



**VILLAGE OF BELCARRA
Animal Control Bylaw No. 431, 2010**



A Bylaw to provide for animal control within the municipal boundaries of the Village of Belcarra.

WHEREAS pursuant to the Community Charter, the Council of the Village of Belcarra may regulate, prohibit and impose requirements regarding animals;

AND WHEREAS it is deemed desirable to provide for the impounding of animals, the operation of a pound, regulate and fix fines and provide for the adoption or destruction of animals impounded where animals are not claimed within the time and in the manner established by bylaw or where the penalty or fees are not paid within a reasonable time;

NOW THEREFORE the Village of Belcarra Council enacts as follows:

1. This Bylaw may be cited as "Village of Belcarra Animal Control Bylaw No. 431, 2010".

Definitions

2. In this Bylaw:

"aggressive dog" means a dog that meets any one or more of the following conditions:

- a) a dog that has attacked, bitten or caused injury, with or without provocation, to a person or has demonstrated a propensity, tendency or disposition to do so;
- b) a dog while, running at large, has 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 owned or harboured primarily, or in part, for the purpose of dog fighting or a dog trained for dog fighting; and
- e) a dog that has been found to be dangerous or aggressive by a Provincial Court by a previous bylaw, by another local government, or by a regional district.

"Council" means the Council of the Village of Belcarra;

"dangerous dog" has the same meaning as defined in the *Community Charter*;

"diseased dog" means any dog having disease, sickness, injury or mutilation, including, but not limited to, rabies;

"dog" means an animal of the canine species regardless of age or sex;

"dog shelter" means any erection, house, kennel, building or structure in which dogs are kept or harboured;

"enclosure" means a structure at least 1.8 metres (6 feet) in height, having a solid floor, and wire or steel mesh sides and roof, constructed to confine an aggressive dog and prevent the entry of young children.

"impounded" means a seized, delivered, received or taken into the Pound or into the custody of the Poundkeeper pursuant to this Bylaw;

"keeping, kept" means owning, possessing, having the care, custody or control of, or harbouring a dog(s);

"municipality" means the Village of Belcarra;

"nuisance dog" means a dog disturbing the quiet, peace, enjoyment or comfort of the surrounding neighbourhood, through acts of persistent barking, yelping and howling; or through acts of aggressive or threatening behaviour;

"Officer" shall mean any person appointed by Council as a bylaw enforcement officer or building inspector and includes any police officer;

"owner" means any person who:

- a) owns, is in possession of or has the care, custody or control of a dog, temporarily or permanently; and
- b) harbours or allows a dog to remain on or about their house, land or premises;

“**public place**” includes but is not limited to any highway, boulevard or park, other real property owned, held, operated or administered by the municipality, the provincial or federal government or any agency thereof;

“**pound**” means the premises, including land and buildings where animals impounded or received under this Bylaw are to be kept;

“**Poundkeeper**” means the person or body corporate appointed from time to time under this Bylaw for the purpose of enforcing and carrying out the provisions of this Bylaw, and shall include any delegate appointed as such;

“**running at large**” means in reference to a “dog” that is not in or upon the premises of its owner; is not under the care and control of its owner and is not secured on a leash to its owner off the property of its owner.

Number of Dogs

- 3. There is a maximum of three dogs permitted over the age of four months to be kept on any parcel of real property in any area of the municipality at one time.

Nuisance Dogs

- 4. For the purpose of this section a nuisance dog shall be considered in breach of this Bylaw.
- 5. No person shall own or keep a nuisance dog unless at all times the dog is confined indoors, or controlled in a manner as not to allow the dog to become a nuisance to the community.

Dog Defecation

- 6. If any dog, while lawfully or unlawfully in a public place or on a private property other than property owned by the owner of such dog and without the consent or knowledge of the owner of such private property, defecates, the owner of the dog is responsible for ensuring that the feces are fully removed from the public place or private property and disposed of in a sanitary manner.
- 7. Where the dog has been recognized as a guide animal pursuant to the *Guide Animal Act* and is at the relevant time, in the care and control of a person with a disability pursuant to the *Guide Animal Act*, whose disability renders that person incapable of removing and disposing of the feces, this section does not apply.

Aggressive Dogs

- 8. No person shall own or keep an aggressive dog unless it is confined indoors, or confined in an enclosure designed to prevent the dog from escaping from the enclosure.
- 9. No owner of an aggressive dog shall permit, suffer or allow the dog to be on any streets or in any public place or any other place that is not owned or controlled by that person unless the dog is muzzled to prevent it from biting other domestic animals, dogs or humans.

10. It shall not be lawful for any person to own any aggressive dog within the municipality unless the same shall be sufficiently secured, so as to prevent it from endangering the safety of other domestic animals, dogs or humans.
11. No person shall allow an aggressive dog to run at large within the boundaries of the municipality.

Duties of the Poundkeeper

12. Upon receiving a specific complaint about a nuisance dog that is in breach of this Bylaw, the Poundkeeper or Officer shall inform the dog owner that the dog has been deemed to be a nuisance and the dog owner may be in breach of municipal bylaws.
13. The Poundkeeper or Officer may at any time impound any dog running at large.
14. Upon impounding an animal, the Poundkeeper or Officer shall, within 24 hours, attempt make effort to notify the owner that the animal has been impounded:
 - a) Where the owner of an impounded animal is known to the Poundkeeper or Officer;
 - b) By posting a notice of impoundment, within 24 hours, on the notice board at the entrance to the Municipal Hall and publish a notice of impoundment in the local newspaper where the owner of the impounded animal is unknown to the Poundkeeper or Officer.
15. The notice referred to in Section 14 of this Bylaw shall include a description of the animal which has been impounded and shall specify the place where, and the time when the dog will be sold or destroyed if not previously reclaimed, after notice is given or published and posted in accordance with Section 14.
16. The Poundkeeper may retain any impounded animal for a period of not less than 240 hours. If such animal is not reclaimed and/or the penalty fees are not paid within such time, the Poundkeeper may sell, dispose of, or humanely destroy an animal after the expiration of 240 hours from impoundment or notification under Section 14, whichever is the later.

Destruction of Diseased or Dangerous Dogs

17. Where a diseased dog is impounded pursuant to this Bylaw, the Poundkeeper may, within 96 hours of such impoundment destroy any animal suffering from an incurable disease or life-threatening illness upon certification of the animal's condition by a licenced veterinarian.
18. Where a dangerous dog is impounded pursuant to this Bylaw, the Poundkeeper or Officer may, within 96 hours of such impoundment, apply to the Provincial Court for an order directing that the dangerous dog be destroyed.
19. Where an application to the Provincial Court is made pursuant to Section 18 of this Bylaw, the Poundkeeper or Officer shall provide the owner of the dangerous dog within 24 hours written notice of the application date and time in order that the owner may have the opportunity to speak to the application for an order for destruction.
20. A notice issued pursuant to section 19 of this Bylaw shall be deemed to have been received by the owner if served in accordance with the following procedures:
 - a) if the name and address of the owner is known to the Poundkeeper or Officer, by delivery of the notice by hand, by courier, or by registered mail to the owner at that address; or
 - b) where the owner of the animal is unknown to the Poundkeeper or Officer, the Poundkeeper or Officer may post a notice on the notice board at the main entrance to the Municipal Hall and a notice in the local newspaper.

Offence

- 21. No person shall take or rescue or attempt to take or rescue any animal that is in the lawful custody of the Poundkeeper.
- 22. Every person who contravenes a provision of this Bylaw, or permits any act or thing to be done in contravention of any provision of this Bylaw, is guilty of an offence punishable, upon summary conviction by a fine not exceeding \$10,000.00 and costs or, in default of payment or in the alternative, to imprisonment for a period not exceeding six months.

Fees and Charges

- 23. The owner of any impounded animal may reclaim the animal at any time prior to its sale or destruction and must pay the impoundment fees to the municipality as set out in the Fees and Charges Bylaw in accordance with the number of days the animal is impounded.

Severability

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

Repeal

- 25. The “Village of Belcarra Dog Control Bylaw No. 279, 1998” and amendments thereto are hereby repealed.

READ A FIRST TIME on October 4, 2010.

READ A SECOND TIME on October 4, 2010.

READ A THIRD TIME on October 18, 2010.

ADOPTED by the Council on November 1, 2010.

Mayor Ralph E. Drew

Lynda Floyd
Chief Administrative Officer

This is a certified a true copy of
Village of Belcarra Animal Control Bylaw No. 431 2010

Chief Administrative Officer