



THE CORPORATION OF THE VILLAGE OF FRUITVALE

“DOG TAX AND REGULATION BYLAW NO. 728, 2006”

A bylaw to provide for the control and licensing of dogs within the Village of Fruitvale

The Council of The Corporation of the Village of Fruitvale, in open meeting assembled, enacts as follows:

TITLE

1. This bylaw shall be known and cited for all purposes as “Dog Tax and Regulation Bylaw No. 728, 2006” (A bylaw to provide for the control and licensing of dogs within the Village of Fruitvale.)

DEFINITIONS

2. In this bylaw, unless the context otherwise requires:

Agents when used with reference to issuance of dog licenses means those persons other than the Village and B.C.S.P.C.A. who have been authorized by the Village to sell dog licenses.

Animal means a mammal, bird or reptile, but does not include human.

Animal Control Officer for the purposes of this bylaw shall mean a Special Constable or other designated employee of the B.C.S.P.C.A. acting in the capacity of Poundkeeper for the Village.

Assistance Dog means a Guide Animal, as defined in the Guide Animal Act of British Columbia and amendments thereto, trained or in training as a practical companion for a person who lives with a disability and whilst acting in that capacity.

At Large when used with reference to a dog, means being elsewhere than on the premises of its owners and not secured on a leash to a competent person.

B.C.S.P.C.A. means The British Columbia Society for the Prevention of Cruelty to Animals, Trail Branch.

Village means the Municipality of The Corporation of the VILLAGE OF FRUITVALE.

Collector means the Collector of The Corporation of the VILLAGE OF FRUITVALE and may include the B.C.S.P.C.A. and any other person being so authorized by Council.

Dog shall mean any animal of the zoological family “canidae” over the age of four (4) months.

Domestic Animal means an animal that is:

- a) tame or kept, or that has been or is being sufficiently tamed or kept, to serve some purpose for the use of people, and
- b) designated by order of the Lieutenant Governor in Council to be a domestic animal.

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

Kennel means any building or structure for the accommodation of four (4) or more dogs together with any fenced animal runs.

Kennel License means a business license issued for the keeping or harbouring of four (4) or more dogs in a kennel.

License means a license issued by the Village for a dog.

Notice of Offence means the “Notice of Offence” as attached as Schedule “B” to this Bylaw and may also include a Municipal Ticket Information, Notice of Bylaw Infraction or other ticketing provisions as may be authorized from time to time by Council of the Village.

Own includes the ownership, custody, control, possession or harbouring of any dog or puppy within the Village.

Owner includes a person who owns, or has in their custody, or under their control, or harbours, any dog or puppy within the Village.

Park means and includes a public park, playground, beach, wading pool and other public recreational places or facilities under the care, custody and jurisdiction of the Village or the Regional District of Kootenay Boundary.

Police Officer for the purposes of this bylaw shall mean, a member of the Royal Canadian Mounted Police or any person sworn as a Bylaw Enforcement Officer and employed by the Village for the enforcement of its bylaws.

Pound means any building or enclosure established as a Pound by the Village and includes the facilities of the B.C.S.P.C.A.

Poundkeeper means the person appointed from time to time under this or any other bylaw for the purpose of enforcing and carrying out the provisions of this bylaw and shall include the B.C.S.P.C.A.

Premises means the place or address of the owner referred to in any application for a license.

Puppy shall mean any animal of the family “canidae” of the age of four (4) months or younger.

Special Constable means a B.C.S.P.C.A. employee or municipal employees authorized to exercise the authorities of a Special Provincial Constable pursuant to Section 9 of the Police Act.

Unlicensed Dog means any dog for which the license fee for the current year has not been paid or any dog which is not wearing a license tag for the current year.

Vicious Dog means a dog which has been deemed to be vicious by the Poundkeeper, Animal Control Officer or Police Officer as defined herein and includes:

- a) any Dog with a known propensity, tendency or disposition to attack without provocation either domestic animals or humans; or
- b) any Dog which has bitten another domestic animal or human without provocation; or
- c) any Dog that the Poundkeeper, Animal Control Officer or Police Officer has reasonable grounds to believe is likely to kill or seriously injure a person; or
- d) any Dog which is owned primarily, or in part, for the purpose of dog fighting or has been or is being trained for dog fighting.

ANNUAL LICENSE

3. Every owner of a dog shall hold a valid license for each dog owned and shall procure the same by making application to the Collector and supplying the following information:

The name, breed, colour, sex and, if the dog has been spayed or neutered, a certificate signed by a qualified Veterinary Surgeon.

Such license, when issued, is valid and subsisting for the current calendar year and the license fee is due and payable on the first working day of January in each year.

When a dog has been deemed to be vicious, an owner shall provide proof of spay or neuter of the dog and proof of liability insurance in the sum of \$1,000,000 (One Million Dollars) specific to the vicious dog before a license may be issued for a vicious dog.

4. Where an owner has a valid dog license issued by another municipality, on surrender of such license to the Collector and payment of \$5.00, the owner shall receive a replacement license for the current year.

A reduced fee for replacement of a license issued in another municipality shall not apply to a dog previously deemed to be vicious in another municipality and the full license amount shall apply to such dog.

5. Every owner shall pay to the Collector an annual license fee as follows:

The sum of \$25.00 for every **spayed or neutered** dog;
The sum of \$75.00 for every **unspayed or unneutered** dog;
The sum of \$200.00 for a dog **deemed to be vicious**.

Except that in the case of an Assistance Dog, a license shall be applied and issued without charge.

PROVIDED that the license fee shall be fifty (50) percent of the annual amount in cases where an owner provides proof to the satisfaction of the Collector that the dog, on or after September 1st in the current year, reached the licensing age of four (4) months, or was brought into the Village of Fruitvale from outside the Province of British Columbia.

6. A duplicate license tag may be obtained from the Collector upon payment of \$5.00.

KENNEL REGULATIONS

7.
 - a) Any kennel and run area must be regularly cleaned and sanitized and all excreta removed at least once a day.
 - b) No kennel shall be permitted within fifty (50) metres of any dwelling house, church, school or public building, other than that occupied by the owner of a kennel duly licensed by the Village.
8. No person shall keep or maintain a kennel without first having applied for and obtained a kennel license. The application for such license shall be accompanied by the sum of sixty (\$60.00) dollars, which shall be in addition to any other fee provided for by this bylaw.

DUTIES OF COLLECTOR

9. Upon payment of the annual license fee, the Collector shall issue to the owner a numbered license tag stamped for the current year. The owner shall ensure that the tag, during its currency, is worn continuously by the dog so licensed.
10. The Collector shall maintain a record of all licenses issued showing the names and addresses of the owners, the dates of the issuance of the licenses, the description and license number of the dogs licensed and license fees paid.

ENFORCEMENT

The provisions of this bylaw may be enforced by the Poundkeeper, Animal Control Officer or Police Officer as defined herein.

OFFENCES

11. It shall be an offence under this bylaw:
- a) to own any dog for which a license has not been issued for the current year;
 - b) to own any dog which is not wearing a license tag for the current year;
 - c) for an owner to allow or suffer their dog to be at large or unlawfully on a highway in the Village;
 - d) for any person to remove the current license tag from any dog found to be at large;
 - e) for any person to own a diseased dog unless the said dog shall be securely fastened in such place and in such manner that the said dog shall not endanger the safety of any person or other animal;
 - f) for any owner of a vicious dog:
 - (i) to permit, suffer or allow the dog to be on any highway, or on any public place or any other place, that is not owned or controlled by that person, unless the dog is muzzled and leashed so as to prevent it from biting another animal or human and under the direct control of a person who has reached the age of 16 years, and has the ability to have complete control of the Dog; or
 - ii) to keep the dog on the premises owned or controlled by such person unless the dog is securely confined indoors or failing to be able to confine the dog indoors, confined in an enclosed pen as required in 12 F of this bylaw;
 - g) for any person who keeps or harbours more than three (3) dogs on any premises without first having obtained a kennel license;
 - h) for owners to allow their dogs and/or puppies, other than Assistance Dogs, to enter parks contrary to the classification as shown in Schedule "A";
 - i) for any owner to fail to immediately remove and dispose in a waste container, or by other sanitary means, any excrement deposited by such dog in any place off the owner's property.

PROHIBITION OF CRUELTY TO ANIMALS

- 12A. No person may keep any animal unless the animal is provided with:
- a) clean potable drinking water at all times and suitable food of sufficient quantity and quality to allow for normal growth and the maintenance of normal body weight;
 - b) food and water receptacles kept clean and disinfected and located so as to avoid contamination by excreta;
 - c) an area that is regularly cleaned by having all excreta removed at least once a day;
 - d) the opportunity for periodic exercise sufficient to maintain good health, including the opportunity to be unfettered from a fixed area and exercised regularly under appropriate control;
 - e) necessary veterinary care when the animal exhibits signs of pain, suffering or distress.

- 12B. No person may keep any animal which normally resides outside, or which is kept outside for short to extended periods of time, unless the animal is provided with adequate outside shelter as follows:
- a) to ensure protection from heat, cold and wet, that is appropriate to the animal's weight and type of coat there shall be sufficient space within the shelter to allow the animal the ability to turn about freely and to easily stand, sit and lie in a normal position.
 - b) the shelter shall be at least 1-1/2 times the length of the animal and at least the animal's full length in width, and at least as high as the animal's height measured from the floor to the highest point of the animal, plus ten (10) percent, when the animal is standing in a normal position;
 - c) the shelter shall be located in an area providing sufficient shade to protect the animal from the direct rays of the sun at all times.
- 12C. No person may cause an animal to be hitched, tied or fastened by any rope, chain or cord that is directly tied around the animal's neck onto a choke collar.
- 12D. No person may cause an animal to be confined in an enclosed space, including a car, without adequate ventilation.
- 12E. No person may transport an animal in a vehicle outside the passenger compartment unless it is adequately confined or unless it is secured in a body harness or other manner of fastening which is adequate to prevent it from falling or jumping from the vehicle or otherwise injuring itself.
- 12F. No person may keep a dog in a pen unless all of the following requirements are met:
- a) the pen shall be a securely locked structure with a minimum dimension of two (2) metres (6'7") in width, by four (4) metres (13'2") in length, and two (2) metres (6'7") in height from the grade upon which the pen is constructed;
 - b) placement of the pen shall meet the siting requirements for an accessory structure contained within the VILLAGE OF FRUITVALE, Zoning Bylaw, 1984, No. 348 and amendments thereto;
 - c) the pen shall include an outside shelter as defined in 12 B of this bylaw;
 - d) the pen shall have sides of wire mesh and a roof or top sufficiently secured to the sides so as to prevent the escape of the dog and to prevent the unauthorized entry of a person;
 - e) if the sides are not secured to the bottom of the pen, then the sides shall be embedded into the ground no less than thirty (30) cm (12"), or as deep as may be necessary to prevent the escape of the dog from the pen;
 - f) the floor of the pen shall consist of an impervious flooring material such as landscaping paving slabs or concrete, that shall prevent the escape of the dog from the pen;
 - g) the pen and run area must be regularly cleaned and sanitized and all excreta removed at least once a day;
 - h) a pen that is confining a vicious dog shall contain a sign, in writing and symbol, that the pen contains a vicious dog and similar signs shall be clearly displayed at each entrance to the property indicating that a vicious dog is located on the property

DISEASED DOGS

13. When a complaint is made to the Poundkeeper that a dog is suffering from an incurable disease, as a result of which the dog is suffering pain or debilitation, the Poundkeeper shall investigate the same and, if the veterinary examination demonstrates the dog will be suffering if untreated, shall order the owner to have the dog treated or destroyed. If the owner fails to comply with the said order, the Poundkeeper may seize such dog and impound the same and, after ninety-six (96) hours of such impounding, may destroy the dog.

SEIZURE AND IMPOUNDING

14. The Poundkeeper, Animal Control Officer or any Police Officer may seize any dog found in the Village:
 - a) at large or unlawfully on a highway;
 - b) on any school lands or school building administered by the Board of School Trustees for School District No. 20 (Kootenay Columbia);
 - c) elsewhere than on the premises of the owner and not wearing a license tag.
 - d) under conditions or circumstances contrary to any provision of this bylaw; and such Poundkeeper, Animal Control Officer or Police Officer shall, after making such seizure, deliver such dog to the Poundkeeper to be impounded and it shall be the duty of such Poundkeeper to receive such dog and retain the same for a period of ninety-six (96) hours unless it be sooner reclaimed.
15. The Poundkeeper, Animal Control Officer or Police Officer, where there is reason to believe that a dog, for which the license fee for the current year has not been paid or which is not wearing a license tag or which has been seen running at large, contrary to the provisions of this bylaw, has taken refuge on any premises, may seize such dog and may request the occupant of such premises to show satisfactory proof that such license fee has been paid and that the dog is wearing a license tag, or to deliver such dog for impounding.
16. The Poundkeeper, Animal Control Officer or Police Officer may enter, at all reasonable times, upon any property subject to the provisions of this bylaw to ascertain whether the provisions of this bylaw are being observed.
17. During the period of its detention in the Pound, the Poundkeeper will supply every impounded dog with a sufficient quantity of food and water and if such dog is not reclaimed within ninety-six (96) hours of its being impounded, the Poundkeeper will offer to sell the dog by auction, private sale or adoption and to pay the proceeds from the sale to the Village. In the event the dog is not sold or adopted, the Poundkeeper or other such person authorized by the Poundkeeper, may destroy the dog.
18. Subject to the provisions of the previous sections, the owner of an impounded dog may reclaim the same on application to the Poundkeeper and on proof of ownership and/or proof of payment of the license fee for the current year and the payment of Thirty Dollars (\$30) for each of the offences of the bylaw which resulted in the impounding and the payment of the expenses incurred in impounding and maintaining such dog as follows:
 - a) **Pound Fees (for licensed and unlicensed dogs):**

Thirty dollars (\$30.00) for a licensed dog, first time (Excluding vicious dog, impounded in a licensing year);

Sixty dollars (\$60.00) for a licensed dog, second time impounded in a licensing year;

One Hundred Dollars (\$100.00) for a licensed dog, third time impounded in a licensing year.

One Hundred and Fifty Dollars (\$150.00) for an unlicensed dog.

Pound Fees (for Vicious Dog):

Two Hundred Dollars (\$200.00), first time impounded in a licensing year;

Five Hundred Dollars (\$500.00), second time impounded in a licensing year;

One Thousand Dollars (\$1,000.00), third and subsequent impoundments in a licensing year.

b) **Maintenance Costs:**

Ten dollars (\$10.00) per day or part thereof, after the first day, for the period a dog (except a vicious dog) is impounded;

Thirty Dollars (\$30.00) per day or part thereof, after the first day, for the period a vicious dog is impounded.

19. The Poundkeeper may waive any or all of the fees and costs levied pursuant to Section 18 for any dog that is impounded, except a dog deemed to be vicious, by the Poundkeeper for the first time in a calendar year.
20. It shall be the duty of the Poundkeeper to keep a written record in which the Poundkeeper shall enter the date and hour of impounding, a description of the dog, and the name of the person from who received, and the manner in which such dog is disposed of. Such record shall be open to inspection by the Village and any other person authorized to inspect the same.
21. Any person who takes or rescues any dog, or attempts to take or rescue any dog, lawfully in the custody of the Poundkeeper or other person under the provisions of this bylaw shall be guilty of an offence under this bylaw.
22. Any person who interferes with obstructs or impedes the Poundkeeper, Animal Control Officer or Police Officer in the lawful performance of their duties, shall be deemed guilty of an offence under this bylaw.
23. Any person who offends against or violates any of the provisions of this bylaw or who suffers or permits anything to be done in contravention or violation 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, commits an offence and is punishable in accordance with the provisions of the Offence Act (British Columbia) and may be fined up to a maximum of \$10,000 in accordance with the Community Charter.

NOTICE OF OFFENCE

24. Where the Poundkeeper, Animal Control Officer or any Police Officer is authorized to seize by virtue of Section 14 of this bylaw, they may deliver to the owner of such dog a "Notice of Offence".
25. The "Notice of Offence" issued to the owner of the dog, under Section 24, shall inform the owner of the offence alleged to have been committed and that the owner may avoid Court process by the voluntary payment of the amount set out in the "Notice of Offence" within the time set out in the "Notice of Offence", such payment payable at the Village.
26. The Poundkeeper, Animal Control Officer or any Police Officer, is hereby appointed and authorized to sign "Notice of Offence" issued in accordance with Section 24 of this bylaw, in respect of any offence under this bylaw and to deliver the same to the person charged with an offence under this bylaw.

SEVERABILITY

27. The provisions hereof are severable and if any of them should be found by a Court of competent jurisdiction to be void or unenforceable at law or at equity, the remaining provisions will not be affected.

REPEAL

28. Bylaw No. 630, known and cited as "Animal Control Bylaw No. 630, 1999" and all amendments thereto, are hereby repealed.

READ a first time this 6th day of June, 2006.

READ a second time this 6th day of June, 2006.

READ a third time this 27th day of June, 2006.

RECONSIDERED, finally passed and adopted this 17th day of July, 2006.

Mayor

Administrator

Certified a true copy of the Village of Fruitvale By-law entitled "Dog Tax and Regulation Bylaw No. 728, 2006".

Dated this 17th day of July, 2006.

Administrator

**SCHEDULE "B"
NOTICE OF OFFENCE
VILLAGE OF FRUITVALE, Province of British Columbia**

You have violated the regulations set out in the VILLAGE OF FRUITVALE Dog Tax and Regulation Bylaw No. 728, 2006 by committing the offence indicated below:

OWNER INFORMATION:

Name of Owner: _____

Date of Birth: _____ Phone Number: _____

Address: _____

DESCRIPTION OF ANIMAL

Sex: _____ Breed: _____ Colour: _____

Location of Offence: _____

Date: _____ Time: _____

OFFENCE PENALTY

	Payment within 10 days of above date	Payment within 11-20 days of above date	Payment within 21-30 days of above date
A. Dog at large:	\$ 30.00	\$ 35.00	\$ 50.00
B. Failure to affix valid tag:	\$ 30.00	\$ 35.00	\$ 50.00
C. Failing to keep a vicious dog:			
a) muzzled, or	\$100.00	\$130.00	\$150.00
b) securely confined	\$ 85.00	\$100.00	\$150.00
D. Other violations:	50%	75%	100%

ISSUING OFFICER: _____

DO NOT DETACH

A cash register impression constitutes an official receipt for the amount shown. A dishonoured cheque invalidates this receipt.

ORIGINAL COPY - DOG TICKET NO.: _____ VILLAGE OF FRUITVALE

You may remit payment of the indicated penalty either in person at the Village of Fruitvale Office, 1947 Beaver Street, Fruitvale, BC or by mail to Village of Fruitvale Box 370, Fruitvale, BC V0G 1L0. If payment is made by mail, please return this Notice of Offence with cheque or money order payable to the Village of Fruitvale. On payment of the indicated penalty, which does not constitute licensing your dog, you shall be deemed to have admitted to the violation indicated herein and no further proceedings will be taken.