

# THE CORPORATION OF THE VILLAGE OF SLOCAN

## BYLAW #625

### A bylaw to regulate the keeping of Animals, including Hens

WHEREAS under the provisions of the Community Charter, the Council is given broad powers to regulate and prohibit the keeping of certain animals within the Municipality;

NOW THEREFORE the Municipal Council of the Corporation of the Village of Slocan, in open meeting assembled, enacts as follows:

#### DEFINITIONS

##### 1. In this Bylaw:

**Aggressive Dog** means:

- (i) a Dog with a known propensity, tendency or disposition to attack without provocation, cause injury or otherwise threaten the safety of humans or Domestic Animals;
- (ii) a Dog which has, without provocation, bitten, inflicted injury, assaulted, pursued or otherwise attacked a human or Domestic Animal;
- (iii) a Dog which is owned primarily or in part for the purpose of Dog fighting or has been or is being trained for Dog fighting.

**Animal Control Officer** means a person appointed by the Council from time to time for the purpose of enforcing this Bylaw, and includes a Bylaw Enforcement Officer;

**At large** means, in reference to a Domestic Animal, that the animal is not in or upon the premises of its Owner and is not under the care and control of its Owner, and, in the case of Dogs or Cats, that the Dog or Cat is not secured on a leash to its Owner while off the property of its Owner;

**BC SPCA** means the British Columbia Society for the Prevention of Cruelty to Animals;

**Dangerous Dog** means a Dangerous Dog as defined in the Community Charter;

**Dog** means any animal of the species *canis familiaris* irrespective of sex or age;

**Dog Owner** means any person who owns or has in his or her possession a Dog, or any person harbouring or allowing a Dog to remain about his or her house or premises;

**Domestic Animal** means any animal tamed and kept as a domestic pet, and includes a Dog or Cat but does not include a Farm Animal as defined in this Bylaw;

**Dwelling Unit** means a single-family dwelling, townhouse, condominium, or apartment.

**Cat** means a household pet of the feline species and includes kittens.

**Enclosure** means a fence or structure at least 1.8 metres in height suitable to confine an Aggressive Dog and prevent the entry of young children.

**Farm Animal** means any cattle, horse, sheep, goat, swine, donkey, mule, or llama; any fowl or poultry; any rabbit, hare, mink, or otter; and includes without limitation any other animal raised for food or for the use of humans.

**Hen** means a domesticated female chicken;

**Neutered Male Cat** means any Cat of the male sex certified by a Veterinarian as unable to reproduce;

**Neutered Male Dog** means any Dog of the male sex certified by a Veterinarian as unable to reproduce;

**Owner** means any person who owns or has in his or her possession a Domestic Animal, or any person harbouring or allowing a Domestic Animal to remain about his or her house or premises;

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

**Poundkeeper** means the person appointed from time to time under this Bylaw for the purpose of operating the Pound and enforcing and carrying out provisions of this Bylaw related to the impoundment of Dogs, other Domestic Animals, and Farm Animals;

**Spayed Female Cat** means any Cat of the female sex certified by a Veterinarian as unable to reproduce;

**Spayed Female Dog** means any Dog of the female sex certified by a Veterinarian as unable to reproduce;

**Veterinarian** means any certified member of the Canadian Veterinarian Association.

**Village** means the Village of Slocan;

## **ESTABLISHMENT OF POUND**

2. The Council may by resolution from time to time designate premises, either within the Village or within another jurisdiction, as the Village's pound.

## **APPOINTMENT OF POUNDKEEPER**

3. The Council may by resolution from time to time appoint a Poundkeeper to operate and maintain the Pound for and on behalf of the Village.
4. The Council may enter into an agreement with the Poundkeeper for the provision of poundkeeping and related services.

## **POWERS OF POUNDKEEPER**

5. The Poundkeeper has the following powers under this Bylaw:
  - (a) to take into impoundment any Domestic Animal found in a place or in such circumstances as to constitute a violation of this Bylaw;
  - (b) to retain any impounded Domestic Animal for the prescribed period unless the Domestic Animal is sooner claimed by its Owner in accordance with this Bylaw;
  - (c) where an impounded Domestic Animal remains unclaimed by its Owner for more than the prescribed period, to either cause the Domestic Animal to be destroyed or, provided the Domestic Animal is not diseased and is not an Aggressive Dog or Dangerous Dog, to offer the Domestic Animal to the general public for adoption;

(d) to administer and enforce the provisions of this Bylaw related to poundkeeping.

6. The Poundkeeper may refuse to accept a Domestic Animal for impoundment from any person other than an Animal Control Officer, Bylaw Enforcement Officer, or police officer unless he receives satisfactory proof that the Domestic Animal by its condition or its situation is subject to impoundment under the provisions of this Bylaw.

### **DUTIES OF POUNDKEEPER**

7. The Poundkeeper must:

- insure that all Domestic Animals kept in the Pound receive humane treatment
- maintain and make available upon request of the Village, adequate records of all Domestic Animals impounded by the Poundkeeper and all Domestic Animals retained in the Pound;
- verify that an impounded Dog is properly licensed before it is returned to its Owner.

8. If the Poundkeeper should fail to perform any of the duties required of him or her by this Bylaw, or should perform the duties in a negligent or fraudulent manner, Council may, by resolution, rescind the appointment as Poundkeeper and appoint a successor to the position of Poundkeeper.

### **APPOINTMENT OF ANIMAL CONTROL OFFICER**

9. The Council may by resolution from time to time appoint an Animal Control Officer to administer and enforce the provisions of this Bylaw.

### **POWERS OF ANIMAL CONTROL OFFICER**

10. An Animal Control Officer may at all reasonable times enter on and inspect private property within the Village in order to ascertain whether this Bylaw is being complied with.

11. Where the Animal Control Officer identifies any Domestic Animal being kept contrary to this Bylaw, including any Dog that is not licensed as required by this Bylaw, the Animal Control Officer may impound such Domestic Animal or exercise any other authority granted to the Animal Control Officer by this Bylaw.

12. An Animal Control Officer, Bylaw Enforcement Officer or police officer may, on behalf of the Village, exercise the authorities in the Community Charter regarding Dangerous Dogs as defined therein.

13. Where an Animal Control Officer determines that a Dog is an Aggressive Dog, the Animal Control Officer may by written notice order the Owner to keep the Dog confined to the Owner's property, or to property within the control of the Owner, and to comply with the other requirements of this Bylaw regarding Aggressive Dogs.

14. Where an Animal Control Officer determines that a Domestic Animal is diseased and that such disease may pose a danger to other Domestic Animals, Farm Animals or humans, the Animal Control Officer may by written notice order, with a copy to the BC SPCA, the Owner of such Domestic Animal to keep the same confined to the Owner's property or to property within the control of the Owner;

15. Where a person fails to comply with an order made by the Animal Control Officer pursuant to section 13 or 14 of this Bylaw, the Animal Control Officer may forthwith impound the Aggressive Dog or diseased Domestic Animal.
16. Where an Aggressive Dog or diseased Domestic Animal is impounded pursuant to section 16 of this Bylaw, the Animal Control Officer shall, within 96 hours of such impoundment, apply to the Provincial Court for an order directing that the Aggressive Dog or diseased Domestic Animal be destroyed;
17. Where an application to the Provincial Court is made pursuant to section 17 of this Bylaw, the Animal Control Officer shall provide the Owner of the Aggressive Dog or diseased Domestic Animal with not less than 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;
18. A notice issued pursuant to section 18 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 Animal Control Officer, by delivery of the notice by hand, by courier, or by registered mail to the Owner at that address; or
  - (b) where the name and address is not known to the Animal Control Officer, by leaving a copy of the notice with any adult person at the address from which the Aggressive Dog or diseased Domestic Animal was seized and impounded or, where an adult is not present at that address, by affixing a copy of the notice to any entry door of the premises at such address.

## **CONTROL OF DOGS**

19. Every Owner of a Dog shall prevent the Dog from being or running at large.
20. Every Owner of a Dog shall keep the Dog from trespassing upon private property whether running at large or held on a leash secured to its Owner.
21. Where a Dog leaves or deposits any excrement on any public place or private property other than the property of the Owner, the Owner shall immediately take steps to remove such excrement and dispose of it in a sanitary manner.
22. Every Owner of a female Dog in heat shall confine the Dog within the Owner's premises, within premises under the Owner's possession and control, or within an Enclosure contained within the Owner's property provided that such property is fenced or secured so as to prevent any Dog from gaining access.

## **AGGRESSIVE DOGS**

23. No person shall keep or own any diseased or Aggressive Dog within the Village unless the Dog is kept sufficiently secured so as to prevent it from endangering the safety of any person or other animal.
24. No Owner of an Aggressive Dog shall permit or allow the Dog to be on any highway or in any public place or any other place that is not owned or controlled by that person, unless the Dog is secured on a leash to its Owner and muzzled to prevent it from biting another animal or a human.

25. Every Owner of an Aggressive Dog shall, at all times while the Dog is on the premises owned or controlled by such person, keep the Dog securely confined either indoors, or outdoors in an Enclosure that is kept locked at all times except when the Dog is being placed in or taken from the Enclosure.
26. Every person who owns, keeps, or has custody or control of an Aggressive Dog shall immediately notify an Animal Control Officer, Bylaw Enforcement Officer, the Poundkeeper, or a police officer when that Dog is at large.
27. Subject to section 14, if an Animal Control Officer or Bylaw Enforcement Officer receives sufficient evidence that a Dog by its behaviour or temperament qualifies as an Aggressive Dog as defined in this Bylaw, the Animal Control Officer or Bylaw Enforcement Officer may issue a notice of designation to the Owner of the Dog.
28. Upon receipt of a notice under the preceding section, the Dog Owner shall comply with the provisions of this Bylaw regarding Aggressive Dogs.
29. An appeal from a designation made under section 28 lies to the Council.

#### **LICENSING OF DOGS**

30. No person, or owner, tenant or occupier of real property shall keep or permit to be kept more than two (2) Dogs in or at an individual Dwelling Unit within the Village.
31. No person shall own, keep, or possess within the Village any Dog over the age of six months unless a current license has been issued for the Dog pursuant to this Bylaw.
32. Every Owner of a Dog shall, on or before January 1<sup>st</sup> of each year or as soon thereafter as such Dog shall attain the age of six months, apply to the Village to license the Dog for that calendar year.
33. The Village shall maintain a record of each Dog license issued, and for the purpose of identification, such record shall include: the name of the Owner; the address of the Owner; a general description of the Dog including the sex, colour, breed if known; and the name given to the Dog by the Owner.
34. Every application for a license shall pay the fee specified in the current Village of Slocan Fees and Charges Bylaw in respect thereof, which fee shall in all cases be paid in advance.
35. No licence fee shall be charged to the Owner of a certified guide Dog or certified assistance Dog.
36. Where an Owner has taken up residence in the Village within the current year and possesses a Dog that is currently licensed in another jurisdiction, the Owner shall be issued a Village Dog licence without charge upon application for same and upon surrender of the old licence tag to the Village.
37. Every person applying for a licence for a Neutered Male Dog or Spayed Female Dog shall, in order to qualify for the licence fee applicable to such a Dog, present a certificate in writing from a Veterinarian certifying that the Dog is unable to reproduce.
38. Every person who has obtained a licence for an unneutered male Dog or unspayed female Dog may, before the expiration of the licence period and within six months of the

purchase of the licence, present to the Village a certificate from a Veterinarian certifying that the Dog is unable to reproduce, in which case the Owner shall be entitled to a refund of the difference between the fee charged for a spayed or neutered Dog and the fee charged for a Dog which is not spayed or neutered.

39. Every licence issued pursuant to this bylaw shall expire on December 31<sup>st</sup> of the year of issue.
40. The Village shall issue a licence tag for each Dog licensed under this Bylaw.
41. Every license tag shall be distinguished by a serial number, which shall be clearly marked on the tag together with the calendar year for which the tag has been issued.
42. Every Owner of a licensed Dog shall cause the Dog to wear around its neck a suitable collar to which the licence tag shall be attached.
43. No person shall keep, possess, or harbour any unlicensed Dog within the Village.
44. Where the Owner of a Dog that is licensed under this Bylaw sells, gives away, or otherwise disposes of the Dog, and ceases to be the Owner of the Dog, the licence for that Dog is automatically cancelled.

#### **IMPOUNDMENT OF DOGS**

45. The Poundkeeper, Animal Control Officer, police officer or other person may seize any Dog found at large in the Village.
46. Any person who seizes a Dog pursuant to the preceding section shall as soon as possible deliver such Dog to the Poundkeeper, who shall impound and keep the Dog as provided in this Bylaw.
47. A Dog is deemed to be impounded as soon as it is seized by an Animal Control Officer, Bylaw Enforcement Officer or police officer. All related fees and penalties in this Bylaw apply to such impoundment.
48. When complaint is made to the Animal Control Officer that a Dog is diseased, he or she shall investigate the matter, and if he or she is satisfied that such complaint is well-founded, shall request the Dog Owner to destroy such Dog or to keep it in confinement on his or her own premises.
49. In case of non-compliance of the Owner with a request under the preceding section, the Animal Control Officer may seize and impound the Dog and within 48 hours of such impoundment the Animal Control Officer or Poundkeeper shall apply to the Provincial Court for an order directing that the Dog be destroyed.
50. Where an application to the Provincial Court is made pursuant to section 58 of this Bylaw, the Animal Control Officer shall provide the Owner of the diseased Dog with not less than 24 hours written notice of the application date and time in order that the Owner may have the opportunity to appear at and speak to the application for an order for destruction.
51. The Animal Control Officer or the Poundkeeper shall give or send to the Owner of such Dog a written notice of intention to apply for the said destruction order at least 24 hours prior to the said application being made, and an opportunity shall be given to the said Owner to show cause why such order should not be granted.

52. A notice issued pursuant to section 58 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 Animal Control Officer, by delivery of the notice by hand, by courier, or by registered mail to the Owner at that address; or
  - (b) where the name and address is not known to the Animal Control Officer, by leaving a copy of the notice with any adult person at the address from which the diseased Dog was seized and impounded or, where an adult is not present at that address, by affixing a copy of the notice to any entry door of the premises at such address.
53. The Poundkeeper, Animal Control Officer, Bylaw Enforcement Officer, or police officer may destroy at once any diseased Dog found at large in the Village.
54. If an impounded Dog is not reclaimed by its Owner within 96 hours of its impoundment, the Poundkeeper may destroy the Dog or offer it to the public for sale or adoption.
55. The Owner of any unlicensed Dog impounded under this bylaw may reclaim his or her Dog upon application to the Village and upon proof of Ownership and upon payment of the licence fee for the current year and the fee specified in the current Village of Slocan Fees and Charges Bylaw
56. The Owner of any Aggressive Dog impounded under this Bylaw may reclaim his or her Dog upon application to the Poundkeeper and upon proof of Ownership and upon payment of the licence fee for the current year, if the licence fee has not been paid, and the fee specified in the current Village of Slocan Fees and Charges Bylaw
57. For each Dog taken into impoundment, the Poundkeeper shall record the following information, as applicable:
  - (i) the date, hour, and location of the impoundment;
  - (ii) the breed of the Dog, if known;
  - (iii) a general description of the Dog, including any identifying marks or tattoos;
  - (iv) any microchip identification found on the Dog;
  - (v) any name tag or Dog licence tag;
  - (vi) the name and address of the Owner if known;
  - (vii) any fees, fines or other charges incurred in connection with the impoundment and detention of the Dog;
  - (viii) the final disposition of the Dog (returned to Owner, adopted, destroyed).
58. The Poundkeeper's impoundment records shall be open to inspection by the Village at all reasonable times.

## **REGULATIONS FOR THE KEEPING OF CATS**

59. No person shall keep any cat except in accordance with the provisions of this bylaw.
60. No person shall keep, harbor or have a number of cats or combination of cats and dogs per dwelling unit or any parcel within the Village greater than:
  - (i) 2 cats;
  - (ii) 1 cat and 1 dog.

61. No person shall own, keep, possess or harbor any cat over the age of six months in the Village unless such cat has been spayed or neutered, as applicable by a veterinarian.
62. Every owner of a Cat must:
  - (i) ensure that such bears sufficient identification to enable any person finding the cat to contact the owner;
  - (ii) the identification required under clause (i) may take the form of, but is not limited to, a collar and tag, tattoo, or microchip implant;
63. Every person who owns, harbours or possesses a cat shall ensure that the cat is not running at large.

## **FARM ANIMALS**

64. The use of land or buildings or other premises for keeping Farm Animals is subject to the provisions of the Village of Slocan Zoning Bylaw, as amended from time to time.
65. No person shall allow any Farm Animal to run at large within the Village.

## **KEEPING OF BACKYARD HENS**

66. No person shall keep any hens within the Village except in accordance with this Bylaw.
67. No person who keeps hens shall permit, suffer or allow the hens or any matter or thing related to the hens to be or become a nuisance.
68. A person who keeps one (1) or more hens, up to a maximum of eight (8), must reside on the property where the hens are kept, or obtain written permission from the property owner.
69. No owner shall allow his or her hens to run at large.
70. An owner of hens shall keep them on a lot that has:
  - a) at least one single family detached dwelling on it;
  - b) a frontage of at least 18 meters; and
  - c) a depth of at least 30 meters.
71. Every owner of hens shall provide a coop for the hens.
72. All coops shall be constructed in a discrete location on a lot, as to not impact on adjoining properties and shall fully enclose the hens and prevent them from escaping.
73. Every coop shall be located a minimum of 3 meter from the rear lot line.
74. Every coop shall be located a minimum of 3 meters from any side lot line.
75. Every coop shall be designed and constructed to ensure proper ventilation and sufficient space for the hens and shall be maintained in accordance with good animal husbandry practices and shall keep all vermin out. Every coop shall be constructed in such a manner that a person may easily access the coop to remove feces, clean nest boxes, and undertake other maintenance of the coop and care of the hens.

76. All dead hens shall be legally disposed of immediately, and in any event, within 24 hours.
77. No backyard slaughter is allowed.
78. No person shall keep a rooster.
79. Hygienic storage of and prompt removal of feces is required. No accumulation of more than 1 cubic meter of composted manure is allowed.
80. All types of food supply shall be protected against vermin.
81. If the owner of hens suspects any hen is infected with a communicable disease, the owner shall immediately contain the hen or hens affected and consult a veterinarian to diagnose the condition. If the diagnosis confirms that the hen is infected with a communicable disease, the owner shall immediately notify the Public Health Department of Interior Health and comply with any direction that may be issued by a Public Health Inspector in this regard.

#### **OFFENCE**

82. Any person who violates any provision of this Bylaw commits an offence.

#### **REPEAL**

83. The Village of Slocan "Dog and Animal Control Bylaw No. 483, 1997 and all amendments thereto are hereby repealed in its entirety.

#### **SEVERABILITY**

84. 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, subsequent, paragraph, subparagraph, clause or phrase.

#### **EFFECTIVE DATE**

85. This Bylaw shall come into full force and effect on the final adoption thereof.

#### **TITLE**

86. This Bylaw may be cited for all purposes as the "Animal Control Bylaw, 2013, No. 625".

READ A FIRST TIME the day 13<sup>th</sup> of November, 2012.

READ A SECOND TIME the 13<sup>th</sup> day of November, 2012

READ A THIRD TIME the 14<sup>th</sup> day of January, 2013

FINALLY PASSED AND ADOPTED the 12<sup>th</sup> day of February, 2013.



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Mayor  
Chief Administrative Officer

