



BYLAW CONSOLIDATION

This consolidation is provided for convenience only and reflects the status of the bylaw as of the specified date. It is not the original bylaw and is not admissible in court.

ANIMAL RESPONSIBILITY BYLAW 848, 2021

This Consolidation includes the following Bylaw Amendments:

- Animal Responsibility Bylaw No. 848, 2021, Amendment Bylaw No. 896, 2024
- Animal Responsibility Amendment Bylaw No. 947, 2026

A photograph of a dense forest of tall evergreen trees, likely spruce or fir, filling the bottom half of the page. The trees are green and have a textured appearance.

District of Elkford
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DISTRICT OF ELKFORD

District of Elkford Animal Responsibility Bylaw No. 848, 2021

A Bylaw to regulate responsible animal ownership and treatment in the District of Elkford.

WHEREAS the *Community Charter*, SBC 2003, Chapter 26, Part 2, Division 1 empowers Council, by bylaw, to regulate, prohibit and impose requirements in relation to animals;

AND WHEREAS Council wants to regulate the responsible ownership of animals;

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

1. TITLE

This Bylaw may be cited as the "District of Elkford Animal Responsibility Bylaw No. 848, 2021".

2. DEFINITIONS

In this bylaw, unless defined elsewhere:

ANIMAL means any mammal, bird or reptile, excluding humans.

AGGRESSIVE DOG means a **Dog** that:

- (1) has without justifiable provocation displayed aggressive behaviour toward a human or **Animal**; or
- (2) has without justifiable provocation caused a minor injury to a human or **Animal**;

AGRICULTURAL ANIMAL means any **Animal**, except **Dogs**, of which the primary purpose is pursuant to an agricultural use of property, and includes any animal defined as livestock under the *Livestock Act*.

AT LARGE means:

- (1) An **Animal** being in or upon the lands or premises not owned or occupied by the **Owner** of the **Animal** without consent, express or implied, of the owner or occupier of such lands or premises;
- (2) An **Animal** being in or upon a highway or **Public Place** unless on a **Leash** and under the control of a **Competent Person**, except where such Animal is specifically permitted to be at large in a Public Place; and/or,
- (3) An **Animal** being in a **Public Place** posted as being prohibited to that **Animal**.

BYLAW ENFORCEMENT OFFICER means the person or persons appointed by the Council as a Bylaw Enforcement Officer from time to time and includes an animal control officer as defined in the *Community Charter*.

CAT means an animal of the species *felis domesticus*, apparently weaned or three months old.

COMPETENT PERSON means a person who is physically and mentally able to control an **Animal** and able to ensure compliance with this Bylaw.

COUNCIL means the Municipal Council of the District of Elkford.

DANGEROUS DOG has the same meaning as in the *Community Charter* as amended.

DOG means an animal of the canine species, apparently weaned or over three months old.

HEN means a domesticated female chicken.

KENNEL, CLASS 1 means a facility on residential premises within which more than three, to a maximum of five dogs are kept, trained, boarded, cared for, groomed, harboured or bred, whether for business purposes or not.

KENNEL, CLASS 2 means a facility on non-residential premises on which three or more dogs, three or more cats, or some combination of dogs and cats exceeding three animals in total, are kept, trained, boarded, cared for, groomed, harboured or bred for remuneration.

LEASH means line, thong, chain, or electronic device created and used for the purpose of restraining a dog, and which is made of material or effect of sufficient strength to restrain the animal, unless otherwise described elsewhere in this bylaw.

MUNICIPALITY means the District of Elkford.

MUZZLED means prevented from biting by means of a fastening or covering device of adequate strength placed over the mouth.

OFF-LEASH AREA means an area where **Dogs** are expressly permitted to be off-leash, provided that the **Owner** of the **Dog** complies with any rules posted within the area and with this Bylaw.

OWNER includes a person owning, possessing, harbouring or having charge of an animal or permitting an animal to remain about the person's house or premises or to whom a licence for an animal has been issued pursuant to this bylaw and where the owner is a minor, the person who is the legal guardian or has custody of the minor.

PARCEL means a lot, block, or other area in which land is held or into which land is subdivided and which is registered under one title, pursuant to the Land Title Act.

PET means a domestic or tamed animal lawfully kept for pleasure or companionship.

POUND KEEPER means the person or persons from time to time retained or appointed by the **Council** as the keeper of the pound established by this Bylaw, and includes anyone appointed by **Council** as a **Bylaw Enforcement Officer**.

PUBLIC BODY means the Government of the Province of British Columbia, the Government of Canada, or a municipality.

PUBLIC PLACE means land, roads or premises which are owned or controlled by a public body and which is open to use by the public.

SEMI-PUBLIC PLACE means a building to which the public is customarily invited but which is not owned by a **Public Body**, including, but not limited to a grocery store, convenience stores, and gas stations.

STERILIZED means surgically deprived of the power of reproduction.

URBAN AGRICULTURAL ANIMAL means bees and Hens.

WILD OR EXOTIC ANIMAL means any of those listed on Schedule "A" of this Bylaw.

WILDLIFE ATTRACTANT means food or food waste, fruit fallen from a fruit tree or bush, bird feed outside of a feeder, compost, other waste or garbage, a carcass, part of a carcass of an **Animal**, fish or other meats or any substance that could be reasonably expected to attract **dangerous wildlife or members of the family Cervidae** including, but not limited to seed, restaurant grease, or glass or metal ware or other item having contained food.

WORKING DAYS means any day on which the District Municipal Office is open for regular business.

3. GENERAL

- 3.1. No person shall own, harbour, or keep any **Animal** in the **District** except as outlined in this bylaw.
- 3.2. Nothing in this bylaw shall restrict the keeping of **Agricultural Animals** on any **Parcel** zoned A-1 in the Zoning Bylaw of the District, as amended from time to time.
- 3.3. No person shall use any **Parcel** in the R-1, R-2, R-3, R-4, R-5, R-MH and R-MP zones in the Zoning Bylaw for the keeping or harbouring of more than five **Animals** of any one species, excluding **Dogs**.
- 3.4. No person shall use any **Parcel** for the keeping or harbouring of more than three **Dogs**, unless a kennel licence has been issued pursuant to Section 8 of this bylaw.
- 3.5. No **Owner** of any **Animal** shall permit or cause it to be **At Large** in the **Municipality**. The ticket for an **At Large Animal** which has not been **Sterilized** may be greater than for a **Sterilized Animal**. The ticket for an **At Large Dog** may be greater for an **Aggressive Dog** or **Dangerous Dog**.
- 3.6. Without limiting the generality of Section 3.4, no person may cause, permit or allow a **Dog** or **Cat** to be hitched, tied or fastened:
 - a. for longer than five hours within a 24-hour period;
 - b. in or upon a **Public Place** for longer than two hours;
 - c. in or upon the lands or premises of any person other than the **Owner**, without the consent, express or implied, of that person;
 - d. within 3.0 metres of the entrance doors of a **Public** or **Semi-Public Place**, other than a commercial premise whose purpose is for the care or treatment of **Animals**.
- 3.7. No **Owner** of any **Animal** shall permit or cause the **Animal** to cry, bark, or otherwise create noise in a manner which disturbs the enjoyment or comfort of the inhabitants of the neighbourhood.
- 3.8. An **Owner** whose **Animal** defecates in or upon a **Public Place** or in or upon the lands or premises of any person other than the **Owner**, shall immediately remove the defecated matter from the **Public Place**, lands, or premises.
- 3.9. A **Bylaw Enforcement Officer** is authorized to enforce this bylaw and to enter, at all times, on any day, upon any property within the **Municipality** if the **Bylaw Enforcement Officer** has grounds to believe that a contravention of this bylaw may have occurred.
- 3.10. When in an **Off-Leash Area**, an **Owner** of a **Dog** may allow their **Dog** to be off-leash, provided that the **Dog** is not a **Dangerous Dog**, and the **Owner**:
 - a. is carrying a **Leash** and immediately leashes the **Dog** if it displays any aggressive behavior;
 - b. keeps the **Dog** in view at all times;
 - c. follows all posted rules and regulations on signs in the **Off-Leash Area**;
 - d. ensures the **Dog** wears a collar or harness, and valid **Dog** license tag.
- 3.11. No Person shall keep a Wild or Exotic Animal within the Municipality.

4. LICENSING

- 4.1. No person shall own a **Dog** or **Cat** over the age of three months in the **Municipality** unless a valid and subsisting licence tag for the current calendar year has been obtained for the **Dog** or **Cat**.
- 4.2. Upon receipt of payment to the **Municipality** of the prescribed fee for a licence tag, the **Municipality** shall issue a licence tag for the current calendar year. The prescribed licence fee may be greater for an **Unsterilized Animal**, an **Aggressive Dog** or a **Dangerous Dog**.
- 4.3. Where a licence tag is issued, the **Owner** of the **Dog** or **Cat** shall affix, and keep affixed, the licence tag on the **Dog** or **Cat** by a collar or other suitable device.
- 4.4. Where the prescribed fees provide for a reduced licence fee for a **Dog** or **Cat** that is **Sterilized**, the application shall be accompanied by written confirmation from a licensed veterinarian indicating that the **Dog** or **Cat** has been **Sterilized**.
- 4.5. Should the prescribed fee not be paid by the last day of February of any calendar year, the **Owner** shall pay to the **Municipality** the prescribed late licensing fee.
- 4.6. If a **Dog** is acquired or reaches the age of three months after March 1st of any calendar year, the **Owner** shall not be subject to the late licensing fee in respect of that **Dog**.
- 4.7. If the **Owner** of a **Dog** or **Cat** sells or otherwise ceases to be the **Owner**, the licence tag may be transferred to a new **Owner** for the remainder of the calendar year upon payment to the **Municipality** of the prescribed license transfer fee.
- 4.8. A licence tag is only valid for the calendar year in which it is issued.
- 4.9. No **Owner** shall fasten or attach any license tag to any **Dog** or **Cat** other than the **Dog** or **Cat** in respect of which the licence tag was issued.
- 4.10. The **Municipality** may issue a replacement licence tag upon being satisfied that the original tag issued by the **Municipality** has been lost, stolen, or damaged such that it is unreadable and upon payment to the **Municipality** of the prescribed duplicate licence fee.

5. AGGRESSIVE DOGS

- 5.1. If a **Bylaw Enforcement Officer** receives a bona fide complaint that a **Dog** has exhibited behaviour, as described in the definition of **Aggressive Dog**, that **Bylaw Enforcement Officer** may issue the **Owner** of that **Dog** written notice, to include the following:
 - a. the date, place and circumstances of the events alleged; and
 - b. a warning that if the **Dog** that is the subject of the complaint is found to have exhibited aggressive behaviour again, the **Dog** may be deemed to be an **Aggressive Dog**.
- 5.2. Where the **Owner** of a **Dog** has received a notice in the form set out in Section 5.1 above and a **Bylaw Enforcement Officer** receives another bona fide complaint that the **Dog** has exhibited aggressive behaviour, the **Dog** may be deemed to be an **Aggressive Dog**. A **Bylaw Enforcement Officer** may issue a written notice to the **Owner** of that **Dog** advising the **Owner** of the requirements of this bylaw with respect to **Aggressive Dogs** and which deems that **Dog** to be an **Aggressive Dog**.
- 5.3. Every **Owner** of an **Aggressive Dog** shall secure the **Dog** by a collar and **Leash** that is a maximum length of 1.8 metres when not on the **Owner's** property.

- 5.4. An **Owner**, following a period of at least one year from the date stated on the written notice deeming their **Dog** an **Aggressive Dog**, may apply to the **Municipality** for relief from the requirements of Section 5.3 provided that the **Municipality** has received no further complaints regarding that **Dog's** aggressive behaviour.
- 5.5. If a **Dog** displays behaviour as described in the definition of **Aggressive Dog** again after relief under Section 5.4 has been granted, the **Dog** may be reclassified as a **Dangerous Dog**.

6. DANGEROUS DOGS

- 6.1. A **Bylaw Enforcement Officer** may seize a **Dangerous Dog**, pursuant to section 49 of the *Community Charter*, as amended from time to time, in accordance with that section, or may issue written notice to the **Owner** of that **Dog** advising the **Owner** of the requirements of this bylaw with respect to **Dangerous Dogs** and which deems that **Dog** to be a **Dangerous Dog**.
- 6.2. No person shall own or keep any **Dangerous Dog** unless the **Dog** is licensed as a **Dangerous Dog** with the **Municipality** by an **Owner** who has paid the prescribed fee, and who keeps the **Dog** in compliance with Sections 6.5 and 6.6.
- 6.3. The **Owner** of a **Dangerous Dog** has seven (7) days to come into compliance with Sections 6.5 and 6.6 of the bylaw, from the date the **Dog** was deemed a **Dangerous Dog**.
- 6.4. To obtain a licence for a **Dangerous Dog**, an **Owner** of a **Dangerous Dog** shall supply the following documentation to the **Municipality**:
- completion of the dog licence application; and,
 - written confirmation from a licensed veterinarian that the **Dog** has been **Sterilized**;
- 6.5. Every **Owner** of a **Dangerous Dog** shall:
- secure the **Dog** by a collar and **Leash** that is a maximum length of 1.8 metres when not on the **Owner's** property;
 - keep the **Dog** effectively muzzled when not on the **Owner's** property;
 - Post a clearly visible sign at all points of entry onto any premises where the **Dangerous Dog** is being kept, warning that there is a **Dangerous Dog** on the premises. The sign shall state, in red letters, "Warning: **Dangerous Dog** on Premises", at 2.5 cm in height. Such sign is to have minimum dimension of 15cm by 15 cm;
 - at all times while the **Dog** is on the person's premises, keep the **Dog** securely confined indoors or outdoors in an enclosure with a roof and locked entry; and
 - Provide a photograph of the **Dangerous Dog** to the District or the District's **Bylaw Enforcement Officer** for record purposes.
- 6.6. The **Owner** of a **Dangerous Dog** shall promptly notify a **Bylaw Enforcement Officer** if:
- the **Dog** becomes **At Large**; or
 - the **Dog's Owner** or place of residence changes; or
 - the **Dog** is given away or dies.
- 6.7. Nothing in this section shall limit the application of section 49 of the *Community Charter*.

7. MUNICIPAL POUND

- 7.1. The Elkford Municipal Pound is established.
- 7.2. The **Pound Keeper** may seize and impound:
- an unlicensed **Dog** or **Cat**;
 - a licensed **Dog** or **Cat** which is **At Large**;
 - a **Dangerous Dog**;

- d. other **Animals** which are **At Large**.
- 7.3. The **Pound Keeper** shall record in a register, the following information:
- a. the number and description of each **Animal** impounded;
 - b. the name of the person who delivered the **Animal** to the pound or caused the **Animal** to be impounded;
 - c. the day and the hour on which the **Animal** was impounded and released or disposed of; and,
 - d. the name of any party to whom the **Animal** was released and the fees paid by that party.
- 7.4. When any **Animal** is impounded, the **Pound Keeper** shall contact the **Owner**, or if the **Owner** cannot be identified, post notice at the **Municipality's** regular posting place and public such notice in a newspaper circulating in the area describing the impounded **Animal** and stating the time such **Animal** may lawfully be disposed of if not reclaimed by the **Owner** and fees paid within 7 days of the date of publication.
- 7.5. An **Animal** impounded pursuant to this Bylaw shall be released to its **Owner** if, within three **Working Days** of the time of its impoundment, the **Owner** pays to the **Municipality** the prescribed impoundment fee.
- 7.6. No person shall rescue or attempt to rescue an animal lawfully in the possession of the **Pound Keeper** or **Bylaw Enforcement Officer**.

8. KENNELS

- 8.1. An **Owner** requiring a kennel licence shall apply to the **Municipality** for such licence and upon payment of the prescribed kennel licence fee and proof of compliance with this and other relevant Municipal Bylaws including the Zoning Bylaw and the Business Licence Bylaw, the **Owner** shall be issued a kennel licence.
- 8.2. No person shall:
- a. have or keep more than five **Dogs** in a **Class 1 Kennel**;
 - b. allow a kennel and surrounding premises to be in disrepair;
 - c. allow a kennel and surrounding premises to be in an unclean and/or unsanitary condition; or,
 - d. permit or cause a **Dog** to be unattended in an outdoor open-air run in a **Class 1 Kennel** between the hours of 9:00 p.m. and 7:00 a.m.
- 8.3. A **Class 1 Kennel** must:
- a. be of a size and shape that permits the **Dog** free and unrestricted movement within the kennel;
 - b. include an outdoor open-air run with continuous fencing that is 1.8 metres in height and does not permit a **Dog** to escape the kennel or any other **Animal** to enter the kennel;
 - c. provide adequate shelter to allow the **Dog** a dry area with protection from weather; and,
 - d. comply with the requirements for Accessory Buildings in the Zoning Bylaw.
- 8.4. A **Class 2 Kennel** must:
- a. be of a size and shape that permits the **Dog** free and unrestricted movement within the kennel;
 - b. include an outdoor open-air run with continuous fencing that is 1.8 metres in height and does not permit a **Dog** to escape the kennel or any other **Animal** to enter the kennel;
 - c. provide adequate shelter to allow the **Dog** a dry area with protection from weather; and,
 - d. comply with the requirements of the Zoning Bylaw.

9. URBAN AGRICULTURAL ANIMALS

- 9.1 A person shall not own, have in their possession, or keep on any premises or property in the District of Elkford any **Urban Agricultural Animals** except as permitted in this bylaw.

- 9.2 Nothing in section 10 of this bylaw shall restrict the keeping of any **Animals** on a **Parcel** in the A-1 zone in the Zoning Bylaw.
- 9.3 Where the keeping of **Urban Agricultural Animals** has resulted in unacceptable harm or nuisance to persons or property, as determined by the **Bylaw Enforcement Officer**, the keeper of the **Urban Agricultural Animals** shall immediately remove the **Urban Agricultural Animals** when requested in writing to do so by the **Bylaw Enforcement Officer**.
- 9.4 **Hens** shall only be permitted on a **Parcel** in the R-1, R-2, R-MH, R-MP and P-1 zones in the Zoning Bylaw, subject to the following conditions:
- a. the number of **Hens** on any individual **Parcel** is limited to five (5);
 - b. the keeping of roosters is prohibited;
 - c. **Hens** must be kept within a secure coop from sunset to 7:00 a.m., and at all other times **Hens** must be kept within a coop or pen;
 - d. any coop must comply with the requirements for Accessory Buildings in the Zoning Bylaw;
 - e. any pen must include continuous electrified fencing that is 1.8 metres in height and does not permit a **Hen** to escape the pen or any other **Animal** to enter the pen;
 - f. any coop or pen must be at least three (3) metres away from any dwelling windows or doors;
 - g. any coop or pen erected for **Hens** must be kept clean, tidy, and free of waste products or vermin;
 - h. the slaughter and/or burial of **Hens** on the property is prohibited; and,
 - i. the sale of manure, meat, eggs, or any other poultry products or by-products of the **Hens** is prohibited.
- 9.5 The keeping of **Bees** shall only be permitted on a **Parcel** in the R-1, R-2, R-MH, R-MP and P-1 Zones, as defined in the Zoning Bylaw, subject to the following conditions:
- a. **Bees** may only be kept in a beehive;
 - b. the number of beehives shall be limited to four (4);
 - c. any beehive must comply with the requirements for Accessory Buildings in the Zoning Bylaw;
 - d. any beehive must be situated within a continuous electrified fence that 1.8 metres in height;
 - e. **Bees** must be treated and maintained in a condition that reasonably prevents swarming and aggressive behaviour;
 - f. immediate action must be taken to end swarming or aggressive behaviour of the **Bees**;
 - g. the **Owner** of **Bees** must be registered with the apiculture registration system for British Columbia, coordinated by the BC Ministry of Agriculture.

10. FEEDING WILDLIFE

- 10.1 No person shall leave, store, handle, permit allow, or dispose of **Wildlife Attractants** in such a way that they are likely to attract or are accessible to dangerous wildlife or members of the family Cervidae.
- 10.2 No Person shall feed Wild or Exotic Animals, or members of the family Cervidae intentionally within the District of Elkford, excepting a Conservation Officer as defined in the Environmental Management Act in the lawful performance of his or her duties, or person under the direction of, or with the permission of, a Conservation Officer.
- 10.3 A person leaving **Wildlife Attractants** such as fruits and berries in trees and bushes after they have ripened and which are accessible to dangerous wildlife or members of the family Cervidae shall be deemed as having fed wildlife unintentionally, unless this person was previously advised to take remedial action regarding this attractant. In such a case, the person will be deemed to have intentionally fed wildlife.
- 10.4 A person who has left garbage out contrary to the District of Elkford Solid Waste Removal and Disposal Bylaw will be deemed to have fed wildlife intentionally.

11. OFFENCE

- 11.1 A person is guilty of a contravention of this bylaw and commits an offence who:
- a. violates any provisions of this bylaw;
 - b. causes or permits any act or thing to be done in contravention or violation of any provisions of this bylaw; or
 - c. neglects or omits to do anything resulting in contravention of this bylaw.
- 11.2 For each day that a contravention of this bylaw occurs, such shall constitute a separate and distinct offence.
- 11.3 Every person who commits an offence under this bylaw is liable to:
- a. a fine and penalty of not more than \$1,000.00 and not less than \$100.00 for each offence if issued a municipal ticket under the Municipal Ticket Information Bylaw and any amendments thereto; or
 - b. a fine and penalty of not more than \$10,000.00 and not less than \$500.00 for each offence if prosecuted pursuant to the provisions of the *Offence Act*, R.S.B.C., Chapter 338.
- 11.4 The District may restrain a person who contravenes this bylaw by making application to a court of competent jurisdiction for injunctive relief in addition to any penalty that may be imposed pursuant to section 11.3 hereof.

12. SEVERABILITY

- 12.1 If a portion of this bylaw is held invalid by a court of competent jurisdiction, then the invalid portion must be severed, and the remainder of this bylaw is deemed to have been adopted without the severed section.

13. REPEAL

- 13.1 The bylaw cited as "District of Elkford Animal Control Bylaw No. 538, 1997" and any amendments thereto are hereby repealed.
- 13.2 The bylaw cited as "Urban Wildlife Management Bylaw No. 754, 2014" and any amendments thereto are hereby repealed.

Read a first time this 10th day of May, 2021.

Read a second time this 10th day of May, 2021.

Read a third time this 26th day of July, 2021.

Adopted this 9th day of August, 2021.

Dean McKerracher, Mayor

Chantel Dawson, Director of Corporate Services

SCHEDULE "A"

LIST OF WILD OR EXOTIC ANIMALS

The following are considered Wild or Exotic Animals for the purposes of this Bylaw:

1. Non-human primates, including but not limited to gorillas and monkeys
2. Felids, except domestic cats
3. Canids, except domestic dogs
4. Ursidae (bears)
5. Elephants
6. Pinnipeds [such as seals and walruses]
7. Crocodilians, including but not limited to alligators and crocodiles
8. Marsupials, including but not limited to kangaroos and opossums
9. Snakes and Venomous reptiles, amphibians and Arachnids
10. Ungulates, except domestic goats, sheep, pigs, cattle, horses, mules and donkeys
11. Hyenas
12. Mustelidae including but not limited to skunks, weasels, otters and badgers
13. Procyonids including but not limited to raccoons and coatis
14. Edentates including but not limited to anteaters, sloths and armadillos
15. Viverrids including but not limited to mongooses, civets and genets
16. Struthioniformes, Rheiformes, and Casauriformes including but not limited to Ostriches, Rheas and Cassowaries]
17. Falconiformes including but not limited to hawks, falcons and eagles
18. Strigiformes including but not limited to such as owls
19. Rodentia, except hamsters, guinea pigs, domestic rats and mice
20. Chiroptera
21. Lagomorphs, except the domestic rabbit