

**TOWN OF PORT MCNEILL**

**Bylaw No. 663, 2016**

**A BYLAW TO PROVIDE FOR THE IMPOUNDING AND REGULATION OF ANIMALS AND FOR LICENSING THEREOF**

WHEREAS pursuant to Section 8 of the *Community Charter* Council, may by bylaw regulate, prohibit and impose requirements in relation to animals; and

WHEREAS Section 48 of the *Community Charter* provides Council authority to regulate the keeping of dogs and other animals in the municipality; and

WHEREAS Section 49 of the *Community Charter* provides special powers in relation to dangerous dogs;

NOW THEREFORE the Council of the Town of Port McNeill, in open meeting assembled enacts as follows:

**1. DEFINITION:**

**“Animal”** means all domesticated animals;

**“Animal Control Officer”** means

- a) A municipal employee, officer, agent or contractor designated by the Council as an Animal Control Officer for the purposes of this section, or
- b) A Police Officer;

**“At large”** means any animal being elsewhere than on the premises of the person owning or having custody, care or control of the animal and not being under the direct and continuous charge of a person who is competent to control it. At large does not apply in the designated dog park area(s);

**“Cat”** means a domestic animal of the feline species regardless of age or sex;

**“Collector”** means the Treasurer for the Municipality and includes every person acting on behalf of the Treasurer under the authority of the Council;

**“Companion Animal”** means an animal kept as a guide animal;

**“Council”** means the Municipal Council of the Town of Port McNeill;

**“Dangerous Dog”** means a dog that

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

“**Dog**” means an animal of the canine species regardless of age or sex;

“**Dog Park**” means the area(s) designated by the Town of Port McNeill for the purpose of an off-leash park where licenced dogs are permitted to be off leash while still in the control of a competent person;

“**Domesticated**” means a tame animal accustomed to living with or near people;

“**Leash**” means any restraint lead that is attached to the animal by which the animal can be controlled.

“**License**” means a dog or cat license issued in accordance with the provisions of this bylaw;

“**Municipality**” means the Corporation of the Town of Port McNeill;

“**Owner**” means the person having the custody, care, control or possession of any animal, and “owned” includes possessed or harboured in fact and in law;

“**Pound**” means the premises provided by the Council from time to time for the confinement and impoundment of animals;

“**Poundkeeper**” means the official duly appointed by the Council to fill the position and assume the responsibility and duties of the Poundkeeper pursuant to this bylaw and includes the Poundkeeper’s deputies, assistants or employees or any person acting on behalf of/or assisting such Poundkeeper;

“**Seize**” means to take control of (includes impound and detain);

“**Tag**” means a numbered identification tag made of metal, plastic or fiberglass issued by the Town or its representatives.

## **2. ANIMALS PERMITTED:**

2.1 No animals other than domesticated animals such as dogs, cats or other small domesticated animals may be housed within their owners, possessor’s or harbourer’s dwelling unit.

2.2 No owner shall keep any livestock, horses, donkeys, or poultry on any property within the Town.

## **3. ANIMAL CONTROL OFFICER:**

3.1 The Council is hereby empowered to appoint from time to time an Animal Control Officer and such deputies, assistants or employees as may be required to maintain and operate the Pound.

3.2 The Council is hereby empowered to fix the salary, wages or contract amount of any Animal Control Officer, deputy, assistant or employee as may be required and pay any monies out of the annual revenue of the Town.

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- 3.3 Any person lawfully performing any act in enforcing this bylaw whether voluntarily or at the request of the Animal Control Officer shall be deemed to be an assistant Animal Control Officer.
- 3.4 The Animal Control Officer or representative shall pay over to the Municipal Treasurer all money received by him/her and shall, when requested, produce their books for inspection by the Treasurer or the Corporate Administrator.
- 3.5 The Council is empowered to establish, maintain and operate a Pound for the sheltering of animals at such place or premises as the Council may, by resolution from time to time, determine.
- 3.6 The Animal Control Officer shall be in charge of the Pound and shall deliver all animals apprehended, to this facility and provide them with food and water during the retention periods set out in 3.11.
- 3.7 The owner of any animal impounded may redeem the same from the Pound upon proving ownership thereof and paying to the Animal Control Officer that amount of unpaid and overdue dog or cat license fees, if any, and impoundment fees as listed in Schedule "A" attached hereto and forming part of this bylaw.

In addition, there shall be for each and every animal impounded, fees as set out in Schedule "A", starting on the day of the impoundment, for the care and feeding of such animals for each day the animal is impounded.

- 3.8 The Animal Control Officer may seize and impound any animal which is found to be at large, within the municipality, and upon such seizure and impoundment the Animal Control Officer shall immediately inform the owner of such animal that the animal has been impounded. If the owner of the animal is unknown to the Animal Control Officer or if the Animal Control Officer is unable to contact the owner then, within 24 hours of the impoundment cause notice of such seizure and impoundment to be made in writing and affixed to the notice board at the public works yard, and the posting of such notices as aforesaid shall be deemed for all purposes as sufficient notice to the owner of such animal.
  - 3.8.1 In addition to the authority granted under the Local Government Act, but subject to this section, an Animal Control Officer may seize a dog if the officer believes on reasonable grounds that the dog is a dangerous dog.
  - 3.8.2 Before exercising a power under Section 3.8.1, in the case of a dog that has acted as described in paragraph (a) or (b) of the definition of "dangerous dog" the Animal Control Officer must consider whether the dog was acting while in the course of
    - a) attempting to prevent a person from committing an unlawful act, or
    - b) performing law enforcement work or
    - c) protecting an owner, or person responsible for the dog at the time, while leashed against an unleashed or dog at large or
    - d) protecting itself, while leashed, against an unleashed or dog at large .

- 3.9 Where the Animal Control Officer has reason to believe that any unlicensed dog or cat has taken refuge on any premises, he/she may at all reasonable times request the occupant of such premises to satisfy the Animal Control Officer that such license has been paid and to exhibit such tag, or to forthwith deliver to him/her such dog or cat. The Animal Control Officer or such other person authorized may take the dog or cat to the Pound unless the license fee is immediately paid.
- 3.10 It shall be the duty of the Animal Control Officer before making delivery of any animal impounded, to obtain from the person or persons claiming the same, his or her name and residence and to enter the same in the "Pound book" together with the date when such animal was impounded and the date when the same was redeemed to ensure that the dog or cat is licensed upon return to the owner.
- 3.11 Any **unlicensed** dog or cat which has not been redeemed after a period of 72 hours (3 days) from the time of impoundment and any **licensed** dog or cat which has not been so redeemed after a period of 96 hours (4 days) from the time of impoundment may, if not reclaimed by its owner, be offered for sale, adoption or destroyed in a humane manner by the Animal Control Officer or a Veterinarian.
- 3.12 Any request for euthanasia of an animal shall be accompanied by the fees for this service, including the care and feeding of said animal in accordance with Schedule "A" attached hereto.

#### **4. LICENSES AND FEES:**

- 4.1 Every dog or cat, which is owned, possessed or harboured within the boundaries of the Town shall be duly licensed pursuant to this Bylaw.
- 4.2 The owner of every dog or cat shall make application for a license and pay the fee set out in Schedule "A" of this bylaw on or before the second Monday of January in each year.
- 4.2.1 Any dog or cat that becomes licensable on the first day of July in each year shall be subject to a 50% reduction of the license fee. The only dog or cat to which this provision applies are those dogs or cats that have come in to their owner's possession on/or after the first day of July.
- 4.3 Every person having paid the prescribed fee for a dog or cat license shall receive a license tag, which shall be fastened to a collar or harness worn on the dog or cat for which the said fee was paid.
- 4.4 If a dog or cat is sold, the said license may be transferred to the new owner upon presentation of the current year's license tag.
- 4.5 If any person becomes the owner of any dog or cat after the 1<sup>st</sup> day of January in any year, such person shall make application for a license or transfer of a valid previously issued license from the municipality and pay the license fee set out in Schedule "A" of this bylaw immediately before or after the date of acquiring the said dog or cat.

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- 4.6 No person shall keep, harbour or have in his possession or in his care, custody or control, a dog or cat within the municipality unless a dog or cat license has been issued.
- 4.7 A replacement tag may be obtained upon payment of the fee set out in Schedule "A".
- 4.8 Any dog or cat not wearing a collar or harness and license tag as provided by this bylaw may be impounded by the Animal Control Officer and placed in the Pound. In the case of cats an identifiable ear tattoo can be registered with the Town, at the time of purchasing a license, in lieu of the cat having to wear a collar.
- 4.9 No person purchasing or adopting a dog or cat from the Animal Control Officer shall remove the said dog or cat from the pound until a license tag has been obtained pursuant to this bylaw.
- 4.10 The owner of any dog or cat shall be exempt from purchasing a Port McNeill dog or cat license provided that they are not a resident of Port McNeill and can so prove such non-residency, provided however, that should such dog or cat be impounded, impoundment fees and care and feeding charges shall apply.
- 4.11 An application for a license for a neutered or spayed dog or cat shall be accompanied by proof of neutering or spaying from a licensed Veterinarian.

**5. ANIMAL CONTROL AND PROHIBITIONS**

- 5.1 No person shall keep, possess or harbour more than 7 adult animals including 3 adult dogs within the Town.
- 5.2 No person shall permit any dog to run at large within the municipality.
- 5.3 All dogs within the boundaries of the Town shall be leashed when off the property of the place where they are kept, unless they are within the designated dog park area(s).
- 5.4 No person shall keep within the Town any dog which has killed or seriously injured a person or domestic animal.
- 5.5 No person shall keep within the Town any dog which, when unprovoked, has attacked, chased or approached a person or persons upon a street, sidewalk or any public place in a menacing fashion or apparent attitude of attack.
- 5.6 The owner of a dog which is known by the owner to have a propensity to attack or viciously pursue a person or domestic animal shall confine the dog in a building or secure enclosure and shall keep the dog effectively muzzled, caged, or otherwise under the effective control of an adult person whenever such dog is released from the building.

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- 5.7 No person who owns a dog or cat shall permit or cause the dog or cat to cry or bark in a manner that disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood; or of persons in the vicinity of the place where the dog or cat is kept.
- 5.8 An owner whose dog or cat defecates on another person's property or public property shall forthwith remove the defecated matter and deposit it in a suitable refuse container.
- 5.9 No person shall hinder, delay or obstruct the Animal Control Officer or any person or persons lawfully engaged in impounding any animal.
- 5.10 The owner of any dog or cat in heat shall keep her on a leash, unless she is confined within a building or kennel, until she is no longer in heat.
- 5.11 No person shall keep, harbour or have in their possession any animal suffering from an infectious or contagious disease, unless such animal is in isolation under treatment for the cure of the same.
- 5.12 Notwithstanding anything in this Section contained, it shall be lawful for the Medical Health Officer, Mayor, Judge or Senior Police Officer in the municipality to order any animal found to be suffering from any infectious, contagious, or incurable disease destroyed and the Animal Control Officer, on receiving such order, shall forthwith destroy the same without the owner thereof being entitled to any compensation therefore.
- 5.13 Every person who violates any of the provisions of this bylaw or permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw, shall be deemed to be guilty of an offence against the bylaw and upon summary conviction of an offence, shall be punishable in accordance with the Offence Act.

**6. REPEAL**

- 6.1 Animal Control Bylaw No. 632, 2011 is hereby repealed.

**7. TITLE**


This Bylaw shall be cited as the Town of Port McNeill "Animal Control Bylaw No. 663, 2016".

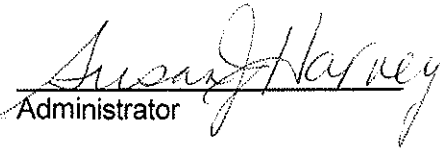
Read a first time the 07 day of March, 2016.

Read a second time the 07 day of March, 2016.

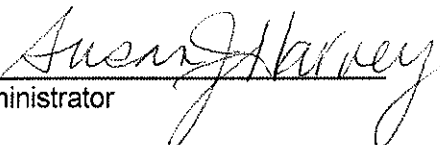
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Reconsidered, finally passed and adopted on the 21 day of March, 2016.

  
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Mayor

  
\_\_\_\_\_  
Administrator

Certified to be a true and correct copy of Bylaw No. 663, 2016 as adopted.

  
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Administrator

**Schedule "A"**  
**Bylaw No. 632, 2011**

<b>LICENSES:</b>	<b>FEE</b>
Annual fee for every non-neutered or unspayed dog or cat (any age)	30.00
Annual fee for every neutered or spayed dog or cat	15.00
Professionally trained Assistance Animal (an animal used by a physically or mentally challenged person or the RCMP)	No charge
 <b>FINES:</b>	
Dogs or cats at large (plus impoundment fee)	50.00
Failure to remove defecated matter	25.00
 <b>IMPOUNDMENT:</b>	
First impoundment	25.00
Second impoundment	50.00
Third impoundment	75.00
Fourth and subsequent impoundment	100.00
The impoundment record of a dog or cat will be expunged after 3 consecutive years without any impoundment.	
 <b>MISCELLANEOUS:</b>	
Care and feeding fee per day	15.00
Replacement dog or cat tags	10.00
Surrender fee for any animal (Includes veterinary euthanasia or adoption of animals dropped off at pound)	100.00
License Transfer fee	15.00