

# THE CORPORATION OF THE VILLAGE SALMO

## BYLAW #585

As Amended by Bylaw #624, 2011

CONSOLIDATED FOR CONVENIENCE ONLY  
Not Official Version

### **A Bylaw to License and Control of Dogs within the Municipality**

WHEREAS the *Municipal Act*, RSBC Chapter 323 and the *Community Charter*, SBC Chapter 26 authorize the Council to regulate the keeping of dogs;

AND WHEREAS Council has deemed it desirable that dog control be undertaken and regulatory measures enacted in the Village of Salmo;

NOW THEREFORE the Council of the Village of Salmo in open meeting assembled enacts as follows:

#### **SHORT TITLE**

1. (1) This Bylaw may be cited as the "DOG LICENSING & CONTROL BYLAW 2007."

#### **DEFINITIONS**

2. (2) In this bylaw:

"Bylaw Enforcement Officer" means the person or persons appointed as such by the Council to enforce the provisions of the municipal bylaws.

"Council" means the Council of the Village of Salmo.

"Dog" means an animal of the canine species.

"Companion Animal" means an animal kept as a pet or as a guide animal.

"Dangerous Dog" means a dog that

- (a) has killed or seriously injured a person,
- (b) the Bylaw Enforcement Officer has reasonable grounds to believe is likely to kill or seriously injure a person, or
- (c) has killed or seriously injured a companion animal or a domestic animal while in a public place or while on private property other than the dog owner's property.

"Domestic Animal" means an animal that is

- (a) tame or kept, or that has been or is being sufficiently tamed or kept to service some purpose for the use of people, and
- (b) designated by order of the Lieutenant Governor in Council to be a domestic animal.

"Guide Dog" means a dog used by a disabled person to assist him/her to avoid hazards, and includes a dog for which a certificate has been issued under the Guide Animal Act.

"Impound" means to confine in a pound or to be under the control of a Bylaw Enforcement Officer or any other person authorized to enforce the provisions of this bylaw

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"Kennel" means any building, structure, compound, group of pens or cages or property where five (5) or more dogs are intended to be trained, cared for, bred or boarded, in return for remuneration, or are kept for the purpose of sale.

"Leash" means a chain or other material not over two meters in length.

"Parcel" means a lot, block, or other area in which land is held or into which land is subdivided and which is registered under on title, pursuant to the "Land Title Act"

"Municipality" means the Village of Salmo.

"Non-Resident" means any person who is residing in the municipality for a short duration and who has not taken up permanent residency.

"Owner" in respect to an animal, means a person:

- (a) to whom a license for a dog has been issued under this bylaw,
- (b) who owns, is in possession of, or has the care or control of an animal,
- (c) who harbors, shelters, permits or allows an animal to remain on or about that person's land or premises, or
- (d) who is the custodial parent or legal guardian of a child under the age of 18 years who owns, is in possession of, or has the care or control of an animal;

"Police Dog" means any dog owned by an accredited Police Force and trained to assist Police on investigations.

"Pound" means the premises designated by the Council from time to time for the confinement and impoundment of dogs pursuant to this bylaw.

"Unlicensed Dog" means any dog for which the license for the current year, as provided by this bylaw, has not been obtained or to which the license tag provided for this bylaw is not attached.

"Vicious Dog" means a dog that:

- (a) according to the records of the Municipality or the RCMP has killed or injured a person or domestic animal, or without provocation, has aggressively pursued or harassed a person;
- (b) to the knowledge of the owner, has killed or injured a person or domestic animal, or, without provocation, has aggressively pursued or harassed a person; or
- (c) is specifically bred or trained for fighting purposes.

"Public Place" means a place which is owned or controlled by a public body and which is open to use by the public.

## **AUTHORITIES**

3. (1) Dog Control Officer and Bylaw Enforcement Officer

- (a) The Council may from time to time, appoint a Bylaw Enforcement Officer to provide the services of a Dog Control Officer, to administer and enforce the provisions of this bylaw.
- (b) The Bylaw Enforcement Officer, or any person duly authorized by Council, may:
  - (i) issue violation notices for non-compliance with the provisions of this bylaw;
  - (ii) and is authorized to enter at all reasonable times upon any lands within the Village boundary for the purpose of ascertaining whether the requirements of this bylaw are being observed.
  - (iii) employ the use of lures, baits, nets, sonics, nooses, traps, tranquilizers, or other mechanical devices or means of apprehension of dogs, provided always that such methods, are, in his/her opinion, necessary;
  - (iv) upon the advice or recommendation of a veterinarian, destroy any dog at large in the municipality, that is suffering from an incurable disease;
  - (v) impound any dog found not wearing a valid license tag or any dog found at large in the municipality and to detain such a dog until the owner thereof has paid all fines, penalties, and fees;
  - (vi) dispose of any dog as authorized by this bylaw.
  - (vii) seize a dog if the Dog Control Officer believes on reasonable grounds that the dog is a dangerous dog pursuant to Section 707.1 of the *Local Government Act*;
  - (viii) in addition to the authority under Section 8 of the *Livestock Protection Act*, in relation to a dog that the Dog Control Officer has reasonable grounds to believe is a dangerous dog, apply to the Provincial Court for an order that the dog be destroyed in the manner specified in the order;

### **DOG REGISTRATION**

- 4. (1) No person shall keep any dog over the age of four months within the municipality unless a valid license has been obtained and is held for the dog under this bylaw.
- (2) (a) Every application for a license shall be made on the application form provided for that purpose by the Village of Salmo and submitted to the Village of Salmo municipal office.
- (b) Every license shall be distinguished by a number and the Collector shall keep a record of all licenses issued and, for the purpose of identification, a general description of the dog for which such license was issued.
- (3) A license issued under this bylaw shall be for the calendar year in which the license is issued.

- (4) Before issuing a license for a spayed or neutered dog, the issuer of the license requires the owner to produce a certificate from a qualified veterinarian that the dog has been spayed or neutered.
- (5) (a) No license shall be issued or renewed until the license fee as follows, is paid.

Female	Spayed	Not Spayed
	\$15.00	\$25.00
Male	Neutered	Not Neutered
	\$15.00	\$25.00

- (b) There shall be no license fee charged for guide dogs or police dogs.
  - (c) License fees paid by new residents and new dog owners after July 31 in each calendar year, shall be 50% of the annual license fee.
  - (d) As provided by authority of the Municipal Act, Council may require and set varying license fees according to the sex, age, size or breed of the dog. In all such cases, the burden of proof of age and breed shall lie with the owner.
- (6) (a) Unless otherwise provided in this bylaw, every dog license issued shall be for a specific dog and no person shall place, affix or use a license issued in respect of one dog for another.
  - (b) Where the owner of a licensed dog sells or otherwise ceases to be the owner of that dog, upon notification of the municipality the license may be transferred to the new owner of the dog for the remainder of the license year.
  - (c) Where the owner of a licensed dog sells or otherwise disposes of the said dog, upon payment of the required fee set out in Schedule A to this bylaw, the license may be transferred to another dog purchased or acquired by the same owner.
- (7) (a) The owner of every dog shall ensure that the dog wears a valid license tag at all times.
  - (b) In the event a dog tag issued for the current year is lost, upon payment of the required fee set out in Schedule A to this bylaw, a replacement tag shall be provided.
  - (c) The license tag shall be issued by the municipality and shall have impressed or stamped the name of the municipality, a license number and the license year.

## **KENNEL**

5. (1) No person being the owner or occupier of any premises within the Municipality shall cause, suffer or permit such premises to be used as or for a kennel

## **IMPOUNDMENT**

6. (1) The municipality may contract the services to a neighboring municipality or regional district to establish, maintain and operate a pound for the impounding of dogs pursuant to the provisions of this bylaw.
  - (a) Impounding Authority:
    - (i) any dog which is found at large contrary to this bylaw shall be liable to seizure and impoundment by a Bylaw Enforcement Officer.
    - (ii) any dog which has not been licensed in accordance with Part 4 of this bylaw shall be liable to seizure and impoundment by a Bylaw Enforcement Officer.
    - (iii) the Bylaw Enforcement Officer shall forthwith convey all dogs seized in pursuance of this bylaw to the Pound.
    - (iv) no person shall hinder, delay or obstruct in any manner, directly or indirectly, any person engaged in driving, loading or carrying to the Pound any dog liable to impoundment under this bylaw or under the Local Government Act.
  - (2) Notice of Impoundment:
    - (a) the Bylaw Enforcement Officer or an employee of the municipality shall, within 24 hours of the time of impoundment or at the commencement of the next business day, cause a Notice of Impoundment to be fixed to the municipal office or public bulletin board. Such Notice of Impoundment shall give a description of the dog impounded, the date and location it was impounded and the date after which the dog may be destroyed or otherwise disposed of if not redeemed by the owners.
    - (b) If the impounded dog is licensed, the Bylaw Enforcement Officer or an employee of the municipality shall forthwith notify the owner by telephone of the impoundment, or post a copy of the Notice of Impoundment at the owner's home. The obligations of the municipality to notify the owner of the impounded dog shall be considered satisfied once the owner or person answering the owner's telephone is advised of the impoundment or notice is posted at the owner's residence. It is the responsibility of any dog owner to notify the municipality of a change of address or telephone number for the purposes of notification under this section.
  - (3) The municipality shall ensure that all dogs seized and impounded pursuant to this bylaw shall receive sufficient food, water, shelter, exercise and attendance.

- (4) An owner of an impounded dog, or any person on the owner's behalf and with the owner's authority in writing, may redeem the impounded dog at any time prior to its sale, destruction or disposal pursuant to this bylaw upon:
  - (a) delivery to the Municipality evidence satisfactory of ownership of the impounded dog; and
  - (b) payment of the fees, costs and charges incurred in respect of the seizure and impoundment of the dog; and
  - (c) payment of the current requisite license fee where the impounded dog is required to be licensed pursuant to this bylaw, and is not licensed.
  - (d) No person shall break open or in any manner, directly or indirectly, aid or assist in breaking open the Pound, or take or release any dog therein without the consent of the municipality.
- (5) Subject to section 6.2 of this bylaw, should any impounded dog remain unclaimed after five business days from the date of posting of the Notice of Impoundment or of notification of the owner, the municipality may sell, offer for adoption or the municipality may destroy the dog. The municipality may retain a dog for a longer period if, the circumstances warrant it.

BL 624 (6) Payment of fees, costs, and charges incurred in respect of the seizure and impoundment of dogs shall only be received in cash or certified cheque.

## **GENERAL REGULATIONS**

### 7. (1) Keeping of Dogs:

- (a) No person shall keep or harbor any dogs except in accordance with the provisions of this bylaw.
- BL 624 (b) No person, family, or household shall keep more than two (2) dogs, excluding a litter of dogs under the age of four (4) months or an additional two (2) dogs kept for a short term, not to exceed four weeks in a calendar year.

### 7. (2) Every owner of a dog:

BL 624 (a)-(e)

- (a) shall keep the dog under the control of a competent person while not on the Owner's property;
- (b) shall keep the dog on a leash when it is in a Public Place;
- (c) shall keep the dog confined so that it cannot escape while it is on the Owner's property;
- (d) shall keep all dogs carried in the rear of an open vehicle on a leash or harness so that the dog is securely kept in the vehicle and unable to reach beyond the sides of a vehicle; and

- (e) keep the dog from straying or trespassing onto private property other than the property owned or occupied by the Owner.
- (3) Dangerous Dogs
- (a) The owner of a dangerous dog or a dog which is known by the owner to have the propensity to attack or viciously pursue a person or domestic animal without being definitely provoked, teased or aroused by that person or domestic animal, shall ensure that the dog is properly restrained at all times and, when the dog is off the owner's premises, that it is on a leash and muzzled.
  - (b) The municipality is authorized to make applications to the Provincial Court for the destruction of dogs pursuant to the Livestock Protection Act, in any circumstances where the Act may be applicable.
- (4) Tethering
- (a) No person shall tether, tie, attach or otherwise fasten by any means, a dog to any traffic control device or support thereof.
  - (b) no person shall tether a dog in such a way that the dog is able to leave the boundaries of the owner's, possessor's or harbinger's property.
- (5) No owner or occupant of any private premises shall permit, allow or suffer a dog or dogs kept at the private premises to bark, yelp or howl in a manner that disturbs the peace, rest or enjoyment of two or more persons in the vicinity but not at the same private premises.

7. (6) Removal of Excrement

BL 624 No owner of a dog shall allow the dog to leave or deposit excrement on any public place or on private property other than the property of the owner, unless the owner immediately takes steps to remove such excrement and dispose of it in a sanitary manner.

BL 624 Schedule 'A' of Bylaw #585 – Dog Licensing and Control Bylaw 2007 is repealed and replaced with Schedule 'A' attached to and forming part of this bylaw.

**PENALTIES**

8. (1) Any person who contravenes any provision of this bylaw, or who suffers or permits any act or thing to be done in contravention 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 have committed an offence against this bylaw and shall be liable, upon summary conviction, to a fine or penalty not less than \$50.00 and not more than \$2,000.00 for each offence.

- (2) Any offence under this bylaw which continues for a period in excess of one calendar day shall be deemed to be and is punishable as a separate offence for each and every subsequent day until such infraction ceases.

**ENACTMENT**

- 9. (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(s) shall be severed, and the part(s) that is (are) invalid shall not affect the validity of the remainder of this Bylaw.
- (2) Dog Licensing and Control Bylaw No. 523, 2004, is hereby repealed.
- (3) This Bylaw shall come into full force and effect on the final adoption thereof.

READ A FIRST TIME  
 READ A SECOND TIME  
 READ A THIRD TIME  
 RECONSIDERED AND FINALLY ADOPTED

this 8<sup>th</sup> day of May, 2007  
 this 22<sup>nd</sup> day of May, 2007  
 this 22<sup>nd</sup> day of May, 2007  
 this 12 day of June, 2007

\_\_\_\_\_  
 Mayor

\_\_\_\_\_  
 Clerk

I certify this to be a true copy of Bylaw #585 as adopted.

\_\_\_\_\_  
 Clerk



**THE CORPORATION OF THE VILLAGE OF SALMO**  
**BYLAW #624 – Schedule 'A'**

Dog Control & Licensing Bylaw #585

<b>Offence</b>	<b>Section</b>	<b>Fine</b>
Unlicensed Dog	4 (1)	\$50.00
Transferred dog tag	4 (6)	\$50.00
Missing dog tag	4 (7) (a)	\$50.00
Operation of kennel	5 (1)	\$100.00
Obstructing authorized person	6 (1) (a) (iv)	\$150.00
Unauthorized removal of dog	6 (4)	\$150.00
Seizure and impoundment cost	6 (4)	Actual cost
More than 2 dogs	7 (1) (b)	\$100.00
Dog at large	7 (2)	\$50.00
Dangerous dog not confined	7 (3)	\$200.00
Unlawful tethering of dog	7 (4)	\$50.00
Barking dog which disturbs	7 (5)	\$100.00
Failure to remove dog excrement	7 (6)	\$50.00
Impoundment fee (per day)	6 (4)(b)	\$25.00