

VILLAGE OF PORT ALICE
BYLAW NO. 599

**BEING A BYLAW TO PROVIDE FOR THE LICENSING AND CONTROL OF DOGS WITHIN
THE VILLAGE OF PORT ALICE**

WHEREAS the Council of the Corporation of the Village of Port Alice deems it desirable to provide for the control and the licensing of dogs within the Village of Port Alice;

THEREFORE, the Council of the Corporation of the Village of Port Alice in open meeting assembled enacts as follows:

1. DEFINITIONS:

For the purpose of this Bylaw the words following shall, whenever used in the Bylaw or in the Schedule attached thereto, be given the following meaning:

- 1.01 "ANIMAL CONTROL OFFICER" – means the official duly appointed by the Village to fill the position and assume the responsibilities of the Animal Control Officer; or any employee of the Village who is directed to act in this capacity.
- 1.02 "AT LARGE" – when used with reference to a dog or dogs shall mean being elsewhere than on the premises of a person owning or having the custody, care or control of any dog, and not being under the immediate charge and control of a responsible and competent person.
- 1.03 "BOARDING KENNEL" – means an approved facility, holding a valid Village of Port Alice Business License, for the temporary harbouring of dogs that are not owned by the operator. A Port Alice Kennel License is subject to the provisions of Section 6.03 of the Bylaw.
- 1.04 "COUNCIL" – means the Municipal Council of the Village of Port Alice.
- 1.05 "DOG" – means male and female of the canine species.
- 1.06 "EFFECTIVELY CONFINED" – means being confined within a building or enclosure.
- 1.07 "ENCLOSURE" – means a fence or structure forming or causing an enclosure suitable to prevent the entry of young children and suitable to confine the dog or dogs being kept at the property.
- 1.08 "KENNEL" – means an approved facility, holding a valid Village of Port Alice Kennel License, for the harbouring of more than three dogs. A Port Alice Kennel License is subject to the provisions of Section 6.03 of the Bylaw.
- 1.09 "MUNICIPALITY" – means the area within the Municipal boundaries of the Village of Port Alice.

- 1.10 "OWNER" – means the person having any right of custody, control or possession and any interest of any kind whatsoever in the custody, control or possession of a dog, and includes legal ownership.
- 1.11 "POUND" – means the premises designated by the Village for the confinement and impounding of dogs pursuant to this Bylaw.
- 1.12 "VICIOUS DOG" – means any dog that has bitten a human or other animal without provocation, inflicting an injury sufficient to require medical or veterinary attention and/or any dog with a demonstrated propensity, tendency or disposition to attack or aggressively pursue humans or other animals without provocation.
- 1.13 "VILLAGE" – means the Corporation of the Village of Port Alice.

2. ANIMAL CONTROL OFFICER OR STAFF:

- 2.01 The Council may appoint an Animal Control Officer and such assistants as may be required.
- 2.02 Any Village employee, lawfully performing any act in pursuance of this Bylaw, whether voluntarily or at the request of their employer, shall be deemed to be an Animal Control Officer and shall be entitled to all protection as such.

3. POUND OPERATION:

- 3.01 The Village may appoint a designated Pound Facility within or outside of the Municipality.
- 3.02 The owner of any impounded animal may redeem the animal from the Pound by paying to the Pound Operator the impoundment, licensing, and maintenance fees as described in the current fees and charges bylaw.
- 3.03 When the Animal Control Officer, or the Village of Port Alice can determine, from the licensing record, the name and address of the owner of any impounded dog, he/she shall, within twenty-four (24) hours of the impounding, attempt to notify such owner by telephone, hand delivered notice or mail of such impoundment.
- 3.04 When an animal has been impounded and the owner has requested that the animal be destroyed, the owner shall pay to the Animal Control Officer all outstanding costs incurred with the impoundment of the animal. Such costs to include impoundment fees, the daily fee for the care and feeding of the animal, plus the destruction fee.
- 3.05 Any animal not redeemed from the Pound within the three (3) days of impoundment or, in the case of a licensed animal, within the three (3) days of notification of impoundment, will be classed as the property of the Village, to be disposed of at the discretion of the Animal Control Officer and to the benefit of the animal.
- 3.06 Any impounded animal in urgent need of medical care, whose owner is not immediately available, willing and able to take care and control of the animal, shall become the property of

the Village to be treated or euthanized at the discretion of the Animal Control Officer or the Village of Port Alice.

3.07 The Animal Control Officer shall record all matters pertaining to the disposal of any animal.

4. DOGS:

4.01 There shall be collected in each year license fees from the owner of and for every dog six (6) months of age and over within the Municipality as described in the current fees and charges bylaw.

a) Provided however that should any dog become licensable during the current year, the license fee will be pro-rated accordingly.

b) If the dog was eligible for licensing as of January 1st, the fee will not be pro-rated.

4.02 The owner of every dog shall make application for a license and shall pay the required license fee as prescribed by this Bylaw to the Village. The required application and license shall be in such form or forms as the Village may prescribe.

4.03 Every license issued under this Bylaw shall expire on the thirty-first (31st) day of December of that year.

4.04 No person being a resident shall keep, harbour or have in their possession or in their care, custody or control a dog(s) over six months of age within the Village unless a licence under this Bylaw has first been issued.

4.05 The owner of every licensed dog shall keep on such dog a substantial and durable collar or harness to which shall be attached the metal tag accompanying the license therefore.

4.06 No person shall permit any dog of which he/she are the owner to be at large on any street, lane, highway, boulevard, park, trailer park or public place within the Village, or any land owned by the Village.

4.07 No person shall permit any dog to bark persistently so as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighborhood or of persons in the vicinity.

4.08 Any dog not wearing a collar or harness and metal tag as provided for in this Bylaw and any dog wandering at large within the Municipality not accompanied by the owner or some person in charge thereof who is in effective control of the dog or who leads it on a leash or chain, may be captured by any Animal Control Officer or by any person authorized by this Bylaw and conveyed to and placed in the Pound.

4.09 No person, other than its owner, shall remove any collar, harness, badge or tag from any licensed dog unless the collar or harness is causing the dog harm.

4.10 Every occupant of premises in or about which any dog or dogs are kept and every person found having at that time the care and custody of a dog or dogs shall forthwith upon demand provide to the Animal Control Officer information on the following matters:

- (a) the ownership of any particular dog accompanying them,
- (b) the number of dogs owned or harboured by them,
- (c) the age, sex and breed or general description of the dog or dogs, and
- (d) information respecting whether the current license fee has been paid to the Village

4.11 The owner of any female dog in heat shall keep such dog effectively confined.

4.12 Where the Animal Control Officer has reason to believe that a dog is not receiving proper care, treatment, or shelter, the Animal Control Officer may enter into premises at any reasonable time to determine the health and well-being of a dog on the premises.

5. MINIMUM CARE STANDARDS:

5.01 No person may hitch or tie a dog directly to a rope, chain or cord that is directly tied around their neck or to a choke collar.

5.02 Anyone who keeps a dog(s) must provide:

- a) clean, potable drinking water at all times, and suitable food, of sufficient quantity and quality to ensure normal growth and the maintenance of normal body weight;
- b) food and water receptacles kept clean and disinfected and located so as to avoid contamination by excreta;
- c) the opportunity for periodic exercise sufficient to maintain good health, including the opportunity to be unfettered from a fixed area, and exercised regularly, under appropriate control;
- d) necessary veterinary medical care when the animal exhibits signs of pain or suffering;
- e) protection from heat, cold, and wet, and that is appropriate to the animal's weight and type of coat; such shelters must provide sufficient space to allow any animal the ability to turn about freely, to sit, stand, and lie in a normal position;
- f) an area providing sufficient shade to protect the animal from the direct rays of the sun at all times;
- g) an area that is regularly cleaned of excreta.

6. GENERAL:

6.01 No person shall hinder, delay or obstruct the Animal Control Officer or any other person or persons lawfully engaged in capturing or conveying any animal to the Pound.

6.02 The Animal Control Officer is hereby expressly authorized and empowered and it shall be lawful for them to enter upon any lands situated within the Village for the purpose of seizing and impounding any animal thereon contrary to the provision of this Bylaw.

- 6.03 An owner in the Municipality keeping more than three dogs, all of whom are over the age of four months, shall be deemed to own a kennel and must obtain a Village of Port Alice Kennel License. A Kennel License must be approved by Council and is subject to the consent of the adjacent property owners, to be obtained and provided to the Village by the applicant. Approval of a Kennel License is at the discretion of Council and may be subject to any conditions deemed appropriate by Council.
- 6.04 No owner of a vicious animal or restricted animal shall permit, suffer or allow the animal to be on a highway or in a public place or in any other place that is not owned or controlled by that owner, unless the animal is muzzled and leashed to prevent it from biting or otherwise harrassing another animal or human being.
- 6.05 The owner of a vicious animal or restricted animal shall at all times while the animal is on the premises owned or controlled by that owner, keep the animal securely confined either indoors or in an enclosed pen or enclosure capable of preventing the entry of young children and adequately constructed to prevent the animal from escaping.
- 6.06 Notwithstanding any other provisions of this Bylaw, any animal found to be vicious and causing a public hazard, by being at large, or for any other reason, or to be suffering from any loathsome, infectious or contagious disease, may be immediately destroyed.
- 6.07 Every person who offends against any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention or violation of any of the provisions of this Bylaw or who does any act or thing which violates any of the provisions of this Bylaw shall be liable on conviction to a fine or penalty as described in the current fees and charges bylaw.

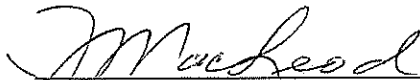
- 7. Bylaw No. 599 cited as "Animal Control Bylaw No. 299, 1988" is hereby repealed.
- 8. This Bylaw may be cited as "Port Alice Dog Control Bylaw No. 599, 2013.


Read a first time this 10th day of April, 2013.

Read a second time this 24th day of April, 2013.

Read a third time this 24th day of April, 2013.

Reconsidered and finally adopted this 8th day of May, 2013.


 Acting Mayor


 Chief Administrative Officer

Certified a true and correct copy of Village of Port Alice Dog Control Bylaw No. 599 and as adopted by Council on the 8th day of May .

Chief Administrative Officer