

THE CORPORATION OF THE VILLAGE OF BURNS LAKE

BYLAW NO. 831

A bylaw to provide for the control, protection, and licensing of dogs, and the provision of pound facilities.

Council of the Village of Burns Lake, in open meeting assembled, enacts as follows:

1. **CITATION**

This bylaw may be cited for all purposes as the *Village of Burns Lake Dog Control Bylaw #831, 2004*.

2. **REPEAL**

The *Village of Burns Lake Dog Control Bylaw #572, 1987* is hereby repealed.

3. **DEFINITIONS**

In this bylaw, the following definitions apply:

“**Animal Control Officer**” means a municipal employee, officer, or agent designated by the Council for the purpose of enforcing and carrying out the provisions of this bylaw, and includes a Peace Officer or any person designated as a Bylaw Enforcement Officer.

“**Animal Trap**” means any apparatus approved by Council for the entrapment of animals.

“**Bylaw Enforcement Officer**” means the person appointed to that position by resolution of the Council of the Corporation of the Village of Burns Lake;

“**Council**” means the Council of the Corporation of the Village of Burns Lake;

“**Dog**” means any animal of the canine species;

“**Dangerous Dog**” means a dog other than a Police Dog that:

- (a) has killed or seriously injured a person; or
- (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; or
- (c) an Animal Control Officer has reasonable grounds to believe is likely to kill or seriously injure a person.

“**Seriously Injured**” means to injure to such an extent or in such a manner as to require that the victim seek medical attention;

“**Highway**” includes every highway within the meaning of the *Highway Act*, and every road, street, lane, or right-of-way designed or intended for, or used by, the general public for the passage of vehicles, and every private place or passageway to which the public, for the purposes of parking or servicing of vehicles, has access or is invited to;

“**Muzzled**” means fitted with a device which, when placed over the mouth of a dog, is of sufficient strength and design to prevent the dog from biting any person or other animal;

“**Owner**” in respect of animals subject to this bylaw includes a possessor or harboured of an animal, and “owned” includes possessed or harboured.

“**Peace Officer**” includes all members of the Royal Canadian Mounted Police, or any person designated as a Bylaw Enforcement Officer by Council;

“**Police Dog**” means a dog used by a Peace Officer;

**“Pound”** means any building or enclosure designated by Council as a place for the impoundment of animals;

**“Pound Keeper”** means the person or persons appointed by Council from time to time to keep a Pound, or the authorized agent of any corporation or society with whom the Village has an agreement to keep a Pound;

**“Unlicensed Dog”** means any dog for which a license for the current year, as provided in this bylaw, has not been obtained, or any dog to which the tag corresponding to a valid license for the current year is not attached as prescribed by this bylaw;

**“Director of Financial Services/Collector”** means the person appointed to that position by resolution of Council, or his/her designate;

**“Village”** means the Corporation of the Village of Burns Lake.

#### 4. DOG LICENSING

- a) No person shall keep in his possession within the Village any dog over the age of four (4) months unless a license under this bylaw has been first obtained and the applicable fee paid.
- b) Dog license fees shall be payable as specified in Schedule “A” and become due on the second day of January of each year, or as soon thereafter as the dog in respect of which the license is obtained attains the age of four (4) months.
- c) Before issuing a license for a spayed female dog or a neutered male dog, the Village may require the owner of said animal to furnish written certification from a licensed veterinarian that the dog has been neutered or spayed.
- d) A replacement license or license tag may be issued upon payment of the fee specified in Schedule “A” when:
  - i) the original license or tag has been lost, destroyed, or stolen, or
  - ii) a valid and current license for the dog has been issued in another jurisdiction.
- e) Fees paid for a dog license are not refundable.
- f) No license shall be issued to or in the name of any person under the age of eighteen (18) years.
- g) The Director of Financial Services/Collector for the Village, his or her designate, or any such other person, corporation, or society as Council may by resolution authorize, may receive dog license fees and issue dog licenses on behalf of the Village.
- h) There shall be issued with each dog license a suitable license tag which shall be impressed or stamped with a number corresponding to the number of the license and with figures denoting the calendar year in which the license is valid.
- i) Every owner of a dog licensed under this Bylaw shall provide and keep on the dog a suitable collar to which shall be secured, at all times, the license tag issued in connection with the licensing of such dog.

- j) No person shall remove from any dog any collar to which is attached the license tag provided herein, or remove such license tag from any collar except where the owner, veterinarian, or animal groomer must remove the collar to provide grooming or veterinary care to the animal or to replace an expired license tag.
- k) If the ownership of a licensed dog changes hands, the new owner may be issued a new license and license tag upon payment of the transfer fee specified in Schedule "A", provided that the old license tag is surrendered to the Village.
- l) Every dog license issued under this bylaw shall expire on the 31<sup>st</sup> day of December next following the date on which the license is issued and shall be valid only in respect of the dog for which it was issued.
- m) The Director of Financial Services/Collector of the Village may keep a record of the name, address, and telephone number of the owner of every dog licensed under the provisions of this bylaw, as well as the date the license was issued, a description or photograph of the dog, the license number, and the amount of fees paid.

## 5 UNSANITARY CONDITIONS PROHIBITED

- a) No person shall keep a dog in an unsanitary condition within the municipality. Conditions shall be considered unsanitary where the keeping of a dog results in an accumulation of faecal matter, an odor, insect infestation, or rodent attractants which endanger the health of the animal or any person, or which disturb or are likely to disturb the enjoyment, comfort, or convenience of any person in or about any dwelling, office, public, or commercial establishment.
- b) If a dog defecates on any public or private property other than the property of its owner, the owner shall cause such faeces to be removed immediately.

## 6 CONTROL OF ANIMALS

- a) For the purpose of this section, "unlawfully at large" means:
  - i) not leashed and under the control of a competent person while on a highway or in a park or other public place; or
  - ii) not confined within a building or securely tethered or prevented from leaving the property by an adequate fence while on the property of the owner of the dog, or on other private property with the consent of the owner or occupier of the property.
- b) No dog owner shall permit, suffer, or allow any dog to be unlawfully at large.
- c) As an exception to section 6 (b), no dog is considered "unlawfully at large" if it is:
  - i) actively involved in a formal dog show, dog trial, or similar activity; or
  - ii) under the control of a Peace Officer or security guard acting in the course of his or her duties.
- d) No dog owner shall permit or allow any dog to howl or bark when such howling or barking disturbs the quiet, peace, rest, enjoyment, comfort, or convenience of any other person.
- e) No animal owner shall be permitted to possess or harbour more than two dogs over the age of four (4) months within the Village, except in those areas where kennels are authorized.

- f) Animals may be kept on any parcel of land within the Village, subject to the conditions and restrictions set out in this bylaw.
- g) No person shall keep, harbour, or have in his possession an animal suffering from any infectious or contagious disease unless the animal is in isolation and under veterinary care for that disease.

## 7 DANGEROUS DOGS

a) For the purposes of this section, “at large” means:

- i) not leashed, muzzled, and under the control of a competent person while on a highway, in a park, or other public place; or
- ii) not confined within a building or within a securely locked enclosure of a height and construction sufficient, in the opinion of the Animal Control Officer, to prevent the entry of young children and the escape of the dog while on the property of the owner of the dog.

b) No owner of a dangerous dog shall permit, suffer, or allow the dog to be at large.

c) As an exception to section 7 (b), no owner of a dangerous dog shall be considered “at large” while in attendance at, and participating in, any event sanctioned by the Canadian Kennel Club.

d) An owner of a dangerous dog shall display a sign, at the 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 dog on the property. The sign shall be visible and legible from the nearest road or thoroughfare.

e) The owner of any dangerous dog impounded under this bylaw may, unless an application has been made or will within forty-eight (48) hours be made under section 49 (10) of the *Community Charter* [destruction of dangerous dog], reclaim it on application to the Pound Keeper within forty-eight (48) hours from the time of its seizure by providing proof of ownership, paying any impoundment and related fees as set out in Schedule “B” and any applicable fine.

f) If a dangerous dog has been impounded and is not reclaimed within the forty-eight (48) hour impounding period, the Pound Keeper may:

- i) cause such dangerous dog to be destroyed; or
- ii) where the owner of such dangerous dog requests in writing a further period of time in which to construct an enclosure for the dog and has provided the Village with additional fees specified in Schedule “B”, extend the time limit to reclaim the dog for a period of not more than ten (10) days.

g) If the Animal Control Officer believes that a dog is a dangerous dog, the Animal Control Officer may apply to the provincial court under section 49 (10) of the *Community Charter* for an order that the dog be destroyed.

## 8 POUND OPERATION

a) Council may establish, maintain, and operate facilities for the impounding of animals at any place and upon any premises as it may by resolution determine.

b) Council may appoint a person or persons as Pound Keeper to operate such a pound, or may enter into an agreement with any person, corporation, or society to operate a Pound and act as Pound Keeper.

## 9 ENFORCEMENT

a) Council may appoint a person as Animal Control Officer for the purpose of enforcing and carrying out the provisions of this bylaw.

- b) The Animal Control Officer may enforce the provisions of this bylaw and seize and impound:
- i) unlicensed dog
  - ii) dangerous dog found at large;
  - iii) dog other than a dangerous dog found unlawfully at large and not on the property of the owner of the dog, or on other private property with the consent of the owner or occupier of the property;
  - iv) dangerous dog found on private property other than that owned by the owner of the dangerous dog, and any dangerous dog found on private property owned by the owner of the dangerous dog provided seizure is accomplished under the provisions outlined in section 707.1 of the *Local Government Act*.
- c) The Animal Control Officer is hereby authorized to use an Animal Trap on any public property to effect the seizure of any dog under the provisions of this bylaw, and may leave an Animal Trap on private property with consent of the owner of said private property for the same purpose, subject to the regulations outlined in Schedule "C".
- d) A dog impounded under section 9 (b) or (c) shall be held in the Pound by the Animal Control Officer for a period of not less than forty-eight (48) hours, unless it is reclaimed sooner or, in the case of a dangerous dog, its owner applies for an extension of this time period under section 7 (f) (ii).
- e) When an Animal Control Officer has reason to believe that an unlicensed dog is present on any premises, the Animal Control Officer may require the occupant of the premises:
- i) to present evidence that a license has been obtained and a license tag has been issued for that dog; or
  - ii) to deliver the dog to the Animal Control Officer.
- f) No person shall:
- i) fail or refuse to produce, upon request of the Bylaw Enforcement Officer, any license or license tag issued for a dog;
  - ii) fail or refuse to deliver a dog to the Animal Control Officer; or
  - iii) interfere with the Animal Control Officer in the performance of his duties.

## 10 POWER OF ENTRY

- a) The Animal Control Officer is hereby authorized to enter at all reasonable times upon any property within the Village which is subject to any of the regulations of this bylaw, in order to ascertain whether the provisions of this bylaw are being observed.

## 11 IMPOUNDED ANIMALS

- a) During impoundment, every animal shall be supplied with sufficient quantities of food and water.
- b) Where an impounded dog can be identified by a license, tag, or other means, the Village or Pound Keeper shall attempt to notify the owner by telephone.
- c) Unless otherwise indicated in this bylaw, the owner of any dog impounded under this bylaw may reclaim it on application to the Village or Pound Keeper within forty-eight (48) hours from the time of its seizure by providing proof of ownership and paying any impoundment and related fees specified in Schedule "B", as well as any applicable fine.

- d) The Animal Control Officer or Pound Keeper shall keep an impound record book in the Village office which shall be entered, with reference to each animal impounded, the date and hour of the animal's impoundment, a description of the animal and the location where it was apprehended, a photograph of the animal, and the disposition of the animal.
- e) If an impounded dog is not reclaimed within forty-eight (48) hours of seizure, the Animal Control Officer may dispose of it by:
  - i) humane destruction;
  - ii) adoption by an eligible person; or
  - iii) sale or surrender to an animal welfare agency capable of arranging for adoption of the dog to an eligible person after payment of the outstanding fees and fines.
- f) For the purposes of section 11 (e), an "eligible person" is defined as a person other than the dog's owner.

## 12 OFFENSE AND PENALTIES

- a) Any person who attempts to rescue, or who rescues or releases any animal lawfully in the custody of the Pound Keeper or Animal Control Officer, or who obstructs or impedes the Pound Keeper or Animal Control Officer in the execution of his or her duties, shall be guilty of an offense.
- b) Any person who violates or who causes to be violated any of the provisions of this bylaw shall commit an offense, and each day that such violation is caused or allowed to continue shall constitute a separate offense.
- c) Every person who violates any of the provisions of this bylaw is guilty of an offense against this bylaw and is liable, on summary conviction, to a fine of not more than two thousand dollars (\$2,000), or to imprisonment for a term of not more than six (6) months, or to both.

## 13 SEVERABILITY

- a) If any portion of this bylaw is held to be invalid by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of the bylaw.

## 14 EFFECTIVE DATE

- a) This bylaw shall take effect upon its adoption.

## 15 SCHEDULES

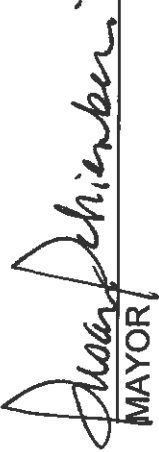
- a) Schedule "A" attached to and forming part of this bylaw sets out and imposes fees for dog licenses.
- b) Schedule "B" attached to and forming part of this bylaw sets out and imposes fees for the impoundment of dogs.
- c) Schedule "C" attached to and forming part of this bylaw sets out regulations regarding the use of Animal Traps on public and private properties.

READ a first time this 27<sup>th</sup> day of JULY, 2004.

READ a second time this 27<sup>th</sup> day of JULY, 2004.

READ a third time this 27<sup>th</sup> day of JULY, 2004.

ADOPTED this 10<sup>th</sup> day of AUGUST, 2004.

  
MAYOR

  
CLERK

Certified to be a true copy of the "Corporation of the Village of Burns Lake Dog Control  
Bylaw #831, 2004".

\_\_\_\_\_  
CLERK

**SCHEDULE "A"**

**LICENSE FEES**

Except as otherwise provided in this bylaw, the following dog license fees are for a one (1) year period, from January 1 to December 31 in each year:

- |    |   |      |
|----|---|------|
| a) | Dog under the age of four (4) months    | \$ 0 |
| b) | Spayed female or neutered male dog      | \$10 |
| c) | Unspayed female or un-neutered male dog | \$30 |
| d) | Transfer of license                     | \$ 3 |
| e) | Replacement of License or License Tag   | \$ 3 |



**SCHEDULE "B"**

**IMPOUNDMENT FEES**

1. The prescribed fee to reclaim an impounded dog shall be:
  - a) First Impoundment:
    - i) Dog \$30
    - ii) Dangerous Dog \$200
  - b) Second Impoundment:
    - i) Dog \$60
    - ii) Dangerous Dog \$400
  - c) Third and Subsequent Impoundments:
    - i) Dog \$120
    - ii) Dangerous Dog \$800
  
2. In addition to the impoundment fee(s), the following penalties, fees, and charges shall be paid prior to reclamation of an impounded dog:
  - a) For unlicensed dogs:
    - i) A penalty of \$20 plus the applicable license fee. No unlicensed dog may be reclaimed until the dog has been licensed pursuant to this bylaw.
    - ii) A maintenance fee of \$7.50 per day of impoundment, with the exception that no maintenance charge shall be levied for the first calendar day or part day of impoundment.
    - iii) Actual veterinary expenses, if any, incurred by the Village in treating an injured or sick impounded animal.

**SCHEDULE "C"**

**REGULATIONS REGARDING THE USE OF ANIMAL TRAPS**

1. An Animal Trap must be operated solely by the Animal Control Officer on public property.
2. The Animal Control Officer may, at his discretion, place an Animal Trap on private property, provided:
  - a) the Animal Control Officer has written authorization from the owner of the private property on which the Animal Trap is to be placed; and
  - b) the owner of the private property on which the trap is to be placed has agreed in writing to the terms outlined in section 3 of this schedule.

**3. ANIMAL TRAP AGREEMENT**

I, \_\_\_\_\_ (Name of Property Owner) herewith request the use of an Animal Trap for the period beginning \_\_\_\_\_ and ending \_\_\_\_\_ at the following

location: \_\_\_\_\_  
(Residential Address or Property Description)

I agree to comply with the following regulations in the use of the said Animal Trap, and all the relevant provisions of the *Village of Burns Lake Dog Control Bylaw #831, 2003*:

- 1 The Animal Trap will be left in operation only during such times as I or my designate is present at the above location and at such time(s) as previously agreed with the Animal Control Officer.
- 2 The Animal Trap will not be left in operation overnight unless previously approved by the Animal Control Officer.
- 3 The property owner must notify the Animal Control Officer or the Village as soon as a dog is caught in the Animal Trap.
- 4 The property owner is responsible for the welfare of any animal caught in the trap until it is collected for impoundment by the Animal Control Officer.
- 5 Should the animal suffer any harm at the hands of the property owner, the property owner will be reported to British Columbia Society for the Prevention of Cruelty to Animals.

I acknowledge receipt of the Animal Trap and accept responsibility for the safekeeping of said Animal Trap.

\_\_\_\_\_  
Property Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Animal Control Officer