

**DISTRICT OF SICAMOUS**

**ANIMAL CONTROL BYLAW NO. 1013, 2022**

A Bylaw to provide for the control and protection of animals.

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**WHEREAS** pursuant to the *Community Charter*, the Council of the District of Sicamous may, by bylaw, regulate, prohibit and impose requirements in relation to animals;

**AND WHEREAS** Council desires to protect quality of life for its citizens, promote civic responsibility, and encourage good relationships amongst neighbours;

**NOW THEREFORE** the Council of the District of Sicamous, in open meeting assembled, **ENACTS AS FOLLOWS:**

**Interpretation & Application**

1. This bylaw will be cited as the “Animal Control Bylaw No. 1013, 2022”.
2. In this Bylaw, the following terms are defined:

“**Aggressive Dog**” means a dog that has exhibited aggressive behavior toward another animal or person, or without provocation causes minor injury to another animal or person.

“**Animal**” includes any domesticated animal.

“**Animal Control Officer**” means the individual(s) designated by Council as an Animal Control Officer or Bylaw Enforcement Officer and includes a Peace Officer.

“**At Large**” means an animal on a highway or public place, straying or trespassing on private property, or on unfenced land and not securely tethered or contained.

“**Bylaw Administrator**” means:

- a) the Town Manager;
- b) the Corporate Officer;
- c) the Operations Manager;
- d) a Bylaw Enforcement Officer;
- e) Animal Control Officer;
- f) an R.C.M.P Member; or
- g) the designate of a person listed above.

“**Council**” means the Council for the District of Sicamous.

“**District**” means the District of Sicamous.

“**Dangerous Dog**” has the same meaning as outlined in the *Community Charter*.

“**Dog**” means any domesticated animal of the canine genus that is six months or older.

“**Nuisance**” includes any activity caused by an animal that unreasonably interferes with the peace, quiet, enjoyment, convenience, comfort or rest of an individual.

“**Owner**” means a person:

- a) who owns, is in possession of, or has the care or control of an animal, temporarily or permanently;
- 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.

“**Premises**” includes a parcel of land, strata parcel, building, or a fully contained and separate portion of a building.

“**Sterilize**” means spay or neuter, or any procedure conducted by a licensed veterinarian on an animal in order to prevent the animal from producing offspring.

3. Nothing in this Bylaw will supersede the provisions of provincial laws and regulations, including but not limited to the *Livestock Protection Act*.
4. In accordance with the *Community Charter*, the Bylaw Administrator may do the following in relation to the enforcement of the provisions of this bylaw:
  - a. enter onto privately owned lands at all reasonable times in accordance with the *Community Charter*;
  - b. enter into agreements with persons who are not employed with the District for the purpose of animal control services;
  - c. authorize the release of animals detained in the manner authorized by this bylaw;
  - d. issue tickets to a person who commits an offence against this bylaw in accordance with the District's Ticket Information Bylaw; or
  - e. refer disputed tickets to the Provincial Court of British Columbia.
5. A person must not obstruct, hinder or delay in any manner, directly or indirectly, the Bylaw Administrator lawfully exercising their authority under this bylaw.
6. A person who violates any provision of this bylaw, or who suffers or permits any act or thing to be done in violation of any of the provisions of this bylaw commits an offence against this bylaw.
7. Each day that any violation, contravention, or breach of this bylaw continues to exist will be deemed a separate offence against this bylaw.
8. If a portion of this bylaw is held invalid by a court of competent jurisdiction, then the invalid portion must be severed, and the remainder of this bylaw is deemed valid.

### **General Provisions**

9. An Owner of an animal must ensure that an identification tag is affixed to the animal that clearly identifies the name, current address and current contact information of the Owner of the animal.
10. A person who owns or has custody of an animal must ensure that the animal does not create a nuisance.

11. If an animal defecates on any public or private property other than the Owner's premises, the Owner must remove the excrement immediately.
12. A person must not leave an animal unattended outside of a fenced enclosure or building for longer than fifteen minutes, even if such animal is on a leash or tether.
13. A person must not leave an animal unattended in a motor vehicle for any period of time between April 30 and October 1 of any given year.
14. An Owner must keep the premises where an animal is kept in a clean and tidy condition free from the buildup of excrement or other hazardous waste and with access to fresh and clean water.
15. An Owner of a female animal in heat must keep such animal securely confined in a building or other enclosure.
16. An Owner of an animal must ensure that the animal is vaccinated against rabies, as advised by a licensed veterinarian.
17. An Owner of an animal that is suffering from an infectious disease must not permit such animal to be in any public place or allow such animal to come in contact with or in proximity to another animal, unless the animal suffering from an infectious disease is being transported to a place where the animal may receive veterinary care.
18. A Bylaw Administrator may authorize the seizure of an animal that is at large or is deemed to be a dangerous dog.
19. The Owner of an impounded animal, or an agent for the Owner, may redeem the animal by:
  - a) proving ownership of the animal to the satisfaction of the Bylaw Administrator or, in the case of an agent, satisfying the Animal Control Officer of the agent's authority to redeem the animal, and
  - b) paying to the District the actual costs incurred by the District in seizing and impounding the animal, including the amount expended by the District to contract a third party to seize and impound the animal, costs associated with boarding and maintaining the animal, and any veterinary costs incurred in respect of the animal during the impoundment period.
20. If any impounded animal remains unclaimed after five calendar days, the Bylaw Administrator may authorize that the animal be offered for sale, transferred to an animal shelter or be humanely euthanized.

## **Dogs**

21. A person must not keep, permit, or allow more than three dogs on any premise owned or occupied by such person, unless the premise is lawfully used for as a:
  - a. Retail pet sales business;
  - b. Licensed veterinary clinic;
  - c. Licensed animal groomer;
  - d. Licensed animal shelter;
  - e. Licensed kennel; or
  - f. Licensed animal breeding business.

22. A person must not allow a dog in their care or custody to be at large.
23. A person must not permit a dog in their care or custody to enter or be on any public property unless the dog is securely tethered to a leash at all times and is under full control of the person accompanying it.
24. A person must not permit any dog in their care or custody to enter or be on any public beach or swimming area, park, school ground, cemetery or other public area other than roads, unless the area is otherwise designated by District signage.
25. Council may designate areas of land owned by the District as “off-leash areas” where a dog may be exercised without being restrained by leash or tether.
26. The District will cause all designated off-leash areas to be clearly identified by way of signage posted on the boundaries of such off-leash areas.

### **Dangerous Dogs**

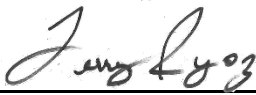
27. The Animal Control Officer may, on behalf of the District, exercise the authorities in the *Community Charter* regarding dangerous dogs.
28. Where a dog is deemed to be an aggressive dog, a Bylaw Administrator will issue a written notice to the Owner of the dog advising the Owner of the designation, and the notice must include the reasons for the designation, the Owner’s right to request reconsideration pursuant to this bylaw, and all requirements of this bylaw related to the aggressive dog.
29. An Owner of a dog that has been designated as an aggressive dog may, within fourteen (14) calendar days of the notice described by section 28, submit a written request to the Town Manager to have the designation reconsidered.
30. If the written request for reconsideration is received by Town Manager within the time specified by section 28, the Town Manager may provide the Owner and any Bylaw Administrator or complainant with an opportunity to make representations regarding the aggressive dog.
31. The Town Manager may confirm, reverse or amend the designation; and impose, modify or cancel any requirements or conditions onto the Owner with respect to the designation as they deem necessary.
32. An Owner of a dog designated as an aggressive dog must comply with the following conditions:
  - a. sterilize the dangerous dog within thirty calendar days and within 30 days, provide to the District a certificate from a licensed veterinarian confirming that the dog has been sterilized;
  - b. provide confirmation from a licensed veterinarian that the dog has permanent and traceable identification, such as a microchip or tattoo, within thirty calendar days of the dog being designated as aggressive;
  - c. obtain and maintain a liability insurance policy satisfactory to the District that specifically covers any damage for personal injury and property damage caused by the dangerous dog in an amount not less than two million (\$2,000,000) per occurrence;

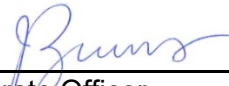
- d. disclose to any person who is entrusted with the care or custody of the aggressive dog that the dog has been designated as such;
  - e. maintain at least two barriers between the dog and the public at all times which may be comprised of a combination of fences, gates, locked doors, doors, a 5/6 Baskerville or 8/9 basket muzzle or any other muzzle as recommended by a veterinarian, and a non-retractable leash with a collar or harness restraint.
  - f. display a sign at each entrance of the Owner’s premises that contains the words “WARNING: AGGRESSIVE DOG ON PREMISES”;
  - g. advise the District immediately if the aggressive dog is at large or has aggressively pursued or injured a person or animal;
  - h. provide the District with the name, address and phone number of a new Owner of the aggressive dog if the dog is sold or given to another person aside from the Owner; or
  - i. advise the District within five business days of the death of the aggressive dog
33. An Owner of a dog designated as an aggressive dog must comply with any restriction, requirement or condition imposed by the Bylaw Administrator under this bylaw.

**Repeal and Amendments**

- 34. The District of Sicamous Dog Control Bylaw No. 228, 1997 is hereby repealed.
- 35. The Ticket Information Utilization Bylaw No. 77, 1992 is amended by substituting Schedule 6 with the Schedule 6 attached to and forming part of this bylaw.

READ a first time this 13<sup>th</sup> day of October, 2021  
READ a second time this 23<sup>rd</sup> day of March, 2022.  
READ a third time this 23<sup>rd</sup> day of March, 2022.  
ADOPTED this 13<sup>th</sup> day of April, 2022.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Corporate Officer

**Schedule 6****Animal Control Bylaw No. 1013, 2021 (as amended)**

<b>Offence</b>	<b>Section</b>	<b>Fine</b>
Obstruction of a Bylaw Administrator	6	\$500
Failure to affix identification tag to animal	9	\$100
Permit an animal to create a nuisance	10	\$250
Failure to remove animal excrement from public or private property other than Owner's premise	11	\$100
Abandon an animal	12	\$100
Permit an animal to be unattended in a motor vehicle between April 30 and October 1 of any given year	13	\$250
Failure to maintain clean and tidy conditions for an animal	14	\$100
Failure to confine an animal in heat	15	\$100
Failure to vaccinate an animal for rabies	16	\$100
Permit an animal suffering from an infectious disease to be in a public place	17	\$100
Harboring more than three dogs	21	\$250
Permit dog to be at large	22	\$100
Failure to securely tether and maintain control of a dog on public property	23	\$100
Allow a dog onto public beach, swimming area, park, school ground, cemetery or other public area	24	\$100
Failure to comply with aggressive dog conditions	33	\$500