

VILLAGE OF NAKUSP

BYLAW NO. 645, 2013

CONSOLIDATED VERSION including Bylaw 645-1, 645-2 and Bylaw 645-3, 2019

ANIMAL CONTROL BYLAW

WHEREAS pursuant to Division 6 of the *Community Charter*, Council may, by bylaw, provide for the control of animals within the municipality;

NOW THEREFORE, the Council of the Village of Nakusp, in open meeting assembled, hereby enacts as follows:

PART I – GENERAL

1. This Bylaw may be cited for all purposes as the “Animal Control Bylaw No 645, 2013”.
2. The Council may enter into agreement with one or more qualified person(s) to act as the Village’s agent and to carry out the duties of Animal Control Officer within the Control Area.
3. In this bylaw:

ANIMAL CONTROL OFFICER means any person appointed by the Council as an Animal Control Officer and/or Dog Control Officer and also includes a Bylaw Enforcement Officer and a Peace Officer;

Bylaw 645-1 added the following definition:

BACKYARD HENS means domesticated female chickens that are at least four months old that are kept on a property as regulated under **Part II(a)** of this Bylaw.

COUNCIL means the Council of the Village of Nakusp;

DANGEROUS DOG means a dog that:

- a. has killed or injured a person or domestic animal, or has pursued or harassed a person;
- b. any dog with a known propensity, tendency or disposition to attack without provocation other animals or humans;
- c. is specifically bred or trained for fighting purposes;
- d. a Pit Bull Terrier, American Pit Bull Terrier, Pit Bull, Staffordshire Bull Terrier, American Staffordshire Terrier, Rottweiler and any dog whose breeding includes one or more of the breeds enumerated in this paragraph;

DOG shall include both the male and the female of the species over six (6) months of age;

GUIDE DOG means a dog for which a valid and subsisting certificate has been issued under the 'Guide Animal Act';

INCURABLE DISEASE includes rabies and injuries that will result in death;

NUISANCE DOG means a dog deemed to be a nuisance, upon receipt of two written warnings, stating the dog disturbs the quiet, peace, enjoyment or comfort of the surrounding neighbourhood, through acts of persistent barking or howling;

OWNER means a person:

- a. who owns, is in possession of, or has the care or control of an animal;
- b. who harbours, shelters, permits or allows an animal to remain on or about that person's land or premises, or
- c. who is the custodial parent or legal guardian of a child under the age of 18 years who owns, is in possession of, or has the care or control of an animal;

POUND shall mean any building or enclosure or place established for impounding dogs;

PUBLIC PLACE means any land or premises owned by or in the possession of the Village, including without limitation, all highways, roads, lanes, boulevards, sidewalks, parks, playgrounds, pedestrian walkways, trail or beaches;

RUN AT LARGE means being elsewhere than on the property of the owner while not in the immediate and effective control of a reasonable and responsible person;

UNLICENSED DOG means any dog that does not have a valid license tag for the current year attached to its collar or harness;

VILLAGE means the Village of Nakusp, including its staff, officers, agents, and employees.

Bylaw 645-3 added section PART I(a) as follows:

PART I(a) – DOG LICENSING

1. No person shall own, possess or harbour any Dog within the boundaries of the Village unless a valid and subsisting License and dog tag has been issued for such Dog.
2. Every person who owns a Dog and resides in the Village for more than 30 days shall obtain a License for the Dog:
 - a) In the case of a Dog younger than six months, as soon as the Dog attains the age of six (6) months;
 - b) In the case of an Owner who is not a resident of the Village. Or that person residing in the Village for at least 30 days in a calendar year; or
 - c) In all other cases, by January 31 of that calendar year.
3. No license shall be issued in respect of any Dog to a minor, unless that person provides the Bylaw Compliance Officer with written consent of that person's parent or guardian, and any parent or

guardian providing such written consent shall be for the purposes of this Bylaw deemed to the Owner of the Dog in respect of whom the dog license is issued.

4. Every Owner applying for a License for a neutered or spayed Dog must present a valid veterinarian certificate certifying that the Dog has been neutered or spayed, as the case may be.
5. An Owner who is issued a License shall receive a numbered dog tag, which shall be fastened and kept fastened to a collar or harness which is to be worn by the Dog for which the License and corresponding dog tag were issued. An owner is required to obtain a replacement license tag immediately after realizing the original tag has become lost.
6. The Owner must notify the Village or Bylaw Compliance Officer of any changes to any information required for the License and when a licensed Dog is deceased, transferred, or sold to a new Owner.
7. Every Person applying for and renewing a License shall pay a license fee payable to the Village as set out in the Fees and Charges Bylaw, which shall not be reimbursable for any unused portion of the year.

PART II – CONTROL OF DOGS

1. Every owner of a dog:
 - a. shall keep the dog under immediate and effective control while not on the owner's property;
Bylaw 645-1 replaced section 1.b with the following:
 - b. while it is not on the owner's property, shall keep the dog secured to a leash held by a person able to control the dog;
 - c. shall keep the dog confined so that it cannot escape while it is on the owner's property;
 - d. shall keep all dogs carried in the rear of an open vehicle on a leash or harness so that the dog is securely kept in the vehicle and unable to reach beyond the sides of the vehicle;
 - e. keep the dog from straying or trespassing onto private property other than property owned or occupied by the owner and;
 - f. Shall not permit dogs to be on any bathing beach or in the waters, grassed areas or gardens adjacent to the bathing beach, at any time;
Bylaw 645-1 added section 1.g as follows:
 - g. Shall not allow a dog to be in a confined space, including a vehicle, without adequate ventilation and water.
2. Every owner of a dog must ensure that:
 - a. the dog does not pursue or harass a person; and
 - b. the dog does not kill or injure a person or domestic animal.
3. Every owner of a dangerous dog:
Bylaw 645-1 replaced section 3.a with the following:
 - a. While it is not on the owner's property, shall keep the dog muzzled and secured to a leash, no more than 2 meters in length, held by person able to control the dog;

- b. shall keep the dog securely confined either indoors or in an enclosed pen or other structure capable of preventing the entry of young children and adequately constructed to prevent the dog from escaping while the dog is on the owner's property; and
 - c. shall prominently display a sign stating 'Beware of Dog' at the front and rear entrances to the owner's property. Said sign to be at least 12 inches x 12 inches in size, yellow in colour with large, bold black lettering.
 - 4. Every owner of a dog that has bitten a person or domestic animal shall keep the dog muzzled while not on the owner's property.
 - 5. The owner of a dog that is in heat:
 - a. must keep the dog securely confined indoors or within a building or enclosure that will prevent the escape of the dog or the entry of other dogs when the dog is on private property; and

Bylaw 645-1 replaced section 5.b with the following:

 - b. while it is not on the owner's property, shall keep the dog secured to as leash held by a person able to control the dog.
 - 6. No owner may allow a dog or dogs to call, cry or bark, continuously or sporadically for 15 minutes or more, in such a way that the noise is audible outside of the parcel where the dog or dogs are kept as the Council believes such noise is objectionable and liable to disturb the peace, rest, enjoyment, comfort or convenience of individuals and the public.
 - 7. The owner of a dog that is declared a nuisance dog must take such actions as may be deemed necessary to ensure the Bylaw is not further contravened.
 - 8. Every owner who keeps an animal which normally resides outside, or which is kept outside unsupervised for extended periods of time, shall ensure the animal is provided with an enclosure that meets the following criteria:
 - a. a total area that is at least three times the length of the animal in all directions;
 - b. contains a house or shelter that will provide protection from heat, cold and wet that is appropriate to the animal's weight and type of coat. Such shelter must provide sufficient space to allow the animal the ability to turn around freely and lie in a normal position;
 - c. should provide sufficient shade to protect the animal from the direct rays of the sun at all times; and
 - d. pens and runs must be regularly cleaned and sanitized and excreta removed and properly disposed of.
- Bylaw 645-2 added section 9 as follows:**
- 9. No owner, or person having control, of a dog shall allow the dog to leave or deposit excrement on any public place or on private property other than the property of the owner, unless the owner, or person having the control, of the dog immediately takes steps to remove such excrement and to dispose of it in a sanitary manner.

Bylaw 645-1 added Part II(a) as follows:

PART II(a) – CONTROL OF BACKYARD HENS

1. Backyard hens may be kept in all Residential Zones, except the RM-1 Mobile Home Park zone, as defined in the Village of Nakusp Zoning Bylaw, provided that all of the following provisions are met:
 - a) the property has at least one residential dwelling on it and that dwelling is either a single family dwelling or duplex;
 - b) the owner of the backyard hens resides at the property where the backyard hens are kept;
 - c) no more than five backyard hens are kept per property;
 - d) backyard hens are kept for personal use only; the sale of eggs, manure, meat or other products derived from the backyard hens on or off the property is prohibited;
 - e) backyard hens may not be slaughtered on the property;
 - f) deceased backyard hens must be disposed of within 24 hours and may not be buried or otherwise disposed of on the property;
 - g) storage and disposal of the feces from the backyard hens must be hygienically managed and no accumulation of more than 1 cubic meter of composted manure is allowed;
 - h) food for backyard hens must be stored securely to prevent attracting vermin;
 - i) backyard hens must not run at large and must be kept within an enclosed area;
 - j) a single coop for the backyard hens that is built and maintained in accordance with good animal husbandry practices must be provided and must meet the following specifications:
 - i. the coop must be located in the rear yard of a lot and must provide a fully enclosed area for the backyard hens and prevent them from escaping;
 - ii. the coop must not be located within the required rear yard or side yard setback as outlined in the Village of Nakusp Zoning Bylaw;
 - iii) the coop must not exceed 2 meters in height;
 - iv) the coop must not exceed 9 square meters in total area;
 - v) the coop must not be located closer than 3 meters from any window or door of a residential building;
 - vi) the coop must be maintained and cleaned regularly to minimize odour and prevent attracting vermin; and
 - k) if it is suspected that any backyard hen is ill, the owner is required to contact a veterinarian immediately to diagnose the illness; if a backyard chicken is diagnosed with a communicable disease, the owner is required to contact the Public Health Department of Interior Health and to comply with directions provided by Interior Health; and
 - l) the keeping of roosters, except in a zone permitting agricultural uses in the Village of Nakusp Zoning Bylaw, is strictly prohibited; and
 - m) coops must comply with all other bylaws, statutes and regulations.

PART III – POUND OPERATION

1. The Animal Control Officer, alone or with others, may seize, impound or detain an unlicensed dog in the Village of Nakusp, or seize, impound or detain any dog found to be running at large in the area serviced under this Bylaw.

2. If a licensed dog is impounded under this Bylaw, the Animal Control Officer must either speak to the owner of the dog or deliver a notice to the licensed owner at the address provided on the dog's license application, and inform the owner that the dog has been impounded.
3. If an unlicensed dog is impounded under this Bylaw, the Animal Control Officer must, if the owner is known, notify the owner by mail or telephone that the dog has been impounded and advise of the fee required, contained herein, for the release of the dog. If the owner, so notified, does not appear at the pound within four (4) days and release the dog so impounded by payment of the fees and expenses chargeable under this Bylaw, the Animal Control Officer may sell or destroy the dog.
4. If an unlicensed dog is impounded under this Bylaw and the owner is not known by the Animal Control Officer and the owner does not appear at the pound to release the dog so impounded by payment of the fees and expenses chargeable under this Bylaw, after four (4) days the Animal Control Officer may sell or destroy the dog.
5. The owner of an animal that has been impounded may recover the animal from the Pound by providing the Animal Control Officer with proof of ownership, and by paying the fees prescribed in Schedule '5' of the Fees and Charges Bylaw "632, 2011, in accordance with the number of days the animal was impounded and the number of times that the animal has been impounded.

PART IV – IMPOUNDMENT

1. The owner of an unlicensed dog living in the Village of Nakusp, must also replace the dog's license tag or license the dog, and pay the fees prescribed in Schedule '5' Village of the Fees and Charges Bylaw 632, 2011 for this purpose, before recovering the dog from the Pound.
2. The owner of a dangerous dog who wants to reclaim a dangerous dog that has been impounded must pay, in addition to the regular impoundment fees, the fees stated in Schedule 'B' of the Municipal Ticketing Information Bylaw 517, 1997 and the surcharge and other charges stated in Schedule '5' of the Fees and Charges Bylaw 632, 2011 for the handling and care of a dangerous dog, and must read, complete and sign the release attached as Schedule 'B' to this bylaw.
3. The Animal Control Officer may sell, dispose of, or humanely destroy a dog or other animal after the expiration of 96 hours from the date of impoundment, or with the consent of the owner.
4. The owner of an animal shall pay the maintenance and other applicable fees set out in Schedule '5' of the Fees and Charges Bylaw 632, 2011 and Schedule 'B' of the Municipal Ticketing Bylaw 517, 1997 even if the owner does not reclaim the animal.
5. The Animal Control Officer may destroy any animal that is suffering from an incurable disease.
6. No person shall rescue, attempt to rescue or release any animal in the Pound or in the custody of the Animal Control Officer.

7. Where the Animal Control Officer has in any calendar year impounded any dog three (3) times or more, or where the owner of any dog has been convicted of an offence under this Bylaw in respect of that dog three (3) times or more in any calendar year, then the Animal Control Officer may order that the dog be removed from the control area within a reasonable period of time, and upon failure of the owner to comply with the order, the Animal Control Officer may take the dog into custody and destroy it.
8. The Animal Control Officer may, where necessary employ the use of lures, baits, nets, tranquilizer gun, sonic and mechanical devices or any other means of apprehending dogs provided always that such methods are applied humanely.

PART V – RIGHT OF ENTRY

1. The Animal Control Officer is hereby authorized to enter, at all reasonable times, upon any property within the Village of Nakusp and the specified area of Electoral Area K in order to ascertain whether the provisions of this Bylaw are being obeyed.
2. No person shall hinder, delay or obstruct the Animal Control Officer or any person lawfully engaged in the execution of his or her duties under this Bylaw.

PART VI – SCHEDULES

1. Schedule 'A' of this Bylaw form a part of this Bylaw and are enforceable in the same manner as this Bylaw.

PART VII – PENALTIES

1. A person who contravenes this bylaw or other requirement made or imposed under this bylaw, or amendments thereto, is guilty of an offence and is liable to a fine not exceeding \$500.
2. Where an offence is committed or continues for more than one day, a person shall be deemed to have committed separate offences for each day on or during which an offence occurs or continues, and separate fines, each not exceeding \$500, may be imposed for each day on or during which an offence occurs or continues.
3. Nothing in this bylaw shall restrict the Village from utilizing any other remedy that would otherwise be available to the Village at law.

PART VIII – EXCEPTION

1. Nothing in this Bylaw shall apply to a Guide Dog.

PART IX - REPEAL

The “Dog Control Bylaw No. 587, 2004 and all amendments thereto are hereby repealed.

READ A FIRST, SECOND AND THIRD TIME this 22nd Day of April, 2013

ADOPTED BY COUNCIL OF THE VILLAGE OF NAKUSP this 24th Day of April, 2013

Karen Hamling

MAYOR

Lynda Tynan

CAO

Consolidated January 15, 2020 to include Bylaws 645-1, 645-2 and 645-3, 2019.

Cheryl A. Martens, BA
CAO



DANGEROUS DOG REGISTRATION

1. I, _____ of
(name of owner)

(address of owner)

hereby apply for the release of: _____

Breed: _____

Dog's Name: _____

Colour: _____ Sex: _____ Age: _____

License Number: _____

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 Bylaw No. 645 and I am aware of the responsibility and potential liability which rest with me in keeping or harbouring the Dog, and state that the Dog will be kept at:

(address)

4. I hereby acknowledge, covenant and agree with the Village of Nakusp:

- a. That I will, at all times when the Dog is not kept on a leash and muzzle and under the control of a person who is competent to control the Dog, keep the Dog in a dwelling or accessory building, or within a securely locked enclosure complying with the requirements of Bylaw No. 645, 2013; and,
- b. That I will save harmless and indemnify the Village of Nakusp, its Animal Control Officer, and any of its officers, employees, agents or elected or appointed officials from and against any and all actions, causes of action, proceedings, claims, demands, losses, damages, costs or expenses whatsoever and by whomsoever 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 any personal injury or death inflicted on any other animal or any person by the Dog or any damage to property caused by the Dog; and,

- c. That, if the Animal Control Officer has reasonable grounds, the officer may apply to the Provincial Court for an order that the dog be destroyed in the manner specified in the order and that a dog that has been seized under this section may not be impounded and detained for more than 21 days unless court proceedings for a destruction order are commenced within that time (Section 49 of the *Community Charter*).

5. I submit herewith the sum of \$_____ in payment of all fees payable by me pursuant to Bylaw No. 645, 2013.

(signature of owner)

(print name of witness)

(signature of witness)