

CITY OF PORT ALBERNI
BYLAW NO. 4593

A BYLAW TO REGULATE THE KEEPING OF DOGS AND OTHER ANIMALS IN THE
CITY OF PORT ALBERNI

NOW THEREFORE the Council of the City of Port Alberni in open meeting assembled enacts as follows:

Title

1. This Bylaw may be cited for all purposes as “**Animal Control and Pound Bylaw, No. 4593**”.

Interpretation

2. In this Bylaw:

“ANIMAL” means a domestic animal;

“ANIMAL CONTROL OFFICER” means any person appointed by council as an animal control officer or bylaw enforcement officer, and includes a peace officer and the Poundkeeper;

“AT LARGE” means an animal in or upon a highway or public place or in or upon the lands or premises of any person other than the owner of the animal without the express or implied consent of that person;

“CITY” means the City of Port Alberni;

“COUNCIL” means the municipal Council of the City of Port Alberni;

“LICENCE YEAR” means the period from January 1 to December 31 in any year;

“OWNER” means any person

- (a) to whom a licence for a dog has been issued pursuant to this Bylaw,
- (b) to whom a breeders’ licence for a cat has been issued pursuant to this Bylaw,
- (c) who owns, is in possession of, or has the care and control of any animal, or
- (d) who harbours, shelters, permits or allows any animal to remain on or about the owner’s land or premises;

“POUNDKEEPER” means any person appointed by the City as the Poundkeeper or any contractor who has entered into an agreement with the City to assume the responsibilities of the Poundkeeper pursuant to this Bylaw, and includes the deputy, assistants, and employees of the Poundkeeper;

“PUBLIC PLACE” includes any highway and any real property owned, held, operated or administered by the City;

“SEIZE” includes impound and detain;

“UNLICENCED DOG” means any dog over the age of six months that is not licenced by the City or is not wearing a valid and subsisting licence tag; and

“VICIOUS DOG” means

- (a) a dog which, according to the records of the City or the Poundkeeper, has killed or injured an animal or a human, or which has, without provocation, aggressively chased or threatened a human,
- (b) a dog which, to the knowledge of its owner, has killed or injured an animal or human or which has, without provocation, aggressively chased or threatened a human,
- (c) a dog specifically bred for fighting or training purposes, or
- (d) a dog with a known tendency, propensity or disposition to attack animals or humans without provocation.

Dog Licences

- 3. No person shall own, keep, possess or harbour any dog over the age of six months in the City unless a valid and subsisting licence for the current calendar year has first been obtained for the dog under this Bylaw.
- 4. The requirement in section 3 does not apply to a dog that is kept in the City for less than one month in a calendar year and which is not allowed or permitted to be at large in the City.
- 5. If a dog is required to be licenced pursuant to this Bylaw, the owner of the dog shall apply to the City for a licence on the prescribed form provided by the City and pay the fee set out in Schedule “A” to this Bylaw, and upon receipt of the application and payment of the prescribed fee, the City shall issue a numbered dog licence and corresponding licence tag for that licence year.
- 6. Every licence and corresponding licence tag issued under this Bylaw shall expire on the 31st day of December in the calendar year in which the licence was issued
- 7. The licence fees set out in Schedule “A” to this Bylaw shall be reduced by one-half in respect of an application for a licence made on or after August 1st.

8. The owner of a dog for which a licence and corresponding licence tag have been issued under this Bylaw shall affix, and keep affixed, the licence tag on the dog by a collar, harness, or other suitable device.
9. Every licence and corresponding licence tag issued under this Bylaw is valid only in respect of the dog for which it was issued, as described on the licence application, and is not transferable to another dog unless
 - (a) the owner of the dog for which the licence and corresponding licence tag have been issued sells or ceases to be the owner of that dog,
 - (b) the owner acquires a different dog within the licence year for which he or she already possesses a licence and corresponding licence tag, and
 - (c) the owner surrenders the original licence and corresponding licence tag to the City and pays the transfer licence fee set out in Schedule "A" to this Bylaw.
10. The owner of a dog for which a licence and corresponding licence tag have been issued under this Bylaw may obtain a replacement licence tag upon satisfying the District that the original licence tag has been lost or stolen and upon payment of the replacement licence fee set out in Schedule "A" to this Bylaw.
11. Where this Bylaw provides for a reduced licence fee for a dog that is neutered or spayed, the application shall be accompanied by a certificate signed by a qualified veterinarian indicating that the dog has been neutered or spayed or a certificate in the form set out in Schedule "B" to this Bylaw indicating the reasons that a certificate from a qualified veterinarian is unavailable.

Regulations for the Keeping of Cats

12. No person shall own, keep, possess or harbour any cat over the age of six months in the City unless
 - (a) the cat has been spayed or neutered by a veterinarian, or
 - (b) a valid and subsisting breeder's licence for the current licence year has first been obtained for the unspayed or unneutered cat under this Bylaw.
13. The requirement in section 12 does not apply to a cat that is kept in the City for less than one month in a calendar year and which is not allowed or permitted to be at large in the City.
14. The owner of an unspayed or unneutered cat may apply to the City for a breeder's licence on the prescribed form provided by the City and pay the fee set out in Schedule "A" to this Bylaw, and upon receipt of the application and payment of the prescribed fee, the City shall issue a breeder's licence to that owner for that cat.
15. Every breeder's licence issued under this Bylaw shall expire on the 31st day of December in the calendar year in which the licence was issued.

16. Every owner of a cat shall affix, and keep affixed, sufficient identification on the cat by a collar, harness, tattoo, microchip or other suitable device such that a person finding the cat at large in the City can identify and contact the owner.

Animal Control Regulations and Prohibitions

17. No owner of a dog shall permit or allow the dog to:
 - (a) howl or bark excessively where such howling or barking causes or tends to cause annoyance to persons in the neighbourhood or vicinity;
 - (b) be at large in the City; or
 - (c) be in a public place unless the dog is kept on a leash, chain or tether not exceeding 183 centimetres (six feet) in length and the dog is under the immediate care and control of a competent person.
18. No owner of an unspayed or unneutered cat shall permit or allow it to be at large in the City.
19. 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.
20. If an animal defecates on a highway or public place, 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.
21. No person other than the owner of an animal shall remove any form of identification on or affixed to the animal.
22. A person who finds and takes possession of an animal at large in the City shall immediately notify the Poundkeeper and, upon request, release or deliver the animal to the Poundkeeper.

Vicious Dogs

23. Every owner of a vicious dog must at all times keep the dog
 - (a) securely confined indoors such that the dog cannot escape;
 - (b) in an enclosed pen or other enclosure which prevents the entry into the pen or enclosure of children under 12 years old and prevents the animal from escaping the pen or enclosure; or
 - (c) muzzled, on a leash and under the immediate control of a competent person skilled in animal control.

Prohibition of Cruelty to Animals

24. No person shall keep any animal in the City 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;
 - (c) the opportunity for periodic exercise sufficient to maintain the animal's good health;
 - (d) necessary veterinarian care when the animal exhibits signs of pain, suffering, or disease; and
 - (e) a clean and sanitary shelter of sufficient size to allow the animal to turn about freely and stand, sit and lie in a normal position.

Destruction of Diseased Animals

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

Establishment of Pound and Poundkeeper

26. The land and premises located at 4936 Broughton Street, Port Alberni, British Columbia, and legally described as Area A of District Lot 14, Area B of District Lot 137 and Area C of District Lot 143, all of Plan VIP69395, Alberni Land District, are hereby established as the pound.
27. The British Columbia Society for the Prevention of Cruelty to Animals (Port Alberni Branch) is hereby appointed as the Poundkeeper.
28. The Poundkeeper shall maintain records which include:
- (a) a description of every animal seized under this Bylaw, including a dog's licence number if any, and the date and time each animal is 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 that person;

- (e) the name of every person purchasing any impounded animal and the amount paid by that person; and,
- (f) the amount of impoundment and maintenance fees, costs, and charges connected with each impounded animal.

Seizure and Impoundment

- 29. An Animal Control Officer may seize:
 - (a) any unlicensed dog;
 - (b) any vicious dog not secured or muzzled in accordance with section 23;
 - (c) any animal found to be at large contrary to this Bylaw;
 - (d) any animal straying or trespassing on private property; and
 - (e) any animal on unfenced land and not securely tethered or contained.
- 30. An Animal Control Officer shall immediately convey any animal seized and liable to impoundment under this Bylaw to the pound.
- 31. The Poundkeeper shall ensure that all animals seized under this Bylaw receive sufficient food, water, shelter, and, if necessary, reasonable veterinary attention, and that the animals are not mistreated while under seizure and impoundment.
- 32. Where an animal is seized pursuant to this Bylaw, the Poundkeeper shall make reasonable effort to identify and notify the owner of the animal of the fact that the animal has been seized and that the animal will be sold, destroyed or otherwise destroyed of by the Poundkeeper after the expiration of 72 hours from the date the animal was seized unless the animal is redeemed before that time.
- 33. Where the owner of an animal which has been seized under this Bylaw is not known to, and cannot be identified by, the Poundkeeper, the Poundkeeper shall cause notice of the seizure to be posted on the public notice boards at the pound. Such notice shall set out the particulars of the seized animal, the date of seizure, and that the animal will be sold, destroyed, or otherwise disposed of by the Poundkeeper after the expiration of 72 hours from the date of the notice unless the animal is redeemed before that time.
- 34. An owner of an animal seized under this Bylaw, or any person authorized in writing on the owner's behalf, may redeem the 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 animal;
 - (b) payment of the impoundment and maintenance fees, costs, and charges incurred in respect of the seizure and boarding of the animal as set out in Schedule "C" to this Bylaw; and,

- (c) payment of the current requisite licence fee if the animal is required to be licenced pursuant to this Bylaw and is not licensed.
- 35. Where an animal that has been seized under this Bylaw has not been redeemed, the Poundkeeper may, after the expiration of the notice periods established under this Bylaw, offer the animal for sale or adoption.
- 36. Where the Poundkeeper is unable or considers it undesirable to effect the sale or adoption of an animal that has been seized under this Bylaw, or where a seized 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.
- 37. No person shall break open, or in any manner, directly or indirectly, aid or assist in breaking open, the pound.
- 38. No person shall take or release any animal from the pound without the consent of the Poundkeeper.

Inspection

- 39. 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

- 40. 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 and powers of an Animal Control Officer under this Bylaw.

Offences and Penalties

- 41. Any person who violates any provision of this Bylaw is guilty of an offence against this Bylaw and is subject to a minimum fine of \$100.00. Each day that a violation continues to exist is deemed to be a separate offence against the Bylaw.
- 42. This Bylaw is designated pursuant to section 264 of the *Community Charter*, S.B.C. 2003, c.26 as a bylaw that may be enforced by means of a ticket in the form prescribed.
- 43. Animal Control Officers and members of the Royal Canadian Mounted Police are designated to enforce this Bylaw by means of a ticket pursuant to section 264 of the *Community Charter*.
- 44. The words or expressions listed in Schedule "D" of this Bylaw in the "Designated Expression" column are authorized to be used on a ticket pursuant to section 264(1)(c) of the *Community Charter* to designate an offence against the respective section of this Bylaw appearing opposite in the "Section" column. The amounts appearing in the "Fine" column are the fines set pursuant to section 265 of the *Community Charter* for contravention of the respective section of this Bylaw appearing opposite in the "Section" column.

Severability

45. 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

46. "Animal Control and Pound Bylaw, No. 3850" and all amendments thereto are hereby repealed.

READ A FIRST TIME THIS 26TH DAY OF JUNE, 2006.

READ A SECOND TIME THIS 26TH DAY OF JUNE, 2006.

READ A THIRD TIME THIS 26TH DAY OF JUNE, 2006.

APPROVED AND FINALLY ADOPTED THIS 10th DAY OF JULY, 2006.

Mayor

Clerk

SCHEDULE "ONE" TO BYLAW NO. 4666

SCHEDULE "A" TO BYLAW NO. 4593

LICENCE FEES

Classification	Licence Fee
Spayed or Neutered Dog	\$25.00
Unspayed or Unneutered Dog	\$40.00
Owner provides evidence from qualified veterinarian that dog is medically unfit to undergo spaying or neutering operation	\$25.00
Duplicate or Transfer Licence	\$5.00
Cat Breeder's Licence	\$30.00

SCHEDULE "B"

CERTIFICATE THAT VETERINARIAN'S CERTIFICATE UNAVAILABLE

I HEREBY CERTIFY THAT:

1. I, _____, am the owner of a _____ dog.

2. That the dog is a Neutered Male
 Spayed Female

3. That the dog was spayed or neutered by _____
at _____, on or about _____.

Date

4. I am unable to enclose a Veterinarian's Certificate because:

Date: _____

Signature

Address

RECEIVED at Port Alberni, BC on

Date

Collector

ANY PERSON GIVING INACCURATE INFORMATION OR STATEMENT MAY BE
LIABLE TO A FINE NOT EXCEEDING \$2,000.00.

SCHEDULE "TWO" TO BYLAW NO. 4666

SCHEDULE "C" TO BYLAW NO. 4593

IMPOUNDMENT FEES

Impoundment Fees	
Dog—first impoundment	\$40.00 plus the appropriate licence fee if the dog is unlicensed
Dog--second and each successive impoundment within six months of the preceding impoundment	\$60.00 plus the appropriate licence fee if the dog is unlicensed
Cat - first impoundment	\$20.00
Cat - second and each successive impoundment within six months of the preceding impoundment	\$30.00
Horse	\$50.00
Member of the bovine species	\$35.00
Other hoofed animal	\$30.00

Boarding Fees

In addition to the above impoundment fees, the owner redeeming an animal from impoundment shall pay for each 24 hour period (or portion thereof) that the animal is impounded, a boarding and maintenance fee as follows:

Dog	\$10.00
Horse	\$20.00
Member of the bovine species	\$15.00
Other hoofed animal	\$12.00

SCHEDULE "D"

FINE SCHEDULE

Description of Offence	Section #	Amount of Fine
Unlicensed dog	3	\$50.00
Fail to display dog licence	8	\$50.00
Unspayed or unneutered cat	12(a)	\$20.00
Unlicensed cat	12(b)	\$20.00
Fail to display cat information	16	\$20.00
Dog barking	17(a)	\$100.00
Dog at large	17(b)	\$100.00
Dog off-leash	17(c)	\$100.00
Cat at large	18	\$40.00
Dog in heat at large	19	\$120.00
Fail to remove excrement	20	\$50.00
Fail to confine vicious dog	23(a)	\$500.00
Fail to enclose vicious dog	23(b)	\$500.00
Fail to muzzle vicious dog	23(c)	\$500.00
Cruelty to animal	24	\$200.00
Break into pound	37	\$200.00
Remove animal from pound	38	\$200.00
Obstruct an Animal Control Officer	40	\$200.00