

DISTRICT OF POWELL RIVER ANIMAL CONTROL BYLAW NO. 1979, 2003
CONSOLIDATION

This consolidation of District of Powell River Animal Control Bylaw No. 1979, 2003, has been prepared for convenience only. The District of Powell River does not represent that this consolidation is complete and anyone using this material should confirm its contents by reference to the original Bylaw and amendments.

DISTRICT OF POWELL RIVER

BYLAW NO. 1979, 2003

A Bylaw to regulate the keeping of dogs and other animals in the District of Powell River

WHEREAS the Council of the Corporation of the District of Powell River considers it to be in the public interest to regulate the keeping of dogs and other animals in the District of Powell River, the Council of the Corporation of the District of Powell River, in open meeting assembled enacts as follows:

Title:

1. This Bylaw may be cited for all purposes as the "District of Powell River Animal Control Bylaw No.1979, 2003."

Interpretation:

2. In this Bylaw:

- a) "Animal Control Officer" means any person appointed by the District as an Animal Control Officer or Bylaw Enforcement Officer, and includes a Peace Officer and the Poundkeeper;
- b) "Dangerous Dog" means:
 - i) a dog with a known propensity, tendency, or disposition to attack, without provocation, a person or another animal, or
 - ii) a dog which has bitten, attacked, or aggressively pursued, without provocation, a person or another animal.
- c) "District" means the Corporation of the District of Powell River or, where the context requires, the area within the municipal boundaries of the Corporation of the District of Powell River;
- d) "Keep" includes own, possess, harbour, and have care, custody, and control of;
- e) "Kennel" means a place, building, or structure for the keeping, training, care, breeding, treatment, hospitalization, or boarding of four or more dogs or cats;
- f) "Owner" means a person having any right of custody, control, or possession of;

- g) "Poundkeeper" means any person appointed by the District as the Poundkeeper or any contractor who has entered into an agreement with the District to assume the responsibilities of the Poundkeeper pursuant to this bylaw, and includes the deputy, assistants, and employees of the Poundkeeper.

Dog Licenses

3. No person shall keep any dog in the District unless a valid and subsisting license for the current calendar year has first been obtained for the dog under this bylaw.
4. An application for a license under this bylaw shall be in the form attached as Schedule "A" to this Bylaw.
5. Every license issued under this bylaw shall bear a number and the name of the owner of the dog for which the license is issued, and shall be accompanied by a license tag bearing the same number as the license to which it corresponds.
6. The owner of a dog for which a license and corresponding license tag have been issued under this bylaw shall affix, and keep affixed, the license tag on the dog by a collar, harness or other suitable device.
7. No person other than the owner of a dog for which a license and corresponding license tag have been issued under this bylaw shall remove the license tag from the dog.
8. Every license and corresponding license tag issued under this bylaw is valid only in respect of the dog for which it was issued, as described on the license application and is not transferable to another dog.
9. Every license and corresponding license tag issued under this bylaw shall expire on the 31st day of December in the calendar year in which the license was issued.
10. In the event of a change in ownership of a dog for which a license and corresponding license tag have been issued under this bylaw, the license and corresponding license tag shall expire on the fourteenth day following the change in ownership of the dog, and the new owner of the dog shall obtain a new license for the dog.
11. The owner of a dog for which a license and corresponding license tag have been issued under this bylaw may obtain a replacement license tag upon satisfying the District that the original license tag has been lost or stolen.

License Fees

12. An application for a dog license or replacement license tag under this bylaw shall be accompanied by the applicable license fee as set out in Schedule "B" to this bylaw.

Animal Control Regulations and Prohibitions

13. For the purposes of sections 14 – 26 of this bylaw, "animal" does not include cats.
14. No person shall permit any animal to be running at large in the District.
15. No person shall permit a dog to be on a highway or public place unless the dog is kept on a leash or tether not exceeding two metres in length, and is under the immediate care and control of a competent person.

16. No person shall permit a dangerous dog to be off the owner's property, on a highway, or public place unless the dog is kept on a leash or tether not exceeding two metres in length, is securely muzzled so as to prevent the dog from biting a person or another animal, and is under the immediate care and control of a competent person.
17. The owner of a dangerous dog shall, at all times when the dog is on the owner's property, keep the dog securely confined within a building or enclosure capable of preventing the dog's escape and the entry of children under the age of 12 years old.
18. The owner of a female dog in heat shall, at all times when the dog is in heat, keep the dog securely confined within a building or enclosure capable of preventing the dog's escape and the entry of other dogs.
19. No person shall permit any animal to be in those areas of the District set out in Schedule "C" to this bylaw during the periods of time set out in Schedule "C" to this bylaw.
20. No person shall permit any animal to graze on land in the District unless the animal is confined to the land by a fence or other enclosure, is securely tethered to the land, or is otherwise under the direct and continuous control of a person competent to control the animal.
21. No person shall permit a horse to be on any of the following streets or areas of the District:
 - a) Joyce Avenue;
 - b) Any street west of Joyce Avenue to Malaspina Straits;
 - c) Alberni Street from Joyce Avenue to Manson Avenue;
 - d) Any street in the Powell River Townsite area except Cedar Street and Aspen Avenue between Cedar and Poplar Streets;
 - e) Marine Avenue;
 - f) Any street within the area bounded by Abbotsford Street, Alberni Street, and the west side of Manson Avenue and Malaspina Straits, excluding Fernwood Avenue;
 - g) Cranberry Street from Crown Avenue to Manson Avenue;
 - h) Manson Avenue from Cranberry Street to Drake Street; and
 - i) Any municipal park, school ground, car parking area, cultivated boulevard or sidewalk.
22. No person shall permit a horse to graze on a highway or other public place.
23. No person shall permit a horse to gallop on a highway.
24. No person shall ride, walk, or otherwise use a horse between the hours from dusk to dawn.
25. No person shall permit any animal to defecate upon any highway or public place.
26. Where an animal has defecated on a highway or public place contrary to this bylaw, the person having care, custody, or control of the animal shall immediately remove the excrement so deposited and dispose of it in a sanitary manner.

Regulations for the Keeping of Animals

27. No person shall keep more than three dogs but no more than one of which can be an unspayed female on any parcel of land in the District at one time except in the lawful operation of a pet shop, veterinary clinic or kennel.
28. No person shall keep more than three cats but no more than one of which can be an unspayed female on any parcel of land in the District at one time except in the lawful operation of a pet shop, veterinary clinic or kennel.
29. No person shall keep any animal, other than a dog or cat, on a parcel of land in the District unless the land is in an area zoned RA1, A1 or A2 under the Powell River Zoning Bylaw No. 1851, 1999 except in the lawful operation of a pet shop or veterinary clinic.
30. No person shall keep any animal, other than a dog or cat in the District unless:
- a) 0.4 hectares (1 acre) of land is provided for the animal, and
 - b) an additional 0.2 hectares (0.5 acres) of land is provided for each additional animal.
 - c) Notwithstanding sections 30 (a) and (b) of this bylaw, a person may keep any animal, other than a dog or cat on a parcel of land in the District in an area zoned Residential Agricultural (RA1), under the Powell River Zoning Bylaw No. 1851, 1999 provided that:
 - (i) 0.2 hectares (0.5 acres) of land is provided for each animal.
31. Notwithstanding section 30 of this bylaw, a person may keep up to 12 poultry, none of which may be a rooster, or 20 rabbits on a parcel of land in the District having an area of 0.2 hectares (0.5 acres) or less.
32. Notwithstanding section 30 of this bylaw, a person may keep up to 24 poultry, one of which may be a rooster, or 50 rabbits on a parcel of land in the District having an area greater than 0.2 hectares (0.5 acres).

Prohibition of Cruelty to Animals

33. No person shall keep any animal in the District unless the animal is provided with:
- a) clean potable drinking water and food in sufficient quantity and of a recognized nutritional quality to allow for the animal's normal growth and the maintenance of the animal's normal body weight;
 - b) food and water receptacles which are clean and located so as to avoid contamination of food and water by excreta;
 - c) the opportunity for periodic exercise sufficient to maintain the animal's good health and including the opportunity to be unfettered from a fixed area and exercised regularly under appropriate control, and;
 - d) necessary veterinarian care when the animal exhibits signs of pain, suffering or disease.
34. No person shall keep any animal outside for extended periods of time unless the animal is provided with shelter, of sufficient size to allow the animal to turn about freely, and stand, sit and lie in a normal position, so as to:

*Amendment
Bylaw No.
1995, 2003*

- a) ensure protection of the animal from heat, cold, and wetness appropriate to the animal's weight and type of coat; and
- b) provide sufficient shade to protect the animal from the direct rays of the sun.

35. A shelter provided for an animal under this bylaw shall be regularly cleaned of excreta and sanitized.

36. No person shall cause an animal:

- a) to be confined in an enclosed space, including a motor vehicle, without sufficient ventilation to prevent the animal from suffering discomfort or heat stroke, or;
- b) 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 directly tied around the animal's neck.

*Amendment
Bylaw No.
1995, 2003*

Destruction of Diseased Animals

37. An Animal Control Officer may destroy any animal suffering from an incurable disease upon certification of the animal's condition by a licensed veterinarian.

Establishment of Pound

38. The land and premises located at 7156 Duncan Street, Powell River, British Columbia and legally described as Fractional North West 1/4 Of District Lot 5120 Group 1 New Westminster District, Except Plan 21755, are hereby established as the pound.

Seizure and Impoundment

39. Any dog that has not been licensed in accordance with this bylaw shall be liable to seizure and impoundment by an Animal Control Officer.

40. Any animal found to be running at large contrary to this bylaw shall be liable to seizure and impoundment by an Animal Control Officer.

41. Where the owner of an animal which has been seized and impounded under this bylaw is known to, or can be identified by the Poundkeeper, the Poundkeeper shall notify the owner by telephone or by mail addressed to the last known address of the owner, of the fact that the animal has been seized and impounded under this bylaw.

42. Such notification described in section 41 shall advise the owner that the animal will be sold, destroyed or otherwise disposed of by the Poundkeeper after the expiration of three days from the date the notice was received by the owner unless, in the meantime, the animal is redeemed.

43. For the purposes of this bylaw, notice by mail shall be deemed to be received by the owner after expiration of three days from the date the notice was mailed.

44. Where the owner of an animal which has been seized and impounded under this bylaw is not known to, and cannot be identified by the Poundkeeper, the Poundkeeper shall cause notice of the seizure and impoundment to be posted on the public notice boards at the pound.

45. Such notice described in section 44 shall set out the particulars of the impounded animal, the date of seizure and impoundment of the animal, and that the animal will be sold, destroyed or otherwise disposed of by the Poundkeeper after the expiration of three days from the date of the notice unless, in the meantime, the animal is redeemed.

46. An owner of an animal seized and impounded under this bylaw, or any person authorized in writing on the owner's behalf, may redeem the impounded animal at any time prior to its sale, destruction or disposal under this bylaw upon:
 - a) delivery to the Poundkeeper of evidence satisfactory to the Poundkeeper of ownership of the impounded animal;
 - b) payment of the impoundment and maintenance fees, costs and charges incurred in respect of the seizure and impoundment of the animal as set out in Schedule "B" to this bylaw; and
 - c) payment of the current requisite license fee where the impounded animal is required to be licensed pursuant to this bylaw and is not licensed.
47. Where an animal that has been seized and impounded under this bylaw has not been redeemed, the Poundkeeper may, after the expiration of the notice periods established under this bylaw, offer the impounded animal for sale or adoption.
48. Where the Poundkeeper is unable or considers it undesirable to effect the sale or adoption of an animal that has been seized and impounded under this bylaw, or where an impounded animal has been offered for sale or adoption but has not been sold or adopted, the Poundkeeper shall destroy or otherwise dispose of the animal.
49. No person shall break open, or in any manner, directly or indirectly, aid or assist in breaking open, the pound.
50. No person shall take or release any animal from the pound without the consent of the Poundkeeper.

Duties of the Poundkeeper

51. The Poundkeeper shall maintain records which include:
 - a) A description of every animal seized and impounded under this bylaw and the date and time each animal was received by the pound;
 - b) The name of the person or persons taking or sending any animal to be impounded;
 - c) The date and time each animal impounded was redeemed, sold, destroyed or otherwise disposed of by the Poundkeeper;
 - d) The name of every person redeeming any animal and the amount paid by such person;
 - e) The name of every person purchasing any impounded animal and the amount paid by such person; and
 - f) The amount of impoundment and maintenance fees, costs and charges connected with each impounded animal.
52. A monthly report in writing shall be made by the Poundkeeper to the District setting out the information and particulars recorded by the Poundkeeper in accordance with the Poundkeeper's duties under this bylaw.
53. The Poundkeeper shall, within seven days of the end of each month, make to the District a monthly remittance of all monies received by the Poundkeeper under this bylaw for the account of the District during the proceeding month.

Inspection

54. An Animal Control Officer may enter on any property at any reasonable time for the purpose of ascertaining whether the regulations and requirements of this bylaw are being observed.

Obstruction

55. No person shall hinder, delay, or obstruct in any manner, directly or indirectly, an Animal Control Officer or any person employed by the Animal Control Officer in carrying out the duties of powers of an Animal Control Officer under this bylaw.

Offences and Penalties

56. Any person who contravenes this bylaw is liable upon summary conviction to a fine not exceeding \$2,000 and the cost of prosecution. Every day during which there is an infraction of this bylaw shall constitute a separate offence.

Severability

57. If any section or lesser portion of this bylaw is held to be invalid by a Court, such invalidity shall not affect the remaining portions of the bylaw.

Repeal

58. "The Corporation of the District of Powell River Animal Control and Pound Operation Bylaw No. 1362, 1990" and "Animal Control and Pound Operation Amendment Bylaw Nos. 1512, 1529, 1793, 1855, and 1867" are hereby repealed.

READ A FIRST TIME this 25th day of February , 2003.

READ A SECOND TIME this 25th day of February , 2003.

READ A THIRD TIME this 25th day of February , 2003.

RECONSIDERED AND FINALLY ADOPTED this 11th day of March , 2003.

Stewart B. Alsgard, Mayor

Marie Claxton, Municipal Clerk

I hereby certify the foregoing to be a true and correct copy of "District of Powell River Animal Control Bylaw No. 1979, 2003".

Dated at Powell River, B. C. this 12th day of March, 2003

Marie Claxton, Municipal Clerk

BYLAW NO. 1979 - SCHEDULE "A"



DISTRICT OF POWELL RIVER
MacGregor Building
6910 Duncan Street
Powell River, BC V8A 1V4
(604) 485-6291

MUNICIPAL POUND OFFICE
7156 Duncan Street
Powell River BC V8A 5J4
(604) 485 - 4606

District of Powell River Dog License

DATE _____

RECEIVED FROM _____

THE SUM OF _____ DOLLARS
100

DOG'S OWNER _____

STREET ADDRESS _____

PHONE # (home) _____ (work) _____

DOG'S NAME _____ BREED _____

COLOUR _____ AGE OF DOG _____

MALE/FEMALE _____ NEUTERED/SPAYED _____

VET _____ TATTOO _____

VOID UNLESS
VALIDATED

LICENSE NO. _____

Annual License Fee: \$30.00 _____ (*\$6.00 will be deducted if paid before March 1st.*)

License Fee for dog moved into District after 30 June: \$15.00 _____

Replacement tag: \$5.00 _____

THIS LICENCE EXPIRES DECEMBER 31ST OF YEAR ISSUED

I hereby agree to abide by and be bound by the rules, regulations and rates as established by the District of Powell River Animal Control Bylaw No. 1979, 2003.

SIGNATURE OF DOG OWNER _____

IT IS AN OFFENCE UNDER THE "ANIMAL CONTROL BYLAW" TO PROVIDE FALSE INFORMATION

BYLAW NO. 1979 - SCHEDULE "B"

FEES AND CHARGES

1. The annual license fees payable under this bylaw are as follows:
 - (a) Every dog \$ 30.00
 - (b) For every dog if paid before 01 March \$ 24.00
2. License fee for every dog that has moved into the District after 30 June \$ 15.00
3. Fee for a replacement license tag under this bylaw \$ 5.00
4. The impoundment fees payable under this bylaw are as follows:
 - (a) For the first seizure or impoundment of a licensed dog \$ 30.00
 - (b) For the first seizure or impoundment of an unlicensed dog or any other animal \$ 55.00
 - (c) For the second and each subsequent seizure or impoundment of an animal \$ 80.00
5. The maintenance fees payable under this bylaw are as follows:
 - (a) For providing food, water, shelter and attendance for an impounded dog or small animal \$ 10.00 per day
 - (b) For providing food, water, shelter and attendance for an impounded large animal Actual Cost
 - (c) For veterinary attention for an impounded animal Actual Cost

GST added where applicable

BYLAW NO. 1979 - SCHEDULE "C"

AREAS WHERE ANIMALS PROHIBITED

AREA	PERIOD OF TIME WHEN ANIMALS ARE PROHIBITED FROM AREA
Willingdon Beach Park	May 1 st to September 15 th inclusive in each year
Willingdon Beach Walkway and Fishing Float	All Year
Mowat Bay Park	May 1 st to September 15 th inclusive in each year