

THE CORPORATION OF THE VILLAGE OF ZEBALLOS
BYLAW # 505, 2015
ANIMAL CONTROL BYLAW

Being a Bylaw to replace the Village of Zeballos Dog Responsibility Bylaw 421-2005 with the Animal Control Bylaw 505, 2015

NOW THEREFORE the Council of the Village of Zeballos, in open meeting assembled, enacts as follows:

CITATION

1. That the name of this By-law is the "Animal Control By-law 505, 2015".

DEFINITIONS

2. In this By-law:
 - 2.1. "aggressive dog" means:
 1. a dog with a known propensity, tendency, or disposition to attack without provocation other domestic animals or human beings, or
 2. a dog which has bitten another domestic animal or human being without provocation;
 3. a dog that has aggressively pursued or harassed a person or domestic animal, or
 4. a dog that has been found to be dangerous or aggressive by an Animal Control Officer or the Inspector under this or a previous bylaw, by another government, or by a court.
 - 2.2. "Animal Control Officer" means
 1. A municipal employee, officer or agent designated by the council as an animal control officer, or
 2. A peace officer
 - 2.3. "dog" means an animal of the canine species regardless of age or sex;
 - 2.4. "bird" means any avian species generally kept as a caged domesticated pet and includes but is not limited to budgie, canary and parrot;
 - 2.5. "impound" means to take into custody, confine, and hold;
 - 2.6. "keep" means to own, possess, or harbour a dog, cat, or other animal;
 - 2.7. "other animal" means any animal, including any mammal, bird, reptile or amphibian, except a dog or domestic cat and the following criteria will be used to determine pet status
 1. Species ownership is supported by the existence of published information pertinent to its proper animal husbandry and veterinary care requirements

2. Species ownership does not pose a significant threat to public health and safety
3. The species in question does not represent a significant threat to native (indigenous) wildlife populations
4. Species ownership is permitted under provincial, federal or international laws and regulations, such as the following
 - 2.7.4.1. Convention on the International Trade in Endangered Species of Wild Fauna and Flora (CITES). Canada is a signatory party.
 - 2.7.4.2. Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (WAPPRIITA). Federal statute administered by Environment Canada (Canadian Wildlife Service)
 - 2.7.4.3. At the provincial level, pertinent regulations usually fall under the Ministry of Agriculture and/or Ministry of Natural Resources (Fish and Game Department);
 - 2.7.4.4. NOTE: Information on all these regulations can be obtained from the local provincial conservation officer or game warden.
- 2.8. "permitted animal" means any demesticated animal not prohibited by Section 7.2 or Schedule A.
- 2.9. "police officer" means a peace officer or constable as provided under the *Police Act*;
- 2.10. "poultry or fowl" means any avian species generally kept to be consumed by humans and includes but not limited to chickens, ducks, geese, turkeys, pheasants and quail
- 2.11. "pound" means buildings, yards, enclosures, and other facilities for holding and disposing of such animals as the Animal Control Officer, a police officer, or a person authorized by the Village of Zeballos may seize under this By-law;
- 2.12. "running at large" means an animal not under control by being other than:
 1. On the property of its Owner or of another person who has the care and control of the animal, or
 2. Attached directly to a person who is competent to, and of sufficient strength to ensure that the animal cannot break free from the leash, or other device, used to restrain and/or guide the animal; or
 3. Securely confined within an enclosure; or
 4. Securely fastened so that it is unable to roam beyond the confines of the owner's, possessor's or harbourer's property.

3. DOG LICENCES

3.1. No keeping of dog without licence

A person must not keep a dog that is older than three months unless such person has acquired an annual licence for the dog, and has paid the annual licence fee.

3.2. Applying for licence

A person who keeps a dog must apply for an annual license (January to December in each year), when the person acquires the dog, on the form and in the manner specified by the Animal Control Officer or his designate, and must renew the license annually on or before the expiry of the one year anniversary of issuance of the previous license.

3.3. Paying for licence

A person who applies for a license to keep a dog must pay to the Village the annual fee specified in Schedule I of the Fees and Charges By-law 500.1, 2015, except that if the applicant does not pay the annual fee within 30 days after the due date, the applicant must pay an additional \$10.00.

3.4. Waiving licence fee

If the Village of Zeballos is satisfied that a dog has been specially trained to guide or assist a person who is disabled, and if such a person applies for a licence to keep the dog, no fee is payable.

3.5. Wearing dog tag

A person who keeps a dog must ensure that the dog at all times wears a collar to which is attached a tag furnished by the Village of Zeballos.

3.6. No removing of a dog tag

1. Except with the authority of the person who keeps the dog, a person must not remove the tag required by section 3.5 from a dog's collar or from elsewhere on the dog's body.
2. One tag shall be provided by the Village of Zeballos when the dog is licensed for the first time. A replacement tag shall be provided upon payment of the fee set out in Schedule I, Fees and Charges Bylaw 500.1, 2015 – Replacement Dog Tag.

4. CONTROL OF DOGS

4.1. No running at large

A person who keeps a dog must not permit, suffer, or allow the dog to run at large.

4.2. Leashing dogs

A person who keeps a dog must not permit, suffer, or allow the dog to be on a street or other public place unless the dog is under the immediate charge and control of a competent person by means of a leash that is not more than 2.5 m long or another by-law allows the dog to be off-leash under certain circumstances.

4.3. Muzzling aggressive dogs

In addition to complying with section 4.2, a person who keeps an aggressive dog must not permit, suffer, or allow the dog to be on a street or other public place or on any other property that such person does not own or control unless such person has muzzled the dog to prevent it from biting another animal or a person, except when the dog is participating in an event sanctioned by the Canadian Kennel Club.

4.4. Securing aggressive dogs on private property

A person who keeps an aggressive dog must, at all times while the dog is on property owned or controlled by such person, securely confine the dog, either indoors or in an enclosed pen or other structure capable of preventing the entry of young children and adequately constructed to prevent the dog from escaping or from biting a domestic animal or human being.

4.5. Limiting number of dogs

Except for a person licensed under the License By-law as a kennel keeper, a person must not keep more than three dogs over the age of three months at any one time or at any one place or property in the village. Non-conforming persons at the time of this bylaw passing are excluded from this clause, except they may not replace any dogs over the three count in the event of loss of dog.

4.6. Confining dogs in heat

A person who keeps a female dog must confine and house the dog during the period it is in heat.

4.7. Confining dogs with communicable diseases

A person who keeps a dog, and who knows or suspects that the dog has a communicable disease, must:

1. isolate the dog, during the period such person knows or suspects that the dog has a communicable disease, in a manner that will prevent further spread of the disease and in a manner prescribed at law;
2. seek the assistance of a veterinarian; and
3. follow the orders of such veterinarian, the Animal Control Officer, and any government officials who have authority to issue such orders.

4.8. Removing excrement

1. Only on Owner's Property – no dog shall be permitted to excrete on other than his owner's, possessor's or harbourer's property.
2. Removal of Dog Waste – Other Property – The owner, possessor or harbourer of a dog shall remove, forthwith, any excrement deposited by said dog, on other than the owner's possessor's or harbourer's property.
3. Removal of Dog Waste – Own Property – The owner, possessor or harbourer of a dog shall not permit dog excrement to accumulate in such a manner as to be offensive to smell or unsanitary. Dog Excrement shall

be regularly disposed of in a manner approved by the Medical Health Officer.

4.9. Securing dogs in vehicles

A person who keeps a dog, or a person who has care, custody or control of a dog, must not keep the dog in a vehicle unless such person secures the dog in a manner that prevents the dog from falling or being thrown out of the vehicle.

4.10. Barking or howling

A person who owns or occupies premises must not permit, suffer, or allow the sound of a barking or howling dog that a person not on the same premises can easily hear and that disturbs or tends to disturb unreasonably the quiet, peace, rest, enjoyment, comfort or convenience of such person.

4.11. Upsetting or breaking into refuse container

A person who keeps a dog, or a person who has care, custody or control of a dog, must not permit, suffer, or allow the dog to upset or break into a refuse container on a street or other public place.

4.12. Biting or attacking persons or domestic animals

A person who keeps a dog must not permit, suffer, or allow the dog to bite, attack or injure a person or domestic animal.

5. KEEPING OF DOGS

5.1. Giving basic care to dogs

A person who keeps a dog, or a person who has care, custody or control of a dog, must give the dog food, water, shelter, and exercise sufficient to maintain the dog in good health.

5.2. Tethering dogs

A person who keeps a dog, or a person who has care, custody or control of a dog, must not tie or fasten a dog to a fixed object by using a choke collar or choke chain or by tying a rope, chain, or cord directly around the dog's neck.

5.3. Enclosing dogs

A person who keeps a dog, or a person who has care, custody or control of a dog, must not confine the dog in an enclosure unless the air ventilation, temperature, and size of the enclosure are sufficient to maintain the dog in good health.

6. IMPOUNDMENT OF DOGS

6.1. Seizing dogs under this By-law

The Animal Control Officer or a police officer may seize a dog:

1. in respect of whom the person who keeps a dog does not have a licence;
2. in respect of whom payment of the licence fee referred to in section 3.3 is in arrears;
3. who is not wearing the dog tag referred to in section 3.5;
4. who is on a street or other public place unlawfully including running at large; or
5. who has bitten or who is alleged to have bitten a human being.

6.2. Delivering dogs without tags

If:

1. the Animal Control Officer believes that a dog is not wearing the collar and tag required under section 3.5;
2. the Animal Control Officer requests the person who keeps the dog, the person who has care, custody and control of the dog, or a person who occupies the property where the dog is situated to produce evidence satisfactory to the Animal Control Officer that the dog has a licence and that the licence fee referred to in section 3.3 is not in arrears; and
3. the person referred to in clause (b) fails to produce such evidence;

the Animal Control Officer may request delivery of the dog to the Animal Control Officer or to the pound, and, immediately upon receipt of that request, the person referred to in clause (b) must deliver the dog to the Animal Control Officer or the pound.

6.3. Impounding dogs

Promptly upon receiving a dog under section 6.1 or 6.2, the Animal Control Officer must impound the dog at the pound, except that, if the Animal Control Officer believes the dog is in need of medical care, the Animal Control Officer may take the dog to, or leave the dog with, a veterinarian.

6.4. Detaining impounded dogs

The Animal Control Officer may detain for:

1. 72 hours, a dog impounded under section 6.4; and
2. 21 days, a dog who has bitten or who is alleged to have bitten a human being;

after the date and time of impoundment.

6.5. Destroying dogs for humane reasons

If the Animal Control Officer believes that an impounded dog is suffering from injury, disease, sickness, or other cause which it is unlikely to survive or from which it is unlikely to recover, and that destroying the dog would be humane, the Animal Control Officer may destroy the dog immediately.

6.6. Caring for dogs

The Animal Control Officer, as he or she considers necessary and humane, may maintain and care for impounded dogs including the provision of food, water, and shelter, and may arrange for veterinary care and medication.

6.7. Disposing of dogs

After expiry of the 72 hours referred to in section 6.5, the Animal Control Officer may destroy, or sell by auction or private sale, an impounded dog.

6.8. Reclaiming dogs

At any time before destruction or sale of a dog under section 6.8, the person who keeps the dog may apply to the Animal Control Officer to reclaim the dog, and, when applying, must:

1. give the Animal Control Officer proof of ownership by such person of the dog;
2. pay all outstanding charges and fees under this By-law and under Schedule I of the Fees and Charges Bylaw 500.1, 2015 that apply to such dog; and
3. pay all outstanding fines or penalties imposed on such person for breach of this By-law.

7. REGULATION OF ANIMALS**7.1. Controlling other animals**

A person who keeps an other animal, or a person who has care, custody or control of another animal, must not permit, suffer, or allow the other animal to be elsewhere than on his or her property unless it is under the immediate charge and control of a competent person.

7.2. Prohibition against keeping certain domestic animals

A person must not keep in any area, temporarily or permanently, any hooved animal, including but not limited to horses, donkeys, cattle, swine, sheep and goats, nor any poultry or fowl.

7.3. Prohibition against keeping certain exotic or wild animals

A person must not keep in any area, temporarily or permanently, any animal listed in Schedule A to this By-law.

7.4. Housing for animals

In addition to the other requirements of this By-law, the owner of any permitted animal, bird, or reptile must provide for its housing in a suitable manner, and must maintain such housing in a clean and wholesome state appropriate for the particular animal, bird, or reptile.

8. OFFENCES AND PENALTIES AND ENFORCEMENT

8.1. **No removal of impounded animal**

A person must not remove, or attempt to remove, from the pound an impounded dog or other animal except as allowed under this By-law.

8.2. **No interfering with Animal Control Officer**

A person must not interfere with, resist, or otherwise obstruct the Animal Control Officer, or other person authorized under this By-law, in the performance of his or her duties.

8.3. **Offences under By-law**

A person who:

1. violates any provision of this By-law, or does any act or thing which violates any provision of this By-law, or suffers or allows any other person to do any act or thing which violates any provision of this By-law;
2. neglects to do or refrains from doing anything required to be done by any provision of this By-law; or
3. suffers or allows any other person to fail to comply with an order, direction, or notice given under any provision of this By-law;

is guilty of an offence against this By-law, and liable to the penalties imposed under section 8.4 and 8.5 of this bylaw. Every person who commits an offence against this By-law is punishable on conviction by a fine of not less than \$250.00 and not more than \$10,000.00 for each offence.

8.4. **Fine for continuing offence**

Every person who commits an offence of a continuing nature against this By-law is liable to a fine not less than \$250.00 and not more than \$10,000.00 for each day such offence continues.

8.5. **Fines for particular offences**

Despite the minimum fine referred to in section 8.3.3 of this By-law, a person who commits an offence against:

1. section 4.3 or 4.5 of the By-law is liable to a fine of not less than \$500.00 for each offence; or
2. section 4.4, 4.6, 4.7, 4.11, or 4.13 of the By-law is liable to a fine of not less than \$125.00 for each offence.

9. SEVERABILITY

A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

10. SCHEDULE A

| PROHIBITED ANIMALS | |
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| Canids including coyotes, foxes Lions, tigers, bears and wolves | Reptiles and snakes classified as venomous, whether or not they have venom glands. |
| Exotic Animals | Any animal on the endangered or threatened list for extinction |

11. REPEAL

Village of Zeballos Animal Control Bylaw 379-00 and all amendments including 421, 2005 are hereby repealed in their entirety and replaced by this bylaw #505, 2015.

READ A FIRST TIME this 17th day of November, 2015

READ A SECOND TIME this 17th day of November 2015

READ A THIRD TIME this 7th day of December, 2015

RECONSIDERED AND ADOPTED this 7th day of December, 2015



 Mayor



 Corporate Officer