

VILLAGE OF PEMBERTON

ANIMAL CONTROL AMENDMENT BYLAW No. 870, 2019

A Bylaw to amend Village of Pemberton Animal Control Bylaw No. 839, 2018

WHEREAS Section 137 of the *Community Charter* authorizes the Council to, by bylaw, amend or repeal a bylaw.

NOW, THEREFORE, the Council of the Village of Pemberton in open meeting assembled, **AMENDS AS FOLLOWS:**

PART 1: CITATION

- 1.1. This Bylaw may be cited as “Village of Pemberton Animal Control Bylaw No. 839, Amendment Bylaw No. 870, 2019”.

PART 2: APPLICATION

- 2.1. Village of Pemberton Animal Control Bylaw No.839, 2018 be amended as follows:

- a) By deleting the definition of *Aggressive Dog* and replacing it with the following:

Aggressive Dog means a dog that, being over the age of 3 months, and on one or more occasions: (a) has without justifiable provocation displayed aggressive behaviour toward a person or domestic animal; or (b) has without justifiable provocation caused a minor injury to a person or domestic animal.

- b) By adding the following definitions:

Aggressive Behaviour means any behaviour by a dog that unduly intimidates a person or animal and includes snarling, growling or pursuing a person or animal in a threatening manner;

Aggressive Dog Sign means a sign which reads “Beware of Dog” or otherwise warns that there is a dangerous or aggressive dog on the property;

Competent person means a person of sufficient age, capacity, height and weight to ensure an animal under their control will be obedient to their commands or to physically restrain the animal if required;

Enclosure means a physical structure or fenced yard constructed in such a way that it prevents the escape of a dog or the entry of any person not intended to access the dog but does not include invisible fencing systems;

Leash means a rope, chain, cord, or leather strip no longer than 2 metres, attached to the collar or harness of a dog, of sufficient strength to be used for controlling and restraining the activity of the dog;

Minor Injury means a physical injury to a person or domestic animal that includes pinches, minor localized bruising, scratches, scrapes, shallow punctures, or lacerations in one direction only;

Muzzled means wearing humane basket style fastening or covering device over the mouth that is strong enough and well-fitted enough to prevent the dog from biting, without interfering with the breathing, panting or vision of the dog or with the dog's ability to drink;

- c) By deleting Section 4.2 and replacing with new Sections 4.2. and 4.2.1 below:

4.2 If the *Bylaw Enforcement Officer* has designated a dog as an *aggressive dog*, the *Bylaw Enforcement Officer* will deliver to the owner or other person responsible for the dog, if that person is known, written notice advising that the dog has been so designated.

The notice of an *aggressive dog* determination is sufficiently delivered to the owner or person responsible for the dog:

- (a) by personally by handing the notice to the owner;
- (b) by handing the notice to a person on the owner's property who appears to be over the age of 19 years;
- (c) by posting the notice upon some part of the owner's property and by sending a copy to the owner by regular mail, in which case the notice is deemed to have been received by the owner seven (7) days after the date of mailing;
- (d) by mailing a copy by prepaid registered mail to the last known address of the owner; or
- (e) by electronic mail to the email address of the owner.

4.2.1 Following receipt of a notice pursuant to section 4.2, the owner or competent person responsible for the *aggressive dog* must:

- (a) within 30 days, display an *aggressive dog sign* at the property where the dog normally sleeps so that the *aggressive dog sign* is visible to any person entering the property;
- (b) not cause, permit or allow the dog to be in any public place, unless the dog is *muzzled* and secured on a *leash*, no longer than two (2) metres, to its owner or to the *competent person* responsible for the dog;
- (c) not cause, permit or allow the dog to be on private property without first informing the owner or occupier of the private property that the dog is an *aggressive dog*;
- (d) when in a place owned or occupied by the owner, ensure the dog is:
 - i. kept securely confined indoors,
 - ii. kept securely confined in an *enclosure*, or
 - iii. secured on a leash to its owner or to a *competent person* responsible for the dog;
- (e) not cause, permit, or allow the dog to enter any off-leash area; and
- (f) immediately notify the Village that the dog is *at large* upon becoming aware that the dog is *at large*.

d) By amending section 4.3 as follows:

The owner of a dog that has been designated as an *aggressive dog* may, within **fourteen (14)** calendar days of being delivered notice of the designation, request that the *Bylaw Enforcement Officer* reconsider the designation. The request must be accompanied by written reasons why the owner believes the dog is not an *aggressive dog* and may include any information that would support that position. If requested, the *Bylaw Enforcement 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 within **fourteen (14)** calendar days of the notice being delivered, the designation is final.

e) By deleting section 4.5

- f) By adding section 6.11 below:

6.11 If a dog is impounded pursuant to section 49 of the *Community Charter* and is destroyed pursuant to an order of the Provincial Court, its owner must pay to the Village, within 30 days of the order, all boarding fees owing for it being impounded as set out in Schedule A.

- g) By deleting Section 7 and replacing with a new Section 7 below:

7. Dangerous Dogs

7.1 No person shall own or keep any *dangerous dog* unless such dog is licensed as a *dangerous dog* with the Village by an owner who is over the age of eighteen, and who has paid the applicable fee indicated in Schedule A.

7.2 When a dog has been determined by the Provincial Court to be a *dangerous dog* as defined under section 49(1) of the *Community Charter*, or, when such a determination is pending in an ongoing proceeding with the Provincial Court, the owner or person responsible for the *dangerous dog* must:

- (a) within 30 days of the date of Notice, display an *aggressive dog sign* at each entrance to the property and building where the dog is kept so that the *aggressive dog sign* is visible to any person entering the property;
- (b) not cause, permit or allow the dog to be in any public place, unless the dog is *muzzled* and secured on a *leash*, no longer than one (1) metre, to its owner or to the *competent person* responsible for the dog;
- (c) not cause, permit or allow the dog to be on private property, other than the property of the owner or person responsible for the dog.
- (d) when in a place owned or occupied by the owner, ensure the dog is:
 - i. kept securely confined indoors,
 - ii. kept securely confined in an *enclosure*, or
 - iii. secured on a *leash* to its owner or to a person responsible for the dog;
- (e) not cause, permit, or allow the dog to enter any off-leash area; and

- (f) immediately notify the Village that the dog is *at large* upon becoming aware that the dog is *at large*.

7.3 All powers conferred under the authority of this Bylaw are in addition to the powers conferred by section 49 of the *Community Charter* and this Bylaw does not reduce or limit any powers conferred by section 49 of the *Community Charter*.

READ A FIRST TIME this 22nd day of October, 2019.

READ A SECOND TIME this 22nd day of October, 2019.

READ A THIRD TIME this 22nd day of October, 2019.

ADOPTED this 5th day of November, 2019.

Mike Richman
Mayor

Sheena Fraser
Corporate Officer