

*DISTRICT OF SECHELT
DOG LICENSING
AND CONTROL
BYLAW
No. 221, 1994*



Consolidated for convenience February 2010

This Consolidation includes the following Bylaw Amendments:

221-1, 2001

221-2, 2010

This version of this bylaw is a consolidation of amendments to the original bylaw as of the date specified. This consolidation is done for the convenience of users and accurately reflects the status of the bylaw as of the specified date but must not be construed as the original bylaw and is not admissible in Court unless specifically certified by the Director of Corporate Services for the District of Sechelt. Persons interested in the definitive wording of this bylaw and its amendments should view the original bylaws at the District of Sechelt.

DISTRICT OF SEHELDT

DOG LICENSING & CONTROL BYLAW NO. 221, 1994

A bylaw to regulate the licensing and control of dogs.

WHEREAS the Municipal Act provides inter alia, in Section 524, 525, 932 and 933 that dogs may be regulated, controlled and licensed; and

WHEREAS the Livestock Protection Act further provides for the control of dogs in certain circumstances;

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

1. **CITATION**

This Bylaw may be cited for all purposes as the District of Sechelt "Dog Licensing & Control Bylaw, No. 221, 1994".

2. **DEFINITIONS**

In this Bylaw:

"BYLAW ENFORCEMENT OFFICER" means the person from time to time duly appointed by the Council as Bylaw Enforcement Officer for the District of Sechelt and also any person lawfully acting in that capacity;

"COUNCIL" means the municipal Council of the District of Sechelt;

"DANGEROUS DOG" means a dog with a known propensity, tendency or disposition to viciously attack without provocation other domestic animals or humans, a dog which has more than once bitten another domestic animal or human without provocation, or a dog which has killed or injured or is likely to kill or injure a person or domestic animal.

"DISTRICT" means the District of Sechelt or the area within the boundaries thereof, as the context may require;

"DOG" means an animal of the species canine, whether male or female;

"DOMESTIC ANIMAL" means an animal that is tame or kept, or that has been or is being tamed or kept, to serve some purpose for the use of humans, and without limiting the generality of the foregoing includes cats and other dogs;

"**IMPOUNDED**" means seized, delivered, received, or taken into a Pound or in the custody of the Bylaw Enforcement Officer or RCMP;

"**KENNEL**" includes a place where dogs are kept for breeding or boarding purposes, or for sale;

"**LEASH**" means a device of leather, metal, nylon or similar material of no more than two meters in length, and of sufficient strength and design to remain securely affixed to a dog collar so as to restrain the dog secured by the device;

"**OWNER**", in respect of a dog, includes every person who possesses, harbours or keeps a dog;

"**POUND**" means the building, enclosure or other shelter used as a Pound on the Sunshine Coast currently operated by the B.C. Society for the Prevention of Cruelty to Animals, Sunshine Coast Branch or alternatively to any other pound facility with which the District of Sechelt has an agreement for pound services;

"**RUNNING AT LARGE**" when used with reference to a dog means 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, and where the dog is located upon any highway or public place, that the dog is not secured on a leash to a responsible and competent person;

"**UNLICENSED DOG**" means a dog over the age of six (6) months for which (a) a valid and subsisting Dog Licence has not been obtained and paid for as provided in this Bylaw, or (b) the affixed corresponding Dog Tag referred to in this Bylaw is not being worn by the dog.

"**DANGEROUS DOG**" means a dog with a known propensity, tendency or disposition to viciously attack without provocation other domestic animals or humans, a dog which has bitten another domestic animal or human without provocation, or a dog which has killed or injured or is likely to kill or injure a person or domestic animal.

3. **LICENSING OF DOGS**

Unlicensed Dog

- (1) No person shall be the owner of an Unlicensed Dog.
- (2) An application for a Dog Licence under this Bylaw shall be made at Municipal Hall in the form prescribed by the Bylaw Enforcement Officer and shall be accompanied by payment to the District of Sechelt of the fee prescribed in Schedule "A", attached to and forming part of this Bylaw. The owner of any licensed dog shall, within

thirty (30) days of the owner's change of address, notify the District of Sechelt of such change of address.

- (3) The Bylaw Enforcement Officer, upon receipt of an application in the prescribed form together with the prescribed fee under Schedule "A" shall cause a Dog Licence and corresponding Dog Tag to be issued to the owner of the dog in respect of which the application is made.
- (4) Every Dog Licence and corresponding Dog Tag issued under this Bylaw:
 - (a) expires on the 31st day of December in the year in which it is issued, and
 - (b) is valid only in respect of the dog for which it is issued, and
 - (c) shall be issued in the form prescribed by the Bylaw Enforcement Officer, and is valid only after the prescribed fee has been paid and proof of same has been so indicated on the Dog Licence.
- (5) Before issuing a Dog Licence and corresponding Dog Tag for a spayed female dog or a neutered male dog, the Bylaw Enforcement Officer may require a certificate of spaying or neutering for such dog, by a qualified veterinarian.
- (6) A Dog Licence and corresponding Dog Tag will be issued at no charge, to dogs that are registered in accordance with the British Columbia "Guide Animal Act", provided appropriate proof of such registration is presented to the Bylaw Enforcement Officer, or agent.
- (7) **Dog Tag Not Affixed**
 - (a) The person to whom a Dog Licence is issued under this bylaw shall, while the Dog Licence is valid and subsisting, affix and keep affixed the corresponding Dog Tag to a collar or harness worn at all times by the dog for which the Dog Licence is issued.
 - (b) Where a Dog Licence or corresponding Dog Tag is lost or destroyed the person to whom the original licence was issued shall replace the Dog Licence or corresponding Dog Tag by requesting a replacement and by paying to the District of Sechelt the prescribed fee in Schedule "A".

(8) **More Than Two Dogs**

- (a) No person shall keep more than two (2) dogs on a parcel of real property.
- (b) Notwithstanding Subsection 8(a), where a business licence for a kennel has been lawfully issued in accordance with the District of Sechelt bylaws, the person holding that business licence may keep more than 2 dogs.

4. **CONTROL OF DOGS**

Dog Running At Large

- (1) No person shall suffer or permit a dog owned, possessed or harboured by that person, to run at large, or to trespass in or upon private or public lands or premises within the limits of the District.
- (2) Where the Bylaw Enforcement Officer has reason to believe that an Unlicensed Dog has taken refuge on a premises, the Bylaw Enforcement Officer may request the occupant of the premises to satisfactorily show that a valid Dog Licence has been obtained and paid and to exhibit the Dog Licence receipt and corresponding Dog Tag, or to forthwith deliver the dog to the Bylaw Enforcement Officer. Where a dog is found to be on such premises, a person who fails or refuses to exhibit the Dog Licence and corresponding Dog Tag or who fails, neglects, or refuses to deliver such dog on request, or who resists or interferes with the Bylaw Enforcement Officer in seizing such dog, shall be deemed to be guilty of a violation of this Bylaw.

Responsibilities of Owner – Animal Control and Care

- (3) No owner of a dog shall permit his or her dog to, without provocation:
 - (a) chase, bite or attack any person or domesticated animal; or
 - (b) cause damage to any property.
- (4) Any dog on a public place must be on a leash unless in a posted 'off-leash' area. The owner or possessor of any dog that is lawfully not on a leash shall:
 - (a) keep the dog under control by verbal command at all times; and
 - (b) ensure that the dog does not cause injury to any person or other animal or damage to any property.
- (5) No owner shall keep his or her animal in an unsanitary environment.

- (6) For the purposes of subsection (5), an environment is considered unsanitary when it contains objects that may cause injury to any person or animal or where it contains an accumulation of fecal matter, an odour, insect infestation, rodent attractants, or other conditions which endanger the health of any person or animal, or which disturbs or are likely to disturb the enjoyment, comfort or convenience of any person or animal.”
- (7) An owner shall ensure his or her animal is provided with:
- (a) clean potable drinking water and food of sufficient quantity and quality to allow for healthy growth and the maintenance of healthy body weight;
 - (b) food and water receptacles kept clean and disinfected and located so as to avoid contamination by excreta;
 - (c) the opportunity for regular exercise sufficient to maintain good health, including daily opportunities to be free of a confined area and exercised regularly under appropriate control; and
 - (d) necessary veterinary care when such animal exhibits signs of pain, injury, illness or suffering.
- (8) An owner shall not keep an animal which normally resides outdoors, or which is kept outdoors for extended periods of time, unless such animal is provided with an outdoor shelter:
- (a) which has a total area that is at least twice the length of the animal in all directions and that also allows the animal to turn around freely and adopt normal resting postures;
 - (b) which ensures protection from heat, cold and dampness that is appropriate to the weight and type of protective outer coat of such animal.
 - (c) which provides sufficient shade to protect the animal from the direct rays of the sun at all times; and
 - (d) which is regularly cleaned and sanitized, and removed of excreta daily.
- (9) No person may cause an animal to be hitched, tied or fastened to a fixed object where a choke collar or choke chain forms part of the securing apparatus, or where a rope or cord is tied directly around the animal’s neck.
- (10) No person may cause an animal to be hitched, tied or fastened to a fixed object for longer than 6 hours within a 24 hour period.

- (11) No person may cause an animal to be confined in an enclosed space or vehicle, including a car, without adequate ventilation. Such enclosed space or vehicle (if stationary) shall be in an area providing sufficient shade to protect the animal from the direct rays of the sun at all times.
- (12) No person may transport an animal in a vehicle outside the passenger compartment or in an uncovered passenger compartment unless it is adequately confined or unless it is secured in a body harness or other manner of fastening which is adequate to prevent it from falling off the vehicle or otherwise injuring itself.

Owning Dangerous Dog

- (13) No person shall be the owner of a dangerous dog within the District of Sechelt.

Failure to Remove Dangerous Dog

- (14) Where a person authorized to enforce this bylaw has reasonable grounds to believe that a dog is a dangerous dog, and has so advised the owner of the dog, the dog owner shall remove the dog from the District of Sechelt or otherwise dispose of the dog in a humane manner.

Attempting to Release Dog

- (15) No person shall release or rescue or to attempt to release or rescue a dog lawfully in the custody of a person authorized to enforce this Bylaw.

Failure to Remove Dog Excrement

- (16) No dog owner shall allow or suffer or permit that dog to foul a public place or private place by the deposit of excrement (other than on the property of the owner of the dog) unless the owner immediately takes steps to remove the excrement and dispose of the same in a sanitary manner, such as with a scoop and container.

5. IMPOUNDMENT OF DOGS

- (1) A person authorized to enforce this Bylaw may seize and impound a dog found to be Running at Large or an Unlicensed Dog and that person shall retain the impounded dog at a pound for seventy-two (72) hours, except where provided in subsection (2) and (3) below:

- (2) Where the impounded dog has a Dog Licence, the Bylaw Enforcement Officer or agent shall release the dog to the owner upon payment of the prescribed impounding and board fees set out in Schedule "A".
- (3) Where the impounded dog is an Unlicensed Dog, the Bylaw Enforcement Officer or agent may release the dog to the owner within the seventy-two (72) hours upon payment of the prescribed licence fee and payment of the prescribed impounding and board fees, as set out in Schedule "A".
- (4) During the impoundment period, the pound keeper may euthanize, by lethal injection of a barbiturate approved by the British Columbia Veterinary Medical Association, any animal deemed to be seriously ill or injured for humane reasons and in prior consultation with a veterinarian, if all reasonable efforts to contact the owner of the animal have failed.

6. **SEVERABILITY**

Should any Section, subsection, clause, paragraph, sentence or word of this bylaw be declared invalid by a court of competent jurisdiction, no other part of this bylaw shall be deemed to be invalid and the balance of the bylaw shall remain in force as a whole except for the part declared invalid.

7. **ENFORCEMENT**

- (1) The Bylaw Enforcement Officer and RCMP are hereby authorized to enforce this bylaw and to enter, at any reasonable time onto any property in the course of conduct of administration of this bylaw in order to ascertain whether the regulations of this Bylaw are being observed.
- (2) No person shall interfere with or obstruct the Bylaw Enforcement Officer, the RCMP or any other person acting in the conduct of administration or enforcement of this Bylaw.

8. **PENALTIES**

- (1) Every person who violates or fails to comply with any of the terms or provisions of this bylaw shall upon summary conviction thereof be guilty of an offence and be liable to a penalty of not more than two thousand dollars (\$2,000.00) plus costs of the prosecution.
- (2) Each day that a violation of the provisions of this bylaw exists or is permitted to exist shall constitute a separate offence.

9. **REPEAL**

The Dog Licence and Regulation Bylaw No. 294, 1985 of the Village of Sechelt is hereby repealed.

READ A FIRST TIME on the 16th day of November, 1994.

READ A SECOND TIME on the 16th day of November, 1994.

READ A THIRD TIME on the 16th day of November, 1994.

RECONSIDERED AND FINALLY ADOPTED on the 7th day of December, 1994.

"E.A. Basse"

Mayor

"Michael P. Vaughan"

Municipal Clerk

I hereby certify this to be a true and accurate copy of District of Sechelt "Dog Licensing & Control Bylaw No. 221, 1994".

Municipal Clerk

DOG LICENSING AND CONTROL BYLAW 221, 1994

SCHEDULE "A"

1. LICENSING

The following are the combined fees for a Dog Licence and corresponding Dog Tag:

	<u>Fee</u>	<u>With Senior Discount *</u>
a) for each male dog	\$50.00	\$25.00
b) for each neutered male dog	\$20.00	\$10.00
c) for each female dog	\$50.00	\$25.00
d) for each spayed female dog	\$20.00	\$10.00
e) replacement of lost or stolen Dog Licence or Dog Tag	\$10.00	\$ 5.00
f) for a dog registered under the Guide Animal Act	No Charge	

* For the purposes of this bylaw a "senior" is anyone of the proven age of at least sixty-five (65) years.

2. IMPOUNDMENT

(a) The following are the Impounding Fees to be paid prior to release of an impounded dog:

(i) <u>Unlicenced Dogs</u>	
i) first impoundment in one calendar year	\$ 60.00 plus board
ii) second impoundment in one calendar year	\$ 90.00 plus board
iii) third impoundment in one calendar year	\$120.00 plus board
iv) each additional impoundment in one calendar year	\$150.00 plus board

(ii) <u>Licenced Dogs</u>	
i) first impoundment in one calendar year	\$ 40.00 plus board
ii) second impoundment in one calendar year	\$ 60.00 plus board
iii) third impoundment in one calendar year	\$ 80.00 plus board
iv) each additional impoundment in one calendar year	\$100.00 plus board

(b) The fee for board while impounded \$ 15.00 per day