



# The Corporation of the Village of Alert Bay

---

---

## Animal Control Bylaw No. 737, 2010

---

---

### **A Bylaw to provide for the control of wild, feral and domesticated animals and the licensing of dogs**

WHEREAS the Council of the Corporation of the Village of Alert Bay deems it desirable to provide for the control of wild, feral and domesticated animals and the licensing of dogs on Cormorant Island, and to that end wishes to coordinate with all and any other jurisdiction or administration thereon;

THEREFORE, the Council of the Corporation of the Village of Alert Bay in open meeting assembled enacts as follows:

#### 1. DEFINITIONS:

For the purpose of this Bylaw the words following shall, whenever used in the Bylaw or in the Schedule attached thereto, have and be given the following meaning:

- 1.01 "BOARDING KENNEL" – means an approved facility for the temporary harbouring of dogs that are not owned by the operator
- 1.02 "COUNCIL" – means the Municipal Council of the Corporation of the Village of Alert Bay
- 1.03 "DOG" – means male and female of the canine species
- 1.04 "ANIMAL CONTROL OFFICER" – means the official duly appointed by the Village to fill the position and assume the responsibilities of the Animal Control Officer
- 1.05 "EFFECTIVELY CONFINED" – means being confined within a building or enclosure
- 1.06 "ENCLOSURE" – means a fence or structure of at least six (6) feet in height forming or causing an enclosure suitable to prevent the entry of young children and suitable to confine a dog
- 1.07 "MUNICIPALITY" – means the area within the Municipal boundaries of the Village of Alert Bay
- 1.08 "JURISDICTIONS" – includes other administrations, such as 'Nāmgis First Nation and the Whe-La-La-U Area Council, who choose to participate in the Animal Control service
- 1.09 "OWNER" – means the person having any right of custody, control or possession and any interest of any kind whatsoever in the custody, control or possession of any animal, and includes legal ownership.
- 1.10 "POUND" – means the premises designated by the Village for the confinement and impounding of dogs pursuant to this Bylaw

- 1.11 "RESIDENT" – means a resident of the Village of Alert Bay or participating jurisdictions for at least 30 days.
- 1.12 " AT LARGE" – when used with reference to a dog or dogs shall mean being elsewhere than on the premises of a person owning or having the custody, care or control of any dog, and not being under the immediate charge and control of a responsible and competent person.
- 1.13 "VICIOUS DOG" – means any dog that has bitten a human or other animal without provocation and any dog with known propensity, tendency or disposition to attack or aggressively pursue humans or other animals without provocation.
- 1.14 "VILLAGE" – means the Corporation of the Village of Alert Bay

2. ANIMAL CONTROL OFFICER OR STAFF:

- 2.01 The Council may appoint an Animal Control Officer and such assistants as may be required.
- 2.02 Any Village employee, lawfully performing any act in pursuance of this Bylaw, whether voluntarily or at the request of the Animal Control Officer, shall be deemed to be an assistant Animal Control Officer and shall be entitled to all protection as such.
- 2.03 The Animal Control Officer shall maintain a diary of events affecting their duties and produce this diary to the Village upon demand.
- 2.04 The Animal Control Officer shall maintain a record of:
  - a) All complaints received regarding animals on Cormorant Island
  - b) All animals picked up and/or impounded
  - c) All animals surrendered, including a signed surrender form
  - d) Details of how each impounded animal is discharged, including details of fines paid and by whom
  - e) Details of any animals who are euthanized, including the reason for euthanization, as well as the method, location, and cost of this service and the method of disposal of the carcass
  - f) Details of any animal which is relocated, including the final location of the animal and the reason for relocation
- 2.05 The Animal Control Officer shall daily furnish all impounded animals with good and sufficient food, water and shelter, and shall not allow any impounded animal to suffer due to lack of veterinary care

3. WILD OR FERAL ANIMALS:

- 3.01 The Animal Control Officer or staff will coordinate with wildlife or other appropriate officials in the handling of wild or feral animals that might appear on Cormorant Island from time to time.
- 3.02 In the event of danger to or concern for the well-being of the people of Cormorant Island, the Animal Control Officer shall communicate with the Village, the 'Namgis Health Centre, the

Village of Alert Bay

Animal Control Bylaw #737

Cormorant Island Health Centre, the Alert Bay RCMP and with participating jurisdictions regarding the nature of the risk and the need for public notification.

4. POUND OPERATION:

- 4.01 The owner of any impounded animal may redeem the animal from the Pound by paying to the Village or to the Animal Control Officer impoundment, licensing, and maintenance fees as described in the current fees and charges bylaw.
- 4.02 When the Animal Control Officer can determine, from the licensing record, or from some other source of public information, the name and address of the owner of any impounded animal, he/she shall, within twenty-four (24) hours of the impounding, attempt to notify such owner by telephone, hand delivered notice or mail of such impoundment.
- 4.03 When an animal has been impounded and the owner has requested that the animal be destroyed, the owner shall pay to the Animal Control Officer all outstanding costs incurred with the impoundment of the animal. Such costs to include impoundment fees, the daily fee for the care and feeding of the animal, plus the destruction fee.
- 4.04 Any animal not redeemed from the Pound within the three (3) days of impoundment or, in the case of a licensed animal, within the three (3) days of notification of impoundment, will be classed as the property of the Village, to be disposed of at the discretion of the Animal Control Officer and to the benefit of the animal.
- 4.05 Any impounded animal in urgent need of medical care, whose owner is not immediately available, willing and able to take care and control of the animal, shall become the property of the Village to be treated or euthanized at the discretion of the Animal Control Officer.
- 4.06 The Animal Control Officer shall record all matters pertaining to the disposal of any animal.

5. DOGS:

- 5.01 There shall be raised, levied and collected in each year license fees from the owner of and for every dog six (6) months of age and over within participating jurisdictions as described in the current fees and charges bylaw.
- a) Provided however that should any dog become licensable during the current year, the license fee will be pro-rated accordingly.
- b) If the dog was eligible for licensing as of January 1<sup>st</sup>, the fee will not be pro-rated.
- (i) No person shall keep, possess or harbour more than two (2) dogs per household within the Village or participating jurisdiction, unless such person has first obtained approval under Section 5.01 (b) (ii) or has obtained a kennel license under Section 5.01 (c).
- (ii) Approval to possess or harbour more than two (2) dogs will be conditional on inspection of the premises by the Animal Control Officer or others approved by the Village or other participating jurisdictions, who will determine the

Village of Alert Bay

Animal Control Bylaw #737

adequacy of the space and enclosures and other applicable conditions to harbour such animals as described in Section 6. In no case will more than three (3) dogs be allowed without first obtaining a kennel license as described under (c) of this section.

(iii) Approval to harbour any dog(s) may be revoked by Council if sufficient and reasonable grounds to prohibit same are provided by the Animal Control Officer or other appointee, or if sufficient and reasonable grounds are received in writing from adjacent property owners.

(c) In the case of a boarding kennel, the applicant shall apply for a kennel license for a fee as in the current fees and charges bylaw and, in addition, shall apply for a business license. Application for a kennel license shall be made to the Village or to the administration of a participating jurisdiction, stating the proposed location of the facilities for the dogs. The Village will poll abutting residential landowners as to their support or opposition to the application. Kennel applications within the jurisdiction of the Village will be subject to applicable zoning regulations. If the application is approved, the applicant shall take out a business license and pay the fees prescribed in the current fees and charges bylaw.

5.02 The owner of every dog shall make application for a license and shall pay the required license fee as prescribed by this Bylaw to the Village. The required application and license shall be in such form or forms as the Village may prescribe.

5.03 Every license issued under this Bylaw shall expire on the thirty-first (31<sup>st</sup>) day of December of that year.

5.04 No person being a resident shall keep, harbour or have in their possession or in their care, custody or control a dog within the Village and/or participating jurisdiction unless a licence under this Bylaw has first been issued.

5.05 The owner of every licensed dog shall keep on such dog a substantial and durable collar or harness to which shall be attached the metal tag accompanying the license therefore.

5.06 Replacement fee for loss of tag is as in the current fees and charges bylaw.

5.07 No person shall permit any dog of which he/she are the owner to be at large on any street, lane, highway, boulevard, park, trailer park or public place within the Village or any participating jurisdiction, or any land owned by the Village or participating jurisdiction for whatever purpose.

5.08 No person shall permit any dog to bark persistently so as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighborhood or of persons in the vicinity.

5.09 Any dog not wearing a collar or harness and metal tag as provided for in this Bylaw and any dog wandering at large within the Municipality or participating jurisdiction, not accompanied by the owner or some person in charge thereof who is in effective control of the dog or who leads it on a leash or chain, may be captured by any Animal Control Officer or by any person

authorized by the Animal Control Officer to capture such dog and conveyed to and placed in the Pound.

- 5.10 No persons purchasing a dog from an Animal Control Officer shall remove the said dog from the Pound until a license and metal tag have been obtained from the Village therefore pursuant to this Bylaw.
- 5.11 No person, other than its owner, shall remove any collar, harness, badge or tag from any licensed dog unless the collar or harness is causing the dog harm.
- 5.12 Every occupant of premises in or about which any dog or dogs are kept and every person found having at that time the care and custody of a dog or dogs shall forthwith upon demand provide to the Animal Control Officer information on the following matters:
- (a) the ownership of any particular dog accompanying them,
  - (b) the number of dogs owned or harboured by them,
  - (c) the age, sex and breed or general description of the dog or dogs, and
  - (d) whether the current license fee has been paid to the Village, in respect of same, when paid and by whom.
- 5.13 The owner of any female dog in heat shall keep such dog effectively confined.
- 5.14 Where the Animal Control Officer has reason to believe that a dog is not receiving proper care, treatment, or shelter, the Animal Control Officer may enter into premises at any reasonable time to determine the health and well-being of a dog on the premises.

6. GENERAL:

- 6.01 Anyone who keeps an animal must provide:
- a) clean, potable drinking water at all times, and suitable food, of sufficient quantity and quality to ensure normal growth and the maintenance of normal body weight;
  - b) food and water receptacles kept clean and disinfected and located so as to avoid contamination by excreta;
  - c) the opportunity for periodic exercise sufficient to maintain good health, including the opportunity to be unfettered from a fixed area, and exercised regularly, under appropriate control;
  - d) necessary veterinary medical care when the animal exhibits signs of pain or suffering.
- 6.02 No person may cause an animal to be hitched, tied or fastened by any rope, chain or cord that is directly tied around the animal's neck or to a choke collar.
- 6.03 Anyone who keeps an animal must provide shelter which ensures the following:
- a) protection from heat, cold, and wet, and that is appropriate to the animal's weight and type of coat. Such shelters must provide sufficient space to allow any animal the ability to turn about freely, to sit, stand, and lie in a normal position.
  - b) an area providing sufficient shade to protect the animal from the direct rays of the sun at all times;

Village of Alert Bay

Animal Control Bylaw #737

- 6.04 No person shall hinder, delay or obstruct the Animal Control Officer or any other person or persons lawfully engaged in capturing or conveying any animal to the Pound.
- 6.05 Notwithstanding any other provisions of this Bylaw, any animal found to be vicious or to be suffering from any loathsome, infectious or contagious disease, may be immediately destroyed.
- 6.06 The owner of any dog may, upon payment of a fee deliver to the Animal Control Officer or request the Animal Control Officer to pick up, convey to and place in the Pound such animal for the purpose of having the same destroyed. An animal so delivered and for whom the fee is paid shall be disposed of within forty-eight (48) hours of delivery if possible.
- 6.07 Every person who offends against any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention or violation of any of the provisions of this Bylaw or who does any act or thing which violates any of the provisions of this Bylaw shall be liable on conviction to a fine or penalty as described in the current fees and charges bylaw.
- 6.08 Any animal which is found running at-large, straying or trespassing contrary to the provisions of this Bylaw shall be liable to seizure and impoundment and all persons may seize any such animal and drive, lead or otherwise convey such animal, in any humane manner, to the Animal Control Officer, and it shall be the duty of the Animal Control Officer to receive and impound such animal.
- 6.09 The Animal Control Officer is hereby expressly authorized and empowered and it shall be lawful for them to enter upon any lands situated within the Village or participating jurisdictions' boundaries for the purpose of seizing and impounding any animal thereon contrary to the provision of this Bylaw, provided that in so doing, no damage shall be done by the Animal Control Officer or staff to the lands so entered.
- 6.10 The owner of any animal shall compensate the Village for all damage done by such animal to Village property or to property belonging to other participating jurisdictions, and any animal which causes such damage shall be liable to seizure and impoundment and shall not be returned to the owner from impoundment until the full amount of such compensation has been paid. The payment of compensation for damages sustained by the Municipality in pursuance hereof shall be a condition precedent to the right of an owner to redeem their impounded dog.
- 6.11 No person shall break open or in any manner, directly or indirectly, aid or assist in breaking open the Pound, or take or let any animal or animals there out without the consent of the Animal Control Officer.
- 6.12 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 animal or animals liable to impoundment in pursuance of this Bylaw, and no person shall hinder, delay or obstruct in any manner, directly or indirectly, the Animal Control Officer or any person employed by them while carrying out their duties in pursuance of this Bylaw.

Village of Alert Bay

Animal Control Bylaw #737

- 6.13 No owner of a vicious animal or restricted animal shall permit, suffer or allow the animal to be on a highway or in a public place or in any other place that is not owned or controlled by that owner, unless the animal is muzzled to prevent it from biting another animal or human being.
- 6.14 The owner of a vicious animal or restricted animal shall at all times while the animal is on the premises owned or controlled by that owner, keep the animal securely confined either indoors or in an enclosed pen or enclosure capable of preventing the entry of young children and adequately constructed to prevent the animal from escaping.
6. Bylaw No. 679 cited as "Animal Control Bylaw No. 679, 2004" is hereby repealed.
7. This Bylaw may be cited as "Cormorant Island Animal Control Bylaw No. 737, 2010.

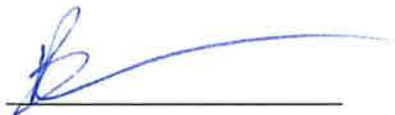
Read a first time this 13<sup>th</sup> day of October, 2010.

Read a second time this 10<sup>th</sup> day of November, 2010.

Bylaw sent to 'Namgis First Nation and Whe-La-La-U Area Council for comment.

Read a third time this 8<sup>th</sup> day of December, 2010.

Reconsidered and finally adopted this 8<sup>th</sup> day of December, 2010.



Mayor



Administrator