

## VILLAGE OF CANAL FLATS

### BYLAW NO. 225, 2019

#### A bylaw to provide for licensing and control of dogs within the Village of Canal Flats

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**WHEREAS** the *Community Charter* provides:

- That the purposes of a municipality include the provision of services, laws and other matters for community benefit; and
- Authority to, by bylaw, regulate, prohibit, and impose requirements in relation to dogs; and
- Authority to regulate, prohibit, and impose requirements, as applicable, respecting persons, property, things and activities in relation to dogs; and
- Authority to provide for a system of licenses, permits or approvals; and
- Authority for a municipality to enter on or into property; and
- Authority to establish different classes of dogs on the basis of sex, age, size or breed; and
- Authority to seize animals, establish penalties and fees, and sell, dispose of or provide for the destruction of impounded dogs; and
- Special powers in relation to dangerous dogs; and
- Authority to regulate, prohibit and impose requirements for the protection and enhancement of the well-being of the community in relation to nuisances, disturbances and other objectionable situations.

**NOW THEREFORE** the Council of the Village of Canal Flats, in open meeting assembled, enacts as follows:

a) **CITATION**

This Bylaw may be cited for all purposes as "Village of Canal Flats Dog Control Bylaw No. 225, 2019".

b) **DEFINITIONS**

In this Bylaw, unless the context otherwise requires:

**'Bylaw Enforcement Officer'** means the person appointed by the Village pursuant to the *Community Charter* to issue tickets under this Bylaw for the Village;

**'Dog Control Officer'** means the person or persons designated by Council to enforce the provisions of this Bylaw and includes Bylaw Enforcement Officer or member of the Royal Canadian Mounted Police.

**'Companion Animal'** means an animal kept as a pet or as a guide animal;

**'Council'** means the Council of the Village of Canal Flats;

**'Dangerous Dog'** has the same meaning as set out in s.49 of the *Community Charter*;

**'Dog'** means an animal of the canine species;

**'Domestic Animal'** means an animal that is tame or kept, or that has been or is being to serve some purpose for the use of people, and

**'Guide Dog'** has the same meaning as defined in the *Guide Dog and Service Dog Act*, SBC 2015, c. 17, and includes an RCMP dog;

**'Impound'** means to confine in a pound or to be under the control of a Dog Control Officer or any other person authorized to enforce the provisions of this bylaw. Impounded has a corresponding meaning.

**'Kennel'** means any building, structure, compound, group of pens or cages or property where four (4) or more dogs are or are intended to be trained, cared for, bred, boarded or kept for any purpose, including but not limited to sale, resale or profit.

**'License'** means a license issued under the provisions of this Bylaw for the current year.

**'Non-resident'** means any person who is residing in the Village for a short duration and who has not taken up permanent residency.

**'Owner'** in respect to a dog, means a 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 or control of a dog;
- c) who harbours, shelters, permits or allows a dog to remain on or about that person's land or premises, or
- d) who is the custodial parent or legal guardian of a child under the age of 18 years who owns, is in possession of, or has the care or control of a dog;

**'Pound'** means any facility established, maintained, or operated as a pound in accordance with this Bylaw;

**'Sterilize'** means to spay or neuter a dog.

**'Unlicensed Dog'** means any dog for which the license for the current year, as provided by this Bylaw, has not been obtained or to which the license tag provided for in this Bylaw is not attached.

**'Unlawfully at Large'** means a dog on land which is not owned or occupied by the owner of the dog. A dog shall not be deemed to be "at large" or "running at large" if it is:

- a) on the property of its owner or of another person who has the care and control of the dog; or
- b) under the direct and continuous control of a person who is competent to control it; or,
- c) securely confined within an enclosure; or
- d) securely fastened so that it is unable to roam.

**'Vicious Dog'** means a dog that has been designated as a vicious dog by a Dog Control Officer, Bylaw Enforcement Officer or member of the RCMP based on evidence that:

- a) A dog which has killed or seriously injured a person or animal;
- b) A dog which has a known tendency or disposition to attack animals or humans without provocation;
- c) A dog which has bitten, attacked or aggressively pursued a person or animal without provocation;
- d) A dog which has been trained for, or is owned for, the purpose of dog fighting;
- e) A dog which the Dog Control Officer has reasonable grounds to believe is likely to kill or seriously injure a person.

### 3. AUTHORITY

The Dog Control Officer and the Bylaw Enforcement Officer, or any person duly authorized by Council, may:

- a) issue violation notices for noncompliance with the provisions of this Bylaw;
- b) be authorized to enter at all reasonable times upon any lands within the Village boundary for the purpose of ascertaining whether the requirements of this Bylaw are being observed;
- c) employ the use of lures, baits, nets, sonics, nooses, traps, tranquilizers, or other mechanical devices or means of apprehension of dogs, provided always that such methods are in accordance with applicable laws;
- d) upon the advice or recommendation of a veterinarian, destroy any dog at large in the Village, that is suffering from an incurable disease;
- e) impound any dog found not wearing a valid current year license tag or any dog found at large in the Village and to detain such dog until the owner thereof has paid all fines, penalties, and fees;

- f) dispose of any dog as authorized by this Bylaw;
- g) seize a dog if the Dog Control Officer believes, on reasonable grounds, that the dog is a dangerous dog pursuant to the *Local Government Act*;
- g) in addition to the authority under Section 8 of the *Livestock Protection Act*, in relation to a dog that the Dog Control Officer has reasonable grounds to believe is a dangerous dog, apply to the Provincial Court for an order that the dog be destroyed in the manner specified in the order.

#### 4. LICENSING

- a) Any person that is a resident of the Village and who is the owner of a dog being six (6) months of age or older shall ensure that a valid dog license is obtained for such dog and displayed on the dog's collar and no other person shall own, keep, or harbour an unlicensed dog. A license may be purchased by a resident sixteen (16) years of age, or older.
- b) A person shall apply for a dog license in the form prescribed by the Village and accompanied by the license fee in the amount set out in the Fees and Charges Bylaw.
- c) The dog license shall consist of a license tag on which shall be impressed or stamped the license number, the license year and the words "Village of Canal Flats".
- d) All licenses issued for dogs shall be valid for the calendar year, January 1<sup>st</sup> to December 31<sup>st</sup>.
- e) Before issuing a license for a spayed or neutered dog, the issuer of the license requires the owner to produce a certificate from a qualified veterinarian that the dog has been spayed or neutered.
- f) There shall be no license fee charged for guide dogs or police dogs.
- g) License fees paid by new residents and new dog owners after October 31<sup>st</sup> in each calendar year, shall be 50% of the annual license fee.
- h) Unless otherwise provided in this Bylaw, every dog license issued shall be for a specific dog and no person shall place, affix or use a license issued in respect of one dog for another.
- i) The owner of every dog shall ensure that the dog wears a valid license tag at all times.
- j) In the event a dog tag issued for the current year is lost, upon payment of the required fee as set out in Village of Canal Flats Fees and Charges Bylaw, a replacement tag shall be provided.

#### 5. KENNELS

- a) No person may keep 4 or more dogs over the age of four (4) months on any parcel of land in the Village, unless that person has first obtained a kennel license under this Bylaw.
- b) The issuance of a kennel license shall be subject to the restrictions of all other relevant bylaws such as the Zoning Bylaw, the Official Community Plan Bylaw and the Building Regulation Bylaw and payment of the required fee as set out in the Fees and Charges Bylaw.
- c) Every person issued a kennel license shall conform with the requirements for kennels as set out in Schedule A attached to and forming part of this Bylaw. Where a kennel fails to continue to meet the requirements set out in Schedule A, the kennel license will be considered to be invalid and will be cancelled.
- d) Every person who owns or operates a kennel shall ensure that all the dogs kept in the kennel have a valid dog tag issued pursuant to this Bylaw or a Bylaw of the jurisdiction of the dog owner's normal place of residence.
- e) Prior to the issuance or renewal of a kennel license, the Dog Control Officer or Bylaw Enforcement officer may inspect the kennel.

## 6. IMPOUNDMENT

- a) The establishment, maintenance and operation of pound facilities for the impounding of dogs at such place or places and upon such premises as Council may by resolution from time to time determine, is hereby authorized.
- b) Where it may be impractical from time to time for a dog to be impounded at a pound facility designated by Council, the Dog Control Officer or Bylaw Enforcement Officer may, in consultation with the Chief Administrative Officer, designate another facility suitable for temporary use as a pound.
- c) The Dog Control Officer may seize and impound any dog that is:
  - i) kept or harboured contrary to this Bylaw;
  - ii) required to be licensed but is not licensed;
  - iii) found running at large on a public place;
  - iv) found on private property or premises, without the permission of the property owner or occupant of the premises.
- d) No person shall hinder, delay or obstruct in any manner, directly or indirectly, any person engaged in driving, loading or carrying to the pound any dog liable to impoundment under this Bylaw or under the *Local Government Act*.

### 6.1 NOTICE OF IMPOUNDMENT

- a) The Dog Control Officer or the Bylaw Enforcement Officer shall, within 24 (twenty-four) hours of the time of impoundment or at the commencement of the next business day, cause a Notice of Impoundment to be fixed to the pound and the Village office notice board. Such Notice of Impoundment shall give a description of the dog impounded, the date and location it was impounded from and the date after which the dog may be destroyed or otherwise disposed of if not redeemed by the owners.
- b) If the impounded dog is licensed, the Dog Control Officer or the Bylaw Enforcement Office shall forthwith notify the owner by telephone of the impoundment or post a copy of the Notice of Impoundment at the owner's residence. The obligations of the Village to notify the owner of the impounded dog shall be considered satisfied once the owner or person answering the owner's telephone is advised of the impoundment or notice is posted at the owner's residence. It is the responsibility of the dog owner to notify the Village of a change of address or telephone number for the purposes of notification under this section.
- c) The Dog Control Officer shall ensure that all dogs seized and impounded pursuant to this Bylaw shall receive sufficient food, water, shelter, exercise and attendance and that they are not mistreated while under seizure of impoundment

### 6.2 IMPOUND FEES AND CHARGES

- a) The owner of an impounded dog may reclaim the dog from the pound upon application to the Dog Control Officer during normal working hours prior to its sale, disposal or destruction and upon provision of proof of ownership and payment of any fees and charges.
- b) No dog may be released from the pound without the purchase of a valid license as required under the provisions of this Bylaw.
- c) Where it has been established that one or more violation notices previously issued have not been paid, such amounts owing shall also be paid prior to the impounded dog being released.
- d) No person shall break open or in any manner, directly or indirectly, aid or assist in breaking open the pound, or take or release any dog therein without the consent of the Dog Control Officer.

### **6.3 DISPOSAL/DESTRUCTION**

- a) Subject to this Bylaw, if an impounded dog, other than a vicious dog, is not claimed within five (5) days of the date of impoundment or the owner fails to provide full and complete payment of all fees and charges required of this Bylaw within five (5) days of the date of impoundment, the Dog Control Officer may put up for adoption, humanely destroy or otherwise dispose of the animal.
- b) Subject to this Bylaw, the owner of a vicious dog, may voluntarily surrender such dog for destruction to the Dog Control Officer by delivering an executed statement in the form specified in Schedule "B" of this Bylaw together with payment of any required fees charged.
- c) The owner of any dog destroyed pursuant to this Bylaw shall be responsible for the costs incurred by the Village to board, care for, feed, provide veterinary medical care and ultimately destroy such animal unless such animal is a dog surrendered in accordance with Section 6.1.(c) of this Bylaw.
- d) Should any impounded dog, other than a vicious or dangerous dog, remain unclaimed after five (5) days, the pound operator may sell such dog or arrange for it to be sold for no less than the total of all fees owing.

### **7. GENERAL REGULATIONS**

- a) No person shall keep or harbour any dogs except in accordance with the provisions of this Bylaw.
- b) No person shall keep any dog outside for extended periods of time unless the dog is provided with shelter of sufficient size to allow the animal to turn about freely, stand, sit and lie in a normal position so as to:
  - i) ensure protection of the dog from heat, cold and wetness appropriate to the dog's weight and type of coat;
  - ii) provide sufficient shade to protect the dog from the direct rays of the sun.
- c) No person shall keep any dog confined in an enclosed space, including a motor vehicle, without sufficient ventilation to prevent the dog from suffering discomfort or a heat injury.
- d) No person shall keep any animal tethered, tied or fastened to a fixed object as the primary means of confinement for an extended period of time.
- e) No person shall keep any animal hitched, tied or fastened to a fixed object where a choke collar or choke chain forms part of the securing apparatus, or where a rope or cord is tied directly around the dog's neck.

### **8. RUN AT LARGE**

- a) The person responsible for a dog shall ensure that such animal does not run at large, other than within an off leash area, and if an animal is at large, the person responsible must take steps immediately to recover the dog.
- b) No person shall suffer or permit any dog owned, kept or harboured by that person to trespass on private property with the Village.
- c) No person shall suffer or permit any dog owned, kept or harboured by that person to attack or viciously pursue a person or other animal.

### **9. EXCREMENT**

- f) A person responsible for any dog shall ensure that the dog does not defecate upon any private property, or Village owned property, other than the property of the person responsible, unless that owner or person immediately removes the excrement and disposes of it in a trash receptacle.

- g) A person responsible for any dog must remove or cause to be removed excrement deposited within their own parcel or premises in a sanitary manner and on a regular basis and in any case, within twenty-four (24) hours of being directed to do so by a Dog Control Officer or Bylaw Enforcement Officer.

## 10. VICIOUS DOGS

- a) Upon designating a dog as a vicious dog, the Dog Control Officer must deliver notice to the dog's owner in the form of a letter advising of the designation and of the portions of this Bylaw that apply to vicious dog. The letter is sufficiently delivered if mailed to the address on the most recent license for that dog, or the address where the owner of the dog is known or believed to reside, or left with an adult person at either such address. If not personally delivered to such address or person, the letter is deemed to be received by the person to whom it was addressed on the second business day following the date that it was mailed.
- b) The owner of a dog that has been designated as a vicious dog may, within fourteen (14) calendar days of the notice being delivered pursuant to item 10(a), request that the Dog Control Officer reconsider the decision. The request for reconsideration must be accompanied by written reasons why the owner believes the dog is not a vicious dog and may provide any other specific information as to the particular dog that would support the owner's position. If requested by the owner, the Dog Control Officer must allow the owner an opportunity to be heard, in person or by telephone or other device, and may arrange for any other person with relevant information to address the matter. If no request for reconsideration is made with fourteen (14) days of the notice being delivered, the designation of the dog as a vicious dog is final.
- c) After providing the owner with an opportunity to make representation regarding the dog following a request, the Dog Control Officer may confirm or reverse the designation.
- d) The owner of a dog that has been confirmed by the Dog Control Officer to be a vicious dog may request that Council reconsider that decision, by notifying the Corporate Officer within fourteen (14) days of the date of the Dog Control Officer's decision. Such request must be in writing and include the owner's reasons for the request. If a complete request is not made within fourteen (14) days, or the owner fails or neglects to appear at any hearing, the Corporate Officer may arrange and provide notice that the decision of the Dog Control Officer is deemed to be final and may not be reconsidered.
- e) After hearing from the owner or their representative and the Dog Control Officer or any other person that Council believes could provide relevant information, Council may confirm or reverse the designation of the dog as a vicious dog and the decision of Council is final.
- f) The Dog Control Officer is authorized to make applications to the Provincial Court for the destruction of dogs pursuant to the *Livestock Protection Act*, in any circumstances where the *Act* may be applicable.

## 11. CONTROL AND KEEPING OF VICIOUS DOGS

- a) The person responsible for a vicious dog, on receiving notice that the dog has been designated as a vicious dog, shall immediately take steps to ensure that the vicious dog is properly controlled and restrained at all times and without limitation must ensure that:
  - i) when off the property of the owner, the dog is on leash, muzzled and under the immediate charge and control of a person responsible, so as to prevent escape;
  - ii) when in a vehicle, the dog is muzzled, secured and contained within the passenger compartment or completely enclosed cargo area, and under the immediate charge and control of a person responsible so as to prevent escape of the vicious dog;
  - iii) subject to paragraph (ii), when outdoors and upon the property of the person responsible, the dog is secured and contained within a rear yard that is completely enclosed with a solid fence that is 1.8 meters in height and that has gates with self-

closing mechanisms and locking latches so as to prevent entry by children and so as to prevent escape of the dog; and

iv) when indoors and upon the property of the person responsible, the dog is secured and contained within the dwelling unit, so as to prevent its escape.

- b) A person responsible for a vicious dog, on receiving notice of its designation as a vicious dog, must:
- i) ensure the vicious dog wears a valid dog license at all times;
  - ii) ensure the vicious dog does not run at large and, if it is at large, the person responsible for the dog must immediately notify the Dog Control Officer or a Bylaw Enforcement Officer;
  - iii) take measures to ensure the vicious dog does not bite or injure, or aggressively pursue a person or other animal; and
  - iv) have posted at all entrances or gates into the property and dwelling at which the vicious dog is harboured, signs designed or written in a manner to indicate that a person should exercise caution due to the presence of the vicious dog.
- c) Any person being the owner of a vicious dog shall ensure that they furnish or deliver to the Dog Control Officer notification of any change of address or change of owner for such vicious dog a minimum of seven (7) days prior to the date of such change occurring.

## **12. BARKING DOGS**

No owner or occupant of any private premises shall permit, allow or suffer a dog or dogs kept at the private premises to bark, yelp or howl in a manner that disturbs the peace, rest or enjoyment of persons in the vicinity but not at the same private premises.

## **13. PENALTIES**

- a) Any person who contravenes any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention 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, shall be deemed to have committed an offence against this Bylaw and shall be liable, upon summary conviction, to a fine or penalty of not less than \$100.00 and nor more than \$2,000.00 for each offence.
- b) Any offence under this Bylaw which continues for a period in excess of one calendar day shall be deemed to be and is punishable as a separate offence for each and every subsequent day until such infraction ceases.

## **14. SEVERABILITY**

If any section, subsection, sentence, clause, or phrase of this Bylaw is for any reason held to be invalid by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

## **15. REPEAL**

“Regional District of East Kootenay – Dog Control Regulation Bylaw No. 1425, 1999” and all amendments thereto, is hereby repealed.

READ A FIRST TIME THIS 9<sup>th</sup> day of September, 2019

READ A SECOND TIME THIS 9<sup>th</sup> day of September, 2019

READ A THIRD TIME THIS 9<sup>th</sup> day of September, 2019

RECONSIDERED AND ADOPTED THIS 15<sup>th</sup> of October, 2019

Signed: Karl Sterzer

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Mayor

Signed: Sylvie Hoobanoff

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Corporate Officer

Certified a True and Correct Copy  
of the 'Village of Canal Flats Dog  
Control Bylaw No.225, 2019'

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Corporate Officer

**SCHEDULE 'A'**

1. Kennel licenses shall be in the name of the person responsible for the operation of the kennel.
2. Operators of kennels shall provide the Village of Canal Flats proof of ownership of the property or the written approval of the property owner.
3. Dogs must be cared for in accordance with the minimum standards for animal care as specified by The Canadian Veterinary Medical Association in their publication entitled *A Code of Practice for Canadian Kennel Operations*.
4. Cleanliness of the facilities must be maintained at all times. The kennel facilities must be free of offensive odors. Dog feces must be controlled and disposed of in a manner acceptable to public health and environmental standards.
5. Noise, as defined in this Bylaw, shall be confined to the premises covered by the kennel license.
6. The number of dogs authorized by the kennel license shall not be exceeded.
7. Kennel buildings shall be designed and constructed to limit sound from transmitting to the exterior of the building, to facilitate cleaning, and to prevent the escape of dogs.
8. Kennel buildings shall be kept at a temperature which is appropriate to the dogs being housed therein, having regard to the outside temperature and the season of the year.
9. All runs, pens and exercise yards used in conjunction with a kennel shall be constructed so as to prevent the escape of any dogs being kept therein and shall provide sufficient space for the dogs to stand and lie in comfort.

