

VILLAGE OF PEMBERTON
ANIMAL CONTROL BYLAW NO. 651, 2010

Being a bylaw to provide for the licensing and control of dogs within the Village of Pemberton boundaries and to prohibit certain animals from being kept or displayed with the Village of Pemberton.

WHEREAS pursuant to Section 8 (3) (k) of the Community Charter Council may by bylaw regulate, prohibit and impose requirements in relation to animals;

AND WHEREAS pursuant to Section 48 of the Community Charter Council may establish procedures for the seizure of dogs;

AND WHEREAS pursuant Section 194 of the Community Charter Council may establish fees;

NOW THEREFORE the Council for the Village of Pemberton in open meeting assembled enacts as follows:

1. Interpretation

In this Bylaw, unless the context otherwise requires:

- (a) “Control” means to exercise restraining or directing influence.
- (b) “Custody” means immediate care or charge.
- (c) “Dangerous dog” means any dog to which any of the following applies:
 - that has killed a human being or domesticated animal while on or off the owner’s property;
 - that has bitten or injured a human being or domesticated dog, without provocation, while on or off the owner’s or caretaker’s property;
 - that has shown the disposition or tendency to be threatening or aggressive.
- (d) “Dog” means a male or female domesticated dog.
- (e) “Enforcement Officer” means a person designated by the municipality to be responsible for enforcing this bylaw, except where otherwise provided.
- (f) “Kennel” means a private or commercial facility for the keeping, training, care, breeding or boarding of four (4) or more dogs.
- (g) “Municipality” means the Corporation of the Village of Pemberton.
- (h) “Muzzle” means a device which covers or secures the mouth of a dog and is designed to prevent it from biting.
- (i) “Neutered” means the sterilization of a female dog by removing the ovaries or of a male

dog by removing the testicles or by any method of pharmaceutical sterilization approved by the Canadian Veterinary Medical Association.

- (j) “Nuisance Dog” means a dog that is disturbing the peace, quiet, enjoyment or convenience of the neighbourhood by its persistent barking or howling or is at large in the neighbourhood.
- (k) “Owner” means any person, partnership, association or corporation that owns, possesses or has control, care or custody over a dog.
- (l) “Pound” means the facility designated by the municipality, which is used for the temporary housing and care of dogs that have been impounded pursuant to the bylaw.
- (m) “Running at Large” means an dog that is not on the property of the owner and not on a leash and/or under the control of a person responsible.
- (n) “Unlicensed dog” means a dog for which the licence fee for the current year has not been paid as herein provided, or to which a tag representing payment of the dog licence for the current year is not attached.
- (o) “Wildlife” means wildlife as defined by the BC Wildlife Act and/or other dogs indigenous to Canada whose ownership in captivity violates Provincial or Federal Canadian statutes.

2. Licensing of Dogs

- (1) No person shall keep, own, harbour or be in possession of any dog over the age of three (3) months within the municipality unless such dog is licensed as provided by this bylaw.
- (2) The owner of a dog shall obtain an annual licence for such dog by paying the fee outlined in Schedule 1.
- (3) Every licence and corresponding licence tag issued under this Bylaw:
 - a) Expires on the thirty-first day of December of the year in which it is issued; and
 - b) is valid only in respect of the dog for which it is issued.
- (4) Where a licence tag is lost or destroyed, the person to whom the original licence was issued may, by paying the fee prescribed in Schedule 1 and applying on a form provided by the Municipality, apply to the Village of Pemberton for a replacement licence or tag.
- (5) The owner shall ensure that any dog taken off of the owner’s property shall cause the dog to wear around the neck a collar to which shall be attached the current licence tag issued for that dog by the municipality. Owners are encouraged to have their dog bear permanent identification in the form of a visible veterinary tattoo or identifiable microchip.
- (6) Dogs that are trained and required as a guide or for assistance to a disabled person shall be licensed, but the licence fee shall be waived for such dogs.
- (7) The municipality shall keep a complete registry of all licensed dogs, indicating the dates of registration, the name and description of each dog, and the name and address of each owner.

- (8) The owner of any licensed dog shall, within thirty days of the owner's change address, notify the municipality of such change of address.
- (9) Transient dogs that have affixed to its collar or harness a valid and subsisting licence tag issued by any jurisdiction outside the Village of Pemberton shall not be deemed ownerless, but shall be subject to every other provision of this Bylaw.

3. Responsibilities of Owners – Dog Control

- (1) An owner shall ensure his or her dog does not run at large within the municipality.
- (2) An owner shall ensure his or her dog does not enter school playing fields or any other public space that have signage posted at any time.
- (3) Notwithstanding subsection (1), a dog is not required to be on a leash while in the designated off-leash area located on the northeast corner of One Mile Lake or any other designated off leash area.
- (4) If any dog defecates on any public or private property other than the property of its owner, the owner shall remove such feces immediately and to dispose of the same in a sanitary manner.
- (5) An owner shall ensure his or her dog does not vocalize excessively or in any manner which might reasonably disturb any person.
- (6) No owner of a dog shall permit his or her dog to:
 - (a) chase, bite or attack any person or animal; or
 - (b) cause damage to any property.
- (7) The owner or possessor of any dog that is lawfully not on a leash pursuant to subsection (4) shall:
 - (a) keep the dog under control by verbal command at all times, and
 - (b) ensure that the dog does not cause injury to any person or other animal or damage to any property.
- (8) No person shall own more than 3 dogs unless they are licensed as a dog kennel.
- (9) No owner shall keep his or her dog in an unsanitary environment.
- (10) For the purposes of subsection (10), an environment is considered unsanitary when it contains objects that may cause injury to any person or dog or where it contains an accumulation of fecal matter, an odour, insect infestation, rodent attractants, or other conditions which endanger the health of any person or dog, or which disturbs or are likely to disturb the enjoyment, comfort or convenience of any person or dog.
- (11) An owner shall ensure his or her dog does not upset any waste receptacles or scatter the contents thereof either in or about a street, lane, or other public property or in or about premises not belonging to or in the possession of the Owner of the Dog.

- (12) Any dog found on public or private property in violation of health regulations or a bylaw of the Village of Pemberton shall be liable to be impounded on sight by the Bylaw Enforcement Officer or Peace Officer and disposed of in the manner set out in this Bylaw.

4. Responsibilities of Owner -- Dog Care

- (1) An owner shall ensure his or her dog is provided with:
- (a) clean potable drinking water and food of sufficient quantity and quality to allow for healthy growth and the maintenance of healthy body weight;
 - (b) food and water receptacles kept clean and disinfected and located so as to avoid contamination by excreta;
 - (c) the opportunity for regular exercise sufficient to maintain good health, including daily opportunities to be free of a confined area and exercised regularly under appropriate control; and
 - (d) necessary veterinary care when such dog exhibits signs of pain, injury, illness or suffering.
- (2) An owner shall not keep a dog which normally resides outdoors, or which is kept outdoors for extended periods of time, unless such dog is provided with an outdoor shelter which:
- (a) has a total area that is at least twice the length of the dog in all directions and that also allows the dog to turn around freely and adopt normal resting postures;
 - (b) ensures protection from heat, cold and dampness that is appropriate to the weight and type of protective outer coat of such dog.
 - (c) provides sufficient shade to protect the dog from the direct rays of the sun at all times; and
 - (d) is regularly cleaned and sanitized, and removed of excreta daily.
- (3) No person may cause a dog to be 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.
- (4) No person may cause a dog to be hitched, tied or fastened to a fixed object for longer than 6 hours within a 24 hour period.
- (5) No person may cause a dog to be confined in an enclosed space or vehicle, including a car, without adequate ventilation. Such enclosed space or vehicle (if stationary) shall be in an area providing sufficient shade to protect the dog from the direct rays of the sun at all times.
- (6) No person may transport a dog in a vehicle outside the passenger compartment or in an uncovered passenger compartment unless it is adequately confined or unless it is secured in a body harness or other manner of fastening which is adequate to prevent it from falling off the vehicle or otherwise injuring itself.

5. Nuisance Dogs

- (1) When a complaint is made to the Enforcement Officer or Peace Officer that a dog is permitted to trespass or be at large within the limits of the municipality so as to constitute a

nuisance, the owner shall be deemed to be guilty of an infraction of this Bylaw, and the Enforcement Officer or Peace Officer shall be authorized to issue a "Bylaw Offence Notice" (Schedule 3), said notice to request payment of a fee, as prescribed in Schedule 1

6. Impoundment

- (1) Any person may seize any dog found at large and deliver it to the pound.
- (2) A dog seized pursuant to section 6 (1) shall be considered impounded at the time and place it comes under the control of the Enforcement Officer, pound keeper, or a peace officer make all reasonable efforts to identify and contact the owner of every stray dog impounded, whether the dog is living or dead.
- (3) The pound keeper/Enforcement Officer shall:
 - (a) impound such dog; and
 - (b) make all reasonable efforts to determine the identity of the owner of such dog and to inform such person that the dog has been impounded, whether the dog is alive or dead.
- (4) Any dog impounded shall be provided with the basic dog care provisions described in section 4 of this bylaw and with the requirements set out in A Code of Practice for Canadian Kennel Operations (Canadian Veterinary Medical Association, 2007) and the pound keeper shall sign a declaration to that effect.
- (5) The dog shall remain impounded for a minimum of 72 hours (not including the date of impoundment, Sundays, or Statutory Holidays), unless the dog is claimed by its rightful owner. If not claimed within that time, the dog shall become the property of the municipality and may:
 - (a) be adopted for such price as has been established once implanted with a microchip or tattoo, unless the dog is a dangerous dog; or
 - (b) after reasonable attempts have been made to place the dog, be euthanized by lethal injection of a barbiturate approved by the British Columbia Veterinary Medical Association.
- (6) During the impoundment period, the pound keeper may euthanize, by lethal injection of a barbiturate approved by the British Columbia Veterinary Medical Association, any dog deemed to be seriously ill or injured for humane reasons and in prior consultation with a veterinarian, if all reasonable efforts to contact the owner of the dog have failed.
- (7) During the impoundment period, the pound keeper shall:
 - (a) provide such veterinary care for an injured or ill impounded dog as may be necessary to sustain its life; and
 - (b) be entitled to recover from the owner, the cost of veterinary care provided while the dog was impounded, in addition to any other fees due to the municipality for redemption of the dog.
- (8) When a dog seized and impounded does not have a permanent form of identification (veterinary tattoo or microchip), the pound keeper shall encourage the owner to implant the dog with a microchip.
- (9) In order to obtain the release of an impounded dog during the impoundment period

stipulated in subsection (5), the owner shall:

- (a) provide proof of ownership of the dog;
- (b) licence the dog with the municipality; and
- (c) pay to the municipality:
 - (i) any applicable fines as outlined in Schedule 1;
 - (ii) any costs associated with the application of the microchip or tattoo should that be done by the pound;
 - (iii) per diem dog care and housing fees as identified in Schedule 1; and
 - (iv) any costs incurred due to veterinary services rendered during the impoundment period.

- (10) Where the owner of a dog has been determined and all reasonable efforts to contact such owner have been made, but such owner does not claim the dog, he or she shall be responsible for payment to the municipality of the fees described in 5(8).

7. Dangerous Dog Licensing

- (1) No person shall own or keep any dangerous dog unless such dog is licensed as a dangerous dog with the municipality by an owner who is over the age of eighteen, and who has paid the applicable fee indicated in Schedule 1.
- (2) In order to obtain such licence, an owner of a dangerous dog shall supply the following documentation to the municipality:
 - (a) written confirmation from a licensed veterinarian that such dog has been neutered;
 - (b) written confirmation from an approved dog trainer that the services of such trainer have been retained for the purpose of providing behavioural remediation to such dog;
 - (c) written confirmation that the owner has obtained a policy of liability insurance specifically covering any damages for injuries caused by such dog in an amount not less than five hundred thousand dollars, and covering the twelve month period during which licensing is sought. This policy shall contain a provision requiring the community to be named as an additional insured for the sole purpose of the community to be notified by the insurance company of any cancellation, termination or expiration of the policy.
- (3) When such dog is off the property of the owner, the owner shall ensure that it is properly fitted with a muzzle and on a leash not longer than one metre and that it is under the control of a responsible person over the age of eighteen.
- (4) When such dog is on the property of the owner, the owner shall ensure that it is either securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent it from escaping and to prevent the entry of any person not intended to access such dog. Such pen or structure shall comply with Section 4 of this bylaw, and shall not be within one metre of the property line or within three metres of a neighbouring dwelling unit.
- (5) The owner of such dog shall display a sign declaring in legible writing and with a recognizable symbol that the dog is dangerous at each entrance to the property and building in which such dog is kept.
- (6) The owner of such dog shall promptly notify the municipality's dog control department if the dog is found to be running at large;

- (7) If the owner of a dangerous dog is unwilling or unable to comply with the requirements of this section, said dog shall be seized and impounded for a fourteen day holding period, after which the dog shall be euthanized by lethal injection of a barbiturate approved by the British Columbia Veterinary Medical Association.

8. Kennels

- (1) Four (4) or more dogs may not be kept or harboured on any property or residential unit unless a valid and subsisting kennel licence has been issued under this Bylaw.
- (2) No kennel shall be permitted:
 - (a) in a residential zone;
 - (b) in any other zone within fifty (50) metres of the parcel boundary of any property other than that occupied by the owner.
- (3) No person shall keep or maintain a kennel without first having made application, on a form provided by the Municipality, and having obtained a kennel licence. The application for such kennel licence shall be accompanied by the fee prescribed in Schedule 1.

9. Prohibited Animals

- (1) Except as provided in subsection (2) of this bylaw, no person shall:
 - (a) breed,
 - (b) possess,
 - (c) exhibit for entertainment or educational purposes, or
 - (d) display in public either on a temporary basis or permanent basis, any prohibited animal listed in schedule 2.
- (2) Subsection (1) does not apply to:
 - (a) The premises of a (local government) facility used for keeping impounded animals;
 - (b) The premises of any police department;
 - (c) Premises operated by the British Columbia Society for the Prevention of Cruelty to Animals.
 - (d) The premises of a veterinarian licensed by the British Columbia Veterinary Medical Association, providing the veterinarian is providing temporary care for a prohibited animal;
 - (e) Premises that keep prohibited animals for which a valid permit and/or license is in place pursuant to the Wildlife Act or Fur Farm Act.
 - (f) Premises that keep animals for educational and research purposes, which are accredited by the Canadian Council for Animal Care.
 - (g) Premises of an aquarium or zoological park, which is accredited by the Canadian Association of Zoological Parks and Aquaria.

10. Offenses and Fines

- (1) A person shall not remove, or attempt to remove, from the pound an impounded dog except as allowed under this bylaw.

- (2) No person may interfere with, resist, or otherwise obstruct the pound keeper, or other person authorized under this bylaw, in the performance of his or her duties.
- (3) Every person who commits an offence against this Bylaw is subject to a fine as outlines in Schedule 1 – attached.
- (4) Each day a violation of the provisions of this bylaw exists or is permitted to exist shall constitute a separate offence.

11. Entering Land to Carry Out an Order:

Where an Animal Control Officer, Bylaw Officer or Peace Officer

- (a) Is acting pursuant to this Bylaw, or to an order made under this Bylaw to take an dog into custody or to destroy a dog; or
- (b) Has reasonable ground to believe that a dog is ownerless; or
- (c) Has reasonable grounds to believe that a dog is, or has been, running at large; or
- (d) Has reasonable grounds to believe that a dog is not being properly cared for pursuant to Section 4 (1) through (6)

The Animal Control Officer, Bylaw Enforcement Officer or Peace Officer may enter any land or premises at any reasonable time.

12. Citation

This Bylaw may be cited for all purposes as “The Corporation of the Village of Pemberton Animal Control Bylaw No. 651, 2010”.

13. Repealed Bylaws

- a) “The Corporation of the Village of Pemberton Dog Owner Bylaw No. 462, 2000,” is hereby repealed.
- b) “The Corporation of the Village of Pemberton Dog Owner Amendment Bylaw No. 537, 2004 is hereby repealed.
- c) “The Corporation of the Village of Pemberton Exotic Animal Bylaw No. 533, 2004” is hereby repealed.

READ A FIRST TIME this 15 day of February, 2011.

READ A SECOND TIME this 1st day of March, 2011.

READ A THIRD TIME this 1st day of March, 2011.

RECONSIDERED, FINALLY PASSED AND ADOPTED this 15 day of
March, 2011.

Mayor

Corporate Officer

SCHEDULE 1

Licence and Offence Fee Schedule

LICENCE FEES (to be paid by March 31st): Section 2.2

	<u>Dogs</u>
UNNEUTERED MALE:	\$ 65.00
UNSPAYED FEMALE:	\$ 65.00
NEUTERED:	\$ 25.00
SPAYED:	\$ 25.00
UNDER 3 MONTHS:	\$ 15.00
REPLACEMENT TAG:	\$ 10.00
KENNEL PERMIT FEE:	\$ 100.00

LICENCE FEES (AFTER MARCH 31st):

UNNEUTERED MALE:	\$ 85.00
UNSPAYED FEMALE:	\$ 85.00
NEUTERED:	\$ 40.00
SPAYED:	\$ 40.00

IMPOUND FEES: Section 6.9

FIRST OFFENCE (UNLICENSED):	\$ 75.00
FIRST OFFENCE (LICENSE):	\$ 30.00
SECOND OFFENCE:	\$ 100.00
THIRD OFFENCE:	\$ 150.00
FOURTH AND SUBSEQUENT OFFENCES:	\$ 300.00
ANY OFFENCE, DANGEROUS DOG	\$ 500.00
MAINTENANCE FEE PER DAY:	\$ 20.00

BYLAW OFFENCE FEES Section 10

ALLOW OR SUFFER ANY DOG TO DEPOSIT EXCREMENT WITHOUT CLEANING UP:	\$100.00
DANGEROUS DOG	\$500.00
ANY OTHER TICKET OFFENCE	\$ 50.00

SCHEDULE 2

LIST OF PROHIBITED ANIMALS

- all nonhuman primates
- all felidae, except the domestic cat
- all canidae, except the domestic dog
- all ursidae (bears)
- all proboscidea (elephants)
- all pinnipedia (seals, walrus)
- all marsupials
- all edentates (anteaters)
- all xenartha (such as sloths, armadillos, and tamanduas)
- all monotremata (spiny anteater and platypus)
- all venomous or poisonous reptiles and amphibians
- all reptiles and amphibians over 2ft adult size
- all venomous or poisonous invertebrates (such as black widow spiders, tarantulas, and blue-ringed octopus)
- all ungulates, except the bison and the domestic breeds of cow, goat, sheep, pig, horse, mule, donkey, ass, llama, and alpaca
- all hyenidae (hyenas)
- all hyracoidean (hyraxes)
- all erinaceidae (tenrecs and hedgehogs)
- all mustelidae (skunks, weasels, otters, wild ferrets), except the domestic ferret
- all procyonidae (raccoons, coatimundis)
- all viverridae (civets and genets)
- all herpestidae (mongooses)
- all cetacea (whales, porpoises, dolphins)
- all rodentia, except the hamster, gerbil, guinea pig, domestic mouse, and domestic rat
- all chiroptera (bats), colugos (flying lemurs), and scandentia (treeshrews)
- all lagomorphs (rabbits and hare), except the domestic rabbit
- all birds except the domestic quail, pheasant, pigeon, chicken, duck, goose and turkey, plus the budgie, cockatiel, lovebird, finch, and canary
- all saltwater fish

SCHEDULE 3

DATE: _____ **TIME:** _____ **í A.M. í P.M.**

NAME OF OFFENDER: _____

(last)

(first)

ADDRESS: _____ **Postal Code:** _____

PHONE #: _____ **CELL #:** _____

NAME OF DOG: _____

BREED: _____ **Age:** _____ **Colour:** _____

You are hereby notified that you are alleged to have committed an offence against “The Corporation of the Village of Pemberton Animal Control Bylaw No. 651, 2010

ALLEGED OFFENCE:

Location of Offence: _____

Issuing Authority: _____

This notice may be settled by voluntary payment of \$ _____ as set out in the “Licence and Offence Fee Schedule 1” of Animal Control Bylaw No. 651, 2010. The voluntary payments may be made by mail or in person to:

The Corporation of the Village of Pemberton
7400 Prospect Street
P.O. Box 100
Pemberton, B.C. V0N 2L0

Failure to make payment within fourteen (14) days of this notice being issued will result in prosecution.

Issued by: _____ **Notice No.:** _____