

CITY OF ROSSLAND

BYLAW NO. 2357

A Bylaw of the City of Rossland to provide for the licensing and control of animals within the City.

WHEREAS Council may regulate, prohibit and impose requirements in relation to animals further to sections 8(3) (k), 47, 48 and 49 of the *Community Charter*, including bylaw enforcement and related matters further to sections 260 — 275 of the *Community Charter*,

NOW THEREFORE the Municipal Council of the City of Rossland in open meeting assembled, **ENACTS AS FOLLOWS:**

1.0 SHORT TITLE

This Bylaw may be cited for all purposes as the “Animal Control Bylaw No. 2357, 2006”.

2.0 DEFINITIONS

Animal includes a Dog, rabbit, Poultry, cat and Farm Animals.

At large means being elsewhere than on the lands or premises of the Owner of the Animal and not under the immediate control of a responsible person, and with respect to a Dog, not on a Leash.

City means the City of Rossland.

Council means the Municipal Council of the City of Rossland.

Dangerous Dog is as defined in the Community Charter, as amended from time to time.

Dog means an Animal of the species canine that is over the age of four months, and includes a Dangerous Dog of any age.

Dog Exclusion Zone means those areas designated and set out in Schedule “B” attached to and forming part of this Bylaw in which Dogs are prohibited.

Enclosure means a fence or structure of at least two point four (2.4) metres (six (6) feet) in height forming a confined area suitable to prevent the entry of young children and suitable to confine the Dog enclosed.

Farm Animal means a domesticated animal normally raised or kept for food, milk or as a beast of burden and, without limiting the foregoing, includes cattle, donkeys, goats, horses, mules, oxen, buffalo, sheep, fallow deer and swine.

Impounded means seized, delivered, received or taken into the Pound or the custody of the Pound Keeper.

Kennel is as defined in the City’s Zoning Bylaw.

Keep means lodge, possess harbor, board, bring upon or feed on a regular basis, on a parcel of land.

Leash	means a chain or other material of sufficient strength that does not exceed two point four (2.4) metres [six (6) feet] in length and that is suitable for control of the Dog it is used for.
Licence	means a Licence issued for a Dog by the City for the current Licensing Year.
Licence Tag	means a metal apparatus issued by the City for the current Licensing Year, which includes a licence number.
Licensed Dog	means a Dog that is wearing either on its collar or harness, a Licence Tag.
Licensing Year	means that time period between January 1~ and December 31~~ inclusive, in each and every year.
Owner	means any person who keeps an Animal.
Poultry	includes domestic fowl, ducks, geese and turkeys.
Pound	means the premises used to Keep and maintain Animals pursuant to this Bylaw and includes any vehicle used by the Pound Keeper.
Pound Keeper	means the Pound Keeper retained by Council, and includes animal control officers, bylaw enforcement officers and their assistants as employed or retained under contract by Council.
Unlicensed Dog	means a Dog which does not have affixed to a collar securely fastened about the Dog's neck, or to a harness securely fastened about the Dog, a Licence Tag issued under this Bylaw or a similar bylaw of any other local government.
Zoning Bylaw	means the "City of Rossland Zoning Bylaw No. 1912 1999", as amended from time to time.

3.0 CITY POUND AND THE POUND KEEPER

3.1 The Council authorizes, by resolution:

- (a) the establishment, maintenance, operation and relocation of a Pound; and
- (b) the appointment of Pound Keepers.

3.2 The Pound Keeper may impound and detain an Animal delivered to the Pound and may furnish it with sufficient food, water and shelter.

4.0 IMPOUNDMENT AND MAINTENANCE OF ANIMALS

4.1 The Pound Keeper may seize and impound:

- (a) any Animal which is At Large;
- (b) any Unlicensed Dog;
- (c) any Animal that is, in the opinion of the Pound Keeper, suffering unreasonably;
- (d) any Dog in the Dog Exclusion Zone;

4.2 An impounded Animal may be released to its Owner only after the Owner has paid to the City all fees referred to in section 4.8.

4.3 If an Impounded Animal is not claimed within seventy-two (72) hours of being impounded or the fees in respect of an Impounded Animal are not paid within seventy-two (72) hours of the Animal being impounded, the Pound Keeper may, on the expiration of this period, destroy, sell or otherwise dispose of the Animal.

4.4 The Pound Keeper, upon receiving a certificate from a veterinarian that an Impounded Animal is suffering from an infectious or contagious disease, may immediately destroy that Impounded Animal.

4.5 The Pound Keeper is authorized to destroy any Animal, who, in the opinion of the Pound Keeper, is suffering unreasonably.

4.6 A person must not:

- (a) break open a Pound, or in any manner directly or indirectly aid or assist in breaking open a Pound;
- (b) enter a Pound without the Pound Keeper's permission;
- (c) take or release an impounded Animal without the Pound Keeper's permission and without paying all fees, associated with the Impounded Animal.

4.7 A person must not hinder, delay, or obstruct a Pound Keeper or a person lawfully engaged in impounding an Animal or taking an Animal to the Pound for impounding.

4.8 The impoundment and maintenance fees for Animals required by this Bylaw are listed in Schedule "C" of the "Fees Service Bylaw No. 2274, 2005", as amended from time to time and attached to this Bylaw as Schedule "A".

5.0 KENNELS

5.1 No person may Keep three (3) or more Dogs at any one time on any parcel of land in the City unless kennel use is permitted under the City's Zoning Bylaw.

6.0 DOG LICENSING

- 6.1 No person shall own or Keep an Unlicensed Dog except for a seeing-eye Dog.
- 6.2 The Owner of a Dog shall make application to the City for a Dog Licence immediately upon becoming Owner of the Dog and on or before the thirty-first (31st.) day of January in each calendar year, pay to the City the Dog Licence fee set out in section 6.7.
- 6.3 No Dog Licence shall be issued to or in the name of any person under the age of nineteen (19) years.
- 6.4 The Licence Tag for which Dog the Licence was obtained must at all times be fastened to a collar or harness worn by that Dog.
- 6.5 Where the Licence Tag has been lost, destroyed or mutilated, the Dog Owner shall obtain from the City for the remainder of the current Licensing Year a replacement Licence Tag, upon producing proof of purchase of a valid Dog Licence and upon payment of a fee set out in section 6.7.
- 6.6 If an Owner of a Licensed Dog changes his or her address within the City, the Owner shall promptly notify the City.
- 6.7 The Licence fees under this Bylaw are listed in the Schedule "C" of the "Fees Service Bylaw No. 2274, 2005" and attached to this Bylaw as Schedule "A".

7.0 DOG REGULATIONS AND RESTRICTIONS

- 7.1 The Owner of a Dog must not permit or allow their Dog:
- (a) to be At Large;
 - (b) to chase, attack, or bite a person or an Animal;
 - (c) to howl or bark excessively where such howling or barking disturbs or is likely to disturb persons in the neighbourhood or vicinity.
- 7.2 Section 7.1(a) does not apply in the case of a Dog actively engaged in an organized dog trial, show, competition or exhibition provided the Dog is under the immediate control of a responsible person.
- 7.3 The Owner of a Dog must immediately remove and dispose, in a waste container or by other sanitary means from private or public property, any fecal matter deposited by such Dog.
- 7.4 The Owner of a female Dog shall at all times when the Dog is in heat keep it securely confined in a building or Enclosure.
- 7.5 The Owner of a Dog shall not permit his or her dog to be in a Dog Exclusion Zone.
- 7.6 Notwithstanding the provisions in section 7.5, it shall be lawful for an owner to lead a securely leashed Dog across Columbia Avenue at Queen Street or across Washington Street at the lane between Columbia Avenue and First Avenue.

8.0 ADDITIONAL PROVISIONS FOR DANGEROUS DOGS

8.1 The provisions of this section are in addition to any other regulations or requirements of this Bylaw or other bylaws, but where there is conflict, the more restrictive provision shall apply.

8.2 A person may cause or allow a Dangerous Dog owned by that person:

- (a) to be on a highway or in a public place only if the Dangerous Dog is
 - (i) firmly held on a Leash,
 - (ii) firmly held by a person competent to restrain the Dangerous Dog, and
 - (iii) muzzled by a properly fitted humane device.
- (b) to be on private land, or in a private building or structure, only with the consent of the occupier of that property and only if muzzled by a properly fitted humane device.
- (c) to be on the Owner's land only in a building or Enclosure.

8.3 The Owner of a Dangerous Dog must:

- (a) display at each entrance to the parcel of land at which, and the building or structure in which, the Dangerous Dog is kept, a sign,
 - (i) containing the word "WARNING" measuring at least six (6) cm high and twenty (20) cm wide,
 - (ii) containing the phrase "DANGEROUS DOG ON PREMISES" measuring at least two (2) cm high and twenty-five (25) cm wide,
 - (iii) that is visible and capable of being read from the nearest sidewalk, street, or lane, if any;
- (b) within two (2) working days of selling or giving away the Dangerous Dog, provide the City with the name, address and telephone number of the Dangerous Dog's new Owner;
- (c) advise the City within two (2) working days of the death of the Dangerous Dog and provide a veterinarian's certificate of death; and
- (d) advise the City immediately if the Dangerous Dog is At Large, or has bitten or attacked a person or Animal.

8.4 No person may deface or remove a sign that is required to be posted under subsection 8.3(a).

9.0 REGULATIONS AND RESTRICTIONS OF OTHER ANIMALS

9.1 The Owner of any Farm Animal, poultry or rabbit shall not permit, suffer or allow that Animal to:

- (a) stray, trespass or be unlawfully At Large on a highway or other public place;
- (b) stray or trespass on private property; or

- (c) graze on unfenced land unless securely tethered or contained.

10.0 OFFENCES AND PENALTIES

10.1 With respect to a prosecution in accordance with the Offence Act,

- (a) the maximum fine for all offences under this Bylaw is Ten Thousand (\$10,000.00) Dollars;
- (b) the minimum fine for a “Dangerous Dog” related offence that results in injury to a human or another Animal is a fine of Two Thousand (\$2,000.00) Dollars.
- (c) the minimum fine for a “Dangerous Dog” related offence that does not result in injury to a human or another Animal is a fine of:
 - (i) Five Hundred (\$500.00) Dollars for a first contravention,
 - (ii) Seven Hundred, Fifty (\$750.00) Dollars for a second contravention, or
 - (iii) One Thousand (\$1,000.00) Dollars for a third or subsequent contravention.
- (d) the minimum fine for any other offence is:
 - (i) the fine outlined in Schedule “C” for a first contravention, and
 - (ii) double the fine outlined in Schedule “C” for a second or subsequent contravention.

10.2 Except as otherwise provided in this Bylaw, or the City of Rossland Ticket Information Utilization Bylaw No. 1890, and amendments thereto, any person who violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention of this Bylaw, or who refuses, or omits or neglects to fulfill, observe, carry out or perform any duty or obligation imposed by this Bylaw shall be liable on summary conviction to a fine not exceeding Ten Thousand (\$10,000.00) Dollars.

11.0 INSPECTION

11.1 The Pound Keeper may enter upon any property in accordance with the Community Charter and this Bylaw.

12.0 MISCELLANEOUS

12.1 This Bylaw comes into force on the date of its adoption.

12.2 A Dog that is validly Licensed under “Animal Regulation Bylaw 1999”, at the time when this Bylaw comes into effect is considered to be validly Licensed under this Bylaw until that Licence expires.

12.3 “Animal Regulation Bylaw 1999”, and amendments thereto and any other superseding animal control, pound and Dog Control bylaws are hereby repealed.

READ A FIRST TIME
READ A SECOND TIME
READ A THIRD TIME
RECONSIDERED AND FINALLY ADOPTED

this 27th. day of November, 2006
this 27th. day of November, 2006
this 11th. day of December, 2006
this 11th. day of December, 2006

Mayor

City Clerk

Certified a true copy of Bylaw No. 2357

Dated at Rossland this _____ day of _____, 2006

Tracey Butler, Deputy City Clerk

SCHEDULE "A"

LICENCE FEES

1. A 50% discount of the annual Licence Fee in the table below shall be granted to Owners that purchase a licence prior to January 31st in each year.
2. An Owner purchasing a licence for a new dog or by a new resident licensing a dog for the first time shall pay the annual Licence Fee pro-rated quarterly for the Licensing Year.
3. When a Licence has been purchased, a refund of 50% of the fee paid shall be issued when a female dog has been spayed or a male dog has been neutered in that Licensing Year.

Classifications	Annual Licence Fee	If before January 31st a discount of:
Neutered male dog (veterinarian certificate required)	\$40.00	\$20.00
Spayed female dog (veterinarian certificate required)	\$40.00	\$20.00
Un-neutered male dog	\$100.00	\$50.00
Un-spayed female dog	\$100.00	\$50.00

FEES IF THE CITY LICENCE FEE IS UNPAID

An Owner may claim an unlicensed dog impounded pursuant to the provisions of this Bylaw on application to the Pound Keeper and on payment of:

1. The purchase of a valid dog license for the current year, the January discount to be given if purchased by the 31st of that month plus:
2. \$50.00 for the first impoundment .
3. \$100.00 for a second impoundment within one year of the first impoundment.
4. \$200.00 for a third or subsequent impoundment within one year of the first impoundment.
5. \$35.00 kennel cleanup fee for the first day, or part thereof, and \$15.00 for each additional day.

FEES IF THE CITY LICENCE FEE IS PAID

An Owner may claim a Licensed Dog impounded pursuant to the provisions of this Bylaw on application to the Pound Keeper and on payment of:

1. \$50.00 for a second impoundment within one year of a first impoundment.
2. \$100.00 for a third or subsequent impoundment within one year of a first impoundment.

3. \$35.00 kennel cleanup fee for the first day or part thereof, and \$15.00 for each additional day.

SCHEDULE "B"

DOG EXCLUSION ZONES

The following areas are designated Dog Exclusion Zones:

1. Columbia Avenue between Spokane Street and St. Paul Street
2. Washington Street between Columbia Avenue and First Avenue
3. Nickleplate Park
4. Jubilee Park
5. School District #20 Properties
 - MacLean School
 - Rossland Secondary School
6. Wading Pool Park
7. Centennial Park
8. Cook Avenue Park
9. Museum Park
10. Pioneer Park

SCHEDULE "C"

ANIMAL CONTROL BYLAW

FINE SCHEDULE

<u>Description of an Offence</u>	<u>Section #</u>	<u>Amount of Fine</u>
Breaking open a Pound	4.6(a)	500.00
Unlawful entry into a Pound	4.6(b)	100.00
Release of Impounded Animal	4.6(c)	500.00
Obstruction of Pound Keeper	4.7	100.00
Unlawful Kennel	5.1	500.00
Keeping Unlicensed Dog	6.1	100.00
Fail to display Licence Tag	6.4	50.00
Fail to replace Licence Tag	6.5	50.00
Fail to advise of change of address	6.6	25.00
Dog At Large	7.1(a)	100.00
Dog Attack	7.1(b)	1,000.00
Dog barking excessively	7.1(c)	100.00
Fail to remove Dog feces	7.3	100.00
Fail to restrain Dog in Heat	7.4	250.00
Dog in Exclusion Zone	7.5	250.00
Dangerous Dog improperly in a public place	8.2(a)	500.00
Dangerous Dog on private land without consent of occupier	8.2(b)	500.00
Dangerous Dog not in building or Enclosure	8.2(c)	500.00
Fail to erect Dangerous Dog sign	8.3(a)	250.00
Fail to advise of Dangerous Dogs new Owner	8.3(b)	100.00
Fail to advise of death of Dangerous Dog	8.3(c)	50.00
Fail to advise of Dangerous Dog attack	8.3(d)	750.00
Deface or remove Dangerous Dog sign	8.4	100.00