



## *Sparwood Animal Control Bylaw No. 821 2000*

THIS DOCUMENT HAS BEEN REPRODUCED FOR CONVENIENCE ONLY and is a consolidation of "Sparwood Animal Control Bylaw No. 821, 2000" with the following amending bylaws:

Bylaw Number	Dated Adopted	Section Amended
860	February 4, 2002	Section 3 (a) and 6 (f) (iv), 6 (g) and 6 (h)
1208	May 7, 2018	Section 8 and Schedule B

Individual copies of any of the above bylaws are available from the Corporate Services Department of the District of Sparwood. For legal purposes, copies of the original bylaws should be obtained.



## DISTRICT OF SPARWOOD

### BYLAW NO. 821

Unofficial Consolidation of Bylaw No. 821 with amendment Bylaws 860 and 1208

#### **A Bylaw to provide for the control of dogs and animals and the licensing of dogs within a defined area of the District of Sparwood.**

This bylaw may be cited as, "*Sparwood Animal Control Bylaw No. 821, 2000*".

WHEREAS Section 705 of the *Local Government Act*, RSBC 1996 Chapter 323, as amended provides that the Council may by bylaw fix, impose and provide for the collection of licence fees from any person who owns, possesses or harbours any dog and prescribe regulations therefore; and

WHEREAS Section 703 of the said Act provides that the Council may, by bylaw, regulate or prohibit the keeping of dogs, horses, cattle, sheep, goats, swine, rabbits, or other animals, poultry, pigeons, doves, or other birds and define areas in which they may or may not be kept; and

WHEREAS Section 703 of the said Act further provides that the Council may by bylaw regulate or prohibit kennels or other places for the keeping, training, care, breeding, treatment, hospitalization or boarding of dogs, cats, fur bearing animals or other animals, whether domesticated or undomesticated, and define areas in which these places are permitted or not permitted, and define for different species of animals what constitutes a kennel and what is deemed a fur bearing animal; and

WHEREAS Section 703 of the said Act further provides that Council may make different regulations for different areas;

NOW THEREFORE the Council of the District of Sparwood in open meeting assembled enacts as follows:

#### 1. APPLICATION

This Bylaw applies only to that portion of the District of Sparwood outlined in red on Schedule "A" of this Bylaw.

#### 2. INTERPRETATION

In this Bylaw, unless the context otherwise requires:

- (a) "animal" means any animal or bird, including farm animals, but excepting dogs or cats;
- (b) "cat" means any member of the feline species;
- (c) "Council" means the Municipal Council of the District of Sparwood;
- (d) "District" or "Municipality" means the District of Sparwood;
- (e) "dog" means a member of the canine species;

- (f) "highway" means a road, street, lane, bridge, viaduct and any other way open to public use but does not include a private right-of-way on private property;
- (g) "farm animal" means a domesticated animal normally raised or kept for food, milk or a beast of burden and without limiting the generality of the foregoing includes any horse, mule, donkey, llama, swine, sheep, goat, cow or other animal of the bovine species, ostrich and emus, but excluding dogs or cats;
- (h) "kennel" means residential or non-residential premises on which more than five (5) dogs, cats, or some combination of dogs and cats, not exceeding five dogs and cats in total, are kept overnight, trained, boarded, cared for, groomed, harboured or bred, whether for business purposes or not, but does not include a Pet Shop within the C2 commercial zone as defined by the Municipal Zoning Bylaw and animal hospital, homes and pounds within the M1 light industrial zone as defined by the Municipal Zoning Bylaw;
- (i) "Municipal Clerk" means the person duly appointed as Municipal Clerk for the District of Sparwood;
- (j) "owner" means any person who owns, has in his custody or under his control or harbours any dog, cat, or animal within the District;
- (k) "person" means and shall include a natural person, corporation, partnership or firm;
- (l) "Pound", "Pound Shelter" or "Municipal Pound" means any building or enclosure established as a pound by the District of Sparwood;
- (m) "Poundkeeper" means any person duly appointed or named as such by the Council of the District of Sparwood or any other person or persons duly appointed as provided in this bylaw to assist the Poundkeeper and includes the Animal Control Officer appointed or under contract to the District;
- (n) "run at large", "Running at large" and "at large" means an unleashed dog, cat, or animal on any highway, boulevard, walkway, greenbelt, park, playground, school ground or other public place;
- (o) "unlicensed dog" means any dog for which the licence fee for the current year has not been paid or to which a current tag issued by the District, is not attached. Such definition shall not apply to a dog licensed under the *Livestock Protection Act* or pursuant to a bylaw of any other municipality in the Province of British Columbia, in respect to the unexpired portion of the period for which such licence or such dog tag has been issued.

### 3. LICENSING

Amended by  
Bylaw 860 →

- (a) No person shall own any dog that is over the age of 9 months in the District for a period longer than sixty (60) days unless a licence therefore under this bylaw has been first obtained.
- (b) Every licence issued under this bylaw shall expire on the thirty-first day of December next following the date on which the licence was issued.
- (c) The licence shall consist of a metal or fibre tag upon which is impressed or stamped the words "Dog Tag", the licence number, the year for which the licence is valid and the words "District of Sparwood".
- (d) Every application for a licence shall be made to the Municipal Clerk, Municipal Office, Sparwood, BC or Poundkeeper, Sparwood, BC and shall contain a description of each dog to be licensed and shall be accompanied by a non-refundable licence fee as follows:
  - (i) For each neutered male dog or spayed female dog, a fee of ten dollars (\$10.00).
  - (ii) For each male dog that has not been neutered and each female dog that has not been spayed, a fee of thirty dollars (\$30.00).
  - (iii) Dog tags, which are lost, may be replaced upon payment of three dollars (\$3.00).
  - (iv) The transfer of a tag, a fee of \$3.00.
- (e) The licence fee hereunder is due and payable on or before the 15th day of January in each year provided that for any dog acquired after the 15th day of January in any year the said licence fee shall be due and payable and shall be paid within 60 days from the date of acquisition of such dog.
- (f) The owner of a female dog applying for a licence for a spayed female dog or neutered male dog must furnish proof satisfactory to the Municipal Clerk or Poundkeeper that the dog is in fact "spayed" or "neutered".
- (g)
  - (i) A licence tag issued for a dog may be transferred to a different dog owned by the same person to whom the licence tag was initially issued or to a subsequent owner of the licensed dog provided the owner delivers the receipt form, issued for the tag, to the Municipal Office when applying for the transfer;
  - (ii) Application to transfer a licence tag must be accompanied by a fee of three dollars (\$3.00);
  - (iii) A licence tag issued for a spayed female dog or a neutered male dog cannot be transferred to an unspayed female dog or male dog that has not been neutered;
  - (iv) There will be no refund of licence fee where transfer is from an unspayed female dog or a male dog that has not been neutered to a spayed female or neutered male dog.

4. POUNDKEEPER EXTRAORDINARY DUTIES

- (a) Whenever deemed necessary by the Poundkeeper or on request of any resident of the District, the Poundkeeper may trap and destroy a skunk;
- (b) The Poundkeeper shall maintain a written record of skunks trapped and destroyed including dates and locations of trapping and destruction and provide to the Municipal Clerk a copy of such written record monthly and with the report required to be delivered pursuant to Section 7 (a) hereof;
- (c) The Poundkeeper shall make any skunks trapped and in his control available to the Medical Health Officer upon demand for inspection;
- (d) The Poundkeeper shall immediately destroy and dispose of any skunk trapped pursuant to this section;
- (e) The Poundkeeper shall not enter onto any private property for the purpose of trapping skunks without the consent of the owner and / or occupier of such property first had in writing;
- (f) On written request of the owner of any dog or cat, the Poundkeeper may destroy such dog or cat without charge, provided that such person enters into an agreement in form acceptable to the Poundkeeper indemnifying the District from any and all claims relating to the impoundment and/or destruction of such dog or cat.

5. GENERAL REGULATIONS

- (a) No person shall suffer or permit any dog, cat or animal of which he is the owner to be at large;
- (b) No person shall suffer or permit any dog, cat, or animal of which he is the owner to trespass on private property;
- (c) No person shall suffer or permit any animal of which he is the owner to graze on unfenced land unless such animal is securely tethered;
- (d) No person shall suffer or permit any dog, cat, or animal of which he is the owner to become a public nuisance;
- (e) No person who is the owner of an unspayed female dog shall allow such dog to leave the premises of its owner during such female dogs ovulatory period except to convey such dog directly to a veterinarian or boarding kennel;
- (f) No person shall establish, operate or maintain a kennel or other places for the keeping, training, care, breeding, treatment, hospitalization or boarding of more than 5 dogs, cats, or animals or combination thereof, whether domesticated or undomesticated, within the Municipality, except in areas zoned as "Agricultural" by the Municipal Zoning Bylaw, and excepting pet shops within the C2 commercial zone as defined by the Municipal Zoning Bylaw and animal hospitals, homes and pounds within the M1 light industrial zone as defined by the Municipal Zoning Bylaw.

- (g) (i) No person shall keep or permit to be kept, held, possessed or retained, any farm animal, within the cross-hatched areas designated in Schedule B of this Bylaw, except as permitted under Section 5 (g) (ii) following, and excepting domesticated rabbits or rodents;
- (ii) The owner of a horse may keep the horse on any land in the District as long as the keeping is on an occasional basis, the horse is securely tethered at all times, the owner of the property consents to the presence of the horse on the property, and the horse is not kept overnight on the property, for more than four consecutive hours between the hours of 8:00pm and 8:00am;
- (h) No person shall permit any dog, cat or animal of which he is the owner or of which he has control, to foul any highway or public place with excrement unless he or she shall promptly clean and remove any such excrement from such highway or public place;
- (i) No person shall keep bees for business or non-business purposes except in areas zoned "Agricultural" in the Municipal Zoning Bylaw.

#### 6. IMPOUNDMENT

- (a) Any Peace Officer or the Poundkeeper may seize and impound any dog, cat, or animal running at large in the District contrary to the provisions of this bylaw;
- (b) (i) Any person being the owner of a dog, cat or animal, or, not being the owner and who seizes a dog, cat, or animal on such person's property may take such dog, cat, or animal to the Municipal Pound to be impounded.
- (ii) The Poundkeeper may accept and impound any such dog, cat, or animal provided that such person enters into an agreement in form acceptable to the Poundkeeper indemnifying the District from any and all claims relating to the seizure and impoundment of such dog, cat or animal;
- (c) Any dog, cat, or animal seized and impounded pursuant to this section shall be kept at the municipal pound or at a location approved by the Poundkeeper;
- (d) The Poundkeeper shall provide adequate water, food and shelter for any dog, cat, or animal impounded under this bylaw while detained at the municipal pound;
- (e) Any person attempting to take or remove or taking or removing any dog, cat, or animal from the lawful custody of the Poundkeeper or other authorized person or impounded at the Municipal Pound under the provisions of this bylaw or who resists or interferes with the Poundkeeper in the course of his duties shall be deemed to have committed an offence under this bylaw;

(f) Subject to Section 707.1 of the *Local Government Act*, any person claiming a dog, cat, or animal from the Municipal pound shall pay the following fees ("impoundment fees") for the impoundment of such dog, cat, animal or cattle, whichever is applicable, to the Poundkeeper:

(i) For dogs, cats and animals: Basic impoundment fee of \$35.00 plus \$2.00 boarding fee for each day or part thereof impounded for each such dog, cat, or animal, excepting horses, mules, swine, sheep, goats, cows or other animals of the bovine species impounded;

(ii) For farm animals: Basic impoundment fee of \$50.00 for each day or part thereof impounded plus \$10.00 boarding fee for each day or part thereof impounded for each animal impounded together with the costs, if any, to the District of impounding, conveying and maintaining such animal;

(iii) When any dog, cat, or animal is impounded the Poundkeeper shall prepare an impoundment notice and shall deliver such impoundment notice to the owner, if the owner can be identified, and in the event that the owner cannot be identified, post the impoundment notice at the Municipal Pound. Excepting a notice relating to a dog seized or impounded pursuant to Section 707.1 of the *Local Government Act*, every impoundment notice shall state the fees to be charged by the Poundkeeper as set out herein and for any dog the cost of a licence if required and the Poundkeeper shall release any dog, cat, or animal impounded to its owner on payment of all impoundment and licence fees as the case may be;

(iv) If owner of impounded dog does not have proof of spay or neuter at time of claiming dog, owner will be required to purchase a dog tag based on the fee for an unneutered/unspayed dog. If owner provides within 14 days proof that dog was neutered or spayed the owner will be refunded the difference.

Amended by  
Bylaw 860 →

(g) Excepting a dog seized or impounded pursuant to Section 707.1 of the *Local Government Act*, in the event that impoundment fees and boarding fees are not paid within one hundred and twenty hours from the time of impoundment of any dog, cat, or animal, the Poundkeeper may destroy such dog, cat, or animal in a humane manner, or dispose of such dog, cat, or animal by:

Amended by  
Bylaw 860 →

(i) Posting notice at the Pound and the Municipal Office that the dog, cat, or animal will be offered for sale, such notice to include date and time that acceptance of offers will close.

(ii) That in the event there is more than one offer, the highest offer will be accepted.

(iii) The lowest acceptable price will be the outstanding boarding fees accruing to date of sale;

(iv) Such notice of sale may be posted at any time after impoundment of any dog, cat, or animal, but in no case shall such sale occur within one hundred and forty-four (144) hours of such impoundment. Any person purchasing a dog, cat, or animal from the Poundkeeper shall be required to enter into a Release and Indemnity Agreement satisfactory to the Poundkeeper.

(h) In the event that the dog, cat, or animal is not disposed of by way of sale, then the Poundkeeper shall dispose of such dog, cat or animal in a humane manner, which may include placement of such dogs, cats, or animals that Poundkeeper deems to be suitable to an organization that provides adoption service provided that such person or organization enters into a Release and Indemnity Agreement satisfactory to the Poundkeeper;

Amended by  
Bylaw 860 →

## 7. REGISTER BOOK

- (a) The Municipal Clerk shall provide the Poundkeeper with a register book, within which he or she shall enter the number and description of every dog, animal or cattle impounded by him, the day and hour on which the same was received, redeemed, sold or destroyed and the amount of penalty, fees or charges paid by the redeeming party and the name and address of such redeeming party and the proceeds of the sale (if any) and the Poundkeeper shall on the 1st day of every month in the year deliver to the Municipal Clerk a copy of the records so made, in addition to any sums so received as a fine, fees or penalties recovered under the provisions of this bylaw;
- (b) The Poundkeeper shall retain a register of all ticket information and impoundment notices issued.

## 8. VIOLATION

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 or in violation of any of the provisions of this bylaw or neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw shall be liable on summary conviction to a fine of not less than thirty-five dollars (\$35.00) and not more than ten thousand dollars (\$10,000.00).

Amended by  
Bylaw 1208 →

9. This bylaw takes effect upon adoption.



10. REPEALS

- (g) The bylaw cited as "Sparwood Animal Control Bylaw No. 618, 1993" is hereby repealed.
- (h) The bylaw cited as "Sparwood Animal Control Amendment Bylaw No. 681, 1996" is hereby repealed.

READ A FIRST TIME THIS 20TH DAY OF NOVEMBER, 2000.

READ A SECOND TIME THIS 20TH DAY OF NOVEMBER, 2000.

READ A THIRD TIME THIS 20TH DAY OF NOVEMBER, 2000.

ADOPTED THIS 4TH DAY OF DECEMBER, 2000.

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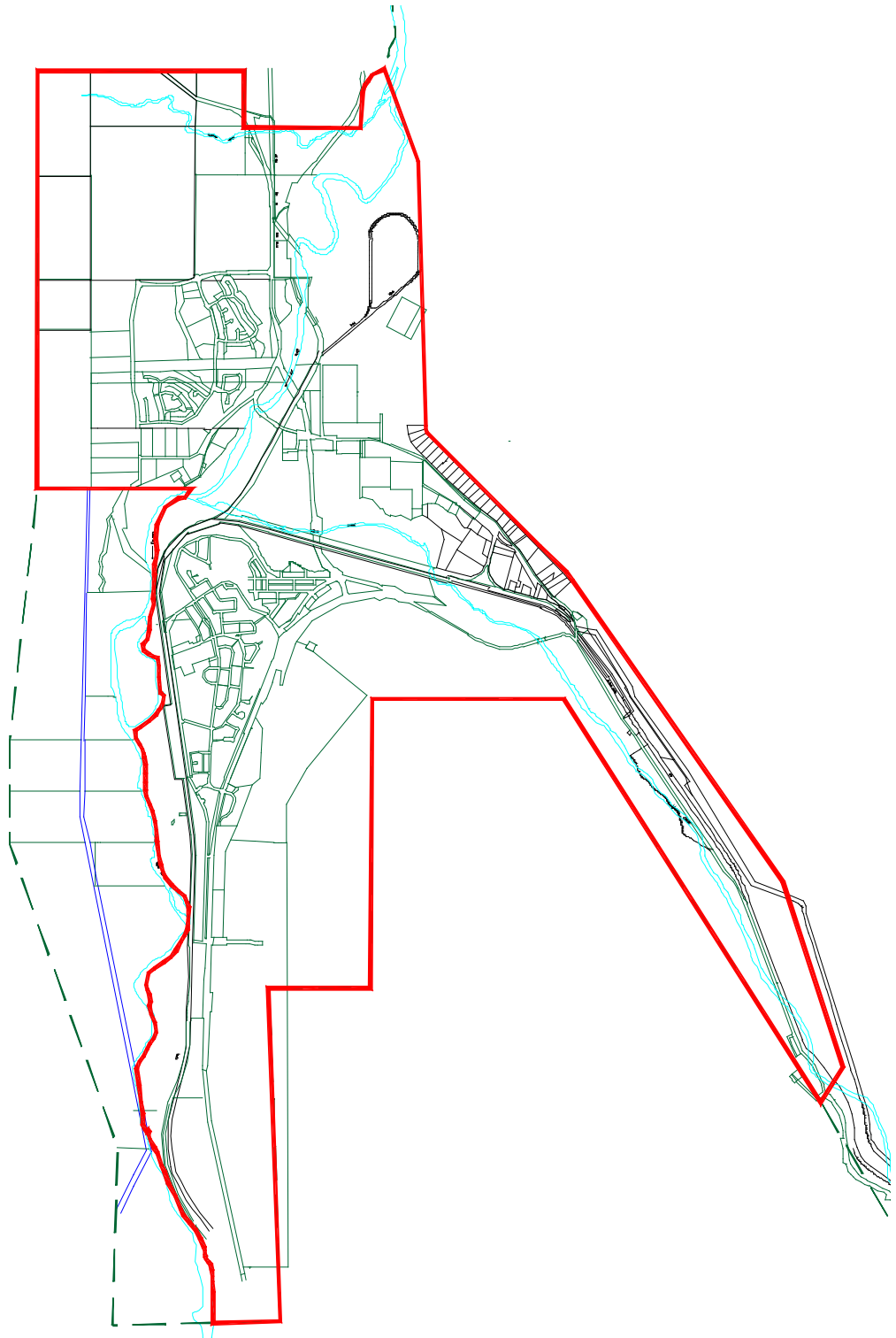
MAYOR

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CLERK

Schedule "A"

of bylaw cited as "Sparwood Animal Control Bylaw No. 821, 2000"



NOTE: Boundaries of area to which bylaw applies (marked in red)

Amended by  
Bylaw 1208

# Sparwood Animal Control Bylaw No 821, 2000 Schedule "B"

