

Animal Control Bylaw No. 418, 2015

P U R P O S E

To provide for the impounding and regulation of animals and for the licencing thereof.

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PART 1: Title

1.1 This bylaw may be cited for all purposes as **Animal Control Bylaw No. 418,2015.**

PART 2: Definitions

In this bylaw unless the context otherwise requires:

ANIMAL means any dog, cat or domestic animal

ANIMAL

**CONTROL
OFFICER**

means the Village Bylaw Enforcement Officer or an official, employed by Village as an Animal Control Officer or any contractor appointed by resolution of Council, who has entered into an agreement with the Village to assume the responsibilities of an Animal Control Officer pursuant to this bylaw or who has entered into an agreement with the Village to assume the responsibilities of the Poundkeeper, and includes the deputy, assistants and employees of an Animal Control Officer.

BIRD

means a bantam, ornamental bird, pigeon, dove, show bird and any type of poultry.

CAT

means any animal of the feline species

COOP

means a covered enclosed structure to shelter hens.

COUNCIL

means the Council of the Village of Sayward

DANGEROUS

DOG

means any dog that:

- a) has killed or seriously injured a person;
- b) has killed or seriously injured a domestic animal while in a Public Place or while on private property, other than property owned or occupied by the person responsible for the dog; or
- c) an animal control officer has reasonable grounds to believe are likely to kill or seriously injure a person.

DOG

means any animal of the canine species, irrespective of age or sex

HIGHWAY

means every highway or boulevard within the meaning of the Transportation Act and every road, street, lane or right-of-way designed or intended for or used by the general public for the passage of vehicles and every place or passage way owned or operated by the Village of Sayward for the purpose of providing off-street parking or for the use of pedestrian

or cycle traffic

LIVESTOCK

means farm animals such as beef cattle, dairy cows, horses, donkeys, bison, sheep, goats, hogs or swine, llamas, alpacas, poultry or fowl including chickens, turkeys, ducks, pheasants and wild game raised on ranches for game birds or ratites, or on fur farms.

**MUNICIPAL
TICKET**

means a ticket issued under the terms of the “Village of Sayward Ticketing for Bylaw Offences Bylaw”, as amended from time to time

**OFF LEASH
AREA**

means an area of land, designated by Village as off-leash as represented in a map included in Schedule “C” of this bylaw

OWNER

means a person having any right of custody, control or possession of an animal

PARK

means any property including that covered by water owned or operated by the Village of Sayward for the purpose of a public park.

PEACE OFFICER

means a Constable or person having the powers of a Constable and includes a Bylaw Enforcement Officer appointed under the Police Act.

POUND

means any facility established, maintained, or operated as a pound in accordance with this Bylaw

POUNDKEEPER

means an official employed by the Village or any contractor who has entered into an agreement with the Village, to assume the responsibilities of administration of the Village Pound pursuant to this Bylaw

PUBLIC PLACE

includes every street, road, boulevard, sidewalk, lane, square, parking lot, courtyard, bridge, viaduct and any other way open to public use and any land, park, green space, building, conveyance, private place or passageway to which the public has, or is permitted to have access or is invited

**RUN AT LARGE
or RUNNING AT
LARGE**

means being elsewhere than on the premises of a person owning or having the custody, care or control of any animal and not being under the direct and continuous charge of a person who is competent to control it.

**UNLICENCED
DOG**

means any dog for which the licence for the current year has not been paid as provided in this Bylaw or to which the tag provided for by this Bylaw is not attached.

VICIOUS DOG Means;

a dog that has without provocation bitten or attacked a person or domestic animal either in a Public Place or on private property; a dog that has in a menacing or terrorizing manner approached a person in an apparent attitude of attack in a Public Place;
a dog with a known tendency or disposition to attack without provocation other domestic animals or humans.

**WILD OR
EXOTIC
ANIMAL**

means any animal listed in Schedule “B”, attached hereto and forming part of this bylaw

PART 3: Administration

- 3.1 The Council may by resolution provide for the appointment of one or more Animal Control Officers, for the establishment of a Pound and for other requisite administration of the bylaw.
- 3.2 The Village may, enter into an agreement with any person or organization for the establishment, maintenance, operation and regulation of the Pound.

PART 4: Licencing of Dogs

- 4.1 No person shall keep any dog over the age of six months within the Village unless a valid and subsisting licence has been issued in respect of that dog under this bylaw.
- 4.2 A person shall obtain a licence under this bylaw by making an application in the form provided by the Village and by paying the fees set out in Schedule “A”, attached to and forming part of this bylaw.
- 4.3 Every licence issued shall bear a number and the name of the owner to whom the licence is issued and shall be accompanied by a licence tag bearing the same number as the licence to which it applies.
- 4.4 The person to whom a licence is issued shall, while the licence is valid and subsisting, keep the corresponding licence tag affixed to a collar or harness worn at all times by the dog for which the licence is issued.
- 4.5 No person other than the owner of the dog shall remove from such dog, a licence tag issued pursuant to this bylaw, or a collar or harness to which a licence tag is attached.
- 4.6 A new licence shall be obtained on any change of ownership of a dog.
- 4.7 Every licence and corresponding licence tag issued under this Bylaw:
 - a. expires on the 31st 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.

- 4.8 Where a licence or licence tag is lost or destroyed, the person to whom the original licence was issued may, by paying the fee prescribed in Schedule "A", apply to the Village in a form and manner prescribed, for a replacement licence or licence tag.
- 4.9 The annual dog licence fee payable shall be as prescribed in Schedule "A" to this Bylaw.

PART 5: Animal Control and Prohibitions

- 5.1 No person shall keep any animal except a dog or cat outdoors on any property within the Village, other than on property zoned for such uses in the Village Zoning Bylaw. Except as otherwise provided in this bylaw, every Animal shall be kept under the control of its owner or the owner's agent at all times.
- 5.2 No person being the owner or occupier of a parcel of land shall cause or permit the keeping or harbouring on that parcel more than three (3) dogs over the age of four (4) months.
- 5.3 Notwithstanding the conditions listed in Section 3 of this bylaw, no person shall keep any Livestock on any property, within the Village, other than on the property zoned for such uses in the Village Zoning Bylaw
- 5.4 No person shall sell, display, house or keep any Wild or Exotic Animal within the boundaries of the Village of Sayward
- 5.5 No person shall permit, suffer or allow their dog to be in a restricted area of any park, except:
- a. During events in which dogs are permitted to participate, as authorized by the Village in advance;
 - b. Certified and/or City approved service/working dogs which include but are not limited to:
 - (i) RCMP;
 - (ii) Search & Rescue
 - (iii) Seeing Eye;
 - (iv) Hearing Impaired;
 - (v) Mobility Impaired.
- 5.6 No owner shall permit any dog to be in a Public Place within the Village unless the dog is accompanied by a person competent to control the dog and is led by that person on a leash or chain that does not exceed 1.83 meters (6 feet) in length, or the dog is in an area that is designated as off-leash Area during the times specified in Schedule "C" and:
- a. Is under the effective control of a competent person; and
 - b. The off-leash Area has not been closed nor is it being used under a permit issued by the Chief Administrative Officer.
- 5.7 No person who owns a dog or who has control of a dog shall allow the dog to leave or deposit excrement on any Public Place or on private property other than the property of the owner, unless the owner immediately takes steps to remove such excrement and to dispose of it in a sanitary manner.
- 5.8 No person shall keep within the Village any dog:
- a. Which has killed or injured a person or domestic Animal;

- b. Which by its bark, cries or other noises disturbs, or would tend to disturb a person or persons in the neighbourhood or in the vicinity;
 - c. Any dog which, when unprovoked, has attacked, chased or approached a person or persons in a Public Place in a menacing fashion or apparent attitude of attack; or
 - d. Any dog owned or harboured primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.
- 5.9** No person shall keep or feed within the Village, birds so that they congregate in such numbers so as to constitute a nuisance or disturb, or tend to disturb, the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood or of persons in the vicinity.
- 5.10** No person shall own, possess, or harbour more than three (3) cats over the age of four (4) months, on any parcel of land within the Village.
- 5.11** No person shall permit their cat to be at large within the Village and must ensure that cat is kept confined within the boundaries of their property.
- 5.12** The owner of a dog which is known by the owner, or about which the owner has been informed by an Animal Control Officer, to be a vicious dog shall confine the dog in a building or secure enclosure and shall keep the dog effectively muzzled, caged or otherwise under the effective control of an adult person whenever such dog is released from the building or secure enclosure.
- 5.13** The owner of any Animal shall compensate the Village for any and all damage done by that Animal to Village property.
- 5.14** An Animal Control Officer is authorized to make applications to the Provincial Court as necessary in order to seize and impound a dangerous dog for destruction.

PART 6: Seizing and Impounding Animals

- 6.1** Any Animal which is found running at large, contrary to this bylaw, shall be liable to seizure and impoundment by an Animal Control Officer.
- 6.2** Any dog which has not been licenced in accordance with this bylaw shall be liable to seizure and impoundment by an Animal Control Officer.

- 6.3** The Animal Control Officer shall forthwith convey all Animals seized in pursuance of this bylaw to the Pound.
- 6.4** No person shall hinder, delay or obstruct in any manner, directly or indirectly an Animal Control Officer or any person employed by the Animal Control Officer engaged in driving, loading or carrying to the Pound any Animal liable to impoundment under this bylaw.
- 6.5** The Poundkeeper shall keep the Pound to which they are appointed, clean and in good repair.
- 6.6** The Poundkeeper shall ensure that all Animals seized and impounded pursuant to this bylaw shall receive sufficient food, water, shelter and attendance and that they are not mistreated while under seizure or impoundment.
- 6.7** The Poundkeeper shall, within 24 hours after seizure of any Animal pursuant to this bylaw, where the owner of the impounded Animal can be identified, notify the owner in person, by telephone, or by mail addressed to the last known address of the owner, setting out the particulars of the impounded Animal and advising that the Animal will be adopted or destroyed after the expiration of five (5) days from the date of such notice, unless in the meantime the Animal is redeemed.
- 6.8** An owner of an impounded Animal or any person on the owner's behalf and with the owner's authority in writing may redeem the impounded Animal at any time prior to its adoption, destruction or disposal pursuant to this bylaw upon:
- a. Delivery to an Animal Control Officer, evidence satisfactory to the Animal Control Officer of ownership of the impounded Animal;
 - b. payment of the fees, costs and charges incurred in respect of the seizure and impoundment of the Animal; and
 - c. payment of the current requisite licence fee where the impounded Animal is required to be licenced pursuant to this bylaw and is not licenced.
- 6.9** No person shall break open or in any manner, directly or indirectly aid or assist in breaking open the Pound or take or release any Animal therein without the consent of an Animal Control Officer.
- 6.10** The Poundkeeper may, after the expiration of the time specified by the notification referred to in Section 6.7 and where the Animal has not been redeemed, or after an Animal whose owner cannot be identified has been impounded for five (5) days, offer the impounded Animal for adoption.
- 6.11** Where the Poundkeeper is unable or considers it undesirable to effect an adoption of an Animal pursuant to Section 6.10, or where an Animal has been offered for adoption but has not been adopted, the Poundkeeper may destroy or otherwise dispose of the impounded Animal.
- 6.12** Notwithstanding any other provisions of this bylaw, if it is found that any impounded Animal is suffering from any injury, disease or sickness, an Animal Control Officer may, in their discretion, immediately destroy such Animal, if in their opinion, such Animal would not survive such injury, disease or sickness and that it would be an act of humanity to destroy such Animal.

PART 7: Enforcement

- 7.1 Except as otherwise provided in this bylaw, any person who violates any provision of this bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of the bylaw, or who refuses, or omits or neglects to fulfill, observe, carry-out or perform any duty or obligation imposed by this bylaw shall be guilty of an offence and liable to prosecution under, and the penalties imposed, pursuant to the *Community Charter*. For each day that a violation, contravention or omission is permitted to exist, it shall constitute a separate offence.
- 7.2 Upon alleged contravention of any provision of this bylaw, a Notice of such contravention may be given by the Animal Control Officer or a Peace Officer by means of a Municipal Ticket, in the form prescribed by regulations adopted pursuant to the *Community Charter*. An Animal Control Officer may, instead of issuing a Municipal Ticket for contravention of any of the provisions of this bylaw, issue a Warning Notice of such contravention.

PART 8: Keeping of Records

- 8.1 The Poundkeeper shall maintain records which include:
- a. a description of every Animal impounded and the date and time each Animal was received;
 - b. information relating to the notification to owners of impounded Animals;
 - c. the date and time each Animal impounded was redeemed, adopted, destroyed or otherwise disposed of;
 - d. the name of every person redeeming any Animal and the amount paid by such person;
 - e. the name of every person purchasing any impounded Animal and the amount paid by such person;
 - f. the amount of impounding fees and charges connected with each impounded Animal;
 - g. particulars of any damage done to Village property prior to or while under impoundment, together with the amount payable in respect of such damage; and
 - h. particulars of notices given, licences sold and such other matters as the Village may from time to time require.
- 8.2 A monthly report in writing shall be made by the Poundkeeper to the Village setting out the information and particulars recorded pursuant to Section 9.1

- 8.3** The Poundkeeper shall pay to the Village all funds received by the Pound pursuant to the authority of this bylaw, and all such funds shall become the property of the Village. The Poundkeeper shall make to the Village a monthly remittance of all monies received by the Poundkeeper for the account of the Village during the preceding month, within seven (7) days of the end of each month.
- 8.4** The Animal Control Officer shall maintain records which include
- a. complaints, notifications and other information received in relation to animal control matters including call logs;
 - b. patrol logs;
 - c. information relating to incidents, emergency services, investigations and enforcement including warnings, Municipal Ticket Information and prosecutions;
 - d. a description of every Animal impounded and the date and time the Animal was impounded;
 - e. the location and circumstances of impoundment;
 - f. the date and time that the impounded Animal was placed at the Village Pound;
 - g. responses in relation to dangerous dogs;
 - h. responses in relation to deceased animals;
- 8.5** A monthly report in writing shall be made by the Animal Control Officer to the Village setting out the information and particulars recorded pursuant to Section 9.4

PART 9: Animal Control Officers

- 9.1** The Animal Control Officer shall carry out the provisions of this bylaw together with such other regulations and requirements as shall from time to time be required by the Village.
- 9.2** Every Animal Control Officer is authorized to enter at all reasonable times upon any lands with the Village for the purpose of ascertaining whether the requirements of this bylaw are being observed.
- 9.3** Every Animal Control Officer is authorized to employ such assistance as is deemed necessary or advisable to seize and impound any Animal in pursuance of this bylaw and the expense of such employment shall be added to the fees chargeable by the Animal Control Officer under Section 1 of Schedule "A".
- 9.4** No person shall, hinder, delay or obstruct in any manner, directly or indirectly an Animal Control Officer or any person employed by the Animal Control Officer, carrying out duties in accordance with this bylaw.

PART 10: M i s c e l l a n e o u s

10.1 Schedules "A", "B" and "C" attached hereto, form a part of this bylaw.

PART 11: Repeal

11.1 Animal Control Bylaw No. 340, 2005" is hereby repealed.

READ THE FIRST TIME this 1st day of December, 2015

READ THE SECOND TIME this 1st day of December, 2015

READ THE THIRD TIME this 1st day of December, 2015

ADOPTED this 15th day of December, 2015


Original Signed by:

MAYOR


**CORPORATE
OFFICER**

SCHEDULE "A"

Fees and Charges

1. The impoundment fees chargeable by the Animal Control Officer under this bylaw shall be as follows:
 - a. For seizing and impounding any Animal, for the first impoundment in a calendar year: \$50.00
 - b. For the second seizure and impoundment of the same Animal in a calendar year: \$100.00
 - c. For the third and subsequent seizure and impoundment of the same Animal in a calendar year: \$150.00
2. In addition to the impound fees as outlined in Section 1 above, the following charges shall be paid before an Animal can be redeemed:
 - a. For providing food, water, shelter and attendance for any animal, the sum of \$20.00 for every day or part of every day during which those are provided.
 - b. The full amount of any cost incurred by the Village for examination and treatment by a licenced veterinarian if the Animal is injured or sick.
3. The annual licence fees payable under this bylaw shall be as follows:
 - a. For every unneutered male dog: \$30.00
 - b. For every neutered male dog, proven to be such by the production of a certificate of a qualified veterinarian: \$15.00
 - c. For every unsprayed female dog: \$30.00
 - d. For every spayed female dog, proven to be such by the production of a certificate of a qualified veterinarian: \$15.00
 - e. For a replacement licence tag: \$10.00
 - f. The owner of an unlicensed dog brought into the Village on or after August 1st of any year shall pay, upon satisfactory proof that a licence has been purchased elsewhere for the current year, one-half of the annual licence fee.
5. Animals other than Dogs:
 - a. In addition to the fees for seizure and impoundment, the actual costs incurred in capturing and transporting such animal to a secure area.
6. Adoption:

The fees for the adoption of an Animal shall be as prescribed by the Poundkeeper, in consultation with the Village.

SCHEDULE "B"

Wild or Exotic Animals

The following list of animals constitutes "wild or exotic animals" for the purposes of this bylaw. The list includes all such animals whether bred in the wild or in captivity and also includes their hybrids with domestic species. The words in parentheses are intended to act as examples only and are not to be construed as limiting the generality of the group.

1. Non-human primates (such as gorillas and monkeys)
2. Felids, except the domestic cat
3. Canids, except the domestic dog
4. Ursidae (bears)
5. Elephants
6. Pinnipeds (such as seals and walruses)
7. Crocodylians (such as alligators and crocodiles)
8. Marsupials (such as kangaroos and opossums)
9. Snakes and Venomous reptiles, amphibians and Arachnids
10. Ungulates, except domestic goats, sheep, pigs, cattle, horse, mule and donkey
11. Hyaenas
12. Mustelidae (such as skunks, weasels, otters and badgers)
13. Procyonids (such as raccoons and coatis)
14. Edentates (such as anteaters, sloths and armadillos)
15. Viverrids (such as mongooses, civets and genets)
16. Cetaceans (such as whales, porpoises and dolphins)
17. Struthioniformes, Rhsiformes and Casauriformes (Ostriches, Rheas and Cassowaries)
18. Falconiformes (such as hawks, falcons and eagles)
19. Strigiformes (such as owls)
20. Rodentia, except the hamster, guinea pig, domestic rat and mouse
21. Chiroptera (bats)
22. Lagomorphs, except the domestic rabbit

SCHEDULE "C"

Off-Leash Area	Times available Off-Leash

SCHEDULE "C-i"