



Corporation of the Village of McBride

Animal Control Bylaw No. 693, 2009

A bylaw of the Corporation of the Village of McBride in the Province of British Columbia (hereinafter called the "Village") to provide for **the licensing, regulation, and control of dogs, cats and animals within the Village of McBride.**

NOW THEREFORE the Municipal Council of the Village of McBride in open meeting assembled, ENACTS AS FOLLOWS:

1) SHORT TITLE:

This bylaw may be cited for all purposes as the "Animal Control Bylaw No. 693, 2009".

2) DEFINITIONS:

Animal: means any member of the animal kingdom, other than human being.

Animal Control Officer: means a person designated by Council as an Animal Control Officer for the Village and includes all Bylaw Enforcement Officers, Public Works Employees and the Chief Administrative Officer of the Village or his/her delegate.

At Large:

- a) When used in reference to a dog means any dog being elsewhere than on the lands and premises of the person having care, control and custody of the dog unless firmly attached to a leash held by a person competent to restrain the dog;
- b) When used in reference to any other animal means being elsewhere than on the lands and premises of the person having care control and custody of that animal.

Bird: includes a bantam, ornamental bird, pigeon, dove, show bird, and any type of poultry.

Boulevard: means the area between the curb lines of a roadway or lateral lines of a roadway or the shoulders thereof and the adjacent property lines and includes sidewalks.

Cat: means any weaned animal of the domesticated feline species.

Livestock: includes horses, swine, goats' sheep, mules or other animals of bovine and equine species.

Chief Administrative Officer: means the person appointed by Council, from time to time as Chief Administrative Officer for the Village of McBride, or his or her designated alternate.

Competent Person: means a person who is not intoxicated, and who is physically able to exercise control over an animal.

Council: means the Municipal Council of the Village of McBride.

Dangerous Dog: in addition to the definition in the *Community Charter*,

- a) means a dog that according to the records of the Village, the Pound keeper or the Police has injured or killed a human or animal, or has aggressively pursued or harassed a person or animal without provocation;
- b) that, to the knowledge of its owner, has killed or injured a person or animal or has aggressively pursued a person or animal without provocation;
- c) any dog with a known propensity, tendency or disposition to attack without provocation humans or animals or otherwise threatens the safety of persons or animals;
- d) is specifically bred or trained for fighting purposes

Notwithstanding the above, a dog shall not be determined to be a dangerous dog if the bite, attack or threat of attack was sustained by a person who, at the time, was committing a wilful trespass or other tort upon the premises occupied by the owner of the dog, or was teasing, tormenting, abusing or assaulting the dog, or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the dog or was committing or attempting to commit a crime.

Defecate: means to discharge feces from the bowels.

Dog: means an animal of the species canine.

Feces: means waste matter discharged from the bowels

Enclosure: means a fence or structure of at least six (6) feet in height forming or causing an Enclosure suitable to prevent the entry of young children and suitable to confine a vicious or dangerous dog.

Guide Dog: means a dog used by the blind or otherwise disabled person to assist them with daily living and to avoid hazards and for which a certificate has been issued under the *Guide Animal Act*.

Habitually Noisy Dog: means a dog that barks continuously for over 20 minutes and has done so on more than ten (10) separate occasions within a thirty day time period.

Harbourer: means a person who has in his care or control, or has been entrusted with the care or control of any animal.

Impoundment: means to seize and confine an animal and place it in the established pound.

Kenel: means any building or structure in which three (3) or more dogs or cats over the age of four (4) months are kept, harboured trained, cared for or bred, for remuneration or for the purposes of sale.

Kennel License: Means a license issued to any person who keeps, harbours, treats or lodges three (3) or more dogs or cats that are over the age of (4) months at a Kennel facility.

Keeps: means possesses, harbours, brings upon for a period in excess of 24 hours or feed on a regular basis on a parcel of land.

Leash: means a chain, harness, line, thong or rope, not exceeding 2.44 m (8 feet), that is of sufficient strength to restrain the animal without breaking.

License: means a licence that has been issued and paid, for the current licensing year.

License Tag: means a metal license tag issued for the current licensing year.

Licensed: means a dog/cat that is wearing on its collar or harness, a licence tag.

Licensing Year: means that time period between January 1, and December 31 in any year.

Municipality: means the “Corporation of The Village of McBride”.

Owner: means any person who is in possession of or who has care, custody, and control of an animal, or in the case of a dog, and person whose name appears on the dog licence.

Park: means any property acquired by the Village by means of purchase, lease or otherwise and held for pleasure, recreation, or community uses of the public.

Person: means and shall include an actual person, household, corporation, firm, or co-partnership.

Police: means a member of the Royal Canadian Mounted Police.

Poultry: means domestic fowl, chicken, duck, geese and turkeys.

Pound: means the Municipal Pound established by Council or any vehicle used by the pound keeper or any other premises used to harbour and maintain animals pursuant to this bylaw.

Pound keeper: means the person or persons from time to time appointed by the Council as the Animal Control Officer.

Public Place: includes all highways, boulevards, parks or other real property owned, held, operated or administered by the Crown, Municipality or by the School District within the Municipality.

Rabbit: means a burrowing, gregarious herbivorous mammal of the hare family.

Unlicensed: means any dog/cat for which the license fee for the current year has not been acquired, and to which a current tag issued by the Village is not attached.

Village: Means the “Corporation of the Village of McBride”

Zoning Bylaw: means the “Corporation of the Village of McBride Zoning Bylaw.

3) POUND & POUND KEEPER

POUND

The establishment, maintenance, and operation of facilities for the impounding of animals at such place or places and upon such premises designated by resolution of Council is hereby authorized.

POUND KEEPER

- 1) The authority to seize and impound animals conferred by this Bylaw upon the Pound Keeper may be exercised by the Police.
- 2) The pound keeper shall report to the Village office the following information:
 - a) The number and description of each dog impounded;
 - b) The name of the person who brought or caused the animal to be impounded;
 - c) The day and the hour on which the animal was received, redeemed, sold or destroyed;
 - d) The fees paid by the redeeming party.
- 3) The pound keeper may destroy any animal suffering from an incurable disease, upon certification of the animal’s condition by a licensed veterinarian, or as specifically authorized by the Provincial or Federal Statutes or Regulations.

4) IMPOUNDMENT

- (1) Any dog, which is found running at large contrary to this bylaw, shall be liable to seizure and impoundment by the pound keeper
- (2) Any dog, which has not been licensed in accordance with this Bylaw, shall be liable to seizure and impoundment by the pound keeper.
- (3) Any animal that in the opinion of the pound keeper is suffering shall be liable to seizure and impoundment by the pound keeper.
- (4) No person shall hinder, delay, or obstruct in any manner, directly or indirectly, any person engaged in driving, loading, or carrying to the pound any animal liable to seizure and impoundment under this Bylaw.
- (5) 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) The pound keeper shall ensure that all animals seized and impounded pursuant to this Bylaw shall receive sufficient food, water, shelter, attendance and that they are not mistreated while under seizure or impoundment.
- (7) 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 sale, destruction, or disposal pursuant to this bylaw:
 - a. Delivery to an Animal Control Officer of evidence satisfactory to the Animal Control Office 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 set out in Schedule "A" ;and
 - c. Payment of the current requisite licence fee where the impounded animal is required to be licensed pursuant to this bylaw, and is not licensed.
- (8) Subject to section 4(7) of this bylaw, if an impounded animal is not claimed and redeemed within three (3) clear days of the time of its impoundment, then the pound keeper may destroy the animal or sell it for not less than the amount of the impoundment fee.

5) LICENSING

- (1) 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 and three (3) cats over the age of four (4) months without holding a valid kennel license, in addition to obtaining licenses for each of the dogs or cats over the age of four (4) months as provided for in this bylaw. No person may be issued a kennel license in contravention of the Zoning Bylaw.
- (2) No person shall keep or permit to be kept on a parcel a dog or cat over the age of four (4) months unless a license has been obtained from the Municipality for that animal.
- (3) Every owner of a dog or cat must in each licensing year apply for a license by February 28th of each year and pay the fee set out in Schedule "A" and provide the name breed, age, colour and sex of the animal and state whether the animal is spayed or neutered.
- (4) A person who acquires a dog or cat over the age of four (4) months must obtain a new license with in fourteen (14) days, even if the dog was already licensed in the Municipality.
- (5) The issuance of licenses is the responsibility of the Chief Administrative Officer or such other persons as may be appointed by the Chief Administrative Officer from time to time.
- (6) No license shall be issued to or in the name of any person under the age of nineteen (19) years of age.

- (7) Every owner must ensure that they have acquired a valid license tag for their dog or cat.
- (8) Every annual license expires on the 31st day of December of the year during which it is issued. The owner of every dog or cat in respect of which a license fee is due on the 1st day to January in any year and who fail to take out and pay for the license on or before the 28th day of February in that year shall pay such fee as set out in Schedule "A" of this bylaw. The additional fee provided for in this section does not apply to any dog or cat purchased or acquired in the calendar year for which the license is issued.
- (9) A dog license or cat license and license tag shall not be transferred to another owner or another dog or cat.
- (10) The Village may issue a replacement license tag upon being satisfied by the owner that the original tag issued by the Village has been lost or stolen and upon payment of the fee provided in Schedule "A" to this Bylaw.
- (11) The Village shall keep a record of the name and address of the owners of each dog and cat for which a license is issued, the date of the issuance of the license, the description of the dog or cat and the license number.
- (12) No license fee, late licensing penalty or replacement dog license tag fee shall be charged for guide dogs or police dogs.

PART 1- DOGS

7) CONTROL

- (1) It is the owner's responsibility to ensure their dog is in compliance with this Bylaw.
- (2) No person shall own, possess, or harbour more than three (3) dogs over the age of four (4) months, on any parcel of land within the Village.
- (3) No person shall allow his/ her dog to bite, attack, terrorize or endanger a person or animal.
- (4) The owner of a dog must not permit, suffer or allow their dog to harass or molest a person or animal.
- (5) All dogs when in public must be accompanied by and under the effective control of a person competent to restrain the dog, and be on a leash not exceeding 2.44 m (8feet) in length. **This section does not apply to dangerous dogs.**
- (6) No person shall not cause or allow any dog to defecate on any street, boulevard, public school ground, park or any other public place, or on any private property other than, that of the property of the dog owner or the person having control of the dog, unless the person immediately removes the excrement and disposes of it in a sanitary manner.

- (7) Section 7(5) does not apply to a person with a disability accompanied by a guide dog, or to an on duty police officer accompanied by a police dog.
- (8) The owner of a female dog must not permit, suffer or allow their dog, while she is in heat, to be in any place other than a building, cage, fenced-in area or other place from which the dog cannot escape so that she cannot come into contact with other dogs.
- (9) No person shall keep or harbour within the Village a habitually noisy dog.
- (10) The pound keeper is hereby authorized to seize and impound unlicensed dogs and dogs which are at large.

8) DANGEROUS DOGS

- (1) Every owner of a dangerous dog must at all times, while the dog is on the premises owned or controlled by such person, keep the dog securely confined either in doors or in an enclosed pen or enclosure in the rear of the yard capable of preventing the entry of young children and adequately constructed to prevent the dog from escaping.
- (2) No person shall cause, suffer or permit any dangerous dog owned by him /her to any public place, unless the dog is muzzled by a properly fitted humane device and is firmly on a leash that does not exceed 2.44 (8 feet) in length held by a person competent to restrain the dog or secured within an enclosed motor vehicle.
- (3) No person shall cause, suffer or permit any dangerous dog owned by him/her to be on any private lands and premises without the consent of the occupier of such lands and premises and when on such lands and premises the dangerous dog must be confined as outlined in Section 8(1) or leashed and muzzled as set out in Section 8(2).
- (4) The owner of a dangerous dog must display at each entrance to the property where the dog is kept, a sign stating "**BEWARE OF DOG**", which sign must be posted so that it cannot be removed and will be visible and capable of being read from the sidewalk, street or land abutting the entrance to the property or building.
- (5) The owner of a dangerous dog must advise an Animal Control Officer and the Village immediately if the dog is at large.
- (6) The owner of a dangerous dog must advise an Animal Control Officer and the Village immediately if the dog has bitten or attacked any person or animal.
- (7) Any enclosure or pen referred to in Section 8(1) shall:
 - a. be of sufficient height and strength and stability to contain the dog and form a confined area with no side in common with a perimeter fence or property line; and

- b. have sides which are either buried 60 centimetres into the ground or embedded in an concrete pad; and
- c. have a secure top attached to all sides, and have a gate and is self-closing and has a lock ; and
- d. be capable of containing the dog(s) in a secure and humane manner; and
- e. be approved by the Village.

PART 2 – CATS

9) CONTROL

- (1) It is the owner's responsibility to ensure their cat is in compliance with this Bylaw
- (2) 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.
- (3) No person shall permit their cat(s) to be at large within the Village and must ensure that their cat(s) is kept confined within the boundaries of their property.
- (4) No person shall keep, harbour or have in his/her possession any cat(s) suffering from any infectious or contagious disease, unless such cat is in isolation and under treatment for the cure of such disease.

PART 3 – LIVESTOCK, POULTY AND RABBITS

10) CONTROL OF LIVESTOCK

- (1) The owner of livestock shall not permit, suffer or allow their livestock to;
 - a. Run on a highway;
 - b. Run in a public place;
 - c. Stray or trespass on a highway;
 - d. Stray or trespass in a public place;
 - e. Stray or trespass on private property;
 - f. Graze on unfenced land, unless they are securely tethered.
- (2) The keeping of livestock is to be in accordance with the provisions of the Zoning Bylaw.
- (3) Horses may be ridden within Village Boundaries. However the owner is responsible for the disposal of any manure caused by their horse. Failure to comply may result in the fines as set out in Schedule "A" hereto.

11) CONTROL OF POULTRY / RABBITS

- (1) The owner of any poultry or rabbits shall not permit, suffer or allow their poultry or rabbits to:
 - a. Run on a highway;
 - b. Run in a public place;
 - c. Stray or trespass on a highway;
 - d. Stray or trespass in a public place;
 - e. Stray or trespass on private property;
 - f. Graze on unfenced land.
- (2) The keeping of poultry and rabbits is to be in accordance with the provisions of the Village zoning bylaw.

12) IMPOUNDMENT

- (1) The pound keeper may seize and impound livestock, poultry and rabbits found at large.
- (2) Impounded livestock, poultry or rabbits may be reclaimed by their owners, where ownership has been established to the satisfaction of the pound keeper and paying the impoundment and maintenance fees listed in the attached Schedule "A"
- (3) Impounded livestock, poultry or rabbits shall be kept in the pound for a period of seventy two (72) hours.
- (4) If the impounded livestock, poultry or rabbits are not claimed within the seventy two (72) hour period, the pound keeper may destroy or sell such livestock, poultry or rabbits for the best price that can be obtained.

PART 4 – PENALTIES

13) TICKETABLE OFFENSES:

- (1) A ticket may be issued in accordance with the procedure set out in Community Charter/ Local Government Act.
- (2) Penalty:

Except as otherwise provided in this bylaw, or the Village of McBride Ticket Information Utilization Bylaw, and amendments thereto, 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 of this bylaw, or who refuses, or omits or neglects to fulfil, observe, carry out or perform any duty or obligation imposed by this bylaw shall be liable on summary conviction to a fine not exceeding TWO THOUSAND DOLLARS (\$2,000.00).

14) INSPECTION:

The pound keeper may enter, at all reasonable times, upon any property subject to the regulations of this bylaw in order to ascertain whether such regulations or directions are being obeyed.

15) EFFECTIVE DATE:

This bylaw shall take effect on January 1, 2010.

16) REPEAL:

The corporation of the Village of McBride Animal Control Bylaw No. 534, 1994 and amendments thereto, are hereby repealed.

READ A FIRST TIME THIS	8 th	DAY OF	December	2009
READ A SECOND TIME THIS	12 th	DAY OF	January	2010
READ A THIRD TIME THIS	12 th	DAY OF	January	2010
ADOPTED THIS	26 th	DAY OF	January	2010

Corporate Officer

Mayor

*Certified a true copy of the
"Village of McBride
Animal Control Bylaw No. 693, 2009"*

Corporate Officer



Corporation of the Village of McBride

Animal Control Bylaw No.693, 2009

SCHEDULE "A"

****CONSOLIDATED WITH VILLAGE OF MCBRIDE BYLAW 762.2016 FEES AND CHARGES****

Schedule of License Fees:

Female or Male Dog	
Female or Male Cat	
Duplicate license	
Dangerous dogs	

Every person owning a guide dog raised by the Canadian National Institute for the Blind or a dog trained by the Western Canada Handi and Hearing Ear Society or a dog utilized by the "Police Service Dog Section" of the Royal Canadian Mounted Police, shall be exempt from the licensing provisions of this Bylaw.

Schedule of Pound Fees:

Impoundment:	
For seizing and impounding a licensed dog	
For seizing and impounding an unlicensed dog (includes cost of License)	
For seizing and impounding a dangerous dog	
For seizing and impounding an unlicensed dangerous dog	
Maintenance fee for each 24 hour period	
For seizing and impounding of Livestock	
Maintenance fee for each 24 hour period	
For seizing and impounding of Poultry / Rabbits	
Maintenance fee for each 24 hour period	

An owner may reclaim their impounded animal upon proving ownership and paying to the Village the impoundment and maintenance fees.

Schedule of other fees:

Harbouring an unlicensed dangerous dog	
Possessing or harbouring a habitually noisy dog	
Failure to comply with manure and feces disposal	

All fees are payable to:

The Corporation of the Village of McBride, 100 Robson Centre McBride BC, V0J 2E0

