

THE CORPORATION OF THE VILLAGE OF ASHCROFT
DOG CONTROL AND POUND OPERATION BYLAW NO. 832, 2019

A BYLAW TO PROVIDE FOR THE CONTROL AND LICENSING OF DOGS AND THE OPERATION OF A POUND FACILITY IN THE VILLAGE OF ASHCROFT

NOW THEREFORE the Council of the Corporation of the Village of Ashcroft, in open meeting assembled, **ENACTS AS FOLLOWS:**

1. CITATION

This Bylaw shall be cited for all purposes as the Village of Ashcroft “Dog Control and Pound Operation Bylaw No. 832, 2019”

2. REPEAL

The “Corporation of the Village of Ashcroft Dog Regulation and Impounding Bylaw No. 502” and all its amendments are hereby repealed.

3. DEFINITION

In this Bylaw:

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| ALTERED | a) refers to an animal which has been spayed or neutered. |
| ANIMAL CONTROL OFFICER | means: a) A person employed or contracted by the Village to be an Animal Control Officer or Bylaw Enforcement Officer; b) A municipal employee, officer or agent designated by Council as an Animal Control Officer for the purposes of this Bylaw; c) An RCMP officer; and d) A Province of British Columbia conservation officer. |
| AT LARGE | means: a) Being elsewhere than on lands or premises owned or occupied by the owner and not on a leash, or b) On unfenced land and not securely tethered, or c) Not under the physical control of its owner or owner’s agent, or d) In the care and control of a person who an Animal Control Officer considers is not a competent person. |
| CHIEF ADMINISTRATIVE OFFICER (CAO) | means: a) The Chief Administrative Officer of the Village or their designate, and includes anyone authorized by Council to act on their behalf. |
| COMPETENT PERSON | means: a) A person who is physically and mentally able to control a dog and to ensure compliance with this Bylaw at all times. |
| COUNCIL | means: a) The municipal Council of the Village of Ashcroft. |
| DANGEROUS DOG | means: a) A dangerous dog as defined by the Community Charter. |
| DOG | means: a) A domestic animal of the <i>Canis lupus</i> species. |

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| ENCLOSURE | <p>means:</p> <ul style="list-style-type: none"> a) A fence or structure: <ul style="list-style-type: none"> (i) Allowing the humane confinement of an animal, (ii) Allowing the safe and unrestricted movement of the animal, (iii) With any gates to be self-closing, (iv) Capable of preventing the entry of a child aged 10 years or younger, and (v) Adequately constructed to prevent the animal confined within it from escaping. |
| HUMANE | <p>means:</p> <ul style="list-style-type: none"> a) Not causing pain, and causing no discomfort or causing minimal discomfort. |
| IMPOUNDED | <p>means:</p> <ul style="list-style-type: none"> a) An animal that has been seized by the Animal Control Officer and is in the custody of the Animal Control Officer. |
| KENNEL | <p>means:</p> <ul style="list-style-type: none"> a) A facility for the care of three (3) or more dogs, cats or other household pets, where such animals are kept commercially for boarding, propagation, training, grooming or sale. |
| LEASH | <p>means a device, or use of a device:</p> <ul style="list-style-type: none"> a) No more than 2.0 metres (6.6 feet) in length, and b) Of a sufficient strength and design to restrain the animal for which it will be used, and c) Securely affixed to an animal, with the other end of the leash held by a competent person. |
| MICROCHIP | <p>means:</p> <ul style="list-style-type: none"> a) An approved National Companion Animal Coalition Canadian standard encoded identification device intended to be implanted into an animal, which contains a unique code that permits or facilitates access to owner information, including the name and address of the owner of the animal, which is stored in a central database. |
| MITIGATING FACTOR | <p>means a circumstance that excuses the aggressive behavior of an animal and may include but is not limited to:</p> <ul style="list-style-type: none"> a) Responding to an attack by a person or aggressive animal; b) Responding to an attack against its offspring by a person or animal; c) Responding to teasing, provocation or torment; d) Protecting its owner from physical harm; e) Defending the real or personal property of its owner from trespass, damage or theft; f) Attempting to prevent a person from committing an unlawful act; or g) Performing law enforcement work. |
| MUZZLE | <p>means a humane device or application of a humane device that:</p> <ul style="list-style-type: none"> a) Fits over the mouth of an animal, and b) Cannot be removed by the animal, and c) Prevents the animal from biting. |
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| OWNER | means any person: (a) Whose name appears on a dog license, or (b) Who has the care, custody or control of an animal, or (c) Who possesses, harbours or allows an animal to remain about a house, land or in premises owned or occupied by that person. |
| POUND | means: a) A premise designated by contract with the Village for the impoundment, care and feeding of animals pursuant to this Bylaw. |
| POUNDKEEPER | means: a) Any person appointed by Council to operate the pound, usually the Animal Control Officer. |
| SECURE ENCLOSURE | means a structure: a) Allowing the humane confinement of an animal, b) Allowing the safe and unrestricted movement of the animal, c) With any gates to be self-closing, d) Constructed and locked in such a fashion as to prevent the escape of an animal and to prevent the entry of any person other than those authorized by the owner, e) With no side in common with a perimeter fence, f) Approved by the Animal Control Officer for a specific animal, and g) Depending on the security and design of the structure, and the animal it will house, the Animal Control Officer may additionally require that the structure be: (i) at least 1.8 metres (5.9 feet) in height, (ii) having a concrete or asphalt floor, (iii) with wire or steel mesh sides and roof, and (iv) with the floor securely attached to the sides or the sides embedded in the ground to a minimum depth of 30 centimeters (1.0 foot). |
| SERIOUS INJURY | means an injury that: a) Includes a broken bone, disfiguring lacerations or extensive lacerations, b) Requires sutures or cosmetic surgery, or c) Is determined to be severe by a Court upon hearing the evidence. |
| SERVICE ANIMAL | means an animal trained by an accredited institution, and on duty: a) As a law enforcement animal, or b) To provide assistance to a hearing- or visually-impaired, physically- or developmentally-challenged person. |
| TETHER | means: a) A device or the application of a device such as a rope or chain with one end securely attached to an animal, and the other end securely attached to a stationary object or pulley and cable, and used to humanely confine an animal to a certain area. |
| UNLICENSED DOG | means a dog: a) For which the dog license for the current year has not been obtained, or b) To which a current dog license tag is not attached. |

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| VILLAGE | means: a) The Corporation of the Village of Ashcroft or the area within the municipal boundaries of the Village of Ashcroft, depending on the context. |
| ZONING BYLAW | means: a) The Village of Ashcroft Zoning Bylaw as amended from time to time. |

4. ADMINISTRATION

4.1. The Animal Control Officer is authorized to administer and enforce this Bylaw.

4.2. The Village may contract with any person, firm, society, or corporation as it deems appropriate for the purpose of maintaining and operating a pound, and providing for the collection, distribution and payment of revenue and expenditures derived from the operation of the pound.

4.3. No person shall hinder, delay, threaten, prevent, or obstruct in any manner, directly or indirectly, the Animal Control Officer while carrying out their duties pursuant to this Bylaw, including but not limited to obstruction by:

- a) Providing false information;
- b) Unlocking, unlatching, or otherwise opening a vehicle or any enclosure in which an impounded animal has been placed;
- c) Removing or attempting to remove any animal from the possession of a pound keeper, Animal Control Officer or Village employee;
- d) Removing or attempting to remove an animal from the pound, except in accordance with this Bylaw.

4.4. The Animal Control Officer may enter, at all reasonable times, upon any land in order to ascertain whether this Bylaw is being contravened.

5. DOG CONTROL

5.1. An owner shall not permit, suffer or allow a dog to be at large.

5.2. For the purposes of this bylaw, a dog is deemed to be at large where it is not under control by being:

- a) Elsewhere than on land or premises owned or occupied by the owner and not on a leash, or
- b) On unfenced land and not securely tethered, or
- c) Not under the physical control of its owner or owner’s agent, or
- d) In the care and control of a person who an Animal Control Officer considers is not a competent person.

5.3. An owner shall immediately remove any and all of their dog's excrement from another person's property or any public street, lane, sidewalk or any other public or private property and dispose of it in a sanitary manner.

5.4. An owner who is legally blind is exempt from section 5.3 in respect to excrement deposited by a service animal, when not accompanied by a sighted person aged 12 years or over.

5.5. An owner shall not permit a dog to continuously cry or bark which disturbs the quiet, rest, enjoyment, comfort or convenience of a neighbourhood or a person(s) in the vicinity or place where the dog is being housed or maintained.

5.6. An owner shall not tie, secure or tether any dog for a period longer than eight (8) hours at any one time for each twenty-four (24) hour period.

5.7. An owner shall not permit, suffer or allow a dog to be in the Chinese or municipal cemeteries or Village Parks at any time.

5.8. An owner of a female dog in heat shall keep the dog on the owner's property, and:

- a) Confined indoors, or
- b) Leashed and under the control of a competent person aged 16 years or older, or
- c) Confined within an enclosure with any gate locked at all times when the dog is within.

5.9. No more than two (2) dogs over the age of three (3) months shall be kept in a residentially zoned area in the Village at one time, unless the property is zoned Rural Residential and a kennel license has been purchased for the property.

6. DOG LICENSING

6.1. No person shall own, possess or harbour an unlicensed dog within the boundaries of the Village.

6.2. The categories of dog license are:

- a) Altered dog,
- b) Unaltered dog,
- c) Dangerous dog

6.3. The licensing fees shall be as set out as Schedule "G" in the Village of Ashcroft Consolidated Fees and Charges Bylaw No. 833, 2019 as amended from time to time.

6.4. In order to purchase an altered dog license, the owner of the dog must sign a declaration to certify that the dog has been altered on the annual Dog License Application as set out in Schedule "A" of this Bylaw (attached).

6.5. The owner of an altered dog may be required to produce a certificate from a qualified veterinarian to prove that the dog has been altered.

6.6. No refund shall be given if a dog is altered after its owner purchases a dog license.

6.7. Dog licensing fees shall not be pro-rated during the year.

6.8. The owner of a dog shall obtain a license in accordance with the provisions of this Bylaw before the last day of February in each year, or as soon thereafter as such dog shall attain three (3) months of age.

6.9. A license issued pursuant to this Bylaw is valid for the year for which it is purchased and shall expire on the 31st day of December in that year.

6.10. Issuance of a license shall be an administrative function of the municipal office under the direction of the Chief Administrative Officer.

6.11. Every person who obtains a license shall be given a tag which shall be, at all times, fastened to a collar or harness worn by the dog for which the license was purchased.

6.12. The number on the dog license shall correspond to the stamped number on the tag.

6.13. Where the tag issued by the Village has been lost or is no longer legible, a replacement tag shall be acquired by the owner for the remainder of the current licensing year, upon producing proof of previous purchase and payment of a prescribed fee.

6.14. The following dogs are exempt from the requirements of this section:

- a) Service animals,
- b) Dogs under the age of three (3) months, and
- c) Dogs that visit the Village for a total of 30 or fewer days in a calendar year.

7. DANGEROUS DOG

7.1. In determining whether a dog is dangerous, mitigating factors may be considered.

7.2. No person shall own, possess or harbour any diseased or dangerous animal within the Village unless the same is kept sufficiently secured so as to prevent it from endangering the safety of any person or other animal, including a person lawfully entering upon the premises where the animal is located.

7.3. Without limiting the generality of the foregoing, no person who owns, possesses or harbours a dangerous dog shall permit, suffer or allow the dog to be on any highway, any public place or common property, or any place not owned or controlled by that person, unless the dog is sufficiently muzzled to prevent it from biting another animal or human.

7.4. Upon receiving a complaint in writing that a dog has attacked or attempted to attack any animal or human, if the owner of the dog can be ascertained, the Animal Control Officer shall notify the owner of the dog in writing of the complaint, and shall notify the owner of the dog in writing that the dog is now considered to be a " dangerous dog" as defined by the Special Powers in relation to dangerous dogs in the Community Charter and that the Village will follow the steps outlined in that legislation.

7.5. The Animal Control Officer may, at any time and in their sole discretion, humanely euthanize any animal suffering from any incurable disease, injury or mutilation, to prevent cruel suffering or the spread of disease.

8. KENNELS

8.1. The following Kennel provisions apply to all dogs except those under three (3) months of age:

8.2. Every owner of three (3) or more dogs shall possess a valid and subsisting kennel license.

8.3. A kennel license shall be obtained by applying to the Village and paying the prescribed kennel license fee and applicable dog license fee set out in Schedule "G" of the Consolidated Fees and Charges Bylaw No. 833, 2019.

8.4. No kennel shall be permitted unless:

- a) Adequate floor space of for each dog to lie flat on their sides outside their bed in the sleeping area.
- b) The kennel complies with all laws and regulations in force in the Province of British Columbia, all Municipal Bylaws and conforms to the Code of Practice for Canadian Kennel Operations as amended from time to time, including but not limited to construction requirements, lighting, temperature control and access to exercise space.
- c) A building permit for the kennel has been obtained in accordance with the provisions of the Village.

8.5. A kennel license issued may be suspended or revoked at any time by the Animal Control Officer if the provisions of the Bylaw are not observed by the licensee.

8.6. Every licensee shall, at all reasonable times, permit the Animal Control Officer, to enter and inspect any kennel for the purposes of ascertaining whether the provisions of this Bylaw are being observed.

8.7. Every kennel license issued under this Bylaw:

- a) expires on the 31st day of December of the year in which it is issued.
- b) is valid only in respect of the kennel for which it is issued; and
- c) shall be renewed no later than the 1st day of February in the following calendar year.

8.9. The Village shall maintain a record of all kennel licenses issued.

9. SEIZURE AND IMPOUNDMENT

9.1. The Animal Control Officer may seize and impound any animal which is found by the Animal Control Officer to be:

- a) Unlicensed, if there is a requirement that it be licensed; or
- b) At large on a highway or in a public place; or
- c) Straying or trespassing on private property; or
- d) On unfenced land and not securely tethered or contained, if there is a requirement to be securely fenced, tethered or contained; or
- e) A dangerous dog.

9.2. Upon seizure and impoundment of an animal, the Animal Control Officer shall make a reasonable effort to inform the owner, if known, that the animal has been seized and impounded.

9.3. If an owner is unknown, all reasonable efforts will be made to advise the public of the impounded animal being housed at the pound.

9.4. An animal delivered to the Animal Control Officer by the public may be dealt with in the same manner as an animal seized and impounded pursuant to this Bylaw.

9.5. It shall be unlawful for any person to release or rescue or attempt to release or rescue any 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 his/her duties.

9.6. An owner may claim their impounded animal upon:

- a) Proving ownership to the pound keeper or Animal Control Officer, and
- b) Purchasing a licence if required by this Bylaw, and
- c) Paying the applicable fees and charges set out in Schedule "G" of the Consolidated Fees and Charges Bylaw No. 833, 2019.

9.7. In the case the owner is not known or the owner so notified does not within three (3) days of notification referred to in Section 9.2 hereof, appear at the pound and release the dog so impounded by the payment of the lawful fees as outlined in Schedule "G" of the Consolidated Fees and Charges Bylaw No. 833, 2019, the Animal Control Officer may put the dog or dogs up for adoption as provided for in this Bylaw.

9.8. In the event that the owner of an impounded dog is unable to claim the dog, he/she may sign an Authorization to Surrender Animal form as outlined in Schedule "B" of this Bylaw (attached).

9.9. The Animal Control Officer may advertise the unclaimed dog available for adoption no less than three (3) days after impounding and notification as per section 9.7. Interested parties must complete

the Animal Adoption Application as set out in Schedule “C” of this Bylaw, to assist the Animal Control Officer in determining if the applicant would be a suitable owner of the dog.

9.10. An animal may be seized and humanely euthanized if:

- a) It is determined by the Animal Control Officer or the pound keeper that the animal is suffering and the animal’s suffering cannot be otherwise reasonably addressed; and
- b) The Animal Control Officer has made a reasonable effort to inform the owner, if known, of the seizure, impoundment, and condition of the animal; and the intent to have the animal humanely euthanized; and
- c) A veterinarian licensed to practice in British Columbia is retained to humanely euthanize the animal.

10. ENFORCEMENT

10.1 Every person who violates any of the provisions of this Bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw or 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 infraction thereof, and liable to the penalty or penalties as stated in Schedule “G” of the Consolidated Fees and Charges Bylaw No. 833, 2019.

11. SEVERABILITY

11.1 If any section, subsection sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the part that is invalid shall not affect the validity of the remainder.

READ A FIRST TIME THIS 22nd DAY OF JULY, 2019.

READ A SECOND TIME THIS 22nd DAY OF JULY, 2019.

READ A THIRD TIME THIS 26th DAY OF AUGUST, 2019.

RECONSIDERED AND ADOPTED THIS 09th DAY OF SEPTEMBER, 2019.

Certified to be a true and correct copy
of the Village of Ashcroft Dog Control and
Pound Operation Bylaw No. 832, 2019
as adopted by Council.

Barbara Roden, MAYOR

Anne Yanciw , Chief Administrative Officer

THE CORPORATION OF THE VILLAGE OF ASHCROFT
DOG CONTROL AND POUND OPERATION BYLAW NO. 832, 2019

SCHEDULE "A"

APPLICATION FOR DOG LICENCE

DATE: _____

OWNER: _____

PHONE: _____

STREET ADDRESS: _____

BOX: _____

TOWN: ASHCROFT, BC

DOG'S NAME: _____

SEX: _____

SPAYED OR NEUTERED: _____

COLOR: _____

BREED: _____

TAG NO.: _____ TAG YEAR: _____

I hereby swear that the above described dog has in fact been altered and is a neutered male or spayed female canine.

Owner's Signature

Date

THE COPORATION OF THE VILLAGE OF ASHCROFT
DOG CONTROL AND POUND OPERATION BYLAW NO. 832, 2019
SCHEDULE "B"

AUTHORIZATION TO SURRENDER ANIMAL

| | |
|----------------------------|---------------------------|
| Person Name: _____ | |
| Person Address: _____ | |
| Home Phone: _____ | Cell: _____ |
| Identification Type: _____ | |
| Animal Detail: _____ | |
| Type Breed: _____ | |
| Mixed Colour _____ | Colour _____ Gender _____ |

I, the undersigned, being the owner, or having control of the animal described within and assuming all responsibility and releasing the VILLAGE OF ASHCROFT of all risk and damage which may arise from whatever cause, do hereby surrender the said animal to the VILLAGE OF ASHCROFT and its representatives. I also hereby agree to indemnify and save the VILLAGE OF ASHCROFT harmless from all claims, actions or demands which may be made against it by anyone claiming to be the owner of said animal or otherwise. Persons surrendering the animal(s) are advised ownership is transferred to the VILLAGE OF ASHCROFT and no information regarding animals will be released to previous owners.

Owner/Agent (Print Name): _____

Signature: _____ Date: _____

Witness Name (Print Name): _____

Witness Signature: _____ Date: _____

THE COPORATION OF THE VILLAGE OF ASHCROFT
DOG CONTROL AND POUND OPERATION BYLAW NO. 832, 2019
SCHEDULE "C"

ANIMAL ADOPTION APPLICATION

Name: _____ Address: _____

Home Phone: _____ Cell: _____

Email: _____

Other adults in the home: Y / N Children in the home Y / N Children's ages _____

Will the dog come into contact with young children? Y / N Please provide details: (grandkids, visitors, daycare etc.) _____

Other pets in the home: Y / N How many: _____ Age of pets _____

Type: _____ Breed _____ Gender _____

Why would you like to adopt this dog? _____

Do you have adequate space for the dog to roam / play outside (ie fenced yard)? Y / N

Where will you keep the dog during the day? _____

Where will you keep the dog during the night? _____

Behaviours you are willing to work on (please circle all that apply)? Chewing, Wandering, Howling, Barking, Digging, House Training, Fearfulness, Separation anxiety, Obedience,

Other (please list) : _____

I am not willing to work on any problems: Y / N I need more information to decide: Y / N

I would like my dog to:

Be friendly with children: Y / N Be friendly with other dogs: Y / N Be friendly with cats: Y / N

Be friendly with me: Y / N Be calm: Y / N Be playful: Y / N Be quiet: Y / N Be independent: Y / N

Have you previously rescued a dog? Y / N

Please describe the experience:

Describe the type of dog you are looking to adopt:

Are you willing to have the Animal Control Officer do a home visit by appointment? Y / N

Under what circumstances would you return the dog? _____

REFERENCES:

Do you have a Veterinarian? Y / N Veterinary Clinic: _____

Does the Village of Ashcroft have your permission to contact the above listed Veterinary Clinic? Y / N

Personal Reference:

Name: _____ Address: _____

Phone: _____ Relationship to you: _____

FALSIFIED INFORMATION WILL LEAD TO AUTOMATIC REJECTION OF THE APPLICATION. THE VILLAGE OF ASHCROFT RESERVES THE RIGHT TO REFUSE ANY APPLICANT.

I understand that it is my responsibility to see and evaluate the dog for myself before agreeing to adoption. The adoption of a lifelong animal friend should not be impulsive, but rather a carefully thought out decision, which will ensure a loving, lasting relationship.

Print Name: _____

Signature: _____ Date: _____