

Regional District of Central Kootenay

Bylaw No. 1752

A Bylaw to regulate the keeping of dogs within a specified area of Electoral Area K

WHEREAS THE Board of the Regional District of Central Kootenay has, under the “Nakusp and Defined Electoral Area K Animal Control Bylaw No. 620, 1986” established a specified area within Electoral Area ‘K’ for the purpose of providing an animal control service to the Village of Nakusp and the immediate adjacent area;

WHEREAS pursuant to Part 22 of the *Local Government Act*, the Board may, by bylaw, provide for the control of animals;

AND WHEREAS it is deemed expedient to regulate the keeping of dogs in the specified area of Electoral Area K;

AND WHEREAS the Village of Nakusp has adopted Bylaw No. 587 being the “Dog Control Bylaw No. 587, 2004” to provide for the control of animals in the Village of Nakusp;

NOW THEREFORE, the Board of the Regional District, in open meeting assembled, hereby enacts as follows:

PART I – GENERAL

1. This Bylaw may be cited for all purposes as the ‘Defined Area of Electoral Area K Dog Control Bylaw No. 1752, 2005’.
2. The Board may enter into agreement with one or more qualified person(s) to act as the Regional District’s agent and to carry out the duties of Animal Control Officer within the Control Area
3. In this bylaw:

ANIMAL CONTROL OFFICER means any person appointed by the Board as an Animal Control Officer and/or Dog Control Officer and also includes a Bylaw Enforcement Officer and a Peace Officer;

BOARD means the Board of the Regional District of Central Kootenay

DANGEROUS DOG means a dog that:

- a. has killed or injured a person or domestic animal, or has pursued or harassed a person;

- b. any dog with a known propensity, tendency or disposition to attack without provocation other animals or humans;
- c. is specifically bred or trained for fighting purposes;
- d. a Pit Bull Terrier, American Pit Bull Terrier, Pit Bull, Staffordshire Bull Terrier, American Staffordshire Terrier, Rottweiler and any dog whose breeding includes one or more of the breeds enumerated in this paragraph;

DOG shall include both the male and the female of the species over six (6) months of age;

GUIDE DOG means a dog for which a valid and subsisting certificate has been issued under the 'Guide Animal Act';

INCURABLE DISEASE includes rabies and injuries that will result in death;

NUISANCE DOG means a dog deemed to be a nuisance, upon receipt of two written warnings, stating the dog disturbs the quiet, peace, enjoyment or comfort of the surrounding neighbourhood, through acts of persistent barking or howling;

OWNER means a person:

- a. who owns, is in possession of, or has the care or control of an animal;
- b. who harbours, shelters, permits or allows an animal to remain on or about that person's land or premises, or
- c. who is the custodial parent or legal guardian of a child under the age of 18 years who owns, is in possession of, or has the care or control of an animal;

POUND shall mean any building or enclosure or place established for impounding dogs;

RUN AT LARGE means being elsewhere than on the property of the owner while not in the immediate and effective control of a reasonable and responsible person;

UNLICENSED DOG means any dog that does not have a valid license tag for the current year attached to its collar or harness; and

PART II – CONTROL OF DOGS

1. Every owner of a dog:
 - a. shall keep the dog under immediate and effective control while not on the owner's property;
 - b. shall keep the dog on a leash while it is not on the owner's property;

- d. shall keep the dog confined so that it cannot escape while it is on the owner's property;
 - e. shall keep all dogs carried in the rear of an open vehicle on a leash or harness so that the dog is securely kept in the vehicle and unable to reach beyond the sides of the vehicle; and
 - f. keep the dog from straying or trespassing onto private property other than property owned or occupied by the owner.
2. Every owner of a dog must ensure that:
 - a. the dog does not pursue or harass a person; and
 - b. the dog does not kill or injure a person or domestic animal.
3. Every owner of a dangerous dog:
 - a. shall keep the dog muzzled and effectively secured on a leash no more than 2 meters in length while not on the owner's property;
 - b. shall keep the dog securely confined 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 while the dog is on the owner's property; and
 - c. shall prominently display a sign stating 'Beware of Dog' at the front and rear entrances to the owner's property. Said sign to be at least 12 inches x 12 inches in size, yellow in colour with large, bold black lettering.
4. Every owner of a dog that has bitten a person or domestic animal shall keep the dog muzzled while not on the owner's property.
5. The owner of a dog that is in heat:
 - a. must keep the dog securely confined indoors or within a building or enclosure that will prevent the escape of the dog or the entry of other dogs when the dog is on private property; and
 - b. must keep the dog on a leash when it is in a public place.
6. No owner may allow a dog or dogs to call, cry or bark, continuously or sporadically for 15 minutes or more, in such a way that the noise is audible outside of the parcel where the dog or dogs are kept as the Board believes such noise is objectionable and liable to disturb the peace, rest, enjoyment, comfort or convenience of individuals and the public.
7. The owner of a dog that is declared a nuisance dog must take such actions as may be deemed necessary to ensure the Bylaw is not further contravened.
8. Every owner who keeps an animal which normally resides outside, or which is kept outside unsupervised for extended periods of time, shall ensure the animal is provided with an enclosure that meets the following criteria:
 - a. a total area that is at least three times the length of the animal in all directions;

- b. contains a house or shelter that will provide protection from heat, cold and wet that is appropriate to the animal's weight and type of coat. Such shelter must provide sufficient space to allow the animal the ability to turn around freely and lie in a normal position;
- c. should provide sufficient shade to protect the animal from the direct rays of the sun at all times; and
- d. pens and runs must be regularly cleaned and sanitized and excreta removed and properly disposed of.

PART III – POUND OPERATION

1. The Animal Control Officer, alone or with others, may seize, impound or detain an unlicensed dog in the Village of Nakusp, or seize, impound or detain any dog found to be running at large in the area serviced under this Bylaw.
3. If a licensed dog is impounded under this Bylaw, the Animal Control Officer must either speak to the owner of the dog or deliver a notice to the licensed owner at the address provided on the dog's license application, and inform the owner that the dog has been impounded.
4. If an unlicensed dog is impounded under this Bylaw, the Animal Control Officer must, if the owner is known, notify the owner by mail or telephone that the dog has been impounded and advise of the fee required, contained herein, for the release of the dog. If the owner, so notified, does not appear at the pound within four (4) days and release the dog so impounded by payment of the fees and expenses chargeable under this Bylaw, the Animal Control Officer may sell or destroy the dog.
5. If an unlicensed dog is impounded under this Bylaw and the owner is not known by the Animal Control Officer and the owner does not appear at the pound to release the dog so impounded by payment of the fees and expenses chargeable under this Bylaw, after four (4) days the Animal Control Officer may sell or destroy the dog.
5. The owner of an animal that has been impounded may recover the animal from the Pound by providing the Animal Control Officer with proof of ownership, and by paying the fees prescribed in Schedule 'A' of this Bylaw, in accordance with the number of days the animal was impounded and the number of times that the animal has been impounded.

PART IV – IMPOUNDMENT

1. The owner of an unlicensed dog living in the Village of Nakusp, must also replace the dog's license tag or license the dog, and pay the fees prescribed

in the Village of Nakusp's current Dog Control Bylaw for this purpose, before recovering the dog from the Pound.

2. The owner of a dangerous dog who wants to reclaim a dangerous dog that has been impounded must pay, in addition to the regular impoundment fees, the surcharge and other charges stated in Schedule 'A' for the handling and care of a dangerous dog, and must read, complete and sign the release attached as Schedule 'B' to this bylaw.
3. The Animal Control Officer may sell, dispose of, or humanely destroy a dog or other animal after the expiration of 96 hours from the date of impoundment, or with the consent of the owner.
4. The owner of an animal shall pay the maintenance and other applicable fees set out in Schedule 'A' to this Bylaw, even if the owner does not reclaim the animal.
5. The Animal Control Officer may destroy any animal that is suffering from an incurable disease.
6. No person shall rescue, attempt to rescue or release any animal in the Pound or in the custody of the Animal Control Officer.
7. Where the Animal Control Officer has in any calendar year impounded any dog three (3) times or more, or where the owner of any dog has been convicted of an offence under this Bylaw in respect of that dog three (3) times or more in any calendar year, then the Animal Control Officer may order that the dog be removed from the control area within a reasonable period of time, and upon failure of the owner to comply with the order, the Animal Control Officer may take the dog into custody and destroy it.
8. The Animal Control Officer may, where necessary employ the use of lures, baits, nets, tranquilizer gun, sonic and mechanical devices or any other means of apprehending dogs provided always that such methods are applied humanely.

PART V – RIGHT OF ENTRY

1. The Animal Control Officer is hereby authorized to enter, at all reasonable times, upon any property within the Village of Nakusp and the specified area of Electoral Area K in order to ascertain whether the provisions of this Bylaw are being obeyed.
2. No person shall hinder, delay or obstruct the Animal control Officer or any person lawfully engaged in the execution of his or her duties under this Bylaw.

PART VI – SCHEDULES

- 1. Schedules ‘A’ and ‘B’ of this Bylaw form a part of this Bylaw and are enforceable in the same manner as this Bylaw.

PART VII – PENALTIES

- 1. A person who contravenes this bylaw or other requirement made or imposed under this bylaw, or amendments thereto, is guilty of an offence and is liable to a fine not exceeding \$500.
- 2. Where an offence is committed or continues for more than one day, a person shall be deemed to have committed separate offences for each day on or during which an offence occurs or continues, and separate fines, each not exceeding \$500, may be imposed for each day on or during which an offence occurs or continues.
- 3. Nothing in this bylaw shall restrict the District from utilizing any other remedy that would otherwise be available to the District at law.

PART VIII – EXCEPTION

- 1. Nothing in this Bylaw shall apply to a Guide Dog.

PART IX - REPEAL

Bylaw No. 660, the “Village of Nakusp and Defined Area K Dog Regulation and Impounding Bylaw No. 660” and all amendments thereto are hereby repealed.

READ A FIRST TIME this 23rd day of April, 2005.

READ A SECOND TIME this 23rd day of April, 2005.

READ A THIRD TIME this 23rd day of April, 2005.

ADOPTED by an affirmative vote of at least two-thirds of the votes cast this 23rd day of April, 2005.

CHAIR

SECRETARY

**SCHEDULE A
BYLAW NO. 1752**

IMPOUND FEES

For each impoundment for which there was no previous impoundment within the previous three months:

\$50 for unspayed female dogs, unneutered male dogs and unlicensed dogs living in the Village of Nakusp

\$35 for all other dogs

For each impoundment within three months of the first:

\$100 for unspayed females dogs, unneutered male dogs and unlicensed dogs living in the Village of Nakusp

\$70 for all other dogs

For the third and subsequent impoundment within three months of the first:

\$200 for all dogs

Dangerous dog surcharge:

\$350 for all dogs defined in Part 2 of Bylaw No. upon completion of Schedule 'B'

In addition to the foregoing, a fee in the amount of \$10 per day shall be charged in each case for the care and feeding of dogs during impoundment.

**SCHEDULE B
BYLAW NO. 1752**

DANGEROUS DOG REGISTRATION

1. I, _____ of
(name of owner)

(address of owner)

hereby apply for the release of:

Breed: _____

Dog's Name: _____

Colour: _____ Sex: _____ Age: _____

License Number: _____

2. I am the owner of the Dog.

3. I am aware and have been informed that the Dog is a dangerous dog within the meaning of Bylaw No. 1752 and I am aware of the responsibility and potential liability which rest with me in keeping or harbouring the Dog, and state that the Dog will be kept at:

(address)

4. I hereby acknowledge, covenant and agree with the Regional District of Central Kootenay:

a. that I will, at all times when the Dog is not kept on a leash and muzzle and under the control of a person who is competent to control the Dog, keep the Dog in a dwelling or accessory building, or within a securely locked enclosure complying with the requirements of Bylaw No. 1752 , and

b. that I will save harmless and indemnify the Regional District of Central Kootenay, its Animal Control Officer, and any of its officers, employees, agents or elected or appointed officials from and against any and all actions, causes of action, proceedings, claims, demands, losses,

damages, costs or expenses whatsoever and by whomsoever brought in any way arising from or caused by the release of the Dog to me or the keeping or harbouring of the dog by me and, without limiting the generality of the foregoing, for any personal injury or death inflicted on any other animal or any person by the Dog or any damage to property caused by the Dog.

- c. That, if the Animal Control Officer has reasonable grounds, the officer may apply to the Provincial Court for an order that the dog be destroyed in the manner specified in the order and that a dog that has been seized under this section may not be impounded and detained for more than 21 days unless court proceedings for a destruction order are commenced within that time (*Section 49 of the Community Charter*).

5. I submit herewith the sum of \$_____ in payment of all fees payable by me pursuant to Bylaw No. _____.

(signature of owner)

(print name of witness)

(signature of witness)

(date)