

THE CORPORATION OF THE VILLAGE OF KEREMEOS

BYLAW NO. 730

<p>A bylaw to provide for the licensing and control of dogs in the Village of Keremeos</p>

The municipal Council of the Corporation of the Village of Keremeos, in open meeting assembled, ENACTS AS FOLLOWS:

PART 1 - GENERAL

1. This bylaw may be cited as "Dog Control Bylaw No. 730, 2006".
2. "Dog Licence Regulation By-Law No. 622, 2001" is hereby repealed.
3. In this Bylaw:

"aggressive behaviour" means snarling, growling, or pursuing another animal or person;

"Animal Control Officer" means a Bylaw Enforcement Officer or a Police Officer;

"Bylaw Enforcement Officer" means the person or persons appointed from time to time by Council as "Bylaw Enforcement Officer" to enforce the provisions of this bylaw, or the authorized agent or employee of any corporation or society, with whom the Village has an agreement to act as Bylaw Enforcement Officer;

"competent person", unless the context otherwise requires, means a person capable of controlling a dog that is under their supervision;

"Council" means Municipal Council of the Corporation of the Village of Keremeos;

"dangerous dog" has the same meaning as that set out in the Community Charter;

"dog" means a male or female of the canine species having attained, or apparently having attained, the age of 6 months;

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"enclosure" means a structure at least 1.8 meters in height having a concrete or asphalt floor and wire or steel mesh sides and roof, which is sufficient to prevent the entry of young children and/or any unauthorized person or the escape of a dog enclosed therein;

"leash" means a strap, rope, chain or other tethering device of adequate strength, not more than 2 metres (6.56 ft.) long, attached at one end to a collar or harness on a dog and held on the other end by a person in control of the dog;

"muzzled" means fastened or controlled so as to prevent biting by means of a humane fastening or covering device of adequate strength placed over the mouth;

"non-resident" means any person who is residing in the Village for less than 30 consecutive days and less than 180 days in any calendar year;

"owner" in respect of any dog, includes the possessor or harbourer and "owned" includes possessed or harboured;

"person" means and includes any individual, household, corporation, partnership or party and the heirs, executors, administrators or other legal representatives of the same, to whom the context can apply according to law;

"pound" means any building or enclosure designated by the Village for the storage of dogs impounded under this bylaw;

"Pound Keeper" means the person or persons appointed from time to time by Council to carry out the duties assigned to the Pound Keeper in this bylaw, or the authorized agent or employee of any corporation or society, with whom the Council has an agreement to act as Pound Keeper;

"provocation" shall be interpreted to include:

- (1) taunting, teasing or striking a dog; or
- (2) entering or reaching into a vehicle in which a dog is left by its owner; or

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- (3) knowingly entering or reaching onto private property on which a dog is harboured;

"run at large" means a dog which is:

- (a) not on the premises of either the owner or another person who has care and control of the dog; or
- (b) not secured upon a leash and in the direct and continuous charge of a person who is competent to control it, or securely confined within an enclosure so that it is unable to roam; or
- (c) not confined within a motor vehicle so as to prevent escape therefrom and to prevent access to persons; or
- (d) on any property without the consent of the owner or occupier of that property;

"unlicensed dog" means any dog for which the licence fee for the current year has not been paid as provided herein, or any dog to which a valid licence tag is not attached;

"vicious dog" means a dog that:

- (a) has bitten another animal or human being without provocation; or
- (b) has known propensity, tendency or disposition to attack without provocation other animals or humans; or displays unprovoked aggressive behaviour

"Village" means the Corporation of the Village of Keremeos.

4. Whenever the singular and masculine are used throughout this bylaw, the same shall be construed to mean the plural or the feminine, or the body corporate or politic as the same requires.
5. If any section or portion of this bylaw is held to be invalid by any court of competent jurisdiction, the said section or portion shall be severed from this bylaw and the remainder of this bylaw shall remain intact and in force.

PART 2 - LICENSING

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6. The owner of every dog shall, annually on or before the last day of February in each year, or as soon thereafter as such dog shall attain the age of six (6) months, cause the dog to be registered, numbered, and licensed in the office of the Village, or such other place designated by the Village.
7. No person shall own, keep, harbour or have in his possession any dog unless a valid licence therefore has first been obtained under this bylaw.
8. No person shall own, keep, harbour or have in his possession any dog unless the said dog is made to wear around its neck a collar or harness to which a valid and current licence tag is attached.
9. A dog owned and harboured by a non-resident of the Village shall not be exempt from the licensing provisions of this bylaw unless the following conditions are met:
 - (a) the dog is licensed and is wearing a valid licence tag of a province or local government other than the Village; and
 - (b) the dog is not living in the Village for more than 30 days.
10. No person shall keep or harbour, nor allow to be kept or harboured, more than 3 dogs on any property or in any legal residential unit within a property unless a valid licence to operate a kennel is held for the said property.
11. Every application for a licence shall be accompanied by a licence fee payable in accordance with Schedule "A" which is attached to and forms a part of this Bylaw.
12. All persons with disabilities requiring the aid of a service dog shall be required to obtain a licence for their guide dog, but there shall be no charge for this licence.
13. Every licence issued under this bylaw shall be:
 - (a) in the form set out in Schedule "B" which is attached hereto and forms part of this bylaw; and

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- (b) for the calendar year in which the licence is issued and shall expire on the 31st day of December in the year in which the licence was issued.

There shall be issued with each licence a tag, which shall be impressed or stamped with a number corresponding to the number of the licence issued.

- 14. Where a licence tag is lost or destroyed a replacement tag may be issued to the person to whom the original licence was issued, upon their paying to the Village or to the Pound Keeper the prescribed fee set out in Schedule "A" attached hereto and forming part of this bylaw.
- 15. Where the owner of a dog in respect to which a licence is issued under this bylaw sells or otherwise ceases to be the owner of the dog, the licence for that dog shall immediately become cancelled, and no licence fee refund shall be made.

PART 3 - CONTROL OF DOGS

- 16. No Person shall take or allow any dog onto any public beach or swimming area, park, school ground, cemetery or other public area other than roads, unless the park, public area or portion thereof has been designated by resolution of Council and posted "Dogs on Leash Allowed".
- 17. All dogs while outside a building, and not controlled by a leash held by a competent person, shall at all times be tethered or kept in a fenced area on private property to prevent them from leaving the property.
- 18. Dangerous Dog
No person shall own, keep or harbour a dangerous dog within the Village nor bring a dangerous dog into the municipal boundaries of the Village.
- 19. Vicious Dog
Every person who owns, keeps or has the custody, care or control of a vicious dog shall:
 - (a) not permit or allow the vicious dog to be on any highway or in any other public place unless the vicious dog is effectively muzzled to prevent it from biting another animal or human; and

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- (b) at all times while the vicious dog is on the owner's premises, keep the vicious dog securely confined indoors or confined outdoors in an enclosure as defined in part 1 of this bylaw..
- 20. No owner of a dog shall allow, suffer or permit a dog to run at large.
- 21. No person shall lead, exercise or accompany any dog on a highway or public place unless:
 - (a) the dog is on a leash and under the control of a competent person; and
 - (b) the person has in his possession a wrapper suitable for collecting and carrying any excrement deposited by the dog.
- 22.. Persons in control of dogs in public places must remove excrement deposited by the dog in a wrapper, and place it in a waste receptacle.
- 23 No person shall own, possess or harbour a dog in the Village unless he ensures the dog is tended to at all times as required to avoid barking by the dog which disturbs, or tends to disturb, the quiet, peace, rest, enjoyment, comfort or convenience of a neighbourhood, or of persons in the vicinity of the dog.

PART 4 - ENFORCEMENT

- 24. The Council shall, from time to time as may be required, appoint one or more Bylaw Enforcement Officers, who shall enforce the provisions of this bylaw.
- 25. The Council shall, from time to time as may be required, appoint a Pound Keeper who may hire an assistant or assistants as deemed necessary, who shall operate a pound for the impounding of dogs pursuant to the provisions of this bylaw.
- 26 The Bylaw Enforcement Officer may seize and impound any dog found running at large or any dog that is otherwise in contravention of this bylaw.
- 27. The Bylaw Enforcement Officer shall post a notice on the bulletin board of the Village for all dogs impounded, which notice shall be in the form set

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- out in Schedule "D" which is attached hereto and forms part of this bylaw.
28. The Bylaw Enforcement Officer is hereby authorized to enter at all reasonable times, onto any parcel within the municipality to determine whether the provisions of this Bylaw are being complied with; including but not limited to being empowered to enter any lands, or vehicle in order that he may:
- (a) control, impound or destroy any wounded, sick, or distressed dog; and to control and/or impound any dangerous dog in accordance with the provisions of the Community Charter; or
 - (b) determine whether a dog is duly licensed under this bylaw; or
 - (c) seize or impound any dog found which is not properly licensed.
29. No dog which is impounded may be reclaimed unless all outstanding licence fees, and all fees for impounding and storage of the dog have first been paid in full, as set out in Schedule "C" which is attached hereto and forms part of this bylaw.
30. The Bylaw Enforcement Officer and the Pound Keeper are authorized at their sole discretion, to destroy, sell or otherwise dispose of any dog impounded under this bylaw unless the dog is reclaimed, and all required fees prescribed in this bylaw are paid within 72 hours of the dog being impounded.
31. The owner or licence holder of any dog that is impounded under this bylaw shall be required to pay to the Village any and all prescribed fees set out in Schedule "C" to this bylaw, regardless of whether or not the impounded dog is reclaimed.
32. If a dog should escape from, or be illegally released from, the pound and return to the possession of its' owner or any person caring for the dog, its' owner or caretaker shall still be liable for the payment of all fees and expenses chargeable and recoverable under this bylaw.
33. No person shall release or rescue or attempt to release or rescue any dog lawfully in the custody of the Pound Keeper or Bylaw Enforcement Officer.
34. No person shall obstruct, or otherwise interfere with the Pound Keeper or

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Bylaw Enforcement Officer in the lawful exercise of his duties under this bylaw.

- 35 Any person who violates any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw, is guilty of an offence under this bylaw, and liable to a fine of up to \$2,000.00.
36. Where a violation, contravention or neglect to comply with any provision of this bylaw is recurring, continual or ongoing in nature, each day's continuation or recurrence shall be considered a separate offence.

READ a first time the 8th day of January, 2007

READ a second time the 8th day of January, 2007

READ a third time the 8th day of January, 2007

ADOPTED on the 22nd of January, 2007

MAYOR

Chief Administrative Officer

SCHEDULE "A"

DOG LICENCE FEES

1. The following fees shall be collected for every Dog Licence that is issued:

Male Dog Licence	\$30.00
Female Dog Licence	\$30.00
Neutered Male Dog Licence	\$12.00
Spayed Female Dog Licence	\$12.00

2. Where a Dog Licence is issued on or after March 1st in any year, the licence fee shall be increased by \$5.00 with the following exceptions:

- (a) Where a dog for which a licence fee is payable was brought into the Village after February 28th in the year in which the licence is to be issued, the owner shall have thirty (30) days in which to obtain a Dog Licence before the above-indicated fee is increased.
- (b) Where a dog for which a licence fee is payable is more than five (5) months old at the time of licence application, there shall be no reduction of the annual licence fee, regardless of the date on which the licence is purchased. (See Interpretation Note Below)

Documentation to the satisfaction of the Village or Pound Keeper, as the case may be, regarding the applicability of the above Sections (a) and (b) will be required upon application for a Dog Licence.

3. Replacement of lost dog licence tag \$2.50

Interpretation Note: Clause 2(b) is intended to apply to first time applicants and to specify that the annual licence fee shall be neither increased nor reduced regardless of the date of application

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SCHEDULE "B"

DOG LICENCE

Tag No.: _____

Owner: _____

Street Address: _____

Mailing Address: _____

Sex: _____ Breed: _____

Fee: \$ _____ Colour: _____

Purchased: _____ Expires December 31, _____

Name of Veterinarian: _____

Owner's Signature

Collector

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SCHEDULE "C"

DOG IMPOUNDMENT FEES

1. Impounding fee for a licensed dog:

First impoundment	\$20.00
Second impoundment within one year of the first impoundment	\$75.00
Third and subsequent impoundments within one year of the first impoundment	\$100.00

2. Impounding fee for unlicensed dog:

First impoundment	\$50.00
- Plus applicable licence fee	+ licence fee
Second impoundment within one year of the first impoundment	\$75.00
Third and subsequent impoundments within one year of the first impoundment	\$100.00

3. Fee for storage per 24 hour period or portion thereof \$10.00

4. Fee for destroying a dog Actual Cost

SCHEDULE "D"

NOTICE

DOGS IMPOUNDED

Date: _____ No.: _____

Sex: _____

Breed/Type: _____

Colour: _____

Description: _____

Picked up in the Vicinity of: _____

- Note:
1. All impounding, licence and storage charges must be paid before the dog will be released. Fees are payable at the Village Office, or at the Pound Keeper's.
 2. The dog will be destroyed, sold or otherwise disposed of if not reclaimed and all fees paid **within 72 hours** of impoundment.

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