



THE CORPORATION OF THE CITY OF CRANBROOK

BYLAW NO. 3845

ANIMAL CONTROL BYLAW

A Bylaw to provide for the licensing and control of animals within the City of Cranbrook.

WHEREAS the *Community Charter* SBC 2003, Chapter 26 authorizes a local government to regulate, prohibit and impose requirements in relation to animals;

NOW THEREFORE the Municipal Council of the Corporation of the City of Cranbrook, in open meeting assembled, enacts as follows:

1. TITLE

1.1 This Bylaw may be cited for all purposes as the "City of Cranbrook Animal Control Bylaw No. 3845, 2016."

1.2 Definitions

1.2.1 In this Bylaw, unless the context otherwise requires:

AGGRESSIVE	includes snarling, growling, baring teeth or pursuing another ANIMAL or a PERSON.
ANIMAL	means any POULTRY, RODENT, FARM ANIMAL (including Vietnamese pot-bellied pigs), FUR BEARING ANIMAL, WILD ANIMAL, DOG, CAT or other DOMESTIC ANIMAL.
ANIMAL CONTROL OFFICER	means: (a) an employee, officer or agent of the CITY designated by COUNCIL for the purposes of this Bylaw and section 49 of the <i>Community Charter</i> , or (b) a member of the Royal Canadian Mounted Police.
BEE	means a honey bee kept in an apiary, registered under the authority of the Province.
BIRD	means a bantam, ornamental bird, PIGEON, dove, showbird and any type of POULTRY.
BYLAW SERVICES OFFICER	means a person appointed as such by the CHIEF ADMINISTRATIVE OFFICER to enforce this Bylaw.
CAT	means any member of the <i>Felis Domesticus</i> family.
CHIEF ADMINISTRATIVE OFFICER	means the employee appointed to that position for the CITY pursuant to section 147 of the <i>Community Charter</i> .

CITY	means the Corporation of the City of Cranbrook.
CORPORATE OFFICER	means the employee appointed to that position for the CITY pursuant to section 146 of the <i>Community Charter</i> .
COUNCIL	means the Municipal Council of the CITY.
DANGEROUS DOG	for the purposes of this Bylaw has the same meaning as provided in section 49 of the <i>Community Charter</i> .
DOG	means any member of the <i>Canis Familiaris</i> family.
DOMESTIC ANIMAL	means an ANIMAL, tame or kept, or that has been or is being tamed or kept to serve some purpose for the use of people.
DWELLING UNIT	for the purposes of this Bylaw has the same meaning as provided in the <i>City of Cranbrook Zoning Bylaw</i> .
ENCLOSURE	means a fenced area or structure other than a dwelling, barn or storage shed, that can effectively confine a DOG and prevent the entry of young children into the ENCLOSED area.
FARM ANIMAL	means a DOMESTIC ANIMAL normally raised as part of a farm operation under the <i>Farm Practices Protection (Right to Farm) Act</i> ; includes cattle, oxen, horses, swine (except Vietnamese pot-bellied pigs), llamas, sheep, goats, mules, and donkeys.
FUR BEARING ANIMAL	for the purposes of this Bylaw has the same meaning as defined in section 16 of the <i>Designation and Exemption Regulation</i> under the <i>Wildlife Act</i> , but does not include rabbits or chinchillas.
GUIDE ANIMAL	means any guide animal trained by a recognized and accredited institution to provide assistance to a person with a disability and has the same meaning as in the <i>Guide Animal Act</i> .
HIGHWAY	for the purposes of this Bylaw has the same meaning a defined in the <i>Community Charter</i> .
IMPOUNDED	means seized, delivered, received, taken into the POUND, or under the control of an ANIMAL CONTROL OFFICER or any other person authorized to enforce the provisions of this Bylaw.
KENNEL	means any lands or premises on which four (4) or more DOGS or CATS or other ANIMALS are or are intended to be trained, cared for, bred, boarded or kept for any purpose, including but not limited to sale, resale or profit.

LEASH	means a rope, chain, cord or other material attached to the collar of a DOG, forming a direct tie between a PERSON and the DOG and which is capable of controlling and restraining the activity of the DOG in a manner that conforms to the requirements of this Bylaw, but does not include shock collars or other remote devices designed to control a DOG (see SHORT LEASH).
LICENCE	for ANIMALS other than WILD ANIMALS, means a licence issued under the provisions of this Bylaw for the current year; and for WILD ANIMALS, means a current licence or permit issued by the Province of British Columbia.
MINOR INJURY	means a non-life threatening physical injury caused by an ANIMAL to a PERSON or other ANIMAL that consists of pinches, minor localized bruising, punctures or lacerations of less than one (1) centimeter each.
MUZZLE	means a humane fastening or covering device of adequate strength placed over the mouth of a DOG designed to prevent the DOG from biting or injuring a PERSON or other ANIMAL.
OFF-LEASH PARK	means the lands described in Schedule "C" of this Bylaw.
OWNER	means any PERSON legally entitled to ownership of an ANIMAL, provided that where ownership, control or harbouring is by a PERSON under the age of nineteen (19) years, the custodial parent or legal guardian of such minor is deemed to be the owner for the purposes of this Bylaw.
PARCEL	means any lot, block or other area in which land is held or into which it is subdivided, but does not include a HIGHWAY.
PERSON	includes an individual, partnership, club or association, or incorporated body, and any of their legal representatives.
PERSON RESPONSIBLE (or RESPONSIBLE PERSON)	<p>in relation to any ANIMAL, means a PERSON who:</p> <ul style="list-style-type: none">(a) is the OWNER of the ANIMAL;(b) has care, custody or control of the ANIMAL; or(c) is keeping or harbouring the ANIMAL, <p>provided that where the PERSON is under the age of nineteen (19) years, the custodial parent or legal guardian of such minor is deemed to be the person responsible.</p>
PET	means an ANIMAL kept for companionship rather than utility, profit or burden and which is lawfully kept upon residential property.

PIGEON	means all birds of the species <i>Columbidas</i> , including doves.
POLICE DOG	means any DOG owned by an accredited Police Force and in training or trained to assist Police on investigations.
POULTRY	means any bird or fowl normally raised for food or egg production, and without limiting the generality of the foregoing, includes chickens, geese, ostriches, turkeys, ducks and artificially reared grouse, partridge, quail, pheasant and ptarmigan.
POUND	means the facility established from time to time by the CITY per section 2.3 of this Bylaw, as the premises used to harbour and maintain an ANIMAL IMPOUNDED pursuant to this Bylaw.
REAR YARD	for the purposes of this Bylaw has the same meaning as provided in the <i>City of Cranbrook Zoning Bylaw</i> .
RODENT	means all forms of rodent kept as PETS, and without limiting the generality of the foregoing, includes rabbits, white mice, rats, guinea pigs, hamsters, gerbils, and chinchillas.
RUN AT LARGE	<ul style="list-style-type: none">(a) when used with reference to an ANIMAL, other than a DOG, means an ANIMAL located elsewhere than on the premises of its OWNER or other RESPONSIBLE PERSON and that is not under the immediate charge and control of that PERSON;(b) when used with reference to a DOG, other than a VICIOUS DOG, means a DOG that is located elsewhere than on the premises of its OWNER or other RESPONSIBLE PERSON and that is not under the immediate charge and control of that PERSON by means of a LEASH; or that has been observed RUNNING AT LARGE or located in an UNENCLOSED area and is not securely TETHERED or contained so as to prevent the DOG from straying; and(c) when used with reference to a VICIOUS DOG, means a VICIOUS DOG that is located elsewhere than on the premises of its OWNER or other RESPONSIBLE PERSON and that is not MUZZLED and under the immediate charge and control of that PERSON by means of a SHORT LEASH; or that is situated on the premises of its OWNER or other RESPONSIBLE PERSON but is not secured or ENCLOSED as required under this Bylaw;

but does not include a DOG that is unconstrained but under the supervision of a PERSON in any of the following circumstances:

- (a) a RESPONSIBLE PERSON actively engaged in training a DOG for exhibition in events sanctioned by the Canadian Kennel Club; or
- (b) a RESPONSIBLE PERSON actively engaged in DOG trials, DOG shows, or other similar activities or other events approved by the CITY; or
- (c) a police officer or other PERSON employed for the preservation and maintenance of public peace; a customs and excise officer when performing a duty in the administration of the *Customs Act* or the *Excise Act*; an officer or member of the Canadian Forces; or a duly licenced security guard while in the course of performing lawful duties.

SECONDARY INJURY

means a physical injury to a PERSON that is directly attributable to an action taken to avoid contact with a DOG that is approaching the PERSON, or someone in his or her care, in an AGGRESSIVE, menacing or threatening manner, whether or not physical contact with the DOG actually occurs.

SHORT LEASH

means a LEASH that cannot exceed two (2) meters, or six (6) feet, in length.

SOLID FENCE

means a fence constructed without spacing or gaps that could permit a VICIOUS DOG to escape or view outside the contained area or alternatively, that could allow children or other person to insert hands, fingers or other appendages through the fence into the contained area; for certainty, does not include a chain-link type fence unless all gaps and spaces are filled so as to constitute a SOLID FENCE.

STERILIZE

means to spay or neuter a DOG.

TETHER

means fastening an ANIMAL by means of a rope, chain, cord or other material to a fixed object so that the ANIMAL can only range within a certain radius.

VICIOUS DOG

means a DOG which has been designated as a VICIOUS DOG by an ANIMAL CONTROL OFFICER based on evidence that:

- (a) the DOG has a demonstrated propensity, tendency or disposition to attack or AGGRESSIVELY pursue either ANIMALS or humans;

- (b) the DOG has bitten an ANIMAL or human resulting in at least a MINOR INJURY;
- (c) the DOG has RUN AT LARGE and approached a PERSON in an AGGRESSIVE, menacing or threatening manner, resulting in a SECONDARY INJURY; or
- (d) a DOG relocated to the CITY from another jurisdiction that had deemed that DOG as AGGRESSIVE, vicious, or with a similar designation for demonstrated aggression.

WILD ANIMAL

means any ANIMAL natural to the wild, whether or not born or kept in captivity, and includes:

- (a) bear, wolf, cougar, coyote;
- (b) a member of the family *Cervidae* (deer);
- (c) species of wildlife listed in Schedule B or C to the *Designation and Exemption Regulation* under the *Wildlife Act*;
- (d) animal species identified in the *Controlled Alien Species Regulation* under the *Wildlife Act* and other species not native to British Columbia

1.2.2 Unless otherwise provided, words and phrases used herein have the same meanings as in the *Community Charter, Local Government Act* or *Interpretation Act* as the context and circumstances may require. A reference to a statute in this Bylaw refers to a statute of the Province of British Columbia unless otherwise indicated, and a reference to any statute, regulation, bylaw or other enactment refers to that enactment as it may be amended or replaced from time to time. In the event of a conflict between this Bylaw and a Provincial enactment, the stricter law prevails. Words in the singular include the plural and words in the plural include the singular, and reference to a gender includes both genders and a corporation. Headings in this Bylaw are for convenience only and must not be construed as defining or limiting the scope or intent. If any part of this Bylaw is held to be invalid by a court of competent jurisdiction, the invalid part is severed and the remainder continues to be valid.

2. AUTHORITIES

APPOINTMENT OF ANIMAL CONTROL OFFICER

- 2.1 (a) COUNCIL may from time to time appoint an ANIMAL CONTROL OFFICER to administer and enforce the provisions of this Bylaw and section 49 of the *Community Charter*, and may enter into a contract with a PERSON to provide such services on behalf of the CITY.
- (b) The CHIEF ADMINISTRATIVE OFFICER may appoint a BYLAW SERVICES OFFICER to administer and enforce provisions of this Bylaw, other than in relation to DANGEROUS DOGS or wildlife, and to assist an ANIMAL CONTROL OFFICER or police officer as requested or necessary for the purposes of this Bylaw.

AUTHORITY OF ANIMAL CONTROL OFFICER

- 2.2 (a) An ANIMAL CONTROL OFFICER may:
- (i) issue notices to a PERSON in accordance with this Bylaw and bring proceedings to enforce this Bylaw;
 - (ii) carry out the powers, functions and obligations established in the *Community Charter* section 49 in relation to a DOG that may be a DANGEROUS DOG;
 - (iii) employ the use of lures, baits, nets, Sonics, nooses, traps, tranquilizers, or other mechanical devices or means of apprehension of an ANIMAL, provided always that such methods are in accordance with applicable laws;
 - (iv) require, collect and deposit to the CITY any fees and charges set out in Schedule "B" of this Bylaw;
 - (v) deal with an ANIMAL that is apparently hurt or diseased, in accordance with applicable legislation;
 - (vi) designate a DOG to be a VICIOUS DOG for the purposes of this Bylaw;
 - (vii) dispose of any ANIMAL as provided for by this Bylaw or pursuant to section 49 of the *Community Charter*;
 - (viii) issue LICENCES as provided for by this Bylaw; and
 - (ix) request photo or other appropriate primary identification from a PERSON so as to determine their name, address or age for the purposes of enforcing this Bylaw.

ESTABLISHMENT OF POUND

- 2.3 (a) The POUND facilities established, maintained and operated for the IMPOUNDING of DOGS and other ANIMALS at such place or places and upon such premises as COUNCIL may by resolution from time to time determine are hereby authorized and continued.
- (b) Whereas it may be impractical from time to time for an ANIMAL to be IMPOUNDED at a POUND facility designated by COUNCIL, the BYLAW SERVICES OFFICER may, in consultation with the CHIEF ADMINISTRATIVE OFFICER, designate another facility suitable for temporary use as a POUND.

3. GENERAL REGULATIONS

GENERAL

- 3.1 (a) No PERSON shall keep or harbour any ANIMAL, BIRD or BEE except in accordance with the provisions of this Bylaw.

OBSTRUCTION

- 3.2 (a) No PERSON shall hinder, delay or obstruct, or provide false, erroneous or misleading information to an ANIMAL CONTROL OFFICER or any other PERSON lawfully engaged in seizing, conveying or performing any duty pursuant to this Bylaw.

UNLAWFUL RELEASE

- 3.3 (a) No PERSON shall take, let or assist any ANIMAL out of the POUND or custody of an ANIMAL CONTROL OFFICER without the consent of the ANIMAL CONTROL OFFICER.

IDENTIFICATION

- 3.4 (a) Any OWNER or other RESPONSIBLE PERSON shall furnish such identification upon request of an ANIMAL CONTROL OFFICER as to satisfy the ANIMAL CONTROL OFFICER of their identity in relationship to the ANIMAL.

DOG LICENSING

- 3.5 (a) Any PERSON that is a resident of the CITY and who is the OWNER of a DOG being two (2) months of age or older shall ensure a valid DOG LICENCE is obtained for such DOG and no PERSON shall own, keep or harbour an UNLICENCED DOG.

KENNEL

- 3.6 (a) No PERSON shall operate a KENNEL on any PARCEL of land within the

CITY unless a valid and subsisting KENNEL LICENCE has been issued as provided for by this Bylaw and the *City of Cranbrook Business Licence Bylaw*.

- (b) Any PERSON operating a KENNEL shall ensure all runs and enclosures are regularly cleaned and sanitized and all excreta removed at least once a day.

NUMBER OF PETS

- 3.7 (a) A PERSON must not, within a single DWELLING UNIT or on a PARCEL of residential property with one DWELLING UNIT, keep or harbour more than six (6) PETS; and within the aforementioned six (6) PETS, no more than three (3) DOGS and no more than three (3) CATS; and for certainty, must not keep more than one (1) VICIOUS DOG within the aforementioned number of DOGS.

RUN AT LARGE

- 3.8 (a) The PERSON RESPONSIBLE for any ANIMAL shall ensure that such ANIMAL does not RUN AT LARGE, other than within an OFF-LEASH PARK, and if it is at large, must take steps immediately to recover the ANIMAL.
- (b) The PERSON RESPONSIBLE for any VICIOUS DOG that is at large must immediately notify the ANIMAL CONTROL OFFICER or a BYLAW SERVICES OFFICER.
- (c) The ANIMAL CONTROL OFFICER may, upon receiving payment of any fees and charges set out in Schedule "B" of this Bylaw, provide to a PERSON the temporary loan or placement of a trap or other device for the capture of any ANIMAL RUNNING AT LARGE and any PERSON provided such equipment shall be responsible for return of such equipment undamaged and shall be responsible for any loss, damage or injury to any PERSON, ANIMAL or property that occurs during or arises or results from their possession or use of the device and for any costs, including loss of any deposit provided for use of said equipment.

OFF-LEASH PARKS

- 3.9 (a) When using an OFF-LEASH PARK, a PERSON RESPONSIBLE for a DOG must at all times supervise and maintain control of the DOG and take reasonable steps to prevent and reduce conflicts with other DOGS and with other PERSONS using the OFF-LEASH PARK, and without limitation, must:
 - (i) ensure the DOG wears a collar and a valid LICENCE tag;
 - (ii) at all times, be in possession of a LEASH to control the DOG;
 - (iii) keep the DOG within view and within voice control;

- (iv) take immediate physical control of the DOG in the event of AGGRESSION or conflict with another DOG;
 - (v) ensure the DOG is over four (4) months of age;
 - (vi) follow all rules and regulations posted on signs for the OFF-LEASH PARK;
 - (vii) ensure the dog is on LEASH while in parking lot areas of the OFF-LEASH PARK.
- (b) A PERSON RESPONSIBLE for a VICIOUS DOG or DANGEROUS DOG must not allow the DOG to RUN AT LARGE in an OFF-LEASH PARK.

ANIMAL EXCREMENT

- 3.10 (a) A PERSON RESPONSIBLE for any ANIMAL must, at all times when the ANIMAL is in a HIGHWAY, park or other public place, immediately remove or cause to be removed any excrement deposited by the ANIMAL and dispose of the excrement in a sanitary manner.
- (b) A PERSON RESPONSIBLE for any ANIMAL shall ensure that the ANIMAL does not defecate upon any private property, other than the property of the PERSON RESPONSIBLE, unless that OWNER or PERSON immediately removes the excrement and disposes of it in a sanitary manner.
- (c) A PERSON RESPONSIBLE for an ANIMAL must remove or cause to be removed excrement deposited by the ANIMAL within their own PARCEL or premises in a sanitary manner and on a regular basis and in any case, within twenty-four (24) hours of being directed to do so by an ANIMAL CONTROL OFFICER.

TETHERING ANIMALS

- 3.11 (a) A PERSON RESPONSIBLE for an ANIMAL shall ensure that:
- (i) the ANIMAL is not TETHERED to any traffic control device, support thereof or in a public area so as to obstruct or impede any PERSON or thing;
 - (ii) the ANIMAL is not TETHERED on private property in such a way that the ANIMAL is able to leave the boundaries of the private property; and
 - (iii) the ANIMAL is not TETHERED in any place and in such a manner that the ANIMAL may become entangled by the TETHER so as to severely restrict movement or cause pain or suffering.
- (b) A PERSON RESPONSIBLE for a VICIOUS DOG shall ensure that the VICIOUS DOG is not TETHERED at any time, except within a SOLID FENCED REAR YARD.

FEEDING PIGEONS

- 3.12 (a) No PERSON shall feed any PIGEON within the CITY, unless that PIGEON is owned, kept, harboured, or under their control upon their property in accordance with Section 6.7(a) of this Bylaw.

4. VICIOUS DOGS

DESIGNATION

- 4.1 (a) Upon designating a DOG as a VICIOUS DOG, the ANIMAL CONTROL OFFICER must deliver notice to the DOG'S OWNER in the form of a letter advising of the designation and of the portions of this Bylaw that apply to a VICIOUS DOG. The letter is sufficiently delivered if mailed to the address on the most recent LICENCE for that DOG, or the address where the OWNER of the DOG is known or believed to reside, or left with an adult PERSON at either such address. If not personally delivered to such address or PERSON, the letter is deemed to be received by the PERSON to whom it was addressed on the second business day following the date that it was mailed.
- (b) The OWNER of a DOG that has been designated as a VICIOUS DOG may, within fourteen (14) calendar days of the notice being delivered pursuant to paragraph (a), request that the ANIMAL CONTROL OFFICER reconsider the decision. The request for reconsideration must be accompanied by written reasons why the OWNER believes the DOG is not a VICIOUS DOG, and may provide any other specific information as to the particular DOG that would support the OWNER'S position. If requested by the OWNER, the ANIMAL CONTROL OFFICER must allow the OWNER an opportunity to be heard, in person or by telephone or other device, and may arrange for any other PERSON with relevant information to address the matter. If no request for reconsideration is made within fourteen (14) days of the notice being delivered, the designation of the DOG as a VICIOUS DOG is final.
- (c) After providing the OWNER with an opportunity to make representations regarding the DOG following a request under paragraph (b), the ANIMAL CONTROL OFFICER may confirm or reverse the designation.
- (d) The OWNER of a DOG that has been confirmed by the ANIMAL CONTROL OFFICER to be a VICIOUS DOG may request that COUNCIL reconsider that decision, by notifying the CORPORATE OFFICER within fourteen (14) days of the date of the ANIMAL CONTROL OFFICER'S decision. Such a request must be in writing and include the OWNER'S reasons for the request. If a complete request is not made within fourteen (14) days, or the OWNER fails or neglects to appear at any hearing the CORPORATE OFFICER may arrange and provide notice of, the decision of the ANIMAL CONTROL OFFICER is deemed to be final and may not be reconsidered.
- (e) After hearing from the OWNER or their representative, and the ANIMAL CONTROL OFFICER or any other PERSON that COUNCIL believes could

provide relevant information, COUNCIL may confirm or reverse the designation of the DOG as a VICIOUS DOG, and the decision of COUNCIL is final.

CONTROL AND RESTRAINT OF VICIOUS DOG

- 4.2 (a) A PERSON RESPONSIBLE for a VICIOUS DOG, on receiving notice that the DOG has been designated as a VICIOUS DOG, shall immediately take steps to ensure that the VICIOUS DOG is properly controlled and restrained at all times, and without limitation, must ensure that:
- (i) when off the property of the OWNER, the DOG is on a SHORT LEASH, MUZZLED and under the immediate charge and control of a PERSON RESPONSIBLE, so as to prevent escape;
 - (ii) when in a vehicle, the DOG is MUZZLED, secured and contained within the passenger compartment or completely enclosed cargo area, and under the immediate charge and control of a PERSON RESPONSIBLE so as to prevent escape of the VICIOUS DOG;
 - (iii) subject to paragraph (b), when outdoors and upon the property of the PERSON RESPONSIBLE, the DOG is secured and contained within a REAR YARD that is completely enclosed with a SOLID FENCE that is 1.8 meters in height and that has gates with self-closing mechanisms and locking latches so as to prevent entry by children and so as to prevent escape of the DOG; and
 - (iv) when indoors and upon the property of the PERSON RESPONSIBLE, the DOG is secured and contained within the DWELLING UNIT, so as to prevent its escape.
- (b) For up to ninety (90) days starting from the date that a VICIOUS DOG is designated as a VICIOUS DOG, in the absence of and while constructing a SOLID FENCE in a REAR YARD to lawfully secure the DOG, when it is outdoors and on the property of the PERSON RESPONSIBLE, an ENCLOSURE may be used to secure and contain the DOG.

MAINTENANCE AND KEEPING OF VICIOUS DOG

- 4.3 (a) A PERSON RESPONSIBLE for a VICIOUS DOG must, within a period of time determined by the ANIMAL CONTROL OFFICER following its designation as a VICIOUS DOG:
- (i) ensure the VICIOUS DOG is STERILIZED; and
 - (ii) deliver to the ANIMAL CONTROL OFFICER proof that the VICIOUS DOG has been vaccinated against rabies, and that vaccinations recommended by a veterinarian are up-to-date.
- (b) A PERSON RESPONSIBLE for a VICIOUS DOG, on receiving notice of its designation as a VICIOUS DOG, must:

- (i) ensure the VICIOUS DOG wears at all times a valid DOG LICENCE;
- (ii) ensure the VICIOUS DOG does not RUN AT LARGE and, if it is at large, the PERSON RESPONSIBLE for the DOG must immediately notify the ANIMAL CONTROL OFFICER or a BYLAW SERVICES OFFICER;
- (iii) take measures to ensure the VICIOUS DOG does not bite, injure, cause MINOR INJURY or SECONDARY INJURY, or AGGRESSIVELY pursue a PERSON or other ANIMAL; and
- (iv) have posted at all entrances or gates into a REAR YARD and dwelling, signs designed or written in a manner to indicate a PERSON should exercise caution due to the presence of the VICIOUS DOG.

5. DANGEROUS DOGS

DANGEROUS DOGS

- 5.1 (a) An ANIMAL CONTROL OFFICER may seize a DOG if the ANIMAL CONTROL OFFICER believes that the DOG is a DANGEROUS DOG, and may deal with it in accordance with section 49 of the *Community Charter*.
- (b) Except as directed by an order of the Provincial Court, a PERSON RESPONSIBLE for a DANGEROUS DOG must comply with the provisions of this Bylaw that apply to a VICIOUS DOG.

6. RESTRICTED ANIMALS

FARM ANIMALS

- 6.1 (a) FARM ANIMALS shall not be permitted to be kept, harboured or raised within the CITY, except as provided for by the *City of Cranbrook Zoning Bylaw*.

VIETNAMESE POT-BELLIED PIGS

- 6.2 (a) Vietnamese pot-bellied pigs may be kept as PETS on any PARCEL of land within the CITY, provided that certification is provided, upon request by the ANIMAL CONTROL OFFICER, to verify the breed as a Vietnamese pot-bellied pig.

RODENTS

- 6.3 (a) RODENTS may be kept on any PARCEL of land within the CITY provided that they are kept in a building, structure, pen or enclosure that prevents

escape and that meets the minimum set-back requirements from property lines as required by the *City of Cranbrook Zoning Bylaw*.

FUR BEARING ANIMALS

- 6.4 (a) No PARCEL of land within the CITY may be used for the keeping, harbouring or raising of FUR BEARING ANIMALS except as provided for by the *City of Cranbrook Zoning Bylaw*.

POULTRY

- 6.5 (a) No PARCEL of land within the CITY may be used for the keeping, harbouring or raising of POULTRY except as provided for by the *City of Cranbrook Zoning Bylaw*.

BEEES

- 6.6 (a) No PARCEL of land within the CITY may be used for the keeping, harbouring or raising of BEEES except as provided for by the *City of Cranbrook Zoning Bylaw*.

PIGEONS

- 6.7 (a) No PARCEL of land within the CITY may be used for the keeping, harbouring or raising of PIGEONS except as provided for by the *City of Cranbrook Zoning Bylaw*.
- (b) No PERSON shall allow PIGEONS either owned, kept, harboured, or under their control to stray, feed or roost on any HIGHWAY or public place or trespass on any private property.

WILD ANIMALS

- 6.8 (a) Subject to paragraph (e), a PERSON must not keep or harbour a WILD ANIMAL except strictly in accordance with this Bylaw.
- (b) A PERSON RESPONSIBLE for a WILD ANIMAL must obtain, maintain, and produce at the request of the ANIMAL CONTROL OFFICER or BYLAW SERVICES OFFICER:
- (i) a valid Provincial LICENCE or permit for the ANIMAL, as required under the *Wildlife Act* or other enactment of British Columbia; and
 - (ii) a separate LICENCE issued by the CITY for the WILD ANIMAL.
- (c) A PERSON must not feed or shelter a bear, wolf, cougar, coyote or deer, or a skunk or raccoon, or leave pet food, food waste, or seeds, nuts or fruit fallen from bird feeders or trees on any PARCEL or premises in such a manner as to be readily available to such animals.

- (d) A PERSON must not keep more than two (2) non-native or Provincially licensed WILD ANIMALS:
 - (i) in any DWELLING UNIT or residential PARCEL of land; or
 - (ii) on any other PARCEL of land in the CITY except as authorized by a temporary WILD ANIMAL LICENCE issued by the CITY for a circus, travelling animal show or similar exhibition.
- (e) In relation to ANIMALS that are identified as "wildlife" in the *Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation (Community Charter)*, the following activities are exempt from the application of this Bylaw:
 - (i) hunting or trapping wildlife in accordance with the *Wildlife Act* and its regulations;
 - (ii) a farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*, that meets the requirements set out in section 2 (2)(a) and (c) of that Act; and
 - (iii) a facility for the disposal of sewage or refuse operated in accordance with the *Environmental Management Act* by the CITY, the Regional District of East Kootenay, or an improvement district.
- (f) The PERSON RESPONSIBLE for a WILD ANIMAL must ensure that the ANIMAL does not leave the property specified within the LICENCE unless specifically authorized by the ANIMAL CONTROL OFFICER.

7. LICENSING

LICENCE APPLICATIONS

- 7.1 (a) Every application for a DOG LICENCE shall be made on a form approved by the ANIMAL CONTROL OFFICER.
- (b) Every application for a KENNEL licence shall be made on a Business Licence application form in accordance with the requirements of the *City of Cranbrook Business Licence Bylaw*.
- (c) Every application to the CITY for a WILD ANIMAL LICENCE shall be provided in written form by the PERSON RESPONSIBLE for the WILD ANIMAL to the ANIMAL CONTROL OFFICER and shall identify:
 - (i) the name and address of the applicant and OWNER and any other PERSON RESPONSIBLE for the WILD ANIMAL;
 - (ii) the legal description of the PARCEL of land, or the legal description of the DWELLING UNIT where the PARCEL contains a multiple-unit residential building, on which the WILD ANIMAL is to be kept;

- (iii) certification of the type of WILD ANIMAL to be kept;
 - (iv) verification that the applicant is the holder of a valid permit or LICENCE to keep such WILD ANIMAL, issued by the Province of British Columbia as required under the *Wildlife Act* or other Provincial enactment;
 - (v) detailed plans for containment;
 - (vi) and provide to the ANIMAL CONTROL OFFICER, at the request of the ANIMAL CONTROL OFFICER, proof of liability insurance in the amount of not less than Two Million (\$2,000,000) Dollars for the period of the WILD ANIMAL LICENCE, over the premises where the WILD ANIMAL is kept, to cover any claims arising from or caused by the owning, keeping, or harbouring of such WILD ANIMAL, with the CITY named as an additional insured;
 - (vii) availability and location of the applicable antidote serum whenever any application is requested for a venomous reptile;
 - (viii) duration of time intended to keep the WILD ANIMAL within the CITY; and
 - (ix) such other information that the ANIMAL CONTROL OFFICER may request to determine whether all of the provisions of this Bylaw are being or can be met in relation to the ANIMAL that is the subject of the LICENCE.
- (d) Upon receiving a complete application form and applicable fees, and on being satisfied that the PERSON RESPONSIBLE for the ANIMAL to be licensed is capable of complying with the provisions of this Bylaw, the ANIMAL CONTROL OFFICER may issue a LICENCE for the ANIMAL.
- (e) The ANIMAL CONTROL OFFICER may, by written notice to the OWNER or other PERSON RESPONSIBLE for an ANIMAL that has been licensed, refuse, suspend or revoke a LICENCE if it is evident that the PERSON has contravened or is contravening a provision of this Bylaw and the safety of PERSONS or other ANIMALS is at risk of harm. The notice will explain the reasons for the refusal, suspension or revocation and may set out measures that the PERSON must take to comply with the Bylaw. The notice is sufficiently delivered if mailed to the address on the most recent LICENCE for that ANIMAL or the address where the OWNER or other PERSON RESPONSIBLE for the ANIMAL is known or believed to reside, or left with an adult PERSON at either such address. If not personally delivered to such address or PERSON, the letter is deemed to be received by the PERSON to whom it was addressed on the second business day following the date that it was mailed.
- (f) A PERSON whose CITY LICENCE has been refused, suspended or revoked may seek reinstatement of the LICENCE by taking all measures necessary to comply with the Bylaw and submitting a new application for a

LICENCE, together with the applicable fee, to the ANIMAL CONTROL OFFICER.

- (g) A PERSON whose LICENCE has been refused, suspended or revoked by the ANIMAL CONTROL OFFICER may seek reconsideration by COUNCIL by contacting the CORPORATE OFFICER within fourteen (14) calendar days of the notice being delivered pursuant to paragraph (e) to arrange for an opportunity to be heard by COUNCIL. COUNCIL may hear from the OWNER or other PERSON RESPONSIBLE, the ANIMAL CONTROL OFFICER, and any other PERSON who COUNCIL believes may have information relevant to the matter. After the PERSON has had an opportunity to be heard, COUNCIL may confirm the decision of the ANIMAL CONTROL OFFICER, or may direct that the LICENCE be issued or reinstated as COUNCIL considers appropriate in the circumstances.

LICENCE TERMS

- 7.2 (a) All LICENCES issued for DOGS shall be valid for the calendar year, January 1st to December 31st.
- (b) Each WILD ANIMAL LICENCE shall be valid for the duration of time specified in the LICENCE or permit issued by the Province for the keeping or harbouring of such WILD ANIMAL.

LICENCE FEES

- 7.3 (a) No LICENCE shall be issued, transferred or renewed until the LICENCE fee as set out in Schedule "B" of this Bylaw has been paid.
- (b) Any LICENCE issued, transferred or renewed that has been paid for with a cheque or form of credit that is returned to the CITY as having non-sufficient funds shall be invalid until all applicable fees and charges set out in Schedule "B" of this Bylaw and the applicable NSF Cheque Service Charge set out in the *City of Cranbrook Fees and Charges Bylaw*, are paid in full for the issuance, transfer or renewal of the LICENCE.
- (c) GUIDE ANIMALS and POLICE DOGS are exempt from LICENCE fees.
- (d) The LICENCE fee to be paid by a PERSON who becomes the new OWNER of a DOG not previously licensed during the course of the year shall be discounted by \$25.00 and pro-rated quarterly.

PROMPT PAYMENT DISCOUNT

- 7.4 (a) The LICENCE fee to be paid by a PERSON for the renewal of a DOG LICENCE for a particular year shall be reduced by \$25.00 if the LICENCE fee is paid on or before February 28th of that year.

PROOF OF STERILIZATION

- 7.5 (a) The OWNER of any DOG shall furnish proof that their DOG is

STERILIZED, upon demand of an ANIMAL CONTROL OFFICER or issuer of a LICENCE, prior to issuance of a LICENCE for the DOG.

- (b) The OWNER of a DOG may within six (6) months after a LICENCE has been issued for their DOG furnish proof that the DOG has been STERILIZED in order to receive reimbursement of the difference between the LICENCE fee paid and the fee for a STERILIZED DOG. VICIOUS DOGS are not entitled to reimbursement as STERILIZATION is mandatory.

TRANSFER OF LICENCES

- 7.6 (a) Every LICENCE issued shall be for a specific DOG and no PERSON shall place, affix or use a LICENCE issued in respect of one DOG on or for another, except as provided for in this Bylaw.
- (b) Where the OWNER of a LICENCED DOG sells or otherwise ceases to be the OWNER of that DOG, the LICENCE may be transferred to the new OWNER of the DOG for the remainder of the LICENCE year upon payment of the required fee set out in Schedule "B" of this Bylaw.
- (c) Where the OWNER of a LICENSED DOG sells or otherwise disposes of the DOG, the LICENCE may be transferred to another DOG purchased or acquired by the same OWNER upon payment of the required fee set out in Schedule "B" of this Bylaw, except DOG LICENCES issued for DOGS may not be transferred to a VICIOUS DOG and a VICIOUS DOG LICENCE may not be transferred to another VICIOUS DOG.

LICENCE TAGS

- 7.7 (a) The DOG LICENCE shall consist of a LICENCE tag on which shall be impressed or stamped the LICENCE number, the LICENCE year, and the words "City of Cranbrook".

DISPLAY OF LICENCE TAGS

- 7.8 (a) The OWNER of any DOG that is licensed in accordance with this Bylaw shall affix and keep affixed the corresponding LICENCE tag to a collar or harness worn at all times by the DOG for which the LICENCE is issued when the DOG is anywhere other than on the property of the OWNER.
- (b) The OWNER of any WILD ANIMAL that is authorized by permit or LICENCE in accordance with the *Wildlife Act* or other Provincial or Federal enactment must retain a copy of the LICENCE or permit and must produce it for inspection at the request of the ANIMAL CONTROL OFFICER or a BYLAW SERVICES OFFICER.

LOST TAGS

- 7.9 (a) The OWNER of any DOG that is licensed in accordance with this Bylaw who loses the LICENCE tag issued for the current year, shall be provided a replacement LICENCE tag upon payment of the required fee set out in

Schedule "B" of this Bylaw.

NOTICE REQUIREMENT - CHANGE OF ADDRESS / OWNER

- 7.10 (a) Any PERSON being the OWNER of a DOG, other than a VICIOUS DOG, shall ensure that they furnish or deliver to the ANIMAL CONTROL OFFICER notification of any change of address or change of OWNER for such DOG within seven (7) days after the date of such change occurring.
- (b) Any PERSON being the OWNER of a VICIOUS DOG shall ensure that they furnish or deliver to the ANIMAL CONTROL OFFICER notification of any change of address or change of OWNER for such VICIOUS DOG a minimum of seven (7) days prior to the date of such change occurring.
- (c) Should any PERSON being the OWNER of a DOG fail to notify the ANIMAL CONTROL OFFICER of any change required pursuant to Section 7.10(a) or 7.10(b) of this Bylaw, the LICENCE issued for such DOG may be deemed invalid.
- (d) Any PERSON being the OWNER of a WILD ANIMAL shall ensure that they furnish or deliver to the ANIMAL CONTROL OFFICER notification of any change of address or change of OWNER for such WILD ANIMAL a minimum of seven (7) days prior to the date of such change occurring.
- (e) Should any PERSON being the OWNER of a WILD ANIMAL fail to notify the ANIMAL CONTROL OFFICER of any change required pursuant to Section 7.10(d) of this Bylaw, the LICENCE issued by the CITY for such WILD ANIMAL may be deemed invalid.

8. IMPOUNDMENT

IMPOUND – ANIMAL RUNNING AT LARGE

- 8.1 (a) The ANIMAL CONTROL OFFICER may seize and IMPOUND any DOMESTIC ANIMAL that is:
- (i) required to be licensed but is not licensed;
 - (ii) found RUNNING AT LARGE on a HIGHWAY or a public place;
 - (iii) found on private property or premises, without the permission of the property owner or occupant of the premises; or
 - (iv) found on unfenced land, and not securely TETHERED or contained,
- and may keep the ANIMAL so IMPOUNDED until all applicable penalties and fees have been paid, in which case the ANIMAL CONTROL OFFICER will release the ANIMAL to its OWNER or other RESPONSIBLE PERSON unless the ANIMAL is a DANGEROUS DOG, in which case the DOG will be dealt with in accordance with section 49 of the *Community Charter*.

IMPOUND – DANGEROUS DOG

- 8.2 (a) Where the ANIMAL CONTROL OFFICER has IMPOUNDED a DANGEROUS DOG, the DOG shall remain IMPOUNDED pending approval of a destruction order by the Provincial Court and shall only be delivered or released to its OWNER upon order from the Provincial Court.

IMPOUND – WILD ANIMAL

- 8.3 (a) The ANIMAL CONTROL OFFICER or any other PERSON duly authorized may IMPOUND any UNLICENCED WILD ANIMAL and shall keep any WILD ANIMAL so IMPOUNDED until such WILD ANIMAL shall have been delivered or released to its OWNER, or sold, or disposed of, or destroyed as hereinafter provided.

NOTICE OF IMPOUNDMENT

- 8.4 (a) The ANIMAL CONTROL OFFICER shall within twenty-four (24) hours of the time of IMPOUNDMENT, or at the commencement of the next business day, cause a notice of impoundment to be published on the CITY website at www.cranbrook.ca and posted on the notice board at City Hall. Such notice of impoundment shall give a description of the ANIMAL IMPOUNDED, the date and location it was IMPOUNDED, and the date after which the ANIMAL may be destroyed or otherwise disposed of if not redeemed by the OWNER.

OWNER KNOWN

- 8.5 (a) If the OWNER of any IMPOUNDED ANIMAL is known to the ANIMAL CONTROL OFFICER, the ANIMAL CONTROL OFFICER shall forthwith notify the OWNER by telephone of the IMPOUNDMENT or by posting a copy of the notice of impoundment at the OWNER'S last known address.

IMPOUND FEES AND CHARGES

- 8.6 (a) The OWNER of any IMPOUNDED ANIMAL may reclaim such ANIMAL from the POUND upon application to the ANIMAL CONTROL OFFICER during normal working hours prior to its sale, disposal or destruction, and upon provision of proof of ownership and payment of any fees and charges set out in Schedule "B" of this Bylaw.
- (b) No IMPOUNDED UNLICENCED DOG shall be released from the POUND or custody of the ANIMAL CONTROL OFFICER without the OWNER having purchased a valid LICENCE for such DOG except where such LICENCE is not required as provided for by this Bylaw.
- (c) As a condition of an IMPOUNDED ANIMAL being released, the PERSON RESPONSIBLE for the ANIMAL must pay the IMPOUND fees and veterinary medical fees established in Schedule "B", and the fee for a LICENCE if the ANIMAL is unlicensed.

DISPOSAL / DESTRUCTION

- 8.7 (a) Subject to section 8.4(a) and section 8.5(a) of this Bylaw, if an IMPOUNDED ANIMAL, other than a DANGEROUS DOG:
- (i) is not claimed within five (5) days of the date of IMPOUNDMENT; or
 - (ii) the OWNER fails to provide full and complete payment of all fees and charges required in Schedule "B" of this Bylaw within five (5) days of the date of IMPOUNDMENT, the POUND operator may humanely destroy or otherwise dispose of the ANIMAL.
- (b) Subject to section 8.4(a) and section 8.5(a) of this Bylaw, the OWNER of a VICIOUS DOG or a DANGEROUS DOG may voluntarily surrender such DOG for destruction to the ANIMAL CONTROL OFFICER by delivering an executed statement in the form specified in Schedule "A" of this Bylaw together with payment of any required fees and charges set out in Schedule "B" of this Bylaw.
- (c) The OWNER of any ANIMAL destroyed pursuant to this Bylaw shall be responsible for the costs incurred by the CITY to board, care for, feed, provide veterinary medical care and ultimately destroy such ANIMAL unless such ANIMAL is a DOG surrendered in accordance with paragraph (b) of this section.

SALE OF ANIMALS

- 8.8 (a) Should any IMPOUNDED ANIMAL, other than a FARM ANIMAL, VICIOUS DOG or DANGEROUS DOG remain unclaimed after five (5) days, the ANIMAL CONTROL OFFICER may sell such ANIMAL or arrange for it to be sold.
- (b) Should any IMPOUNDED FARM ANIMAL remain unclaimed after five (5) days, the FARM ANIMAL may be sold or destroyed. If the FARM ANIMAL is to be sold, the sale will be advertised in a local newspaper for a minimum of five (5) days calling for tender if undertaken as an option to destruction.

BOARD CARE FEES

- 8.9 (a) The POUND operator shall ensure that all IMPOUNDED ANIMALS detained in the POUND are adequately cared for by the provision of food, water, shelter and veterinary medical attention when required. The fees for such services shall form part of the IMPOUNDMENT charges set out in Schedule "B" of this Bylaw with the exception of veterinary medical fees, including vaccinations, which will be recovered at cost.

SURRENDER / DISPOSAL FEES

- 8.10 (a) If the OWNER of any VICIOUS DOG or DANGEROUS DOG has requested that the ANIMAL CONTROL OFFICER take possession of their DOG for the purpose of having it destroyed or otherwise disposed of, on receipt of the

applicable fee set out in Schedule "B" of this Bylaw and of an executed statement in the form specified in Schedule "A" of this Bylaw, the ANIMAL CONTROL OFFICER may arrange for the humane destruction or disposal of the DOG.

9. PENALTIES

- 9.1 (a) Any PERSON who:
- (i) contravenes any provision of this Bylaw;
 - (ii) suffers or permits any act to be done in contravention of this Bylaw; or
 - (iii) neglects to do anything required to be done under this Bylaw,
- commits an offence and each day that the contravention is continued shall constitute a separate offence.
- 9.2 (b) A PERSON who is guilty of an offence under this Bylaw is liable:
- (i) to pay a fine of up to \$10,000 if proceedings are brought under the *Offence Act* and the costs of prosecution; and
 - (ii) compensation for damage or loss sustained by the CITY or another PERSON resulting from the offence; or
 - (iii) to pay a fine of up to \$1,000 if the Bylaw is enforced by means of a municipal ticket information system under Part 8, Division 3 of the *Community Charter*.

10. RESPONSIBILITY

- 10.1 (a) For the purposes of proceedings under this Bylaw, a PERSON shall be deemed to be the OWNER or PERSON having care and control of an ANIMAL, or PERSON otherwise responsible for any violation or contravention of any provision of this Bylaw, in the absence of any evidence to the contrary.

11. SCHEDULES

- 11.1 Schedules "A" through "C" attached to this Bylaw form part of this Bylaw:

Schedule "A"	Application to Surrender for Destruction a VICIOUS DOG or DANGEROUS DOG
Schedule "B"	Animal Control Bylaw Fees and Charges
Schedule "C"	Animal Control Bylaw Map and Location of OFF-LEASH PARK

12. REPEAL

12.1 Animal Control Bylaw No. 3555, 2006 and all amendments are hereby repealed.

Read a first time this 4th day of January, 2016.

Read a second time this 4th day of January, 2016.

Read a third time this 4th day of January, 2016.

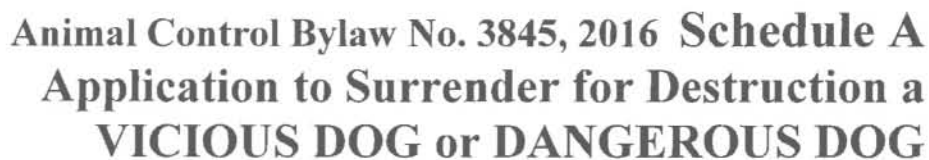
Adopted this 18th day of January, 2016.



Mayor



Director of Corporate Services



**SCHEDULE B
ANIMAL CONTROL BYLAW FEES AND CHARGES**

PART A – LICENCE FEES		
Type of Licence		FEE
1.	VICIOUS DOG * **	\$225.00
2.	Female DOG:	
	(a) NON-STERILIZED * **	\$60.00
	(b) STERILIZED * **	\$40.00
3.	Male DOG:	
	(a) NON-STERILIZED * **	\$60.00
	(b) STERILIZED * **	\$40.00
4.	WILD ANIMAL	\$100.00
5.	LICENCE Transfer:	
	(a) to new OWNER	\$5.00
	(b) to new DOG	\$5.00
6.	Replacement of lost LICENCE tag	\$10.00

* Fee is discounted by \$25.00 and pro-rated quarterly for newly LICENCED DOG.

** Fee is discounted by \$25.00 upon early LICENCE renewal on or before February 28th of each year

PART B – IMPOUND FEES			
1.	VICIOUS DOGS		
	(a) 1 st IMPOUND whereby deemed vicious		\$ 200.00
	(b) 1 st subsequent IMPOUNDMENT		\$ 500.00
	(c) 2 nd subsequent IMPOUNDMENT		\$1,000.00
	(d) any additional IMPOUNDMENT		\$2,000.00
2.	DANGEROUS DOGS – per IMPOUNDMENT		\$2,500.00
3.	DOGS, excluding VICIOUS DOGS or DANGEROUS DOGS:		
	STERILIZED	LICENCED	UNLICENCED
	(a) 1 st Offence (1 year period)	\$25.00	\$50.00
	(b) 2 nd Offence (1 year period)	\$50.00	\$75.00
	(c) 3 rd Offence (1 year period)	\$100.00	\$125.00
	(d) 4 th and each subsequent	\$150.00	\$175.00
	NON-STERILIZED		
	(a) 1 st Offence (1 year period)	\$40.00	\$65.00
	(b) 2 nd Offence (1 year period)	\$65.00	\$90.00
	(c) 3 rd Offence (1 year period)	\$115.00	\$140.00
	(d) 4 th and each subsequent	\$165.00	\$190.00
	Pup (DOG under two (2) months of age)		\$20.00
4.	CATS, POULTRY and RODENTS		\$20.00
5.	Horses, cattle, donkeys, swine, sheep, goats or any other large FARM ANIMAL		\$100.00
6.	WILD ANIMALS		At cost incurred by the CITY

PART C - BOARD FEES

(a)	CATS, POULTRY and RODENTS	\$5.00/ day
(b)	DOGS	\$20.00/ day
(c)	Horses, cattle, donkeys or any other ANIMAL	At cost incurred by the CITY

PART D - VETERINARY MEDICAL FEES

For all ANIMALS shall be assessed as the cost incurred by the CITY for any care or treatment deemed necessary by the ANIMAL CONTROL OFFICER for such ANIMAL.

PART E - CAT TRAPS

(a)	Loan for 48 hours duration or longer at discretion of CITY	\$20.00
(b)	Deposit for use of trap, refunded upon return of undamaged trap	\$20.00
(c)	Failure to return, damage or destruction of trap	\$100.00

PART F – VOLUNTARY SURRENDER / DISPOSAL FEES

(a)	VICIOUS DOG or DANGEROUS DOG surrendered for destruction and disposal	At cost incurred by the CITY
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SCHEDULE C ANIMAL CONTROL BYLAW MAP AND LOCATION OF OFF-LEASH PARK

The following lands have been set aside, operated, used or maintained as an OFF-LEASH PARK:

1. Muriel Baxter Off-Leash Park:

2021- 2nd Street South, Cranbrook, British Columbia, and legally described as:

PID: 013-000-071 Lot A, District Lot 22, Kootenay District Plan 9985; and

2121 – 2nd Street South, Cranbrook, British Columbia and legally described as:

PID: 015-834-549 Lot D, District Lot 22, Kootenay District Plan 1794, except parts included in plans 7515 and 8182

