

VILLAGE OF NEW DENVER

BYLAW NO. 516

A BYLAW OF THE VILLAGE OF NEW DENVER RELATING TO THE  
ESTABLISHMENT OF A POUND, THE CONTROL OF DOGS AND  
ANIMALS AND THE LICENSING OF DOGS WITHIN THE  
VILLAGE OF NEW DENVER

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The Council of the Village of New Denver in open meeting assembled enacts as follows:

This Bylaw may be cited for purposes as “Village of New Denver Animal Control Bylaw No. 516, 1999”.

DEFINITION:

1. In this Bylaw;
  - (a) “Animal Control Officer” shall mean a person appointed from time to time by the Council under the provisions of this Bylaw or by a resolution made pursuant thereto, for the purpose of enforcing and carrying out the provisions of the Bylaw, and shall include any person acting on behalf of or assisting such Animal Control Officer.
  - (b) “Dog” shall mean an animal of the species Canine that is apparently over the age of six (6) months.
  - (c) “Council” shall mean the Council of the Village of New Denver.
  - (d) “Treasurer” shall mean the Treasurer of the Village of New Denver and includes every other person acting on his/her behalf under authority of the Council.
  - (e) “Municipality” shall mean the area within the Municipal Boundaries of the Village of New Denver.
  - (f) “Owner” shall mean any person who owns or is in possession of or who has the care, custody or control of a dog or animal, or any person who harbours or allows a dog or animal to remain about his house, land or premises, and “own” includes possessed or harboured.
  - (g) “Animal” shall mean any dog, horse, mule, ass, swine, sheep or goat and any turkey, goose, duck or other poultry as well as any cattle or fur bearing animal by whatever technical or familiar name known.
  - (h) “Pound” shall mean the facilities established, maintained and operated by the Village of New Denver or by a person or persons duly appointed by Council, for the purposes of confinement and care of impounded dogs and animals.
  - (i) “Resident” shall mean any person who resides in the Municipality and has been in actual residence for a period of 90 days or longer.
  - (j) “Licence Year” shall mean that period of time from January 1 to December 31.

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- (k) “Vicious Dog” shall mean:
  - (a) any dog with a known propensity, tendency or disposition to attack without provocation other animals or humans; or
  - (b) any dog which has bitten another animal or human without provocation; or
  
- (l) For the purposes of this Bylaw a dog is deemed to be:
  - (a) “unlicensed” where it does not have affixed to its collar or harness a valid and subsisting licence tag issued pursuant to this Bylaw.
  - (b) “running at large” where it is not under control by being:
    - (i) on the property of its owner or another person who has the care and control of the dog; or
    - (ii) in direct and continuous charge of a person who is competent to control it and, in the case of a dog, direct shall mean restrained by means of an adequate leash attached to the dog; or
    - (iii) securely confined within an enclosure; or
    - (iv) securely fastened so that the dog is unable to roam.
  
- 2. The Council may from time to time appoint an Animal Control Officer at such remuneration as the Council may fix, to be paid out of the annual revenue of the Municipality.
  
- 3. Any person lawfully performing any act in pursuance of this Bylaw, at the request of the Animal Control Officer, shall be deemed to be an assistant to the Animal Control Officer and shall be entitled to all protection as such.
  
- 4. The Animal Control Officer shall maintain a Pound Book in which the Animal Control Officer shall enter a description of every dog impounded, with the name of the person who took or sent the same to be impounded, the day upon and the manner in which the dog was redeemed, discharged or otherwise dealt with or disposed of and if the same was redeemed, the name of the person redeeming the dog.
  
- 5. The owner or agent of the owner of every dog impounded may redeem the same from the Pound upon paying to the Treasurer or Animal Control Officer that amount of unpaid and overdue dog licence fees, if any, and the impoundment fees which shall be as follows:
  - (a) For each impoundment for which there was no previous impoundment within the current licence year: \$50.00
  - (b) For the seconded impoundment within the current licence year a fee of \$100.00.
  - (c) For the third and subsequent impoundments within the current licence year a fee of \$200.00 for each occurrence.

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6. Any dog impounded shall be furnished with good and sufficient food, water and shelter for which the owner of the dog shall pay, in addition to the impoundment fees, to the Animal Control Officer, for every day or part day of the dogs impoundment the following fees:
  - (a) for dogs under 30 cms. in height at the shoulder a fee of \$8.00 per day or part day,
  - (b) for dogs over 30 cms. and less than 45 cms. in height at the shoulder a fee of \$9.00 per day or part day,
  - (c) for dogs over 45 cms. in height at the shoulder a fee of \$10.00 per day or part day.
7. It shall be the duty of the Animal Control Officer, before making delivery of any dog impounded, to obtain from the person or persons claiming the same, his, her or their name or names and place of residence, and to enter the same in the pound book together with the date when such dog was impounded and the date when the same redeemed.
8. The Animal Control Officer or any person acting as such, may take into custody and impound any dog that is running at large and shall keep any dog so impounded for at least ninety-six (96) hours after having taken said dog into custody.
  - (a) If the owner or other person entitled to the possession of any dog impounded shall refuse or neglect to pay impoundment and other charges payable pursuant to this Bylaw, in respect of such dog, the Animal Control Officer may after the expiration of ninety-six(96) hours from the time of taking such dog into custody:
    - (i) release the dog to any person who obtains a valid and subsisting licence for such dog pursuant to Section 11 of this Bylaw and who pays to the Treasurer or animal Control Officer that amount of impoundment fees and other fees outstanding pursuant to this Bylaw; or
    - (ii) destroy the dog forthwith.
9. The Animal Control Officer may use humane live traps to apprehend dogs.
10. There shall be raised, levied and collected in each year licence fees for dogs in the Municipality from the resident owner of every dog the following licence fees;
  - (a) For each and every neutered male dog and spayed female dog the fee of \$25.00.
    - (i) Before the issuance of a licence for a male dog as a neutered male dog or a female dog as a spayed female dog, the owner shall produce to the Treasurer a certificate from a registered Veterinary Surgeon showing that such female/male dog has been spayed/neutered.
  - (b) For each and every male dog not neutered or female dog not spayed, the fee of \$50.00.
  - (c) There shall be a \$15.00 reduction in the licence fees stated in Section 10 (a) (b) or (c) if the licence for the current year is purchased prior to January 31 or within 30 days of the date that the owner first comes into possession of the dog.
11. Any person keeping three (3) or more dogs shall be deemed to own a kennel and shall annually be required to obtain from the Treasurer a Kennel Permit, the annual fee for said Permit shall be \$5.00 per dog to be levied in addition to the Licence Fees set out in Section 10 of this Bylaw. ....4

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12. The resident owner of every dog shall make application for a licence and shall pay the required licence fee as prescribed by this Bylaw to the Treasurer. The required application for a licence shall be in such form or forms as the Treasurer may prescribe.
13. Every licence issued under this Bylaw shall expire on the thirty-first day of December next following the date on which the said licence takes effect.
14. No resident shall keep, harbour or have in his possession or care, custody or control a dog within the Municipality, unless a licence therefore, under this Bylaw, has been first issued.
15. The owner of every dog shall keep on such dog a collar or harness to which shall be attached the metal tag accompanying the licence therefore.
16. There shall be a replacement fee for loss of a tag, said fee to be \$3.00.
17. No owner shall permit any dog to be running at large within the Municipality.
18. The owner of a vicious dog shall, at all times while the dog is on the premises owned or controlled by that owner, keep the dog securely confined either indoors or in a closed pen or other structure capable of preventing the entry of young children and adequately constructed to prevent the dog from escaping.
19. No owner shall permit his or her dog to defecate on another person=s property, or on any other private property, or on any street, lane, boulevard, pathway, or any other Village or public property or on any property used or reserved as a park, or recreational or cultural area.
20. An owner whose dog defecates on another person=s property, or on any other private property, or on any street, lane, boulevard, pathway, or any other Village or public property, or on any property used or reserved as a park, recreational or cultural area, shall forthwith remove the defecated matter.
21. No owner shall permit any dog to bark persistently so as to disturb the quiet, peace rest or enjoyment of the neighbourhood or the comfort or convenience of any individual.
22. The Animal Control Officer or any person so authorized by him may capture, convey to and place in the pound:
  - (a) any unlicensed dog that is required to be licensed hereunder;
  - (b) any dog found running at large within the Municipality;
  - (c) any dog known to the Animal Control Officer to vicious or savage.
  - (d) any dog barking persistently, which appears to be abandoned, so as to disturb the peace, rest or enjoyment of the neighbourhood.
23. No person, other than its owner, shall remove any collar, harness, badge or tag from any licensed dog.

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24. Every occupant of premises in or about which any dog or dogs are kept and every person wherever found having at that time, the care and custody of a dog or dogs shall forthwith upon demand give to the Animal Control Officer true answers and information on the following matters:
  - (a) As to the ownership of any particular dog accompanying him.
  - (b) As to the number of dogs owned or harboured by him.
  - (c) The age, sex and breed or general description of the dog or dogs which are owned or harboured by him.
  - (d) Whether the current licence fee has been paid to the Treasurer in respect of same.
25. The owner of any female dog in heat shall keep such dog confined.
26. No person shall hinder, delay or obstruct the Animal Control Officer or any persons lawfully engaged in capturing or conveying any dog to the pound.
27. No person shall keep, harbour or have in his possession any dog suffering from any infectious or contagious disease, unless such dog is in isolation and under treatment for the cure of same.
28. Notwithstanding any other provision of this Bylaw, any dog found by the Medical Health Officer, the Public Health Inspector or the R.C.M.P. to be vicious or to be suffering from any loathsome, infectious or contagious disease, may be destroyed forthwith.
29. No person shall keep or harbour any wild animal on any parcel of land in the Village, unless such person is the holder of a valid permit from the Council.
30. Any person desiring a permit for the keeping of a wild animal in accordance with Section 27 of this Bylaw, shall make written application therefore to the Council containing the following information:
  - (1) Name and address of applicant.
  - (2) Legal description of the parcel of land on which the animal is to be kept.
  - (3) Type of animal to be kept.
  - (4) Verification that the applicant is the holder of a valid permit to keep such animal, said permit to be issued by the Provincial Department of Fish and Wildlife or other agency having jurisdiction.
  - (5) Such other information as Council may deem necessary or desirable.
  - (A) Wild animals shall be confined to the parcels of land specified in the permit.
  - (B) No permit or permits shall be issued for the keeping of more than two wild animals on any one parcel of land.
31. No person shall keep, harbour or have in his possession any wild animal suffering from an infectious or contagious disease, unless such animal is in isolation and under treatment for the cure of such disease.

32. No person or persons residing in one household or dwelling, shall keep harbour or possess, within the Village, more than or other than the following number of and types of animals:
  - (A) Domestic Fowl or Poultry - Twelve (12)
  - (B) Rabbits - Six (6)
  - (C) Pigeons - Six (6)
  - (D) Dogs - As provided in Section 11 of this Bylaw
  - (E) Wild Animals - As provided in Section 27 of this Bylaw
  
33. No owner or person in charge, shall allow any animal to run at large within the Village of New Denver.
  
34. The Animal Control Officer, or any person acting as such, may take into custody and impound any animal that is running at large and shall keep any animal so impounded for at least ninety-six (96) hours after having taken said animal into custody.
  - (A) if the owner or other person entitled to the possession of any animal impounded shall refuse or neglect to pay impoundment and other charges payable pursuant to this Bylaw, in respect of such animal, the Animal Control Officer may, after the expiration of ninety-six (96) hours from the time of taking such animal into custody:
    - (i) sell such animal and after first deducting impoundment and other charges payable pursuant to this Bylaw and the costs of any such sale, he shall pay the surplus, if any, to the owner, if ascertained, and if the owner be not ascertained to pay the same to the Treasurer; or
    - (ii) destroy the animal forthwith.
  
35. The Animal Control Officer, or any person acting as such, may take into custody and impound any rooster crowing persistently, so as to disturb the peace, rest or enjoyment of the neighbourhood.
  
36. The owner or agent of the owner of every animal impounded may redeem the same from the pound upon paying to the Treasurer or Animal Control Officer impoundment as follows:
  - (A) For impounding horses, donkeys, bulls, cows, heifers, goats, ram, sheep, swine, mule or any fur bearing animal within a current year:
    - (i) first impoundment - \$50.00
    - second impoundment - \$100.00
    - third and subsequent impoundments - \$200.00
  - (B) For geese, ducks, fowl, domestic poultry and rabbits, \$10.00 for each occurrence.
  
37. Whenever animals are impounded under this Bylaw it shall be the duty of the Animal Control Officer to daily furnish the same with food, water and shelter during the whole time said animal remains impounded, and for so doing he shall be entitled to demand and receive from the animals owner the following boarding fees, which shall be levied in addition to any other fees or charges provided for by this Bylaw:
  - (A) For horses, donkeys, bulls, cows, heifers, goats, rams, sheep, swine, mules and other fur bearing animals: \$15.00 per day or part day.
  - (B) For geese, ducks, fowl, domestic poultry and rabbits: \$2.00 per day or part day.

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- 38. In the case of a milk cow being impounded, the Animal Control Officer shall, at least twice daily, milk each cow, and for so doing he shall be entitled to keep the milk so obtained for his own use.
- 39. Any Animal Control Officer who impounds or confines any of the animals hereinbefore mentioned, under this Bylaw, and neglects, or refuses to find, supply and provide said animal with good and sufficient food, water and shelter, as hereinbefore provided, shall be subject to the penalties imposed by this Bylaw, and to immediate dismissal.
- 40. Except where other penalties are herein provided, every person who offends against any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention or violation of any of the provisions of this Bylaw or neglects to do or refrains from doing anything to be done by the Bylaw or who does any act or thing which violates any of the provisions of this Bylaw shall be deemed to have committed an offence under this Bylaw and shall be liable on summary conviction to a fine or penalty of not less than \$25.00 plus costs recoverable and enforceable in the manner provided by the Offence Act.
- 41. 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.
- 42. Bylaw No. 503, cited as the "Village of New Denver Animal Control Bylaw No. 503, 1998" is hereby repealed.
- 43. This Bylaw shall take full force and effect upon adoption of Council.

READ A FIRST TIME this 22<sup>nd</sup> day of June, 1999.

READ A SECOND TIME this 22<sup>nd</sup> day of June, 1999.

READ A THIRD TIME this 22<sup>nd</sup> day of June, 1999.

RECONSIDERED AND FINALLY ADOPTED this 13th day of July, 1999.

G. L. Wright  
MAYOR

Carol Gordon  
CLERK/ADMINISTRATOR