

Sun Peaks Mountain Resort Municipality

“Animal Control Bylaw No. 0018”

CONSOLIDATED FOR CONVENIENCE ONLY

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Bylaw No.	Adoption Date	Purpose
0018	November 19, 2011	<ul style="list-style-type: none">• Original Bylaw
0018-002	November 3, 2020	<p><u>5.0 AUTHORITY TO SEIZE AND IMPOUND</u></p> <p><u>5.1 Seizure</u></p> <p>(1) A Bylaw Officer or agent may seize and transport to an animal shelter:</p> <ul style="list-style-type: none">a) an animal that is in a public place in contravention of sections 4.1 (2), (3) or (4),b) an animal that is on any private lands or premises without the consent of the occupier or owner of the lands or premises, or <p><u>5.2 Releasing an Animal Before its Arrival at the animal shelter</u></p> <p>(1) If the owner or the agent of the owner appears and claims an animal that has been seized at any time before the animal has been taken to the animal shelter, a Bylaw Officer or agent must release the animal to the owner or agent if the person:</p> <ul style="list-style-type: none">a) proves ownership of the animal to the satisfaction of the Bylaw Officer or, in the case of an agent, satisfies the Bylaw Officer of the agent’s authority to redeem the animal,b) pays to the Municipality half of the applicable impoundment fee set out in the Fees and Charges Bylaw No. 0008, 2010.

(2) Subsection (1) does not apply if the animal that has been seized is a dangerous dog.

5.3 Informing the owner of impoundment

(1) If the Bylaw Officer knows the name and address of the owner of an animal which has been impounded, the Bylaw Officer will inform the owner verbally or by mail within 24 hours of the impoundment.

5.4 No liability for injury to animal

(1) No provision of this Bylaw shall be construed as making the animal shelter, a Bylaw Officer or the Municipality liable to the owner of any animal for injury to, sickness or death of the animal. “

SUN PEAKS MOUNTAIN RESORT MUNICIPALITY

BYLAW NO. 0018, 2011

A bylaw to regulate the keeping of animals within Sun Peaks.

The Municipal Council of the Sun Peaks Mountain Resort Municipality, in open meeting assembled, enacts as follows:

CITATION

This bylaw may be cited as "**Animal Control Bylaw No. 0018, 2011**".

1. INTERPRETATION

(1) Except as otherwise indicated in this bylaw, words and phrases herein are to be construed in accordance with their meanings in the *Community Charter*, the *Local Government Act* and the *Interpretation Act*, as the context and circumstances require.

(2) In this Bylaw:

"ANIMAL" includes a dog, cat, farm animal, rodent, fur bearing animal and wild animal.

"BYLAW ENFORCEMENT OFFICER" means a person appointed to that position by the Municipality from time to time.

"CERTIFIED GUIDE OR ASSISTANCE DOG" means a dog certified to be used as a practical companion for the disabled while acting in that capacity.

"CHIEF ADMINISTRATIVE OFFICER" means the person holding the position of an officer for the Municipality under section 147 of the *Community Charter*, or a person acting as deputy or designated by Council to act in that position.

"COUNCIL" means the Municipal Council of the Sun Peaks Mountain Resort Municipality.

"DANGEROUS DOG" means:

- a) a dog with a known propensity, tendency, or disposition to attack, without provocation, a person or another animal, or
- b) a dog which has bitten, attacked, or aggressively pursued, without provocation, a person or another animal.

"DOG" means an animal of the canine species, irrespective of sex or breed, located within the Municipality.

"LEASH" means a rope, chain, cord, leather strip, or other device attached to the collar of a dog that is capable of controlling and restraining the activity of the dog such that the dog will conform to the requirements of this bylaw.

"PARK OR PUBLIC AREA" includes:

- a) every public place, public park, playground (including all driveways, roadways, paths, and lanes within a public park, or playground), boulevard, swimming pool (whether indoor or outdoor), water playground, wading pool, community centre, public school, and all community recreational facilities owned or controlled by the Municipality; and
- b) any real property acquired and held by the Municipality and dedicated and reserved by it for the use, recreation, or enjoyment of the public or land designated for natural or environmental purposes.

"POSSESSOR" means a person who is over 16 years of age and who possesses, harbours, or has custody, charge, or control of a dog or who permits a dog to remain in or about the person's house or premises.

"WILD ANIMAL" means any animal or reptile *ferae naturae*, kept for any purpose and includes such animals or reptiles born in captivity.

"RUNNING AT LARGE" or "RUN AT LARGE" means:

- a) a dog:
 - i) located on private property other than on the premises of the owner or possessor of the dog; and
 - ii) that is not under the immediate charge and control of a responsible and competent person;
- b) a dangerous dog that is on the premises of its owner or possessor and that is not contained in an enclosure, securely confined within a dwelling, or secured on a leash held by and which is under the immediate charge and control of a responsible and competent person; and

Despite the foregoing, a dog shall not be "running at large" if the dog is under the charge and control of:

- c) a responsible and competent person and is actively engaged in dog trials, dog shows, or other similar activities or other event approved by the Municipality in accordance with other applicable bylaws; or
- d) a police officer, police constable, or other person employed for the preservation and maintenance of the public peace, an officer, or a person having the powers of a customs and excise officer when performing a duty in the administration of the *Customs Act* or the *Excise Act*, an officer or member of the Canadian Forces, or a duly licensed and qualified security guard while in the course of performing lawful duties.

- (3) A reference to a statute in this Bylaw refers to a statute of the Province of British Columbia unless otherwise indicated, and a reference to any statute, regulation, code, or bylaw refers to that enactment as it may be amended or replaced from time to time.
- (4) If any part of this Bylaw is for any reason held to be invalid by a court of competent jurisdiction, the invalid portion is severed and the remainder of the Bylaw continues to be valid.

2. GENERAL

- (1) The Bylaw Enforcement Officer is authorized to enter at all reasonable times upon property subject to the regulations of this bylaw in order to ascertain whether the regulations are being obeyed and take into custody any animal violating this bylaw.

3. PROHIBITION OF CRUELTY TO ANIMALS

- (1) No person shall keep any animal in the Municipality unless the animal is provided with:
 - a) clean potable drinking water and food in sufficient quantity and of a recognized nutritional quality to allow for the animal's normal growth and the maintenance of the animal's normal body weight;
 - b) food and water receptacles which are clean and located so as to avoid contamination of food and water by excreta;
 - c) the opportunity for periodic exercise sufficient to maintain the animal's good health;
 - d) necessary veterinarian care when the animal exhibits signs of pain, suffering, or disease; and
 - e) all current vaccinations and shots ensuring the animal is healthy.

4. SPECIFIC REGULATIONS

4.1 Dog Regulations

(1) Enclosures and Structures

No person shall use or locate any structure, pen, or enclosure for the keeping, housing, or harbouring of a dog or dogs within:

- a) 1.0 m (3.28 ft.) of a property line; or
- b) within the minimum clearance requirements from all property lines as regulated by the Sun Peaks Zoning Bylaw for the zone in which it is located,

whichever is greater.

(2) Running at Large Prohibited

No owner or possessor of a dog will allow the dog to run at large in the Municipality.

(3) Leashed Areas

No owner or possessor of a dog will allow the dog to be within a park or public area within the Village Core, the Valley Trail, or the base areas of ski lifts, unless the dog is, at all times, kept on a leash held by and which is under the immediate charge and control of a responsible and competent person.

(4) Off-leash Areas

No owner or possessor of a dog will allow the dog to be within an area designated as “off-leash” unless the owner or possessor complies with all requirements of this or any other applicable bylaw and maintains the dog under their direct control including by:

- a) ensuring the person has in his or her possession at all times a leash to control the dog;
- b) keeping the dog within view and in voice control;
- c) taking immediate physical control of the dog in the event of aggression or conflict with another dog;
- d) ensuring the dog is over four months of age; and
- e) following all posted rules and regulations posted on signs for the park or public area.

(5) Excrement

- a) No owner or possessor will allow the dog to deposit excrement in a park or public area property unless the person immediately removes the excrement and disposes of it in a sanitary manner.
- b) No owner or possessor will allow the dog to deposit excrement on private property not belonging to the owner or possessor or onto private property on which the owner has not been invited, unless the person immediately removes the excrement and disposes of it in a sanitary manner.

(6) Dangerous Dogs

- a) No person shall permit a dangerous dog to be off the owner’s property, on a highway, or in a public place unless the dog is kept on a leash or tether not exceeding two metres in length, is securely muzzled so as to prevent the dog from biting a person or another animal, and is under the immediate care and control of a competent person.
- b) The owner of a dangerous dog shall, at all times when the dog is on the owner’s property, keep the dog securely confined within a building or enclosure capable of preventing the dog’s escape and the entry of children under the age of 12 years old.

4.2 Cat Regulations

Cats may be kept on any parcel of land within the Municipality subject to the conditions and restrictions set forth in this bylaw.

4.3. Wild Animals

No person shall keep or harbour any wild animal on any parcel of land in the Municipality.

4.4 Animals Used in Tourism Ventures

- (1) All animals used in Tourism Ventures, including but not limited to sled dogs and horses, shall be kept in accordance with industry standards of care, including being in compliance with animal care standards as set by the BC SPCA and the Provincial Government, and subject to the conditions and restrictions set forth in this bylaw; and
- (2) Owners or possessors of horses shall ensure the horses have manure bags when using parks and public areas including highways and shall be responsible for the removal of all excrement dropped by their animals.

BL18-002

5.0 AUTHORITY TO SEIZE AND IMPOUND

5.1 Seizure

- (1) A Bylaw Officer or agent may seize and transport to an animal shelter:
 - a) an animal that is in a public place in contravention of sections 4.1 (2), (3) or (4),
 - b) an animal that is on any private lands or premises without the consent of the occupier or owner of the lands or premises.

5.2 Releasing an Animal Before its Arrival at an animal shelter

- (1) If the owner or the agent of the owner appears and claims an animal that has been seized at any time before the animal has been taken to an animal shelter, a Bylaw Officer or agent must release the animal to the owner or agent if the person:
 - a) proves ownership of the animal to the satisfaction of the Bylaw Officer or, in the case of an agent, satisfies the Bylaw Officer of the agent's authority to redeem the animal,
 - b) pays to the Municipality half of the applicable impoundment fee set out in the Fees and Charges Bylaw No. 0008, 2010.

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5.4 No liability for injury to animal

- (1) No provision of this Bylaw shall be construed as making the animal shelter, a Bylaw Officer or the Municipality liable to the owner of any animal for injury to, sickness or death of the animal.

6.0 ENFORCEMENT

- (1) This Bylaw may be enforced:
 - a) by a peace officer, a Bylaw Enforcement Officer, the Chief Administrative Officer or his designate;
 - b) by proceedings brought under the *Offence Act*;
 - c) by means of a ticket issued under Division 3 of Part 8 the *Community Charter*; or
 - d) by means of a bylaw notice issued under the *Sun Peaks Bylaw Notice Enforcement Bylaw No. 0011, 2010*.

7.0 CONTRAVENTION

- (1) A person who:
 - a) contravenes, violates or fails to comply with any provision of this Bylaw;
 - b) suffers or allows any act or thing to be done in contravention of this Bylaw or any permit or order issued under it; or
 - c) fails or neglects to do anything required to be done under this Bylaw; or
 - d) commits an offence and where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence.
- (2) On being found guilty of a contravention under this Bylaw, a person is liable to pay:
 - a) a fine of up to Ten Thousand (\$10,000) Dollars, if proceedings were brought under the *Offence Act*;
 - b) a fine of up to One Thousand (\$1,000) Dollars, if proceedings were brought by issuance of a ticket; and
 - c) a penalty of up to Five Hundred (\$500) Dollars, if the contravention was dealt with by notice under the *Sun Peaks Bylaw Notice Enforcement Bylaw No. 0011, 2010*.

8.0 BYLAW REPEALS

All bylaws of the Thompson Nicola Regional District that were deemed to be applicable to the Municipality at the time of incorporation by operation of law that regulate a matter covered by this bylaw are hereby repealed.

Animal Control Bylaw No. 0018, 2011

READ A FIRST TIME this 15th day of August, 2011

READ A SECOND TIME this 15th day of August, 2011

READ A THIRD TIME this 17th day of October, 2011

ADOPTED this 19th day of November, 2011

ORIGINAL SIGNED BY:

ORIGINAL SIGNED BY:

Al Raine
Mayor

Byron Johnson
Director of Corporate Services

I HEREBY CERTIFY that this is
a true copy of "Animal Control Bylaw No 0018, 2011"

ORIGINAL SIGNED BY:

Byron Johnson
Director of Corporate Services