

## VILLAGE OF RADIUM HOT SPRINGS BYLAW NO. 176, 1997

A bylaw to provide for the licencing and control of dogs within the municipality.

---

**WHEREAS** under sections 703, 704, 705, 707 and 724 of the Municipal Act, the Council may, by bylaw, regulate or prohibit the keeping of dogs and other animals, regulate or prohibit kennels, regulate or prohibit noise, regulate animal nuisances, set, impose and provide for the collection of licence fees from the issue of dog licences, provide for the seizure of dogs and other animals unlawfully at large and establish, maintain and operate facilities as pounds;

**AND WHEREAS** Council has deemed it desirable that animal control be undertaken and regulatory measures enacted in the Village of Radium Hot Springs;

**NOW THEREFORE** the Council of the Village of Radium Hot Springs in open meeting assembled enacts as follows:

### 1. CITATION

This bylaw may be cited as "Dog Control and Licencing Bylaw No. 176, 1997".

### 2. DEFINITIONS

In this bylaw, unless the context otherwise requires:

**Board** means the board of directors of the Regional District of East Kootenay.

**Bylaw Enforcement Officer** means the person appointed as such by the Council to enforce the provisions of the municipal bylaws.

**Council** means the Municipal Council of the Village of Radium Hot Springs.

**Dog** means an animal of the canine species.

**Dog Control Officer** means an official, employed by the municipality as a Dog Control Officer or any contractor who has entered into an agreement with the municipality to assume the responsibilities on a Dog Control Officer pursuant to this bylaw and includes the deputy, assistants and employees of a Dog Control Officer.

**Guide Dog** means a dog used by a sight disabled person to assist him/her to avoid hazards, and includes a dog for which a certificate has been issued under the Guide Animal Act.

**Impound** means to confine in a pound or to be under the control of a Dog Control Officer or any other person authorized to enforce the provisions of this bylaw.

**Kennel** means any building, structure, compound, group of pens or cages or property where four or more dogs over the age of four months are or are intended to be trained, cared for, bred, boarded, or kept for any purpose.

**Leash** means a chain or other material not over two metres in length.

**Municipality** means the Village of Radium Hot Springs.

**Noise** means a continuous barking, howling, screeching or yelping sounds for a period of time that disturb the peace and enjoyment of a person or persons not residing in the premises at which the noise emanates.

**Non-resident** means any person who is residing in the municipality for a short duration and who has

not taken up permanent residency.

**Out of control** means a dog or animal that is biting, attacking, or running at any person or animal; biting, barking at, or chasing bicycles, automobiles or other vehicles; causing damage to property or other animals;

**Owner** in respect to an animal, includes possessor or harbourer and **owned** includes possessed or harboured.

**Police Dog** means any dog owned by an accredited Police Force and trained to assist Police on investigations.

**Pound** means the Regional District of East Kootenay pound facility established by the Board and utilized under an agreement with the municipality as the premises designated to harbour and maintain animals impounded under the provisions of this bylaw.

**At Large** means not on the property owned or occupied by its owner and not confined, tethered or leashed so as to prevent it from being able to roam. An animal shall not be deemed to be "at large" if it is: - on the property of its owner or of another person who has the care and control of the animal; or

- under the direct and continuous control of a person who is competent to control it; or,
- securely confined within an enclosure; or
- securely fastened so that it is unable to roam.

**Unlicensed Dog** means any dog for which the licence for the current year, as provided by this bylaw, has not been obtained, or to which the licence tag provided for in this bylaw is not attached.

### 3. AUTHORITIES

#### 3.1 Dog Control Officer and Bylaw Enforcement Officer

- (a) The Council may from time to time, appoint a Dog Control Officer or contract with the Regional District of East Kootenay to provide the services of a Dog Control Officer, to administer and enforce the provisions of this bylaw.
- (b) The Dog Control Officer and the Bylaw Enforcement Officer, or any person duly authorized by Council, may:
  - (i) issue violation notices for noncompliance with the provisions of this bylaw;
  - (ii) enter, at all reasonable times, upon any property to ascertain whether the regulations or directions in this bylaw are being complied with; where a dog or animal is on private property or premises without the permission of the owner or occupant of the property, enter upon such property or premises, with the permission of the property owner or occupant, to apprehend such dog or other animal;
  - (iv) employ the use of lures, baits, nets, sonics, nooses, traps, tranquilizers, or other mechanical devices or means of apprehension of animals, provided always that such methods are, in his opinion, necessary;
  - (v) upon the advice or recommendation of a veterinarian, to destroyed any dog, cat or other animal found running at large in the municipality,

that is suffering from an incurable disease.

- (vi) impound any dog found not wearing a valid licence tag as provided for in this bylaw or any dog unlawfully at large in the municipality and to detain such dog until the owner thereof shall have paid all fines, penalties, and fees owing;
- (vii) dispose of any dog or animal as authorized by this bylaw; and
- (viii) issue licences as provided for by this bylaw.

#### **4. Dog Licencing**

##### **4.1 Licence Required**

- (a) Effective January 15, 1998, no resident shall keep any dog over the age of four months within the municipality unless a valid licence has been obtained under this bylaw.

##### **4.2 Licence Application**

- (a) Every licence shall be distinguished by a number and the Clerk shall keep a record of all licences issued and, for the purpose of identification, a general description of the dog in respect of which such licence was issued.

##### **4.3 Licence Period**

A licence issued under this bylaw shall be for the calendar year in which the licence is issued.

##### **4.4 Proof of Spaying/Neutering**

Before issuing a licence for a spayed or neutered dog, the issuer of the licence may require the owner to furnish proof, by production of a certificate from a qualified veterinarian, that the dog has been spayed or neutered.

##### **4.5 Licence Fees**

- (a) Licence fees shall be at the rates set out in Schedule A attached to and forming part of this bylaw.
- (b) No licence shall be issued or renewed until the licence fee set out in Schedule A, is paid.
- (c) There shall be no licence fee charged for guide dogs or police dogs.
- (d) Licence fees paid by new residents and new dog owners after July 31 in each calendar year, shall be 50% of the annual licence fee.
- (e) Should an owner present proof that his dog has been spayed or neutered after the licence fees have been paid and prior to July 1 in the calendar year, reimbursement shall be given on the difference between the licence fee paid and the licence fee for a spayed or neutered dog.
- (f) As provided by authority of the Municipal Act, Council may require and set varying licence fees according to the sex, age, size or breed of the dog. In all such cases, the burden of proof of age and breed shall lie with the owner.

**4.6 Transfer of Licence**

- (a) Unless otherwise provided in this bylaw, every dog licence issued shall be for a specific dog and no person shall place, affix or use a licence issued in respect of one dog on or for another.
- (b) Where the owner of a licenced dog sells or otherwise ceases to be the owner of that dog, upon notification of the municipality the licence may be transferred to the new owner of the dog for the remainder of the licence year.
- (c) Where the owner of a licenced dog sells or otherwise disposes of the said dog, upon payment of the required fee set out in Schedule A to this bylaw, the licence may be transferred to another dog purchased or acquired by the same owner.

**4.7 Licence Tags**

- (a) The owner of every dog shall cause and ensure that the dog wear the licence tag.
- (b) In the event a dog tag issued for the current year is lost, upon payment of the required fee set out in Schedule A to this bylaw, a replacement tag shall be provided.
- (c) The licence tag shall be issued by the municipality and shall have impressed or stamped the name and telephone number of the municipality, a licence number and the licence year.

**5. KENNELS**

**5.1 Licence Required**

No person shall keep four or more dogs over the age of four months on any parcel of land in the municipality unless that person has first obtained a kennel licence under this bylaw.

**5.2 Kennel Regulations**

- (a) The issuance of a kennel licence shall be subject to the restrictions of all other relevant bylaws such as the Zoning Bylaw, the Business Licence Bylaw and the Building Regulation Bylaw and payment of the required fee set out in Schedule A to this bylaw.
- (b) Every application for a licence shall be made on the application form provided for that purpose and submitted to the Village of Radium Hot Springs Office.
- (c) Every person issued a kennel licence shall conform with the requirements for kennels as set out in Schedule B attached to and forming part of this bylaw. Where a kennel fails to continue to meet the requirements set out in Schedule B., the kennel licence will be considered to be invalid and will be cancelled.
- (d) Dogs are to be housed within the kennel building between the hours of 8:00 p.m. and 7:00 a.m.
- (e) All kennelled dogs must have a valid dog tag under the provisions of this bylaw or a bylaw of the jurisdiction of the owner's normal place of residence.

**5.3 Kennel Inspections**

Prior to the issuance or renewal of a kennel licence, the Bylaw Enforcement Officer may inspect the kennel.

**6. IMPOUNDMENT**

**6.1** The municipality may contract the services to a neighbouring municipality or regional district to establish, maintain and operate a pound for the impounding of dogs pursuant to the provisions of this bylaw.

**6.2 Impounding Authority**

- (a) The Dog Control Officer is hereby authorized to seize any unlicensed dog or dog found at large. The Dog Control Officer shall forthwith after making such a seizure, cause for such dogs to be impounded.
- (b) No person shall hinder, delay or obstruct in any manner, directly or indirectly, the Dog Control Officer or any person hired by him/her who is engaged in driving, loading or carrying to the Pound any dog or dogs liable to impoundment pursuant to this bylaw and no person shall hinder, delay or obstruct in any manner, directly or indirectly, the Dog Control Officer or Bylaw Enforcement Officer or other authorized municipal employee while carrying out his/her duties pursuant to this bylaw.

**6.3 Notice of Impoundment**

- (a) The Dog Control Officer or the Bylaw Enforcement Officer shall, within 24 hours of the time of impoundment or at the commencement of the next business day, cause a Notice of Impoundment to be fixed to the pound and the Village of Radium Hot Springs Office. Such Notice of Impoundment shall give a description of the dog impounded, the date and location it was impounded and the date after which the dog may be destroyed or otherwise disposed of if not redeemed by the owners.
- (b) If the impounded dog is licensed, the Dog Control Officer or the Bylaw Enforcement Officer shall forthwith notify the owner by telephone of the impoundment, or post a copy of the Notice of Impoundment at the owner's home. The obligations of the municipality to notify the owner of the impounded dog shall be considered satisfied once the owner, other person, or machine answering the owner's telephone is advised of the impoundment or, if no contact is made by telephone, notice is posted at the owner's residence. It is the responsibility of any dog owner to notify the municipality of a change of address or telephone number for the purposes of notification under this section.

**6.4 Care and Fees**

The Dog Control Officer shall ensure that all dogs detained in the pound are adequately cared for by providing food, water, shelter, and medical attention when required. The fee for such services shall be included in the impoundment charges as set out in Schedule A to this Bylaw.

**6.5 Impoundment Charges**

- (a) Upon providing identification as the owner of a licensed dog or providing proof of ownership and upon proof of payment of fees and charges set out in Schedule A to this bylaw, the owner of any dog impounded pursuant to the provisions of this bylaw, may reclaim such dog prior to its sale or destruction. Payment of fees and application to reclaim a dog shall be made during regular business hours at the Village Office.
- (b) No dog may be released from the pound without the purchase of a valid licence as required under the provisions of this bylaw.

- (c) Where it has been established that one or more violation notices, previously issued have not been paid, such amounts owing shall also be paid prior to the impounded dog being released.

#### **6.6 Sale and Destruction of Dogs**

Subject to sections 6.3 of this bylaw, should any impounded dog remain unclaimed after four business days from the date of posting of the Notice of Impoundment or of notification of the owner, the municipality may sell, for no less than the total of all fees owing or the Dog Control Officer may humanely destroy the dog. The Dog Control Officer may retain a dog for a longer period if, in his opinion the circumstances warrant it.

### **7. GENERAL REGULATIONS**

#### **7.1 Keeping of Dogs**

No person shall keep or harbour any dogs except in accordance with the provisions of this bylaw.

#### **7.2 Control of Dog**

- (a) No owner of any dog shall permit such dog to be at large or to be out of control as defined in part 2 of this bylaw.
- (b) No owner shall take or allow any dog onto any municipal, park unless the park has been otherwise designated and posted "dogs on leash allowed".
- (c) No person own owns, possesses or harbours any dog shall allow the dog to deposit or leave excrement:
  - (i) on any street , lane, pathway, sidewalk, park or other public place; or,
  - (ii) on any private property other than the property of the dog owner or the person having control of the dog,

Unless the owner of the dog takes steps to immediately remove and dispose of it in a sanitary manner.

#### **7.4 Vicious Dogs**

- (a) The owner of a vicious dog or a dog which is known by the owner to have the propensity to attack or viciously pursue a person or domestic animal without being definitely provoked, teased or aroused by that person or animal, shall ensure that the dog is properly restrained at all times and, when the dog is off the owner's premises, that it is on a leash and muzzled.
- (b) The Dog Control Officer is authorized to make applications to the Provincial Court for the destruction of dogs pursuant to the Livestock Protection Act, in any circumstances where that act may be applicable.

#### **7.5 Tethering**

- (a) No person shall tether, tie, attach or otherwise fasten by any means, a dog to any traffic control device or support thereof.

*A true copy of By-law No. 176  
registered in the office of the Inspector  
of Municipalities this 24th day of  
February 1998.*

BYLAW NO. 176  
PAGE SEVEN

*FOR Inspector of Municipalities*

#### 7.6 Barking Dogs

In addition to the provisions contained in Section 3 of the "Village of Radium Hot Springs Noise Control Bylaw No. 110, 1994", no person being the owner or occupant of any private premises shall permit, allow or suffer the noise of barking, yelping or howling sounds from a dog(s) to be caused or made, in a manner that can easily be heard or otherwise disturbs or tend to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.

### 8. PENALTIES

#### 8.1 General Penalties

- a) Any person who contravenes any provision of this bylaw, or who suffers or permits any act or thing to be done in contravention of any of the provisions of this bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw, shall be deemed to have committed an offence against this bylaw and shall be liable, upon summary conviction, to a fine or penalty of not more than \$2,000.00 for each offence.
- b) Upon an alleged contravention of any provision of this bylaw, a notice of such contravention may be given by the Dog Control Officer or other authorized Bylaw Enforcement Officer by means of a Municipal Ticket Information (MTI) in the form prescribed by the regulations adopted pursuant to Section 934.3(c) of the Municipal Act.
- c) A Dog Control Officer or other authorized Bylaw Enforcement Officer may, instead of issuing an MTI ticket for contravention of any of the provisions of this bylaw, issue a notice warning of such contravention.

#### 8.2 Separate Infractions

Any offence under this bylaw which continues for a period in excess of one calendar day shall be deemed to be and is punishable as a separate offence for each and every subsequent day until such infraction ceases.

### 9. SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this bylaw.

**READ A FIRST TIME THIS 12TH DAY OF NOVEMBER, 1997.  
READ A SECOND TIME THIS 12TH DAY OF NOVEMBER, 1997.  
READ A THIRD TIME THIS 12TH DAY OF NOVEMBER, 1997.  
THIRD READING RESCINDED THIS 7TH DAY OF JANUARY, 1998  
READ A THIRD TIME AS AMENDED THIS 7TH DAY OF JANUARY, 1998  
RECONSIDERED AND ADOPTED THIS 12TH DAY OF JANUARY 1998.**

*Gregory Dack*  
MAYOR

*Laura Allen*  
CLERK

CERTIFIED A TRUE COPY OF  
BYLAW NO. 176, 1997:

*Laura Allen*  
CLERK

**SCHEDULE A  
FEES**

<b>1. DOG LICENCE FEES</b>			
(a)	Female Dog - not spayed	\$ 40.00	
	Female Dog - spayed	\$ 10.00	
(b)	Male Dog - not neutered	\$ 40.00	
	Male Dog - neutered	\$ 10.00	
(c)	Licence transfer to new owner	\$ 3.00	
(d)	Licence transfer to new dog	\$ 3.00	
(e)	Replacement of lost licence	\$ 3.00	
<b>2. IMPOUNDMENT FEES</b>		<b>Licensed</b>	<b>Unlicensed</b>
(a)	Dogs - spayed or neutered	\$ 25.00	\$ 50.00
	- 1st offence	\$ 50.00	\$ 75.00
	- 2nd offence/yr	\$ 100.00	\$ 125.00
	- 3rd offence/yr	\$ 150.00	\$ 175.00
	each subsequent offence in one year		
(b)	Dogs - not spayed or neutered - 1st offence	\$ 40.00	\$ 65.00
	- 2nd offence/yr	\$ 65.00	\$ 90.00
	- 3rd offence/yr	\$ 115.00	\$ 140.00
	each subsequent offence in one year	\$ 165.00	\$ 190.00
(c)	Pups - under 4 months of age	\$ 20.00	\$ 20.00
<b>3. BOARD FEES</b>		\$ 10.00 per day	
<b>4. DISPOSAL FEES</b>			
(a)	Dog turned over to the pound for destruction	\$ 75.00	
(b)	Pickup, destruction and disposal	\$ 100.00	
(c)	Pickup and disposal of carcass on request	\$ 75.00	
<b>5. KENNEL LICENCE FEE</b>		\$ 100.00 per year	

**SCHEDULE B**

**KENNEL OPERATION STANDARDS**

1. Kennel Licences shall be in the name of the person responsible for the operation of the kennel.
2. Operators of kennels shall provide to the Municipality, proof of ownership of the property or the written approval of the property owner.
3. Dogs must be cared for in accordance with the minimum standards for animal care as specified by the Canadian Veterinary Medical Association in their publication entitled "A Code of Practice for Canadian Kennel Operations".
4. Cleanliness of the facilities must be maintained at all times. The kennel facilities must be free of offensive odours. Dog faeces must be controlled and disposed of in a manner acceptable to public health and environmental standards.
5. Noise, as defined in this bylaw must be kept to a minimum and confined to the interior of the kennel premises.
6. The number of dogs authorized by the kennel licence shall not be exceeded.
7. Kennel buildings shall be designed and constructed to limit sound from transmitting to the exterior of the building, to facilitate cleaning, and to prevent the escape of dogs.
8. Kennel facilities shall be kept at a temperature which is appropriate to the dogs being housed therein, having regard to the outside temperature and the season of the year.
9. All runs, pens, and exercise yards used in conjunction with a kennel shall be constructed so as to prevent the escape of any dogs being kept therein and shall provide sufficient space for the dogs to stand and lie in comfort.