

**THE CORPORATION OF THE VILLAGE OF CUMBERLAND**

**BYLAW NO. 1061**

**A Bylaw to provide for the licensing and control of animals within the Village of Cumberland.**

The Council of the Corporation of the Village of Cumberland, in open meeting assembled, enacts as follows:

**Citation**

1. This Bylaw shall be cited as “Animal Control Bylaw No. 1061, 2017”.

**Definitions**

2. In this Bylaw:

<b>AGGRESSIVE DOG</b>	means a dog that has, in the absence of any mitigating factor:  (a) Caused minor injuries to a person or animal, not including bite wounds; or (b) Aggressively pursued or harassed a person or animal; or (c) Displayed aggressive behaviour including, but not limited to: growling, snarling or lunging; (d) [deleted Bylaw 1134]
<b>ALTERED</b>	refers to an animal which has been spayed or neutered.
<b>ANIMAL</b>	means any bird, reptile, amphibian or mammal, excluding humans.
<b>ANIMAL CONTROL OFFICER (ACO)</b>	means:  (a) A person employed or contracted by the Village to be an ACO or Bylaw Enforcement Officer; (b) A person employed or contracted by the Village to assume the responsibilities of an ACO, including the Manager of Protective Services, and their deputies and assistants; (c) A municipal employee, officer or agent designated by Council as an ACO for the purposes of this Bylaw; (d) An RCMP officer; and (e) A Province of British Columbia conservation officer.

<b>AT LARGE</b>	<p>means:</p> <ul style="list-style-type: none"> <li>(a) Being elsewhere than on lands or premises owned or occupied by the owner and not on a leash, or</li> <li>(b) On unfenced land and not securely tethered, or</li> <li>(c) Not under the physical control of its owner or owner’s agent, or</li> <li>(d) In the care and control of a person who an ACO considers is not a competent person.</li> </ul>
<b>BITE</b>	means the breaking, puncturing or bruising of skin caused by the teeth of an animal.
<b>BITING DOG</b>	means a dog that has, in the absence of mitigating factors, bitten a person or animal.
<b>CHIEF ADMINISTRATIVE OFFICER (CAO)</b>	means the Chief Administrative Officer of the Village and includes anyone authorized by Council to act on their behalf.
<b>COMPETENT PERSON</b>	means a person who is physically and mentally able to control a dog and to ensure compliance with this Bylaw at all times.
<b>COUNCIL</b>	means the municipal Council of the Village of Cumberland.
<b>DANGEROUS DOG</b>	means a dangerous dog as defined by the <i>Community Charter</i> .
<b>DOG</b>	means a domestic animal of the <i>Canis lupus</i> species.
<b>DOMESTIC ANIMAL</b>	means any animal that depends on a human for food, water, and shelter, and without limiting the foregoing, includes dogs, cats, farm animals, poultry and rabbits.
<b>ENCLOSURE</b>	<ul style="list-style-type: none"> <li>(a) means a fence or structure:</li> <li>(b) Allowing the humane confinement of an animal,</li> <li>(c) Allowing the safe and unrestricted movement of the animal,</li> <li>(d) With any gates to be self-closing,</li> <li>(e) Capable of preventing the entry of a child aged 10 years or younger, and</li> <li>(f) Adequately constructed to prevent the animal confined within it from escaping.</li> </ul>
<b>FARM ANIMAL</b>	means an animal normally raised or kept for food, milk, fibre or labour, including horses and excluding poultry and rabbits.

<b>HUMANE</b>	means not causing pain, and causing no discomfort or causing minimal discomfort.
<b>IMPOUNDED</b>	refers to an animal that has been seized by the Animal Control Officer and in the custody of the Animal Control Officer or the poundkeeper.
<b>LEASH</b>	means a device, or use of a device: <ul style="list-style-type: none"> <li>(a) No more than 2.0 metres (6.6 feet) in length, and</li> <li>(b) Of a sufficient strength and design to restrain the animal for which it will be used, and</li> <li>(c) [deleted Bylaw 1134]</li> </ul>
<b>MICROCHIP</b>	means 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.
<b>MITIGATING FACTOR</b>	means a circumstance that excuses the aggressive behavior of an animal and may include but is not limited to: <ul style="list-style-type: none"> <li>(a) Responding to an attack by a person or aggressive animal;</li> <li>(b) Responding to an attack against its offspring by a person or animal;</li> <li>(c) Responding to teasing, provocation or torment;</li> <li>(d) Protecting its owner from physical harm;</li> <li>(e) Defending the real or personal property of its owner from trespass, damage or theft;</li> <li>(f) Attempting to prevent a person from committing an unlawful act; or</li> <li>(g) Performing law enforcement work.</li> </ul>
<b>MUZZLE</b>	means a humane device or application of a humane device that: <ul style="list-style-type: none"> <li>(a) Fits over the mouth of an animal, and</li> <li>(b) Cannot be removed by the animal, and</li> <li>(c) Prevents the animal from biting.</li> </ul>
<b>OWNER</b>	means any person: <ul style="list-style-type: none"> <li>(a) Whose name appears on a dog licence, or</li> <li>(b) Who is in the possession of an animal, or</li> <li>(c) Who has the care, custody or control of an animal, or</li> <li>(d) Who possesses, harbours or allows an animal to remain about a house, land or in premises owned or occupied by that person.</li> </ul>

<b>POULTRY</b>	means domestic fowl raised for food or any other purpose, including but not limited to chickens, ducks, geese, turkeys and pigeons.
<b>POUND</b>	means a premises designated by contract with the Village for the impoundment, care and feeding of animals pursuant to this Bylaw.
<b>POUNDKEEPER</b>	means a person employed at the pound who is responsible for the impoundment, care and feeding of animals pursuant to this Bylaw.
<b>RABBIT</b>	means an animal of the <i>Leporidae</i> family of mammals, which includes, but is not limited to, domestic rabbits and hares.
<b>SECURE ENCLOSURE</b>	means a structure: <ul style="list-style-type: none"> <li>(a) Allowing the humane confinement of an animal,</li> <li>(b) Allowing the safe and unrestricted movement of the animal,</li> <li>(c) With any gates to be self-closing,</li> <li>(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,</li> <li>(e) With no side in common with a perimeter fence,</li> <li>(f) Approved by the ACO for a specific animal, and</li> <li>(g) Depending on the security and design of the structure, and the animal it will house, the ACO may additionally require that the structure be:                         <ul style="list-style-type: none"> <li>(i) at least 1.8 metres (5.9 feet) in height,</li> <li>(ii) having a concrete or asphalt floor,</li> <li>(iii) with wire or steel mesh sides and roof, and</li> <li>(iv) with the floor securely attached to the sides or the sides embedded in the ground to a minimum depth of 30 centimetres (1.0 foot).</li> </ul> </li> </ul>
<b>SERIOUS INJURY</b>	[deleted Bylaw 1134]
<b>SERVICE ANIMAL</b>	means an animal <ul style="list-style-type: none"> <li>(a) in service of a law enforcement agency,</li> <li>(b) in service as a guide dog or service dog and certified under the <i>Guide Dog and Service Dog Act</i>.</li> </ul> [amended Bylaw 1134]
<b>TETHER</b>	[deleted Bylaw 1134]

<b>UNLICENSED DOG</b>	means a dog:  (a) For which the dog licence for the current year has not been obtained, or (b) To which a current dog licence tag is not attached.
<b>VILLAGE</b>	means the Corporation of the Village of Cumberland or the area within the municipal boundaries of the Village of Cumberland, depending on the context.
<b>WILDLIFE</b>	means wildlife as defined in the BC Wildlife Act. [amended Bylaw 1134]

### **Administration**

3. The ACO is authorized to administer and enforce this Bylaw.
4. The Village may contract with any person, 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.
5. No person shall hinder, delay, threaten, prevent, or obstruct in any manner, directly or indirectly, the ACO 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 poundkeeper, ACO or Village employee;
  - (d) Removing or attempting to remove an animal from the pound, except in accordance with this Bylaw.
6. The ACO may enter, at all reasonable times, upon any land in order to ascertain whether this Bylaw is being contravened.
7. Schedule A (attached) forms part of this Bylaw.

### **Animal Control**

8. No person shall keep, harbour or have in his possession any animal suffering from any infectious or contagious disease, unless such animal is in isolation and under treatment for the cure of such disease.

9. An owner shall not suffer or permit their farm animal, poultry or rabbit to stray or trespass on a highway, or onto any public or private property.
10. An owner shall fully compensate the Village for any and all damage done by their animal to public property.

### **Dog Control**

11. An owner shall not permit, suffer or allow a dog to be at large.
12. An owner shall ensure their Dog is securely affixed to a leash with the other end of the leash held and controlled by a competent person while off the property owned or occupied by the owner. [Amended Bylaw 1134]
13. 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.
14. An owner who is legally blind is exempt from section 13 in respect to excrement deposited by a service animal, when not accompanied by a sighted person aged 12 years or over.
15. 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.
16. [Deleted Bylaw 1134]
17. An owner of a female dog in heat shall keep the dog on the owner's property, and:
  - Confined indoors, or
  - Leashed and under the control of a competent person aged 16 years or older, or
  - Confined within an enclosure with any gate locked at all times when the dog is within.
18. No more than four (4) dogs over the age of three (3) months shall be kept on any parcel of land in the Village at one time.

### **Dog Licensing**

19. No person shall own, possess or harbour an unlicensed dog within the boundaries of the Village.
20. The categories of dog license are:
  - (a) Altered dog,

- (b) Unaltered dog,
  - (c) Aggressive/Biting dog. [Amended Bylaw 1134]
21. An owner must apply for a dog licence
- (a) by January 1 each year or within 30 days of the dog entering the Village,
  - (b) by completing the form established by the Corporate Officer,
  - (c) by paying the applicable fee set out in Schedule A to this bylaw,
  - (d) by making a declaration that the dog has been altered to obtain a licence for an altered dog, and
  - (e) by producing a certificate from a qualified veterinarian to prove that the dog has been altered, if required by the Animal Control Officer.
21. [Repealed Bylaw 1134]
22. [Repealed Bylaw 1134]
23. [Repealed Bylaw 1134]
24. [Repealed Bylaw 1134]
25. [Repealed Bylaw 1134]
26. No refund shall be given if a dog is altered after its owner purchases a dog license.
27. Dog licensing fees shall not be pro-rated during the year.
28. [Repealed Bylaw 1134]
29. A licence issued pursuant to this Bylaw is valid for the year for which it is purchased and shall expire on the 31<sup>st</sup> day of December in that year.
30. Issuance of a licence shall be the responsibility of the Corporate Officer, their deputies, or any other person appointed by Council.
31. Every person who obtains a licence shall be given a tag which shall be, at all times, fastened to a collar or harness worn by the dog for which the licence was purchased.
32. The number on the dog licence shall correspond to the stamped number on the tag.
33. The tags for aggressive/biting dog category shall be visually distinct from those for altered and unaltered dogs. [Amended Bylaw 1134]
34. 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.

35. An owner of one of the following dogs is exempt from sections 19 and 21 for that dog:

- (a) a service animal,
- (b) a dog under the age of three (3) months.

[Amended Bylaw 1134]

### **Aggressive Dogs**

36. [Deleted Bylaw 1134]

37. [Deleted Bylaw 1134]

38. The owner of an aggressive dog must complete the following requirements within 30 days of the Village serving notice that the dog is an aggressive dog:

- (a) Obtain an aggressive dog license,
- (b) provide a photograph of the dog to the ACO or allow the ACO to photograph the dog.

[Amended Bylaw 1134]

39. The owner of an aggressive dog shall advise the ACO within 48 hours of:

- (a) A change in the residency or ownership of the dog, or
- (b) The death of the dog.

40. The owner of an aggressive dog must take all necessary steps to ensure that the animal

- (a) is securely contained when on the owner's property,
- (b) does not aggressively harass any person or animal, and
- (c) does not bite, chase, or attack any person or animal at any time.

41. [Deleted Bylaw 1134]

42. The owner of an aggressive dog shall at all times, while the dog is anywhere else than on lands or premises owned or occupied by the owner, keep the dog:

- (a) Leashed with a non-retractable leash no more than two (2) metres (6.6 feet) in length, ~~and~~

(b) [Deleted Bylaw 1134]

43. [Deleted Bylaw 1134]

44. The owner of an aggressive dog, including any person who has in their possession an aggressive dog, shall prominently display at all entrances to the property a sign stating "Beware of Dog".

### **Biting Dogs**

45. [Deleted Bylaw 1134]

45.1 The owner of an biting dog shall at all times, while the dog is on land or premises owned or occupied by the owner, keep the dog:

- (a) Confined indoors, and if any person is present, under the control of a competent person aged 16 years or older; or
- (b) Confined within a secure enclosure.

[amended Bylaw 1134]

45.2 (1) The Manager of Protective Services is authorized to require that an owner of a biting dog erect a fence as a secondary safety measure in addition to the requirements in section 45.1 to the standards of a secure enclosure or lesser standard as deemed appropriate by the Manager of Protective Services.

- (2) The owner of a biting dog must erect a fence to the standards required by the Manager of Protective Services when directed to do so.

[amended Bylaw 1134]

46. The owner of a biting dog shall ensure that the biting dog is muzzled at all times when it is off the owner's property and leashed with a non-retractable leash no more than two (2) metres (6.6 feet) in length. [amended Bylaw 1134]

47. The owner of a biting dog must comply with all of the requirements for aggressive dogs in sections 38-44 of this Bylaw. [amended Bylaw 1134]

47.1 The owner of a biting dog which has been impounded two times will not permit, suffer or allow the dog to enter within the boundaries of the Village of Cumberland without written authorization from the Manager of Protective Services. [amended Bylaw 1134]

47.2 The owner of a biting dog that was involved in three aggressive incidents documented by the ACO will not permit, suffer or allow the dog to enter within the boundaries of the Village of Cumberland without written authorization from the Manager of Protective Services. [amended Bylaw 1134]

### **Dangerous Dogs**

48. No person shall own, possess, or harbour a dangerous dog within the boundaries the Village of Cumberland without written authorization from the Manager of Protective Services. [amended Bylaw 1134]

49. In determining whether a dog is dangerous, the Manager of Protective Services may consider mitigating factors. [amended Bylaw 1134]

50. A dangerous dog that is authorized to remain in the Village must be kept and licensed pursuant to the regulations for biting dogs in this Bylaw. [amended Bylaw 1134]

### **Notice**

51. If the Manager of Protective Services has determined that a dog is a biting, aggressive or dangerous dog, they must notify the owner in writing of:
- (a) The fact that the animal has been determined a biting, aggressive or dangerous dog;
  - (b) The circumstances leading to this determination;
  - (c) The requirements set out in this Bylaw for keeping a biting, aggressive or dangerous dog; and
  - (d) How to appeal the determination.

[amended Bylaw 1134]

52. If the Manager of Protective Services has determined that a biting or dangerous dog is no longer permitted to remain in the Village, they must notify the owner in writing of:
- (a) The fact that the animal is no longer permitted to enter within the boundaries of the Village,
  - (b) The circumstances leading to this determination, and
  - (c) How to appeal the determination.

[amended Bylaw 1134]

53. The notice required in sections 51 and 52 may be served on the animal's owner:
- (a) By handing the notice to the owner, or
  - (b) By handing the notice to a person who appears to be aged 16 years or older on the property where the dog resides, or
  - (c) By posting the notice upon an entrance to the owner's property and by sending a copy by regular mail, or
  - (d) By mailing a copy by registered mail to the last known address of the owner, and
  - (e) Where notice has been delivered by the methods set out in (c) or (d) of this section, the notice shall be deemed to be served seven (7) days after the notice was mailed.

### **Appeal**

54. A dog owner who has received a notice pursuant to section 53 of this Bylaw may appeal the determination of the Manager of Protective Services to Council in writing within 30 days of service of the notice and Council may consider the merits of the appeal.

[amended Bylaw 1134]

55. The Village shall give the owner a minimum of seven (7) days written notice of the date and time that Council will consider the appeal.

56. Following consideration of the appeal, Council may:

- (a) Confirm or reverse the Manager of Protective Services' determination, or
- (b) Make the finding that the dog is a biting, aggressive, or dangerous dog.

[amended Bylaw 1134]

### **Tethering of Animals**

57. [deleted Bylaw 1134]

58. [deleted Bylaw 1134]

59. [deleted Bylaw 1134]

### **Seizure and Impoundment**

- 60. The ACO may seize and impound any animal which is found by the ACO 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.
- 61. Upon seizure and impoundment of an animal, the ACO shall make a reasonable effort to inform the owner, if known, that the animal has been seized and impounded.
- 62. If an owner is unknown, or the animal is unable to be claimed within one (1) hour or within regular Village of Cumberland business hours, an impounded animal shall be transported to the pound.
- 63. An animal delivered to the ACO by the public may be dealt with in the same manner as an animal seized and impounded pursuant to this Bylaw.
- 64. An owner may claim their impounded animal upon:
  - (a) Proving ownership to the poundkeeper or ACO, and
  - (b) Purchasing a licence if required by this Bylaw, and
  - (c) Paying the applicable fees and charges set out in Schedule A of this Bylaw.
- 65. An owner of an impounded farm animal, or any other animal whose impoundment causes additional costs, must pay all additional impoundment costs for food, transportation and maintenance for the animal.
- 66. An owner of an animal which requires veterinary treatment while impounded will be responsible for all costs of such treatment.
- 67. An animal may be seized and humanely destroyed if:

- (a) It is determined by the ACO or the poundkeeper that the animal is suffering and the animal's suffering cannot be otherwise reasonably addressed; and
- (b) The ACO 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 destroyed; and
- (c) A veterinarian licensed to practice in British Columbia is retained to humanely destroy the animal.

### **Wildlife**

- 68. No person shall keep, harbour, or have in their possession any wildlife, except as provided for by provincial legislation.
- 69. No person shall feed or permit the feeding of wildlife, including pigeons, but excluding song birds. [amended Bylaw 1134]
- 70. The owner or occupier of a property must maintain all bird feeders, fruit trees, barbeques, compost bins and other potential wildlife attractants so that they do not attract any wildlife, including pigeons, but excluding song birds. [amended Bylaw 1134]

### **Enforcement**

- 71. The *Offence Act*, where applicable, shall apply to proceedings under this Bylaw.
- 72. Any person who contravenes any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention of this Bylaw, or who refuses, or omits or neglects to fulfill, observe, carry out or perform any duty or obligation imposed by this Bylaw, commits an offence and is liable on summary conviction to a fine not exceeding \$2000 per offence.
- 73. Despite section 72, any person who commits an offence applying specifically to the owner of a biting, aggressive or dangerous dog shall be liable upon summary conviction to a fine not exceeding \$10 000 and no less than \$300 per offence.
- 74. Each day that an offence against this Bylaw exists or continues to exist constitutes a new and separate offence.

### **Severability**

- 75. If any section or subsection of this Bylaw is found to be invalid by a court of competent jurisdiction, it may be severed from the Bylaw without affecting the validity of the remainder of the Bylaw.

**Repeal**

76. The “Corporation of the Village of Cumberland Animal Control Bylaw No. 893, 2011” is hereby repealed.

<b>READ A FIRST TIME THIS</b>	<b>8<sup>TH</sup></b>	<b>DAY OF</b>	<b>MAY</b>	<b>2017.</b>
<b>READ A SECOND TIME THIS</b>	<b>8<sup>TH</sup></b>	<b>DAY OF</b>	<b>MAY</b>	<b>2017.</b>
<b>READ A THIRD TIME THIS</b>	<b>8<sup>TH</sup></b>	<b>DAY OF</b>	<b>MAY</b>	<b>2017.</b>
<b>ADOPTED THIS</b>	<b>23<sup>RD</sup></b>	<b>DAY OF</b>	<b>MAY</b>	<b>2017.</b>

Schedule A

[amended Bylaw 1134]

Licence and Impoundment Fees

1. Licence Fees
  - (a) Altered dogs and unaltered dogs under one year of age .....\$ 10
  - (b) Unaltered dogs one year of age and older .....\$ 30
  - (c) Aggressive/biting dogs .....\$ 50
  - (d) Replacement of lost or damaged tag .....\$ 5
2. General Dog Impoundment Fees
  - (a) First impoundment .....\$ 50
  - (b) Second and subsequent impoundment .....\$ 180
  - (c) Additional impoundment fee for unlicensed dogs.....\$ 100
3. Aggressive and Biting Dog Impoundment Fees
  - (a) First impoundment .....\$ 250
  - (b) Second and subsequent impoundments .....\$ 500
4. Dangerous Dog Impoundment Fees
  - (a) First impoundment .....\$500 plus \$25 per day
  - (b) Second and subsequent impoundments .....\$1000 plus \$25 per day
5. Other Animal Impoundment Fees
  - (a) Any animal except dogs, poultry and rabbits .....\$50 per animal
  - (b) Poultry or rabbits .....\$10 per animal