



THE DISTRICT OF HOPE

BYLAW NO. 1245

A Bylaw to provide for the licensing and control of dogs, to establish a municipal pound and provide for the seizure, impounding and detention of dogs unlawfully at large or unlicensed.

WHEREAS the Council for the District of Hope deems it expedient to regulate the keeping of dogs within the District of Hope and to provide for the fixing, imposing and collecting of license fees, and issuing of licenses to a person who owns, possesses or harbours a dog within the municipal boundaries of the District;

AND WHEREAS the Council for the District of Hope is empowered by the *Community Charter* to regulate, prohibit and impose requirements in relation to animals, including classifying animals on the basis of sex, age, size or breed and providing for the seizure of animals;

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

1. CITATION

This Bylaw may be cited for all purposes as the “Dog Responsibility Bylaw No. 1245, 2008.”

2. DEFINITIONS

“**Altered Dog**” means a female dog that has been spayed or a male dog that has been neutered.

“**Animal Control Officer**” means a person or persons appointed from time to time by Council to ensure compliance with this Bylaw and includes a Bylaw Enforcement Officer appointed by Council.

“**Council**” means the Council for the District of Hope.

“**District**” means the District of Hope or the municipal area comprised within the boundaries of the District of Hope, as the context may require.

“**Dog**” means an animal of the canine species, over 4 months of age, irrespective of sex.

“**Deliver**” means to send by regular or registered mail, or to leave with a person, or deposit in a person’s mail box or mail slot at the person’s residence or place of business.

“Enclosure” means a securely enclosed and locked structure which is sufficient to prevent the entry of young children and to securely confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as the tethering of the vicious dog, and every such enclosure shall:

- (a) be at least 1.83 meters (6 feet) in height depending on the height and breed of the dog;
- (b) be at least 1.22 meters (4 feet) in width;
- (c) have a concrete or asphalt floor;
- (d) be constructed of cement, bricks, concrete, chain link fence, wire or bars of a suitable thickness, gauge or diameter to prevent the vicious dog’s escape and to protect the vicious dog from injury;
- (e) be well braced and securely anchored at ground or floor level and utilize metal clamps, ties or braces of a strength adequate to safely contain the vicious dog; and
- (f) have a lock that is kept locked at all times when the vicious dog is kept in the enclosure.

“Guard Dog” means a dog that is owned primarily, or in part, for the purpose of guarding premises

“Impounded” means seized, received or taken into the Pound or into the custody of the Animal Control Officer, as provided for in this Bylaw.

“Kennel” means a building, structure, compound, pen, cage or run providing temporary care for domestic animals awaiting placement or in which the animals are kept for breeding purposes.

“Leash” means a rope, chain, cord, leather strap or other device attached to the collar of a dog capable of controlling and restraining the activity of the dog in a manner which conforms to the requirements of this Bylaw.

“Licence Year” means the period between January 1 and December 31 in any year.

“Medical Health Officer” means the Medical Health Officer for the District of Hope.

“Owner” includes any person:

- (a) to whom a licence for a dog has been issued under this Bylaw;
- (b) who owns a dog or is in possession of, or has the custody, care or control of a dog;
- (c) who harbours, shelters, permits or allows a dog to remain on or about that person’s land or premises; or
- (d) who is the custodial parent or legal guardian of a child under the age of 18 years who owns, is in possession of, or has the custody, care or control of a dog.

“Pet” means any domesticated animal, other than livestock or poultry, kept within a residence or on real property other than for commercial purposes.

“Potentially Vicious Dog” means a dog:

- (a) regardless of age, sex or breed, which is running at large; or
- (b) that has been impounded three (3) times within the previous calendar year; or
- (c) for which the owner has received a ticket for the dog running at large three (3) times within the previous calendar year; or
- (d) for which the owner has received a total number of three (3) impounds and tickets within the previous calendar year.

“Pound” means a building, enclosure or place established as a pound by Council for the impoundment of dogs. .

“Poundkeeper” means a person or persons appointed from time to time by the Council to manage the Pound under an agreement authorized by Council.

“Public Place” includes, but is not limited to, any highway, boulevard, park or other real property owned, held or administered by the District of Hope or by the School District of the District.

“Running at Large” or “At Large” with reference to a dog means:

- (a) a dog located elsewhere than on the premises of the person owning the dog and that is not under the immediate charge and control of a responsible and competent person; or
- (b) a dog located upon a highway or other public place, including a school ground, or park, that is not secured on a leash to a responsible and competent person; or
- (c) a vicious dog that is on the premises of the owner and is not contained in an enclosure or securely confined within a dwelling.

“Unaltered Dog” means a dog that has not been spayed or neutered.

“Unlicensed Dog” means a dog over the age of four months for which a licence for the current year has not been paid, or to which the tag required by this Bylaw is not attached.

“Vicious Dog” means a dog which meets any one or more of the following conditions:

- (a) a dog that has attacked, bitten or caused injury to a person or has demonstrated a propensity, tendency or disposition to do so;
- (b) a dog that, while running at large, has attacked, bitten, killed or caused injury to a domestic animal;
- (c) a dog that, while running at large, has aggressively pursued or harassed a person or domestic animal;
- (d) a dog with a known propensity to attack or injure a person without provocation;
- (e) a dog owned or harboured primarily, or in part, for the purposes of dog fighting or a dog trained for dog fighting;

3. EXEMPTIONS

- 3.1 A dog used by government law enforcement agencies is exempt from the requirements of this Bylaw.
- 3.2 A dog used as a guide animal pursuant to the *Guide Animal Act* is exempt from the licensing fees set out in this bylaw. Licence registration will be provided at no charge to dogs and puppies registered in the *Guide Dog in Training Program*, provided that appropriate proof of registration is presented at the time of licensing.

4. RUNNING AT LARGE

- 4.1 No owner of a dog shall allow or suffer the dog to run at large in the District. This prohibition does not apply to a dog that is under the charge and control of:
 - (a) a responsible and competent person and is actively engaged in dog trials, dog shows or other similar activities; or
 - (b) a police officer, police constable or other person employed for the preservation and maintenance of the public peace, or a duly licensed and qualified security guard, while in the course of performing lawful duties.

5. VICIOUS DOGS

- 5.1 No owner of a vicious dog shall cause, suffer or allow the vicious dog to be on a street or in a public place or other place that is not owned or controlled by the owner unless the dog is muzzled to prevent it from biting another animal or a person.
- 5.2 No owner of a vicious dog shall cause, suffer or allow the vicious dog to be on the premises owned or controlled by the owner unless the dog is kept securely confined either indoors or in an enclosure as required under this Bylaw capable of preventing the entry of young children and adequately constructed to prevent the vicious dog from escaping.
- 5.3 The owner of a vicious dog must advise the Animal Control Officer or the District within one week of a change of address within the District which involves the relocation of the vicious dog.

6. ANIMAL WASTE

- 6.1 No owner of a dog shall allow or suffer the dog to deposit excrement in a park or on public property unless the owner immediately removes the excrement and disposes of it in a sanitary manner.
- 6.2 No owner of a dog shall allow or suffer the dog to deposit excrement on private property which is not under the care and control of the dog owner or onto private property on which the dog owner has not been invited, unless the person immediately removes the excrement and disposes of it in a sanitary manner.

- 6.3 No owner of a dog shall permit dog excrement to accumulate in such a manner as to be offensive to smell or unsanitary. Dog excrement shall be regularly disposed of in a manner approved by the Medical Health Officer.

7. NOISE

- 7.1 No owner of a dog may allow or permit the dog, by its cries, barks or other noises, to disturb the quiet, peace, rest, enjoyment, comfort or convenience of one or more people residing within 100 metres (328 feet) of the owner.
- 7.2 Without limiting Section 7.1, no owner of a dog may allow a dog or dogs to call, cry or bark continuously or sporadically for 15 minutes or more in a 24 hour period, in such a way that the noise is audible outside of the parcel where the dog or dogs are kept, as Council believes such noise is objectionable and liable to disturb the peace, rest, enjoyment, comfort or convenience of individuals and the public.

8. PETS

- 8.1 No person may keep or allow to be kept on any parcel of real property more than five (5) pets, consisting of not more than three (3) dogs or not more than three (3) cats, except in conjunction with the lawful operation of a kennel, pet store, veterinary practice or other similar facility as permitted under this Bylaw and the District's Zoning Bylaw, in force from time to time.

9. KENNELS

- 9.1 No person shall board dogs overnight in the District for a fee except as follows:
- (a) as a "Permitted Use" in the rural zones under the District of Hope Zoning Bylaw;
 - (b) a veterinary medical clinic may keep dogs overnight for a fee for the purpose of medical care or treatment;
 - (c) a pet store may keep overnight dogs that are for sale.

10. DOG IN HEAT

- 10.1 The owner of an female unaltered dog must at all times when the dog is in heat either:
- (a) keep the dog securely confined indoors or within a building or area which will prevent the escape of the dog or the entry of other dogs; or
 - (b) keep the dog on a leash while it is being walked off the owner's property.

11. GUARD DOGS

- 11.1 Every owner of a guard dog which is not confined within a locked building on the property, must ensure that:
- (a) the outdoor area where the guard dog is kept is completely fenced by means of a secure fence, constructed in a manner that will keep the guard dog from escaping, with a minimum height of 1.82 metres (6 feet) and with gates in the fence secured against unauthorized entry, or
 - (b) the guard dog is securely confined in a fully enclosed pen or cage which will prevent unauthorized entry and prevent the guard dog from escaping.
- 11.2 Every owner of a guard dog must post warning signs which give clear notice of the guard dog's presence to anyone visiting the property as follows:
- (a) the lettering on the signs must be clearly visible from the lesser of the curb line or 15.24 meters (50 feet) away; and
 - (b) the signs must be posted in each driveway or entrance to the property and, if other than a single-family property, at all exterior doors of the building.
- 11.3 Before bringing a guard dog into or using a guard dog in the District, every owner of a guard dog must register the guard dog with the District and record with the District:
- (a) the address where the guard dog is usually kept and the address of each parcel that the guard dog will be guarding;
 - (b) the approximate hours during which the guard dog will be performing guard duties;
 - (c) the age, sex, breed and dog licence number of the guard dog; and
 - (d) the full name, address and telephone number of the owner and any other individual who will be responsible for the guard dog while it is on guard duty.
- 11.4 Should any of the information provided under Section 11.3 need to be changed, the owner must communicate the change in writing to the District Municipality at least 24 hours before the change occurs.

12. DOG LICENCE REQUIRED

- 12.1 No person may own, keep or permit to be owned or kept on a parcel a dog over the age of four months, except at the Pound or in conjunction with the lawful and licensed operation of a pet store, veterinary medical clinic or pet care establishment, unless a dog licence has been obtained from the District for that dog.

- 12.2 Every owner of a dog must, in respect of each calendar year, make application to the District for a dog licence and pay the applicable fee set out in the District of Hope Fees and Charges Bylaw.
- 12.3 If a dog is validly licensed outside the District and moves to the District, the owner may submit the previous licence to the District within 14 days, and pay the tag replacement fee set out in the District of Hope Fees and Charges Bylaw.
- 12.4 Every person who, at any time, acquires a dog must obtain a new dog licence within 14 days, even if the dog is already licensed by another owner within the District.
- 12.5 When a licence application meets the requirements of the District's bylaws, and the prescribed licence fee has been paid, the District will issue a dog licence and tag to the applicant unless the owner is prohibited from owning a dog by way of a court order or a Provincial or Federal Law or Regulation.
- 12.6 Every owner must ensure that a valid dog licence tag is displayed on the dog at all times by affixing it to the dog's collar or harness.
- 12.7 If a dog licence tag is lost, stolen or is otherwise rendered unreadable, the dog owner must, within 10 days, make application to the District to replace the tag and pay the tag replacement fee set out in the District of Hope Fees and Charges Bylaw.
- 12.8 Every dog licence issued under this Bylaw expires on the 31st day of December for the year it was issued, and is valid only in respect of the dog for which it is issued.
- 12.9 No person, without the authority of the person owning, or having custody, care, or control of a dog, shall remove from a dog a collar to which is attached the metal tag provided for in this Bylaw, or remove the tag from the dog.

13. AUTHORITY OF ANIMAL CONTROL OFFICER

- 13.1 The Animal Control Officer and any peace officer are hereby authorized, collectively or individually, to enter, at all reasonable times, upon any property within the District subject to any of the provisions of this Bylaw, in order to ascertain whether such provisions are being complied with.
- 13.2 No person shall hinder, delay or obstruct in any manner the Animal Control Officer or other District officer or employee in the execution of his or her duties for any purpose relating to this Bylaw.
- 13.3 If the Animal Control Officer has reason to believe that an unlicensed dog or a dog not bearing the collar and metal tag required under this Bylaw has taken refuge on a premises, the Animal Control Officer may request that the occupant of the premises either provide satisfactory proof that a licence has been obtained and the licence fee paid for the dog and exhibit the metal tag, or immediately deliver the dog to the Animal Control Officer. If a dog is found to be on the premises, the person who fails or refuses to exhibit the licence receipt and metal tag, or who fails, neglects, or

refuses to deliver the dog on request, or who resists or interferes with the Animal Control Officer in seizing the dog, shall be guilty of an offence under this Bylaw and subject to all penalties and applicable fees set out in the District of Hope Fees and Charges Bylaw.

13.4 No person shall release or rescue or attempt to release or rescue a dog lawfully in the custody of the Animal Control Officer and no person shall intervene or otherwise interfere with the Animal Control Officer in the lawful exercise of the Animal Control Officer's duties.

14. ESTABLISHMENT OF A POUND

14.1 The Council for the District of Hope may appoint a Poundkeeper to provide, at the Poundkeeper's expense, and to the satisfaction of the District, adequate dog pound facilities which shall include:

- (a) adequate heated shelter for dogs;
- (b) exercise areas;
- (c) good quality dog food;
- (d) minor medication and first aid supplies; and
- (e) office space and related equipment.

15. IMPOUNDING OF DOGS

15.1 The Animal Control Officer or a peace officer may, alone or with others, seize, impound or detain a vicious dog, a potentially vicious dog or an unlicensed dog, or seize, impound or detain any licensed dog found to be running at large contrary to this Bylaw.

- (a) If a dog is impounded under this Bylaw:
 - (i) the Animal Control Officer must take reasonable efforts to find and notify the owner if the dog is wearing a dog licence tag;
 - (ii) the owner of a dog that has been impounded must recover the dog from the District within five days (120 hours) from the time of impoundment or notification under subsection (i), whichever is the later, and pay all penalties and applicable fees prescribed in the District of Hope Fees and Charges Bylaw, in accordance with the number of days the dog was impounded and the number of times that the dog has been impounded in one calendar year.

15.2 The District may sell, dispose of, or humanely destroy a dog after the expiration of five days (120 hours) from the day of impoundment or notification under subsection (i), whichever is the later.

- 15.3 When a dog has been impounded and it is found that the dog is suffering from an injury, disease or sickness or from any other cause, the Animal Control Officer may, in his or her discretion and in consultation with a veterinarian, immediately destroy the dog if it is the veterinarian's opinion that the dog would not survive the injury, disease or sickness or that it would be an act of humanity to destroy the dog. If the dog may survive the injury, disease or sickness, a veterinarian may treat the dog in order to heal or save the life of the dog. The costs for the service of either medical attention or to humanely destroy the dog will be borne by the owner of the dog.
- 15.4 If in the opinion of a veterinarian, a dog is required to be euthanized by reason of illness or injury the cost of the service and the subsequent disposal of the remains, if carried out by the Animal Control Officer, will be borne by the owner.

16. ANIMAL CONTROL OFFICER SERVICES

- 16.1 The Animal Control Officer may, at the request of a dog owner, call for and take away the owner's dog upon payment by the owner of the fee specified for such service in the District of Hope Fees and Charges Bylaw.
- 16.2 The Animal Control Officer may, at the request of a dog owner, destroy the owner's dog, upon payment of the fee specified for such service in the District of Hope Fees and Charges Bylaw.
- 16.3 The Animal Control Officer may, at the request of a dog owner, dispose of the body of the owner's dead dog upon payment of the fee specified for such service in the District of Hope Fees and Charges Bylaw.
- 16.4 If a vicious dog or potentially vicious dog escapes or is released, intentionally or unintentionally, the owner shall immediately contact the Animal Control Officer to report the loss, escape or release. The owner of the vicious dog shall be liable to pay all expenses, penalties, impound fees and any other costs associated with efforts to recapture the vicious dog that is released or escapes, regardless of whether the vicious dog is reclaimed by the owner.
- 16.5 It shall be the duty of the Animal Control Officer to record and deliver to the District by the next business day the following information:
- (a) the description of each dog impounded;
 - (b) the name of the person who required the dog to be impounded, if any,
 - (c) the day and hour on which each dog was impounded, received, reclaimed, or otherwise disposed of;
 - (d) the amount of the fees and charges paid in respect of each dog; and
 - (e) the name of the person reclaiming a dog.
- 16.6 All license fees collected pursuant to this Bylaw and all fines, penalties and forfeitures imposed for the violation of its provisions and the proceeds extracted with respect to those violations will be paid to the District and will become a portion of the general revenue of the District.

17. CARE OF DOGS

17.1 Every owner of a dog must ensure that the dog is provided with:

- (a) clean, potable drinking water at all times, and suitable food of sufficient quantity and quality to allow for normal growth and the maintenance of normal body weight;
- (b) clean and disinfected food and water receptacles that are located so as to avoid contamination by excrement;
- (c) the opportunity for periodic exercise sufficient to maintain good health; and
- (d) necessary veterinary medical care when the dog exhibits signs of pain or suffering.

17.2 No person may keep a dog outside, unless the dog is provided with a shelter that meets the following requirements:

- (a) protection from heat, cold and wet that is appropriate to the dog's weight and type of coat;
- (b) sufficient space to allow the dog the ability to turn about freely and to easily stand, sit and lie in a normal position, having a length of at least 1 1/2 times the length of the dog and a height of at least the dog's height measured from the ground to the highest point of the dog when standing in a normal position plus 10%, and a width at least the same as the dog's length; and
- (c) protection from the direct rays of the sun.

17.3 Every owner of a kennel or enclosure must ensure that the area is clean, sanitized, free from vermin, and that all excrement is removed at least once a day.

17.4 No person may cause a dog to be hitched, tied or fastened by any rope, chain or cord that is directly tied around the dog's neck or to a choke collar.

17.5 No person may cause or permit a dog to be confined in an enclosed space, including a in a motor vehicle or boat, unless

- (a) fresh air ventilation is provided by a vent or opening of at least 500 cm² (77.5 in²); and
- (b) the temperature in the enclosed space does not exceed 27 degrees Celsius.

17.6 No person may transport a dog in a vehicle outside the passenger compartment unless it is confined in a pen or a cage, or unless it is secured in a body harness or other manner of fastening to prevent it from jumping or falling off the vehicle or otherwise injuring itself.

17.7 Every owner of a dog must ensure that the dog does not:

- (a) kill or injure a person or animal; or
- (b) aggressively pursue or harass a person

18. OFFENCE AND PENALTY

18.1 Every person who violates a provision of this Bylaw, or who allows or permits an act or thing to be done in violation of a provision of this Bylaw, or who neglects to or refrains from doing anything required to be done by a provision of this Bylaw, is guilty of an offence and is liable to the penalties imposed under this Bylaw, and each day that a violation continues to exist is a separate offence.

18.2 Every person who commits an offence under this Bylaw shall be liable on summary conviction to a fine or imprisonment, or to both a fine and imprisonment, not exceeding the maximum allowed by the *Offence Act*, as amended.

19. SEVERABILITY

19.1 If any portion of this Bylaw is held invalid by a Court of competent jurisdiction, then that invalid portion shall be severed and the remainder of this Bylaw shall be deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

20. REPEAL

20.1 The “District of Hope Dog Responsibility Bylaw, 2003, No. 1129” and all amendments thereto are hereby repealed.

Read a first time this 14th day of April, 2008.
Read a second time this 14th day of April, 2008.
Read a third time this 14th day of April, 2008.
Adopted this 28th day of April, 2008.



Mayor



Corporate Officer