

THE CORPORATION OF THE DISTRICT OF SUMMERLAND

BYLAW NUMBER 96-002

DOG REGULATION AND IMPOUNDING BYLAW

A Bylaw to provide for the licensing and control of dogs and to establish a pound, together with provisions for the impounding of dogs within the corporate limits of the Corporation of the District of Summerland

CONSOLIDATED FOR CONVENIENCE TO INCLUDE: Bylaw No. 2000-103

WHEREAS pursuant to Section 524 of the Municipal Act, R.S.B.C., c. 290, the Council of the Corporation of the District of Summerland has the authority to provide for the collection of license fees and the issue of licenses to a person who owns, possesses or harbours a dog;

AND WHEREAS pursuant to Section 525 of the Municipal Act, R.S.B.C. 1979, c. 290, a license issued under Section 524 is for the calendar year in which the license was issued;

AND WHEREAS pursuant to Section 933 of the Municipal Act, R.S.B.C. 1979, c. 290, Council has the authority by bylaw to regulate or prohibit:

- (a) the keeping of dogs, horses, cattle, sheep, goats, swine, rabbits or other animals, and define areas in which they may be kept or may not be kept;
- (b) kennels or other places for the keeping, training, care, breeding, treatment, hospitalization or boarding of dogs, cats, fur bearing animals or other animals, whether domesticated or undomesticated, and define areas in which those places are permitted or are not permitted; and define for different species of animals what constitutes a kennel and what is deemed a fur bearing animals;

AND WHEREAS pursuant to Section 933 of the Municipal Act, R.S.B.C. 1979, c. 290, Council may by bylaw:

- (a) provide for the impounding of unlicensed dogs, horses, cattle, poultry, rabbits and other animals unlawfully at large;
- (b) establish, maintain and operate facilities as Pounds in the Municipality;
- (c) regulate and fix fines to be levied by poundkeepers;
- (d) provide for the sale or destruction of animals impounded where prescribed fines or other charges are not paid within a reasonable time;

AND WHEREAS pursuant to Section 932 of the Municipal Act, R.S.B.C. 1979, c. 290, Council may by bylaw require that the owner, possessor or harbourer of a dog, or any class of dog, shall keep it effectively muzzled while at large or on a highway or public place, or on leash or under control of a competent person while on a highway or public place, as the bylaw directs;

AND WHEREAS pursuant to Section 2 of the Livestock Protection Act, R.S.B.C. 1979, c.245 the Minister of Agriculture and Fisheries for the Province of British Columbia has issued a ministerial order which provides that Section 5,6, and 8 of that Act apply to all municipalities in British Columbia which sections are quoted in Schedule G;

AND WHEREAS pursuant to Section 932 of the Municipal Act, R.S.B.C. 1979, c. 290, Council may provide for the destruction of any animal suffering from an incurable disease;

AND WHEREAS pursuant to Section 933 of the Municipal Act, R.S.B.C. 1979, c. 290 Council has the authority to regulate or prohibit kennels or other places for the keeping, training, care, breeding or boarding of dogs or other animals and define areas in which those places are permitted or are not permitted;

AND WHEREAS pursuant to Section 932 of the Municipal Act, R.S.B.C. 1979, c. 290 Council may by bylaw:

- (a) prevent or prohibit nuisances;
- (b) regulate or prohibit the making or causing of noises in the municipality;

AND WHEREAS pursuant to Section 934.1 of the Municipal Act, R.S.B.C. 1979, c. 290 Council may by bylaw:

- (a) designate those bylaws which may be enforced by means of a form of ticket, from among those bylaws prescribed by regulation under Section 934.3 of the Municipal Act;
- (b) designate as a bylaw enforcement officer those persons who come within the class prescribed by regulation under Section 934.3 of the Municipal Act;
- (c) authorize the use of any word or expression on a ticket to designate an offence against a municipal bylaw; and
- (d) after consultation with the Chief Judge of the Provincial Court, set a fine, not exceeding \$500, for the contravention of a designated bylaw;

NOW THEREFORE, the Council of the Corporation of the District of Summerland in open meeting assembled enacts as follows:

INTERPRETATION

1. In this bylaw

"collector" shall mean the person duly appointed in that capacity for the District of Summerland,

"council" shall mean the Municipal Council of the District of Summerland

"dangerous Dog" means a dog which:

- (i) has a known propensity, tendency or disposition to attack other animals or persons; or
- (ii) has aggressively pursued, attacked or bitten another animal or person; or
- (iii) bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal on public or private property without provocation; or
- (iv) chases or approaches a person on public or private property in a menacing fashion or apparent attitude of attack;

"District" means the District of Summerland,

"dog" means any animal of the canine species,

"impounded" means seized, delivered, received or taken into the Pound, or in the custody of the Poundkeeper,

"incurable disease" means any disease, sickness, injury or mutilation which would inevitably result in death, including without limitation, rabies,

"kennel" means a place for the keeping, training, care, breeding or boarding of three or more dogs on any parcel of land, zoned accordingly, within the District,

"muzzled" means fitted with a device placed over the mouth of a dog that is of sufficient strength and design to prevent the dog from biting or injuring any person or other animal,

"owner" means any person

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

"pound" means a facility, building, structure or enclosure suitable for the impounding and keeping of animals and established as a pound by council,

"poundkeeper" means any person appointed by council as the Poundkeeper and includes any assistant poundkeeper any other officer appointed as a poundkeeper pursuant to the provisions of this Bylaw,

"Treasurer" means the Treasurer of the District of Summerland as the person appointed by resolution of Council for the purpose of receiving monies under the provisions of this bylaw,

"unlicensed dog" means any dog for which the 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 licence for the current year is not attached as prescribed by this Bylaw.

LICENSING OF DOGS

2. The collector, or his or her lawful deputy, must issue dog licenses and receive dog licence fees.
3. Every licence and corresponding licence tag issued under this bylaw shall expire on the 31st day of December of the year in which it was issued and must be renewed by the second day of January of the following year.
4. Every licence must be distinguished by a number and a record must be kept by the collector of all licences issued and, for the purposes of identification, a general description of the dog in respect of which such licence was issued.
5. No person may keep or have in his possession within the District any dog over the age of 6 months unless a licence under this bylaw has been first obtained and the applicable fee paid.
6. No person or household shall keep or harbour more than three (3) dogs without a kennel license.

7. There must be issued with each dog licence a licence tag which must be impressed or stamped with a number corresponding to the number of the licence and with figures denoting the calendar year in which the licence is valid.
8. Every owner of a dog licensed under this bylaw must provide and keep on the dog a collar to which shall be secured, at all times, the licence tag issued in connection with the licensing of such dog.
9. Every licence and corresponding licence tag issued under this bylaw is valid only in respect of and must be worn only by the dog for which it was issued and is not transferrable to a dog other than the dog for which the licence and corresponding licence tag was issued.
10. If the ownership of a licensed dog changes hands, the new owner may be issued a new licence and licence tag upon payment of the transfer fee provided that the old licence tag is surrendered to the collector.
11. A replacement licence or licence tag may be issued upon payment of the fee when
 - (a) the original licence has been lost, destroyed or stolen, or
 - (b) a valid and current licence for the dog has been issued in another jurisdiction.

KENNEL LICENSING

12. A person raising, training or keeping more than three (3) dogs must be required to obtain a kennel licence from the collector after paying the kennel fee.
13. The kennel licence fee must be in the amount as prescribed in the District's Fees and Charges Bylaw.
14. No person shall keep or maintain in a kennel more than the number of dogs in respect of which a kennel licence fee has been paid.
15. A kennel may only be operated on a site zoned for such use in the District's Zoning Bylaw.

CONTROL OF DOGS

16. For the purpose of sections 16 to 21, "unlawfully at large" means
 - a. not leashed and under the control of a competent person while on a highway, park or other public place, or
 - b. not confined within a building or vehicle or securely tethered or prevented from leaving the property by a fence, while on the property of the owner of the dog or other private property with the consent of the owner of the property.
17. No dog owner shall permit any dog to be unlawfully at large.
18. *[Amended by Bylaw No. 2000-103]*
 - (a) Except as otherwise authorized by this bylaw, no person shall cause, allow, or permit dogs or other animals to be in any park or on any beach within the corporate limits of the District unless authorized by the District as a community event.
 - (b) Dogs on a leash and under the control of their owner, possessor, harbourer or custodian are permitted on municipal walkways and designated areas with the following exceptions:
 - (i) dogs are not permitted on or within 10 meters of playground equipment,

- (ii) dogs are not permitted in a cemetery,
 - (iii) dogs are not permitted at an event (organizers may permit dogs at special events)
 - (iv) dogs without a leash are permitted at Dog Beach.
- (c) Registered guide dogs and assistance dogs are exempt from this section.
19. Where a property is fully enclosed with a secure fence and a self locking gate which will prevent a dog from escaping, a dog may be untethered and permitted to roam.
20. 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 individuals or the public.
21. A dog owner shall remove any excrement deposited by the said dog in an area other than the property of the owner and shall deposit it in a suitable refuse container.

CONTROL OF DANGEROUS DOGS

22. For the purposes of section 22 to 25, "at large" means
- a. not leashed, muzzled, and under the control of a competent person while on a highway, park, or other public place; or
 - b. not confined within a building or within a securely locked enclosure at least 1.83 metres in height having a concrete, asphalt or wooden floor, a roof, and wire or steel mesh sides, designed and maintained so as to prevent the entry of young children and the escape of the dog, while on the property of the owner of the dog.
23. No owner of a dangerous dog shall permit, suffer or allow the dog to be at large. Upon notification, the owner of a dangerous dog shall be required to erect a secure enclosure, as described in Section 22 (b) of this bylaw, within fourteen days. An owner who fails to construct the secure enclosure within the fourteen day time limit is guilty of an offence and liable to a fine pursuant to section 42 of this bylaw. *[Amended by Bylaw No. 2000-103]*
24. The owner of any dangerous dog impounded under this Bylaw may reclaim it on application to the poundkeeper within 72 hours from the time of its seizure by providing proof of ownership, paying any impoundment and related fees as set out in the District's Fees and Charges Bylaw and any applicable fine as set out in the District's Municipal Ticketing Information Bylaw and delivering to the poundkeeper an executed statement in the form specified in Schedule A.
25. If a dangerous dog has been impounded and is not reclaimed within the 72 hour impounding period, the poundkeeper may cause such dangerous dog to be destroyed; providing that where the owner of such dangerous dog requests a further period of time in which to construct an enclosure for the dog, the poundkeeper may extend the time limit to reclaim the dog for a period of not more than 10 days upon receipt of payment in advance of all applicable impoundment and additional fees specified in the District's Fees and Charges Bylaw and the District's Municipal Ticketing Information Bylaw.

IMPOUNDING OF DOGS

26. The Council shall provide a pound for the impounding of dogs pursuant to the provisions of this bylaw.
27. The Council shall appoint a Poundkeeper and may appoint an assistant or assistants as deemed necessary who shall operate the pound and enforce the provisions of this Bylaw.

28. The poundkeeper may seize

- a) an unlicensed dog,
- b) a dog unlawfully at large, or
- c) a dangerous dog at large.

and impound the dog, which must be detained for 72 hours unless it is reclaimed by the owner.

29. When the poundkeeper has reason to believe that an unlicensed dog is present on any premises, the poundkeeper may require the occupant of the premises

a) to give evidence that a licence has been obtained and a licence tag has been issued for that dog, or

b) to deliver the dog to the poundkeeper

and no person shall

c) fail or refuse to produce any license or licence tag issued for a dog,

d) fail to deliver any dog to the poundkeeper, or

e) resist or interfere with the poundkeeper in impounding any dog.

30. The poundkeeper shall provide for and give sufficient food and water daily to all dogs detained within the pound.

31. When an impounded dog can be identified by a licence tag or otherwise, the poundkeeper shall notify the owner by telephone or by mail.

32. When the owner of an impounded dog is unknown to the poundkeeper, the poundkeeper shall cause a notice of impoundment to be posted on the notice board at the main entrances to the Municipal Hall and the Pound.

33. The owner of the impounded dog may reclaim the dog on application to the poundkeeper by providing proof of ownership and paying any impoundment and related fees and any applicable fine as set out in the District's Fees and Charges Bylaw or Municipal Ticketing Information Bylaw.

34. The owner of an impounded dog shall be liable for the maintenance fee of the impounded dog as set out in the District's Fees and Charges Bylaw, even though the owner fails or neglects to reclaim such dog.

35. The poundkeeper shall keep a record book in which shall be entered, with reference to each dog impounded:

- (i) the date and hour of impoundment;
- (ii) a description of the dog;
- (iii) the date and hour on which the dog was redeemed, destroyed or sold;
- (iv) the amount of the charges which were paid;
- (v) the name of the person purchasing or redeeming the dog.

and shall turn the record book over to the Treasurer at the first of each month.

36. The poundkeeper shall maintain proper records of all monies received by him and shall pay over to the Treasurer at the first of each month the monies received pursuant to the provisions of this Bylaw.

37. No person shall release or rescue or attempt to release or rescue any dog in the custody of the poundkeeper.

DESTRUCTION OF DOGS

38. Any dog that has not been reclaimed by the owner after 72 hours shall be sold or humanely destroyed by the poundkeeper.
39. The poundkeeper may destroy any impounded dog suffering from an incurable disease, with such disease having been confirmed by a qualified veterinarian.

CARE OF DOGS

40. No person may:
- a) keep a dog unless the dog is provided with:
 - (i) 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;
 - (ii) food and water receptacles kept clean and disinfected and located so as to avoid contamination by excreta;
 - (iii) the opportunity for periodic exercise sufficient to maintain good health including the opportunity to be unfettered from a fixed area and exercise regularly under appropriate control; and
 - (iv) necessary veterinary medical care when the dog exhibits signs of pain or suffering;
 - b) keep a dog which normally resides outside, or which is kept outside for short to extended periods of time, unless the animal is provided with outside shelter:
 - (i) to ensure protection from heat, cold and wet that is appropriate to the dog's weight and type of coat. Such shelters must provide sufficient space to allow the dog the ability to turn around freely and to easily stand, sit and lie in a normal position;
 - (ii) having dimensions of at least 1 & 1/2 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%;
 - (iii) in an area providing sufficient shade to protect the animal from the direct rays of the sun at all times;
 - (iv) which is regularly cleaned and sanitized and from which excreta removed and properly disposed of daily;
 - c) cause a dog to be hitched, tied or fastened to a fixed object where a choke collar or chain forms part of the securing apparatus, or where a rope or cord is tied directly around the dog's neck.
 - d) cause a dog to be confined in an enclosed space, including a car, without adequate ventilation.
 - e) cause a dog to wear a choke chain or collar that is an inappropriate length for the size and weight of the dog.
 - f) cause a dog to be hitched, tied or fastened to a fixed object where the securing device fails to allow the dog the ability to turn around freely and to easily stand, sit and lie in a normal position.

RIGHT OF ENTRY

41. The poundkeeper is hereby authorized to enter, at all reasonable times, upon any property within the District of Summerland, which is subject to any of the regulations of this bylaw, in order to ascertain whether such regulations are being observed.

PENALTIES

42. Any person who violates any of the provisions of this Bylaw, permits any act or thing to be done in violation of any of the provisions of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw, is guilty of an offence and liable to a fine of up to \$2,000.00 and not less than \$50.00.
43. Each day that such violation is caused or allowed to continue shall constitute a separate offence.

SEVERABILITY

44. If any section, subsection or clause of this Bylaw is declared or held to be invalid by a court of competent jurisdiction, then that invalid portion shall be severed and the remainder of this Bylaw shall be deemed to have been enacted and adopted within the invalid and severed section, subsection or clause.

REPEAL

45. The District of Summerland Dog License and Regulation Bylaw Number 95-012 is hereby repealed.

TITLE

45. This Bylaw may be cited for all purposes as Dog Regulation and Impounding Bylaw Number 96-002.

Read a first, second and third time by the Municipal Council this 25th day of March, 1996.

Reconsidered, finally passed and adopted by the Municipal Council of the District of Summerland this 9th day of April, 1996.

Mayor

Corporate Officer

THE CORPORATION OF THE DISTRICT OF SUMMERLAND

BYLAW NO. 96-002

IMPOUNDING NOTICE

TO:

TAKE NOTICE THAT, pursuant to the provisions of the District of Summerland Dog Regulation and Impounding Bylaw No. 96-002, _____,

(description of dog(s) impounded)

was/were impounded in the Pound kept by the undersigned at

_____ on _____ the ___ day _____ 1995.

And further take notice that unless within three (3) days after the date of this notice, you appear at the Pound and release the dog(s) so impounded by the payment of the lawful fees and charges, the same will be destroyed or sold as provided in the said bylaw.

Dated this _____ day of _____, 19_____.

Poundkeeper

Address

Telephone Number

SCHEDULE "A"
BYLAW NUMBER 96-002
APPLICATION FOR RELEASE OF DANGEROUS DOG

1. I, _____, of
(Name of Owner)

(Address of Owner)

In the District of Summerland, British Columbia, hereby apply for the release of a:

Breed: _____

Dog's Name: _____

Colour: _____

Sex: _____

Weight: _____

Age: _____

which has been impounded pursuant to Bylaw Number 96-002.

2. I am the owner of the above described dog.
3. I am aware and have been informed that the dog is a "dangerous dog" within the meaning prescribed by Bylaw Number 96-002 and I am aware of the responsibility and potential liability which rests with me in keeping or harbouring such a dog and state that the dog will be kept at: _____ (Street Address).
4. In consideration of the release of such dog to me, I hereby acknowledge, covenant and agree with the District of Summerland:
 - (a) that I will at all times when the said dog is not effectively muzzled, on a leash and under the control of a person who is competent to control the dog, keep such dog in a dwelling or accessory building or within a securely locked enclosure complying with the requirements of Bylaw Number 96-002;
 - (b) that I will save harmless and indemnify the District of Summerland, its Poundkeeper and any of its officers, employees, agents or elected or appointed officials from and against any and all actions, causes of action, proceedings, claims, demands, losses, damages, costs or expenses whatsoever and by whomsoever brought in any way arising from or caused by the release of such dog to me or the keeping or harbouring of such dog by me and, without limiting the generality of the foregoing, for any personal injury or death inflicted on any other animal or any person by such dog or any damage to property caused by such dog.
5. I submit herewith the Sum of \$ _____ in payment of all fines, licence and impounding fees payable by me pursuant to Bylaw Number 96-002 and the District's Fees and Charges Bylaw and Municipal Ticketing Information Bylaw.

Dated this _____ day of _____, _____

Signature of Owner