

THE CORPORATION OF THE VILLAGE OF VALEMOUNT

ANIMAL REGULATION, CONTROL AND LICENSING BYLAW NO. 667, 2011

Being a bylaw to provide for the regulation, control and licensing of dogs and other animals within the Village of Valemount

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

CITATION AND REPEAL

1. The bylaw may be cited for all purposes as "Animal Regulation, Control and Licensing Bylaw No. 667, 2011"

PREVIOUS BYLAW REPEAL

2. The following bylaws are hereby repealed:
 - a. Keeping of Animals and Poultry Bylaw 116, 1975 is hereby repealed
 - b. Licensing and Control of Animals Bylaw No. 541, 2003 is hereby repealed

DEFINITIONS

3. In this Bylaw:
 - a. "Animal" means any member of the Kingdom Animalia excluding humans.
 - b. "Bylaw Enforcement Officer" means a person designated by the municipality to be responsible for enforcing this bylaw, except where otherwise provided.
 - c. "Bovine Species" means for the purpose of this bylaw an horse, donkey, swine, mule, llama, emu, ostrich, ass, sheep, goat, cow or other animal of the bovine species.
 - d. "Cat" means a male or female domesticated cat.
 - e. "Council" means the Mayor and Council for the Village for Valemount
 - f. "Dangerous Dog" means any dog to which any of the following applies:
 - i. That has killed a human being or domesticated animal while on or off the owner's property;
 - ii. That has bitten or injured a human being or domesticated animal, without provocation, while on or off the owner's or caretaker's property;
 - iii. That is attack trained;
 - iv. That is kept for the purpose of security or protection, whether residential, commercial or industrial, of persons or property; or
 - v. That has shown the disposition or tendency to be threatening or aggressive.
 - g. "Dog" means a male or female domesticated dog.
 - h. "Highway" means any highway, street, road or public alleyway.

- i. “Inspector” means a person designated by the municipality to be responsible for enforcing this bylaw, except where otherwise provided.
- j. “License” means a license issued for the current year meaning January 1st to December 31st in any year.
- k. “Licensing Officer” means a person appointed by the municipality for the purpose of processing and issuing licences under this bylaw.
- l. “Muzzle” means a device which covers or secures the mouth of an animal and is designed to prevent it from biting.
- m. “Neutered” means the sterilization of a female animal by removing the ovaries or of a male animal by removing the testicles or by any method of pharmaceutical sterilization approved by the Canadian Veterinary Medical Association.
- n. “Owner” means any person, partnership, association or corporation that owns, possesses or has control, care or custody over an animal.
- o. “Person” includes any corporation, partnership, or party and the heirs, executors, administrators and other legal representatives of such person to whom the context can apply according to law.
- p. “Police Officer” means a member of the Royal Canadian Mounted Police
- q. “Pound” means the facility designated by the municipality, which is used for temporary housing and care of animals that have been impounded pursuant to the bylaw.
- r. “Prohibited Animal” means an animal of any species listed in Schedule “A” of this bylaw, including animals that are hybrid of these species
- s. “Running at Large” means an animal that is not on the property of the owner and not on a leash and/or under the control of a person responsible.
- t. “Unlicensed Dog” means any dog for which the license fee for the current year has not been paid to the Village and to which a current tag, issued by the Village is not attached.
- u. “Village” means the Corporation of the Village of Valemount.
- v. “Wildlife” means wildlife as defined by the BC Wildlife Act and/or other animals indigenous to Canada whose ownership in captivity violates Provincial or Federal statutes.

LICENSE TAG REQUIREMENT AND ADMINISTRATION

- 4. No person shall own or keep any dog aged three months or more within the municipality unless such dog is licensed as provided by this bylaw.
- 5. Every person applying for a license for a neutered or spayed dog shall present written certification from a licensed veterinarian or a sworn statement that the dog has been neutered or spayed.
- 6. The owner of a dog shall obtain an annual licence for such dog by paying the fee in Schedule “B”.
- 7. The owner shall ensure that any dog taken off of the owner’s property shall cause the animal to wear around the neck a collar to which shall be attached the current licence tag issued for that dog by the municipality.
- 8. The licence fee for any dog that is moved with its owner into the municipality or that is newly acquired by its owner may be pro-rated for the first year of licensing.

9. Dogs that are trained and require as a guide or for assistance to a disabled person shall be licensed, but the licence fee shall be waived for such dogs.
10. When a license or license tag is lost or destroyed, the person whom the original license was issued may be issued a replacement tag for the fee set out in Schedule "B" attached to and forming part of this bylaw.
11. The municipality shall keep a complete registry of all licensed dogs, indicating the dates of registration, the name and description of each dog and the name and address of each owner.
12. Fees paid for a dog license are not refundable
13. Where the owner of a dog in respect of which a license has been issued under this Bylaw ceases to be the owner, the license shall be cancelled.

REGISTRATION OF CATS

14. No person shall own or keep any cat aged three months or more within the municipality unless such cat is registered as provided by this bylaw.
15. The municipality shall keep a complete registry of all cats, indicating the dates of registration, the name and description (Photograph) of each cat, and the name and address of each owner.
16. The owner of any registered cat shall, within thirty days of owner's change address, notify the municipality of such change of address.

ANIMAL CONTROL- Responsibility of Owners

17. An owner shall ensure his or her animal does not "run at large" within the municipality.
18. Notwithstanding Section 18, a dog is not required to be on a leash while in a designated off-leash area (listed in Schedules)
19. If an animal defecates on any public or private property of its owner, the owner shall remove such defecate's immediately.
20. An owner shall ensure his or her animal does not vocalize excessively or in any manner which might reasonably disturb any person.
21. An owner having custody of a female animal in heat shall confine the animal during the ovulation period.
22. No owner of a animal shall permit his or her animal to, without provocation:
 - a. Chase, bite or attack any person or domesticated animal; or
 - b. Cause damage to any property.

23. The owner or possessor of any dog that is lawfully not on a leash pursuant to Section 19 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 any property.
24. No person shall own more than four (4) animals within the Village of Valemount
25. No owner shall keep his or her animal in an unsanitary environment.
26. For the purposes of Section 26, 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.
27. No person shall operate or carry on a pony ride, petting zoo or circus exhibition or show unless a letter signed by a member of the British Columbia Veterinary Medical Association certifying that the animals are in good health is received by the Village Office at least one month prior to the day of the proposed performance.
28. No person shall permit any bovine species to be housed, pastured or maintained on any land within the Village unless an exception is provided in the Village Zoning Bylaws.(eg Properties on West side of Highway 5)
29. An animal that is fed or sheltered for 72 hours or more shall be deemed to be harboured and the person feeding the dog or animal will be considered the owner.
30. No owner or occupier of a dwelling unit shall harbour or keep or allow to be kept in the dwelling unit:
 - a. More than four (4) animals over the age of 4 months unless they are temporarily caring for another animal for a period not to exceed 30 days.
31. A kennel shall not be permitted within the Village unless an exception is provided in the Village Zoning Bylaws and on Village Property for the sole purpose of temporarily retaining the animals so as to properly enforce this Bylaw

ANIMAL CARE – Responsibilities of Owner

32. The 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.
- 33. An owner shall not keep an animal which normally resides outdoors, or which is kept indoors 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 removal of excreta daily.
- 34. 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.
- 35. 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.
- 36. 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.
- 37. 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 or fastening which is adequate to prevent it from falling off the vehicle or otherwise injuring itself.

SEIZURE AND IMPOUNDMENT

- 38. The Bylaw Enforcement Officer shall:
 - a. Impound an animal; and
 - b. Make all reasonable efforts to determine the identity of the owner of an animal and to inform such person that the animal has been impounded, whether the animal is living or dead.
 - c. Shall provide the owner (if known) with a notice of impounding the animal in the form of "Schedule "D" of this bylaw and (if unknown) post on all municipal bulletin boards.
- 39. Any animal impounded shall be provided with the basic animal care provisions described in Sections 33-34 of this bylaw and with the requirements set out in A Code of Practice for Canadian Kennel Operations (Canadian Veterinary Medical Association, 2007).

40. The animal shall remain impounded for a **minimum** of 72 hours (not including the date of impoundment, Sundays or Statutory Holidays), unless the animal is claimed by its rightful owner. If not claimed within that time, the animal shall become the property of the municipality and may:
- a. Be adopted for such price as has been established, unless the animal is a dangerous dog; or
 - b. After reasonable attempts have been made to place the animal, may be euthanized by a certified veterinary, by lethal injection of a barbiturate approved by the British Columbia Veterinary Medical Association.
41. During the impoundment period, the Bylaw Enforcement Officer 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.
42. During the impoundment period, the Bylaw Enforcement Officer shall:
- a. Provide such veterinary care for an injured or ill impounded animal as may be necessary to sustain its life; and
 - b. Be entitled to recover from the owner, the cost of veterinary care provided while the animal was impounded, in addition to any other fees due to the municipality for redemption of the animal.
43. In order to obtain the release of an impounded animal during the impoundment period stipulated in Section 43, the owner shall:
- a. Provide proof of ownership of the animal;
 - b. Licence or Register the animal with the municipality; and
 - c. Pay to the municipality:
 - i. Any applicable fines as outlined in Schedule "B"
 - ii. Per diem animal care and housing fees as identified in Schedule "B"; and
 - iii. Any costs incurred due to veterinary services rendered during the impoundment period.
44. Where the owner of an animal has been determined and all reasonable efforts to contact such owner have been made, but the owner does not claim the animal, he or she shall be responsible for payment to the municipality the fees described in Schedule "B".

DANGEROUS DOG LICENSING

(Also refer to Section 47 Special Powers in Relation to Dangerous Dogs for Municipalities by the BC Community Charter)

45. No person shall own or keep any dangerous dog unless such dog is licensed as a dangerous dog with the municipality by an owner who is over the age of eighteen (18), and who has paid the applicable fee indicated in Schedule "B".

46. In order to obtain such licence, an owner of a dangerous dog shall supply the following documentation to the municipality:
- a. Written confirmation from a licensed veterinarian that such dog has been neutered;
 - b. Written confirmation from an approved animal trainer that the services of such trainer have been retained for the purpose of providing behavioural remediation to such dog;
 - c. Written confirmation that the owner has obtained a policy of liability insurance specifically covering any damages for injuries caused by such dog in an amount not less than five hundred thousand dollars (\$500,000), and covering the twelve month period during the licensing is sought. This policy shall contain a provision requiring the community to be named as an additional insured for the sole purpose of the community to be notified by the insurance company of any cancellation, termination or expiration of the policy.
47. When such dog is off property of the owner, the owner shall ensure that it is properly fitted with a muzzle and on a leash not longer than one metre and that it is under the control of a responsible person over the age of eighteen (18).
48. When such dog is on the property of the owner, the owner shall ensure it is either securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent it from escaping and to prevent the entry of any person not intended to access such dog. Such pen or structure shall comply with Section 34 of this bylaw, and shall not be within one metre of the property line or within three metres of a neighbouring dwelling unit.
49. The owner of such dog shall display a sign declaring in legible writing and with a recognizable symbol that the dog is dangerous at each entrance to the property and building in which such dog is kept.
50. The owner of such dog shall promptly notify the municipality's animal control department if the dog is found to be "running at large".
51. If the owner of a dangerous dog is unwilling or unable to comply with the requirements of this section, said dog shall be seized and impounded for a fourteen day holding period, after which the dog may be euthanized, by a certified Veterinarian, by lethal injection of a barbiturate approved by the British Columbia Veterinary Medical Association.
52. The owner of a dangerous dog must complete an application for release of a dangerous dog, the form of which is attached as Schedule "C" to this Bylaw.

PROHIBITED ANIMALS

53. Except as provided in Section 55 of this bylaw, no person shall:
- a. Breed,
 - b. Possess,
 - c. Exhibit for entertainment or educational purposes, or
 - d. Display in public
- either on a temporary basis or permanent basis, any prohibited animal.

54. Section 54 does not apply to:

- a. The premises of a (local government) facility used for keeping impounded animals;
- b. The premises of any police department;
- c. The premises of a veterinarian licensed by the British Columbia Veterinary Medical Association, providing the veterinarian is providing temporary care for a prohibited animal;
- d. Premises that keep prohibited animals for which a valid permit is in place pursuant to the Wildlife Act;
- e. Premises that keep animals for educational and research purposes, which are accredited by the Canadian Council for Animal Care.
- f. When a local society or organization receives permission, in writing, from the Village to hold a special event in the community.

OFFENSES AND FINES

- 55. A person shall not remove, or attempt to remove, from the pound an impounded animal except as allowed under this bylaw.
- 56. No person may interfere with, resist, or otherwise obstruct the Bylaw Enforcement Officer, or other person authorized under this bylaw, in the performance of his or her duties.
- 57. Every person who commits an offence against this bylaw is punishable on conviction by a fine of not less than \$250.00 and not more than \$2,000.00 for each offense.
- 58. Each day a violation of the provisions of this bylaw exists or is permitted to exist shall constitute a separate offense.

NOTICE

- 59. The Bylaw Enforcement Officer is hereby authorized to issue a written notice of offence to any person alleged to have offended against the provisions of this Bylaw, and said notice shall be specify that the owner may make payment to the Village Office for offences in accordance with Schedule "B" attached hereto and forming part of this Bylaw in lieu of appearing in Court to answer any charges with respect to the offences referred hereto:

A notice of offence shall be deemed to be sufficiently served:

- a. If served personally on the owner, harbourer (a person over the age of 16) of the animal concerned;
- b. If mailed to the address of the owner or harbourer of the animal concerned; or
- c. If served to a person appearing to be over the age of sixteen (16) years who resides or normally resides at the address of the owner or harbourer of the animal concerned.

SEVERABILITY

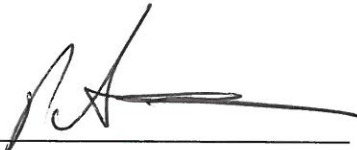
60. In the event any portion of this Bylaw is for any reason declared to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed. Such decision shall not affect the Bylaw as a whole, and the remaining portions of the Bylaw shall remain in effect.

READ A FIRST TIME THIS 22nd DAY OF February, 2011

READ A SECOND TIME THIS 22nd DAY OF February, 2011

READ A THIRD TIME THIS 23rd DAY OF August, 2011

ADOPTED THIS 13th DAY OF September, 2011



BOB SMITH
MAYOR



SANDY SALT
CORPORATE OFFICE

THE CORPORATION OF THE VILLAGE OF VALEMOUNT

ANIMAL REGULATION, CONTROL AND LICENSING BYLAW NO. 667, 2011

SCHEDULE "A"

LIST OF PROHIBITED ANIMALS

1. All non human primates
2. All felidae, except the domestic cat
3. All canidae, except the domestic dog
4. All ursidae, bears
5. All proboscidea, elephants
6. All marsupials
7. All edentates, anteaters
8. All xenartha, such as sloths, armadillos and tamanduas
9. All monotremata, spiny anteater and platypus
10. All venomous or poisonous reptiles and amphibians
11. All ungulates, bison, domestic breeds of cow, goat, sheep, pig, horse, mule, donkey, ass, llama, and alpaca, except where indicated in the bylaw it is permissible.
12. All hyenidae, hyenas
13. All hyracoidean, hyraxes
14. All erinaceidae and tenrecs
15. All mustelidae, skunks, weasels, otters, wild ferrets, except the domestic ferret
16. All procyonidae, raccoons, coatimundis
17. All viverridae, civets and genets
18. All herpestidae, mongoose
19. All rodentia, except the hamster, gerbil, guinea pig, domestic mouse, and domestic rat
20. All chiroptera, bats, colugos, flying lemurs, and scandentia, treeshrews
21. All birds, domestic quail, pheasant, hen, pigeon, duck, goose turkey and rooster, except the budgie, cockatiel, lovebird, finch, and canary and other birds where in the Village of Valemount bylaws it is permissible.

THE CORPORATION OF THE VILLAGE OF VALEMOUNT

ANIMAL REGULATION, CONTROL AND LICENSING BYLAW NO. 667, 2011

SCHEDULE "B"

IMPOUNDMENT FEES

1. Running at Large First Offence	\$100.00
2. Running at Large Second Offence	\$200.00
3. Running at Large Third Offence (within 15 days of second offence)	\$300.00
4. Running at Large Fourth Offence (within 15 days of third offence)	\$500.00
5. Running at Large Fifth Offence (within 15 days of fourth offence) (Mandatory Court Appearance)	
6. Maintenance per day or part of day of impoundment	\$20.00

NOTICE OF OFFENCE FEES

1. Failure to license or attach a license on a dog	\$50.00
2. Allowing a female dog to be at large during ovulation period	\$50.00
3. Operating a Kennel or harbouring more than two dogs	\$100.00
4. Failure to remove an animal from the Municipality when ordered	\$150.00
5. Impoundment Fee for a dangerous dog	\$300.00
6. Possessing or harbouring an animal which is disturbing the peace	\$50.00
7. Leaving excrement	\$20.00
8. Obstructing the Bylaw Enforcement Officer	(Mandatory Court Appearance)

LICENSE FEES

1. Spayed/neutered	\$15.00
2. Un-spayed/unneutered	\$20.00
3. Dangerous Dog	\$50.00
4. Replacement Tag	\$2.00
5. Police Dog (Proof of Registration Required)	No Charge
6. Guide Dog for the Blind (Proof of Registration Required)	No Charge
7. Cat Registration	No Charge

**THE CORPORATION OF THE VILLAGE OF VALEMOUNT
ANIMAL REGULATION, CONTROL AND LICENSING BYLAW NO. 667, 2011
SCHEDULE "C"**

**Village of Valemount
PO BOX 168
Valemount, BC V0E 2Z0**

APPLICATION FOR RELEASE OF DANGEROUS DOG

1. I, _____, of _____
(name of owner) (address of owner)
2. I am the owner of the dog.
3. I am aware and have been informed that the dog is a dangerous dog within the meaning of the Community Charter. I am aware of the responsibility and potential liability that rests with me in keeping or harbouring the dog. The dog will be kept at:

(the "property")

4. In consideration of the release of the dog to me, I hereby acknowledge, covenant and agree with the Village of Valemount that:
 - a. I will keep the dog effectively secured, while not on the property;
 - b. I will keep the dog muzzled while not on the property;
 - c. I will keep the dog securely confined either indoors or in an enclosed pen or other structure capable of preventing entry of young children and adequately constructed to prevent the dog from escaping, while the dog is on the property;
 - d. I will notify the Village within one week of any change of address that involves the relocation of the dangerous dog and amend the property information in this agreement accordingly;
 - e. I will post warning signs on the property as required in the Village bylaw's in effect from time to time;
 - f. I will save harmless and indemnify the Village of Valemount, its Bylaw Enforcement Officer, and any of its officers, employees, agents, and elected or appointed officials from and against all actions, causes of action, proceedings, claims, demands, losses, damages, costs and expenses whatsoever and by whomever brought in any way arising from or caused by the release of the dog to me or the keeping or harbouring of the dog by me, and without limiting the generality of the foregoing, for personal injury or death inflicted on any other animal or any person by the dog or damage to property caused by the dog.
5. I submit the sum of \$_____ in payment of all license and impounding fees payable by me to the Village of Valemount under the Village's bylaws.

(Name of Witness)

(Signature of owner)

(Signature of Witness)

(Date)

**THE CORPORATION OF THE VILLAGE OF VALEMOUNT
ANIMAL REGULATION, CONTROL AND LICENSING BYLAW NO. 667, 2011
SCHEDULE "D"**

**THE VILLAGE OF VALEMOUNT
PO Box 168
VALEMOUNT, BC V0E 2Z0**

ANIMAL SEIZURE FORM

I, _____, Bylaw Enforcement Officer for the Village of Valemount, advise that the animal described as follows:

was seized at _____ a.m./p.m. on the _____ day of _____, 20__

for the following reason(s):

And I further advise that ownership of said animal will revert to the Village if not claimed according to the relevant sections of this Bylaw at _____ a.m./p.m. on the _____ day of _____, 20__

(PICTURE IF POSSIBLE)

Notification posted _____, or given, _____ to owner on _____ day of _____, 20__ by

(Bylaw Enforcement Officer)