

Bowen Island Municipality

“Bowen Island Municipality Dog Control Bylaw No. 30, 2001”

CONSOLIDATED FOR CONVENIENCE – JULY 2005

Amendment Bylaw	Date of Adoption
Bylaw No. 91, 2003	July 28, 2003
Bylaw No. 167, 2005	November 14, 2005

The amendment bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaw on this subject.

BOWEN ISLAND MUNICIPALITY

Dog Control Bylaw No. 30, 2001

A Bylaw regulating the keeping and controlling of dogs.

WHEREAS Council is empowered to enact a bylaw under the Local Government Act to regulate the keeping of dogs in the Municipality;

The Council of the Bowen Island Municipality enacts as follows:

Part 1 - INTERPRETATION

“Animal” means all species of fauna excluding humans, fish and aquatic invertebrates.

“Animal Control Officer” means

- (a) a municipal employee, officer or agent designated by the Council as an animal control officer for the purposes of this bylaw, or
- (b) a peace officer.

“At large” means a dog that is not on the property of the owner and not on a leash and/or under the control of a responsible person.

“Companion Animal” means an animal kept as a pet or as a guide animal.

“Dangerous dog” means a dog that:

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

“Dog” means a male or female of the canine species.

“Domestic animal” means a domestic animal as defined in the Livestock Protection Act.

“Municipality” means Bowen Island Municipality.

“Muzzle” means a humane fastening or covering device of adequate strength over the mouth of a dog to prevent it from biting.

“Owner” means the person over the age of 18 years that owns, possesses or has control, care or custody over a dog.

“Peace officer” means a peace officer, police constable, constable or other person employed for the preservation and maintenance of the public peace.

“Poundkeeper” means the person or persons appointed from time to time by the Municipality, to operate a dog impoundment facility, or the authorized agent of any corporation or society with whom the Municipality has an agreement to act as poundkeeper.

“Public beach” means those public lands located between the low water mark and fifteen (15) metres upland of the high water mark of any body of salt water and which are commonly known and described as set forth in Schedule “B” hereto.

“Seize” includes impound and detain.

“Under control” means a dog that is

- a. on leash; or
- b. off leash and both:
 - i. not more than 3 metres away from its owner; and
 - ii. under the command of its owner so as to prevent any contravention of this bylaw.

Part 2 – DOG WELFARE

- 2.1 Every person who keeps a dog within the Municipality shall provide the dog or cause it to be provided with necessary care.

Part 3 – KEEPING OF DOGS

3.1 Owners’ Responsibilities

- a) If a dog defecates on any public traffic area of property other than the property of its owner, the owner shall cause the faeces to be removed immediately.
- b) No owner shall permit his or her dog to, without provocation:
 - i) chase, bite or attack any person,
 - ii) chase, bite or attack any companion, domestic or wild animal,
 - iii) damage public or private property.
- c) The running at large of dogs is prohibited within the Municipality.
- d) Dogs are not allowed on public beaches listed in Appendix “B” attached to this bylaw during the months of July and August.

- e) Dogs are to be kept under control when on public property.
- f) Dogs are to be on leash when in areas designated by the Municipality.

3.2 Identification

- a) When the dog is off the property of the owner the owner shall cause the dog to wear around the neck a collar to which shall be attached an identification tag which includes the dog owner's last name and phone number.

3.3 Impoundment

- a) The animal control officer may seize and impound every dog found at large, or not under control of its owner.
- b) The animal control officer, poundkeeper or peace officer shall make all reasonable efforts to identify and contact the owner of every dog received, whether the dog is living or dead.
- c) Every dog impounded shall be provided with clean food and water and sheltered in sanitary conditions. The dog shall remain impounded for five (5) days unless its rightful owner claims the dog.
- d) Where in the opinion of the animal control officer or poundkeeper, in consultation with a veterinarian, a dog seized and impounded is injured or ill and should be destroyed without delay for humane reasons or for reasons of safety to persons, the dog may be euthanized humanely if reasonable efforts to locate the owner of the dog have failed.
- e) Where a seized and impounded dog is injured or ill and is treated by a veterinarian, the Municipality shall, in addition to any impoundment fees, be entitled to charge the person claiming the dog for the cost of the treatment.
- f) During the impoundment period, the owner may claim the dog upon proof of ownership of the dog, and payment to the Municipality of:
 - i) the appropriate impoundment fee as outlined in Appendix A,
 - ii) maintenance fees as identified in Appendix A, and
 - iii) veterinary fees where applicable,
- g) Where the owner of a dog does not claim the dog he shall be liable to pay a pound fee as outlined in Appendix A and maintenance fees for each day the dog is in custody.

- h) A dog that is impounded and not claimed by the owner within the time provided in subsection c) may be disposed of at the discretion of the Municipality. The animal control officer will make every effort to find the dog a new home, where appropriate.

Part 4 – DANGEROUS DOGS

- 4.1 a) Dangerous dogs shall be dealt with by the animal control officer pursuant to Section 49 of the *Community Charter*.
- b) At all times when off the owner’s property, a dangerous dog shall be muzzled;
- c) At all times when off the owner’s property, a dangerous dog shall be on a leash not longer than two metres and under the control of a responsible person over the age of eighteen.
- d) A dangerous dog is to be housed in an enclosure that prevents its escape and prevents unauthorized entry by any person.

Part 5 – PENALTIES

- 5.1 Any person who contravenes any provision of this bylaw is guilty of an offence and liable to the penalties prescribed in this section.
- 5.2 Each day of violation of any provision of this bylaw shall constitute a separate offence.
- 5.3 The levying and payment of any fines or penalties shall not relieve a person from the necessity of paying any fees, charges or costs from which he or she is liable under the provision of this bylaw or other laws.
- 5.4 The suggested penalties for violating sections of this bylaw are as follows:

<u>Part</u>	<u>Penalties</u>		
	1 st Offence	2 nd Offence within one 12- month period	3 rd & Subsequent Offence within one 12-month period
Part 3.1 a), c) d), e) and f)	\$25.00	\$50.00	\$150.00
Part 3.1 b)	\$50.00	\$150.00	\$250.00
Part 3.2	\$25.00	\$50.00	\$150.00
Part 4.1 b) and c)	\$50.00	\$100.00	\$200.00
Part 4.1 d)	\$100.00	\$200.00	\$500.00

Part 6 – SEVERABILITY

6.1 If a court of competent jurisdiction should declare any section or part of a section of this bylaw to be invalid, such section or part of a section shall be severed and the remainder of the bylaw construed as being in force and effect.

Part 7 - CITATION

7.1 This bylaw may be cited as the “Bowen Island Municipality Dog Control Bylaw No. 30, 2001”.

Part 8 – REPEAL

8.1 Bylaw No. 611, 1989 cited as “Greater Vancouver Regional District Electoral Area C Dog Control Bylaw No. 611, 1989” is hereby repealed.

Part 9 - READINGS

READ a first time this 22nd day of January, 2001.

RE-READ a first time this 12th day of February, 2001.

READ a second time the 26th day of February, 2001.

READ a third time the 26th day of February, 2001.

RECONSIDERED AND FINALLY ADOPTED this 12th day of March, 2001.

“Original signed”

Lisa Barrett
Mayor

“Original signed”

Isabell Hadford
Clerk

Certified to be a true and correct copy of Bylaw No. 30, 2001, cited as “Bowen Island Municipality Dog Control Bylaw No. 30, 2001” adopted by the Council of Bowen Island Municipality this 12th day of March 2001.

“Original signed”

Isabell Hadford
Clerk

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Appendix 'A'

1. Impoundment Fees:

	1st impoundment	2 nd impoundment within one 12-month	3 rd & Subsequent impoundments within one 12-month period
Dog	\$25.00	\$50.00	\$75.00
Dangerous Dog	\$250.00	\$500.00	\$1,000.00

2. Maintenance Fees:

1. First day	\$7.00
2. Second Day	\$16.00
3. Third and Subsequent Days	\$32.00

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Appendix 'B'

<u>Name of Public Beach</u>	<u>Description</u>
Sandy Beach	The sandy beach area with access from Cardena Drive.
Tunstall Bay Beach	The beach areas fronting both the public street end and the private property owned by the Tunstall Bay Property Owners Association.
Bowen Bay Beach	The sandy beach areas fronting both the public street end and the private property extending in both directions from that street end.