

THE CORPORATION OF THE VILLAGE OF MONTROSE

BYLAW #706

A BYLAW TO PROVIDE FOR THE LICENCING AND CONTROL OF ANIMALS WITHIN THE VILLAGE OF MONTROSE.

WHEREAS sections 8 (3) (k), and Division 6 of the *Community Charter* SBC Chap. 26 authorizes Council to regulate, prohibit and impose requirements, and

WHEREAS Council of the Village of Montrose deems it necessary to regulate dogs, cats and other animals in the Village of Montrose,

NOW THEREFORE, the Council of the Village of Montrose, in open meeting assembled, hereby ENACTS AS FOLLOWS:

SHORT TITLE

1. (1) This Bylaw may be cited as the “**ANIMAL CONTROL BYLAW (2013)**”

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INTERPRETATION

3. In this Bylaw, unless the context otherwise requires:
 - (a) “**Animal**” means any member of the Kingdom Animalia excluding humans.
 - (b) “**Animal Control Officer**” shall mean any Officer designated by the municipality to be responsible for enforcing this bylaw, except where otherwise provided.
 - (c) “**Cat**” means a male or female domesticated cat.
 - (d) “**Dangerous dog**” means any dog to which any of the following applies:
 - (i) that has killed a human being or domesticated animal while on or off the owner’s property;
 - (ii) that has bitten or injured a human being or domesticated animal, without provocation, while on or off the owner’s or caretaker’s property;
 - (iii) that is attack trained;
 - (iv) that is kept for the purpose of security or protection, whether residential, commercial or industrial, of persons or property; or
 - (v) that has shown the disposition or tendency to be threatening or aggressive.
 - (e) “**Dog**” means a male or female domesticated dog.
 - (f) “**Kennel**” shall mean a facility where three (3) or more dogs are kept, trained, cared for, bred, treated, hospitalized or boarded for personal use or for remuneration or for the purpose of sale.
 - (g) “**Leash**” shall mean a line, thong or chain used for the purpose of restraining a dog which does not exceed two (2) metres in length and which is made of material of sufficient strength that the dog cannot break it.
 - (h) “**Muzzle**” means a device which covers or secures the mouth of an animal and is designed to prevent it from biting.
 - (i) “**Neutered**” means the sterilization of a male animal by removing the testicles or by any method of pharmaceutical sterilization approved by the Canadian Veterinary Medical Association.

- (j) **“Owner”** means any person, partnership, association or corporation that owns, possesses or has control, care or custody over an animal.
- (k) **“Pound”** means the facility designated by the municipality, which is used for the temporary housing and care of animals that have been impounded pursuant to the bylaw.
- (l) **“Running at Large”** means an animal that is not on the property of the owner and not on a leash and/or under the control of a person responsible.
- (m) **“Spayed”** means the sterilization of a female animal by removing the ovaries or by any method of pharmaceutical sterilization approved by the Canadian Veterinary Medical Association.

4. **DUTIES OF THE OWNER**

- (1) **Owner to Licence** – The Owner shall obtain a Licence for his Dog or Cat at the beginning of the current year.
- (2) **Licence Required** – Dogs and Cats, the age of 6 months or more, require a licence.
- (3) **Licence to be put on Dog or Cat** – The Owner of a Dog or Cat shall cause such Dog or Cat to wear around its neck a collar to which the Licence shall be attached.
- (4) **Female in Heat** – The Owner of a female Dog or Cat in heat shall keep her confined within a building or pen until she is no longer in heat.
- (5) **Pooper-scooper** – An Owner whose Dog or Cat defecates on another person’s property or public property shall immediately remove the defecated matter.
- (6) **Owner to Provide Basic Care** – An Owner shall ensure his or her Dog or Cat is provided with:
 - (a) clean drinking water and food of sufficient quantity and quality to allow for healthy growth and the maintenance of a healthy body weight;
 - (b) necessary veterinary care when the Dog or Cat belonging to the Owner is exhibiting signs of pain, injury, illness or suffering;
 - (c) shelter for a Dog or Cat that normally resides outside that ensures protection from heat and cold and is kept in sanitary condition.

5. **LICENCE REGULATIONS**

- (1) **Licence Year** – Every Licence issued under this Bylaw shall expire on the 31st day of December of the current year.
- (2) **Licence Fees** – The Licence Fees are set out in Schedule ‘B’ of this Bylaw.
- (3) **Licence Fee Discounts** – Payment of the Licence Fee on or before the last day of February will entitle the purchaser to a discount set out in Schedule ‘B’.
- (4) **Licences sold after 31 August** – Licence Fees for Licences sold after 31 August are set out in Schedule ‘B’.
- (5) **Licence Fee Rebate** – Any person who purchases a Licence for an unneutered male or unspayed female Dog, may within the current year produce a certificate from a veterinarian stating the Dog has been neutered or spayed and receive a rebate set out in Schedule ‘B’
 - (a) there is no rebate if the licence is purchased after 31 August of the current year.
- (6) **Licence, Loss of** – In the event of loss or theft of a Dog or Cat Licence, the Owner shall obtain a new Licence from the Village on payment of the fee provided in Schedule ‘B’ to this Bylaw.

- (7) Licence not transferable – A Dog or Cat Licence shall be worn only by the Dog or Cat for which it is issued and is not transferable to another Dog or Cat.
- (8) Licence Fee Not Retroactive – Licence fees of this Bylaw will not apply to any Person who has paid his fee for the current year prior to this Bylaw coming into force.

6. **PROHIBITIONS**

- (1) No Running At Large – No Owner of any Dog or Cat shall allow such Dog or Cat to Run At Large in the Village.
- (2) “No Dogs Allowed” – No Dogs will be allowed at any time or under any circumstances upon any lands or premises designated for public recreational or park purposes if such lands or premises are posted to this effect by resolution of the Council
- (3) No Barking Dogs – No Owner shall keep any Dog that by its barking or howling unduly disturbs the peace, quiet, rest, or tranquility of the surrounding neighbourhood or public at large.
- (4) No person shall be permitted to run a Kennel within the Village.
- (5) No person shall be permitted to own more than two cats in the Village unless:
 - (a) they are new residents to Montrose and prior to moving owned more than two cats.
- (6) For violation of this section of the Bylaw the Animal Control Officer may issue a Violation Notice.

7. **MUNICIPALITY**

- (1) List of Dog and Cat Owners – The Village will keep a record of:
 - (a) the names of the Owners who have purchased a Dog or Cat Licence for their dog(s) or Cat(s),
 - (b) the Owner’s phone number and address,
 - (c) the date of the purchase,
 - (d) the description of the Dog(s), or Cat(s) and
 - (e) the Dog or Cat Licence number.

As per Schedule ‘A’ of this Bylaw.

- (2) Pound Established – The establishment and maintenance of a Pound is hereby authorized. The location of the Pound shall be at the Trail SPCA, 7700 Highway 3B, Trail, BC V1R 2L9.
- (3) Post “No Dogs Allowed” – see Section 6, sub-section 2.

8. **ENFORCEMENT**

- (1) Right of Entry – The Animal Control officer is authorized to enter on any property, at all reasonable times, in the Village to determine if the provisions of this Bylaw are being followed.
- (2) Authority to Seize – The Animal Control Officer may seize any Dog found Running At Large.
- (3) Authority to Issue a Ticket – The Animal Control Officer is authorized to deliver a Ticket to the Owner of any Dog or Cat, where the Owner is in violation of any regulation of this Bylaw.

- (4) Dog or Cat Owner is Known – Where the Owner of a Dog or Cat Running At Large is known to the Animal Control Officer, the officer may:
 - (a) seize the Dog or Cat, return the Dog or Cat to its Owner and issue the Owner a Ticket, or
 - (b) where it is not possible to return the Dog or Cat to its Owner, take the Dog or Cat to the Pound, or
 - (c) where it is not possible to seize the Dog or Cat, issue the Owner a Ticket.
- (5) Owner Not Known – Where the Owner of a Dog or Cat Running At Large is not known to the Animal Control Officer and the officer seizes it, they shall take it to the Pound.
- (6) Procedure to Reclaim Dog or Cat – The Owner of any Dog or Cat impounded pursuant to the provisions of this Bylaw may reclaim it on application to the Animal Control Officer and upon payment of the impoundment fee set out in Schedule ‘C’ of this Bylaw.
- (7) Owner To Be Notified – The Animal Control Officer shall attempt to notify the Owner of an impounded Dog or Cat within 24 hours of the impoundment.
- (8) Retention Time In Pound – If an impounded Dog or Cat is not claimed after the legal impoundment period, the Animal Control Officer may either humanely euthanize the animal or put it up for adoption.
- (9) Obstruction Of The Animal Control Officer – Any person who shall hinder, delay or obstruct the Animal Control Officer in the execution of his duty under this Bylaw shall be guilty of an infraction of this Bylaw.

9. **SPECIAL REGULATIONS**

- (1) Right of Seizure – The Animal Control Officer may enter the Owner’s property and seize
 - (a) a Dog that has bitten, rushed at, or attacked a person or a Dog without provocation and has returned to its Owner’s property, or
 - (b) a Dog that is continually barking, and the Owner is not home, or
 - (i) pursuant to this section the Animal Control Officer must post a notice of seizure sign on the property.
 - (c) any Animal that is, in the opinion of the Animal Control Officer, suffering unreasonably.

If requested to do so, the Animal Control Officer must be prepared to appear before Council to justify the seizure of the Dog.
- (2) Dog Attacks – Every person who is the Owner of a Dog which shall run at or attack:
 - (a) any person peaceably traveling on foot or by means of any vehicle on any public street or place in the Village or
 - (b) any other Dog peaceably traveling under the charge and control of the Owner or a responsible person on any public street or place in the Village, shall be guilty of an infraction of this Bylaw.

Upon conviction under this section, the Judge or Magistrate may in addition to any other penalty, if the said Dog shall have done any damage, order the Owner of the said Dog to pay such damage as the Dog may have caused and may order the Owner of said Dog to confine or muzzle said Dog for such period as he shall determine, or may order the Owner to deliver the said Dog over to the Animal Control Of-

- ficer who shall then rehabilitate or humanely euthanize the Dog. Dogs that have acted aggressively, regardless of breed or gender, shall be neutered or spayed.
- (3) Requirements for Keeping a Dangerous Dog – The owner of a Dangerous Dog shall be subject to the following requirements:
- (a) Confinement: All Dangerous Dogs shall be securely confined indoors or in an enclosed and locked pen or structure upon the premises of the Owner.
- The pen or structure
- (i) must have minimum dimensions of 1.52 metres (5 feet) by 3.05 metres (10 feet) by 1.83 metres (6 feet) high and
- (ii) must have secured sides and a secure top attached to the sides and
- (iii) if no bottom is secured to the sides, the sides must be embedded at least 0.61 metres (2 feet) into the ground and
- (iv) must be adequately lighted and kept clean and sanitary and
- (v) must protect the dog from the elements and
- (vi) must be capable of preventing the entry of young children.
- (b) Signage – The Owner of such Dog shall display a sign declaring in legible writing and with a recognizable symbol that the Dog is dangerous at each entrance to the property and building in which the dog is kept.
- (c) Leash and Muzzle – When such Dog is off the property of the Owner, the Owner shall ensure that it is properly fitted with a muzzle and a leash not longer than one metre and that it is under the control of a responsible person over the age of eighteen.
- (i) The muzzle must not cause injury to the Dog or interfere with its vision or respiration, but must prevent the Dog from biting any human or animal.
- (4) Exemptions to the Dangerous Dog Definition
- (a) No Dog may be declared “Dangerous” for injury or damage sustained by a person who was committing a willful trespass or other crime or tort upon the premises of the Dog’s owner.
- (b) No Dog may be declared “Dangerous” for injury or damage sustained by a person who was teasing, tormenting, abusing, or assaulting the Dog.
- (5) Sick or Infectious Dogs and Cats – No person shall keep, harbour, or have in his possession any Dog or Cat suffering from any infectious or contagious disease, unless such Dog or Cat is in isolation and under treatment for the cure of said disease. It shall be lawful, in this circumstance, for the Medical Health Officer to order any Dog or Cat not kept isolated or under treatment to be humanely euthanized. The Animal Control Officer, on receiving such order, shall humanely euthanize the Dog or Cat.

10. **SCHEDULES**

Schedules “A”, “B” and “C” of this Bylaw form a part of this Bylaw and are enforceable in the same manner as this Bylaw.

11. **REPEAL**

The following Bylaws are hereby repealed:

Bylaw 119 – Pound Bylaw

Bylaw 391 – Dog Control Bylaw

Bylaw 459 - Dog Control Amendment Bylaw

Bylaw 559 - Cat Regulation Bylaw

Bylaw 620 – Vicious Dog Bylaw 1991 Repeal

Bylaw 656 – Dog Control Amendment Bylaw

Bylaw 675 – Cat Regulation Amendment Bylaw

12. **PENALTIES**

Everyone who violates any provision of this Bylaw is guilty of an offence and shall be liable to a fine of not less than Fifty Dollars (\$50.00) and not more than Five Hundred Dollars (\$500.00).

ENACTMENT

- 5. (1) If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the part that is invalid shall not affect the validity of the remainder.
- (2) This Bylaw shall come into full force and effect on final adoption.
- (3) Bylaws # 119, 391, 459, 559, 620, 656 and 675 are hereby repealed.

READ A FIRST TIME
 READ A SECOND TIME
 READ A THIRD TIME
 RECONSIDERED AND FINALLY ADOPTED

this 6th day of May, 2013
 this 21st day of May, 2013
 this 21st day of May, 2013
 this 3rd day of June, 2013

 Mayor

 Village Clerk

Certified a true copy of Bylaw #706, as adopted

 Village Clerk

THE CORPORATION OF THE VILLAGE OF MONTROSE

BYLAW #706
SCHEDULE 'B'
LICENCING FEES

CAT LICENCE FEES

<u>CLASSIFICATION</u>	<u>YEARLY FEE</u>	<u>BEFORE MAR. 1</u>
Neutered Male	\$10.00	\$5.00
Spayed Female	\$10.00	\$5.00
Unaltered Male/Female	\$20.00	\$10.00
Duplicate Licence	\$2.00	
Owner must supply a veterinarian's certificate that the cat has been neutered or spayed.		

DOG LICENCE FEES

<u>CLASSIFICATION</u>	<u>YEARLY FEE</u>	<u>BEFORE MAR. 1</u>	<u>AFTER AUG. 31</u>
Neutered Male	\$20.00	\$10.00	\$5.00
Spayed Female	\$20.00	\$10.00	\$5.00
Unaltered Male/Female	\$40.00	\$30.00	\$15.00
Duplicate Licence	\$2.00		
<u>REBATE OF FEES</u>			
Owner must supply a veterinarian's certificate in order to receive a rebate for a neutered or spayed Dog.			
If fee paid was \$40.00 or \$30.00 – rebate will be \$20.00			
No rebates will be issues after August 31 st			

THE CORPORATION OF THE VILLAGE OF MONTROSE

BYLAW #706
SCHEDULE 'C'
TICKETS AND FINES

VIOLATION NOTICE

TO: _____

Name of Owner

Address of Owner

Being the owner of the following (dog) or (cat) :

Description of Animal

Location of Offence

Date and Time of Offence

Licence Tag No.

NOTICE IS HEREBY GIVEN of an offence under the above-noted Animal Control Bylaw of the Village of Montrose. The penalty for the offence as circled or marked may be paid at the Village Office, 565 11th Avenue, Montrose, BC, Monday to Friday, during regular office hours.

SCHEDULE OF FINES

For violation of Bylaw No 706, Section _____

Offence

Running At Large

Unlicenced

Other _____

First Offence: \$50.00 – reduced to \$20.00 if paid before the deadline

Second Offence: \$75.00 – reduced to \$40.00 if paid before the deadline

Third Offence: \$100.00 – reduced to \$80.00 if paid before the deadline

THE DEADLINE IS SEVEN CLEAR DAYS FROM THE DATE OF ISSUE

Dated this _____ day of _____, 20____.

Animal Enforcement Officer

Note: If the penalty indicated above is not paid within seven (7) clear days,
a Summons may be issued in respect of this offence.

TICKET NO. _____

POUND FEES

SPCA published maintenance fees shall be paid for the detention and for the care and feeding of any impounded Cat or Dog and shall be payable by the owner to the SPCA. The SPCA shall be responsible for collecting the above fees before releasing the Cat or Dog to the Owner.