

Town of Port McNeill

Bylaw No. 722, 2023

A Bylaw to provide for the Impounding and Regulation of Animals and Licencing

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

1. TITLE

This Bylaw may be cited as the "Animal Responsibility Bylaw No. 722, 2023."

2. DEFINITION

"Animal" means all domesticated animals.

"Animal Control Officer" means a municipal employee, officer, agent, or contractor designated by the Council as an Animal Control Officer for the purposes of this section, or

"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.

"Feral Cats" means an unowned domestic cat that lives outdoors and avoids human contact: it does not allow itself to be handled or touched, and usually remains hidden from humans.

"Nuisance Cat" means any uninvited cat causing problems for homeowners or commercial or rural properties.

"Collector" means the Treasurer for the Municipality and includes every person acting on behalf of the Treasurer under the authority of the Council.

"Dog" means an animal of the canine species regardless of age or sex.

"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.

"Nuisance Dog" means a dog that, without provocation and while off the premises of its owner, has chased or approached a person in either a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person.

"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 under the control of the person responsible.

"Domesticated" means a tame animal accustomed to living with or near people.

"Undomesticated" means an animal that is wild by nature; not living under human control.

"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.

"Pound keeper" means the official duly appointed by the Council to fill the position and assume the responsibility and duties of the Pound keeper pursuant to this bylaw and includes the Pound keeper's deputies, assistants or employees or any person acting on behalf of/or assisting such Pound keeper.

"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.

3. ANIMALS PERMITTED

- 3.1 No animals other than domesticated animals such as dogs, cats, or either small, domesticated animals may be housed within their owners, possessors, or harbourer's dwelling unit.
- 3.2 No owner shall keep any livestock, horses, donkeys, or poultry on any property within Town.

4. KEEPING OF RECORDS

4.1 The Animal Control Officer shall maintain records which include:

- a description of every Animal impounded and the date and time each Animal was received;
- information relating to the notification to owners of impounded Animals;
- the date and time each Animal impounded were redeemed, adopted, destroyed or otherwise disposed of;
- the location and circumstances of impoundment;
- the name of every person redeeming any Animal and the amount paid by such person;
- the name of every person purchasing any impounded Animal and the amount paid by such person;
- the amount of impounding fees and charges connected with each impounded Animal;
- particulars of any damage done to Town property prior to or while under impoundment, together with the amount payable in respect of such damage;
- particulars of notices given, licences sold and such other matters as the Town may from time to time require.
- complaints, notifications and other information received in relation to animal control matters including call logs;
- patrol logs;
- information relating to incidents, emergency services, investigations and enforcement including warnings;
- responses in relation to dangerous dogs;
- responses in relation to deceased animals;

4.2 A monthly report in writing shall be made by the Animal Control Officer to the Town for the first Council meeting of each month and/or as requested by the Administrator.

5. ANIMAL CONTROL OFFICER

- 5.1 The Administrative Officer 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.
- 5.2 The Administrative Officer 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.
- 5.3 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.
- 5.4 The Administrative Officer 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.

- 5.5 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.
- 5.6 The Animal Control Officer is authorized to enter at reasonable times upon any lands within Town for the purpose of ascertaining whether the requirements of this bylaw are being observed.
- 5.7 No person shall, hinder, delay, or obstruct in any manner, directly or indirectly an Animal Control Officer or any person employed by the Animal Control Officer, carrying out duties in accordance with this bylaw.
- 5.7 The owner of any animal impounded may redeem the same from the Pound upon providing ownership thereof and paying to the Town or to the Animal Control Officer that amount of unpaid and overdue dog or cat licence fees, if any, and impoundment fees.

In addition, there shall be a fee for the care of each day the animal is impounded, starting on the day of the impoundment.

- 5.8 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 sufficient notice to the owner of such animal.
 - 5.8.1 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 or running at large/harassing residents/unmanageable.
 - 5.8.2 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.
- 5.9 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.

- 5.10 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 "Animal Control Diary" 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.
- 5.11 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.
- 5.12 Any request for euthanasia of an animal shall be accompanied by the fees for this service, including the care and feeding.
- 5.13 Animal Control will not tend to undomesticated animals.

6. LICENCE AND FEES

- 6.1 Every dog or cat which is owned, possessed, or harboured within the boundaries of the Town shall be duly licensed pursuant to this Bylaw.
- 6.2 The owner of every dog or cat shall purchase a licence and pay a fee on or before the second Monday of January in each year.
- 6.3 Every person having paid the prescribed fee for a dog or cat licence shall receive a licencing tag, which shall be fastened to a collar or harness worn on the dog or cat for which the said fee was paid.
- 6.4 If a dog or cat is sold, the said licence may be transferred to the new owner upon presentation of the current year's licence tag.
- 6.5 If any person becomes the owner of any dog or cat after their first day of January in any year, such person shall make application for a licence or transfer of a valid previously issued licence from the municipality and pay the licence fee.
- 6.6 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 licence has been issued.
- 6.7 A replacement tag may be obtained upon payment of the replacement fee.
- 6.8 Any dog or cat not wearing a collar or harness and licence 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 identification ear tattoo can be registered with the Town, at the time of purchasing a licence, in lieu of the cat having to wear a collar.
- 6.9 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 licence tag has been obtained pursuant to this bylaw.

- 6.10 The owner of any dog or cat shall be exempt from purchasing a Port McNeill dog or cat licence 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 for care and feeding charges shall apply.
- 6.11 An application for a licence of a neutered or spayed dog or cat might require proof of neutering or spaying from a licenced Veterinarian.

7. ANIMALS IN AN ENCLOSED SPACE

- 7.1 A person must not confine an animal in an enclosed space, vehicle, or vessel unless the person provides sufficient ventilation and water to protect the animal from distress.
- 7.2 If a person confines an animal in an enclosed space, vehicle or vessel or vessel is in an area providing sufficient shade to protect the animal from the direct rays of the sun at all times.

8. TRANSPORT OF ANIMALS IN MOTOR VEHICLES

- 8.1 A person must not transport an animal in a motor vehicle outside the passenger compartment or in an uncovered passenger compartment unless the animal is adequately confined or secured in a body harness or other manner of fastening that is adequate to prevent the animal from jumping or falling off the vehicle or otherwise injuring itself.

9. ANIMAL CONTROL AND PROHIBITIONS

- 9.1 No household shall keep, possess, or harbour more than six (6) adult animals including a maximum of three (3) adult dogs within Town.
- 9.2 No person shall permit any dog to run at large within the municipality.
- 9.3 All dogs within the Town boundaries shall be leashed off the property of the place where they are kept, unless they are within designated dog park area(s).
- 9.4 No person shall keep within the Town any dog which has killed or seriously injured a person or domestic animal.
- 9.5 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 an alarming or apparent attitude of attack.
- 9.6 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.
- 9.7 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 neighborhood; or of persons in the vicinity of the place where the dog or cat is kept for more than 30 minutes.

- 9.8 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.
- 9.9 No person shall hinder, delay, or obstruct the Animal Control Officer or any person or persons lawfully engaged in impounding any animal.
- 9.10 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.
- 9.11 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.
- 9.12 Notwithstanding anything in this Section contained, it shall be lawful for the Medical Health Officer, Mayor or RCMP in the municipality to order any animal found to be suffering from any infections, 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.
- 9.13 If outdoor cats are deemed a nuisance by the Animal Control Officer, the owners must then keep the cat indoors.
- 9.14 Any tethered animal must be in a harness, in an area free of entanglement.
- 9.15 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.

10. REPEAL

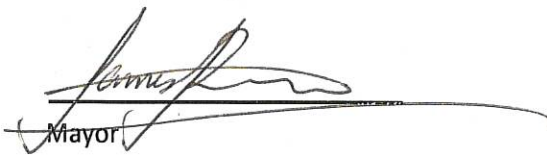
No. 663, 2016 Reserve Bylaw is hereby repealed.

READ A FIRST TIME this 13 day of *June 2023*.

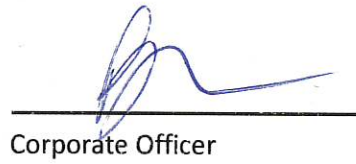
READ A SECOND TIME this 10 day of *October 2023*.

READ A THIRD TIME this 10 day of *October 2023*.

RECONSIDERED and FINALLY PASSED and ADOPTED this 14 of *November 2023*.

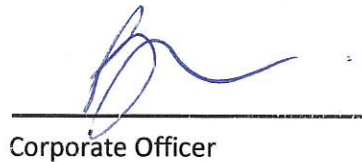


Mayor



Corporate Officer

Certified a true copy of Bylaw No. 722, 2023 as adopted.



Corporate Officer