowing a female dog to be at large during her ovulation period	50.00
Operating a kennel or harbouring more than two dogs	100.00
Failure to remove an animal from the Municipality when ordered to do so	150.00
Possessing or harbouring an animal which is disturbing the peace	50.00
Obstructing an Animal Control Officer/Bylaw Enforcement Officer Mandatory Court Appearance	
Leaving excrement	20.00

Dog License Fees

Spayed/neutered	15.00
Unspayed/unneutered	20.00
Replacement Tag	2.00