

DISTRICT OF UCLUELET

BYLAW NO. 803, 1999 (CONSOLIDATED)

Consolidated for convenience to include Bylaw Nos. 803, 842, 950 & 1038

A bylaw to provide for the control, licensing and impounding
of animals within the District of Ucluelet

WHEREAS it is deemed expedient to regulate the keeping of dogs and other animals and to fix, impose and provide for the collection of license fees from and the issuance of licenses to any person who owns, possesses or harbours any dog;

NOW THEREFORE the Council of the District of Ucluelet in open meeting assembled enacts as follows:

INTERPRETATION:

1. In this Bylaw:

“**Animal**” includes cats, dogs, horses, mules, donkeys, swine, sheep, goats, turkeys, geese, ducks or other poultry, pigeons, as well as any cattle or fur-bearing animal or other animal by whatever technical or familiar name known.

“**Animal Control Officer**” means

- a) a municipal employee, officer or agent designated by the Council as an animal control officer for the purposes of this bylaw, or
- b) a peace officer. (Bylaw No. 842)

“**At large**”, “**run at large**” and “**running at large**” means being unleashed and being elsewhere than on the premises of the owner or person having the custody, care or control of any animal; or not being under immediate control of some competent person.

“**Authorized Representative of the District**” means the Bylaw Enforcement Officer of the District, or such other person as the District may appoint to administer the provisions of this Bylaw.

“**Bylaw Enforcement Officer**” means a person appointed by the District of Ucluelet Council to enforce the District of Ucluelet Bylaws. (Bylaw No. 950)

“**Companion animal**” means an animal kept as a pet or as a guide animal. (Bylaw No. 842)

“**Competent Person**” means a person who is physically able to exercise control over an animal.”

“**Council**” means the Mayor and Council of the District of Ucluelet.

“Dangerous dog” means a dog that

- a) has killed or seriously injured a person,
- b) an animal control officer has reasonable grounds to believe is likely to kill or seriously injure a person, or
- c) while in a public place or while on private property, other than property owned or occupied by the person responsible for the dog, has killed or seriously injured a companion animal or a domestic animal. (Bylaw No. 842)

“District” means the District of Ucluelet.

“District Clerk” means the appointed Clerk of the District of Ucluelet.

“Domestic animal” means a domestic animal as defined in the *Livestock Protection Act*. (Bylaw No. 842)

“Harbourer” means a person who has in his care or control, or has been entrusted with the care and control of an animal.

“Highway” includes all the meanings of that word as specified in the Motor Vehicle Act.

“Kennel” means a place where dogs are bred, reared, trained or boarded.

“License” means a license for a dog issued by the District of Ucluelet.

“Municipality” means the area being governed by the District of Ucluelet lying within the corporate limits of the District.

“Owner” means any person who owns or has in his custody or under his control, or harbours any animal within the municipality, and/or any person in whose name a license is issued pursuant to this Bylaw, or who has made application for a license for a dog.

“Persistent Barking or Howling” means the sound made by a dog barking or howling or creating any kind of noise continually or sporadically, erratically for any period in excess of ten (10) minutes.

“Person” means a person, family, household, corporation, firm, partnership or society.

“Seize” includes impound and detain. (Bylaw No. 842)

“Temporary Boarding Permit” means a special permit as outlined in Schedule “C” attached hereto and forming a part of this Bylaw.

“Unlicensed Dog” means any dog for which the license fee for the current year has not been paid to the District, or which does not have attached to its collar or harness a current metal tag issued pursuant to this Bylaw.

“Under Control” means in direct and continuous charge of a competent person who is directly exercising control over it by ensuring that the dog(s) is/are leashed at all times.

“Vicious Dog” means:

- a) any dog with a known propensity, tendency or disposition to attack, without provocation, other domestic animals or humans; or
- b) any dog which has bitten another domestic animal or a human without provocation.

REGULATIONS:

2. General:

- a) The Clerk, being an officer, or the Bylaw Enforcement Officer, Animal Control Officer or other persons so designated by resolution, being hereby designated to act in the place of the Clerk for the purposes of this section, are authorized at all reasonable times to enter on property that is subject to regulation under this Bylaw to ascertain whether the regulation or directions under this Bylaw are being observed.
- b) No license fee shall be payable for a dog which is trained for and used in assisting:
 - (i) law enforcement agencies in the carrying out of their duties; or
 - (ii) persons suffering from a disability which necessitates such assistance, including blindness, deafness and paralysis.
- c) Dogs, which are exempt from license fees under this section, shall nevertheless be registered and shall wear a collar with a metal license tag attached thereto pursuant to Section 3.

3. Dog Licenses

- a) Every person who owns, possesses or harbours any dog apparently over the age of two (2) months within the Municipality shall hold a valid license for each such dog.
- b) The owner shall obtain a License on or before February 1st of each year and shall pay the License fee payable to the District for each License in accordance with Schedule “A” attached hereto, provided however that if she/he becomes the owner of a dog after the 1st day of February in any year, she/he shall obtain a License forthwith.

- c) Upon request, the owner shall provide proof of age for any dog claimed to be under two (2) months of age.
- d) Prior to issuance of a License for a spayed female dog or a neutered male dog, the Municipality will require the owner to furnish proof that the dog has been spayed or neutered. Proof that a dog has been spayed or neutered shall be by a certificate from a registered Veterinarian Surgeon.
- e) Every License issued under this Bylaw shall be for the calendar year in which the license is issued and shall expire on the 31st day of December next following the date on which the license is issued.
- f) With each license, the District shall issue a metal license tag which shall be impressed or stamped with a number corresponding to the number of the license and with figures denoting the year in which the license expires.
- g) Every owner of a dog licensed under this Bylaw shall provide and keep on the dog, a suitable collar or harness to which shall be fastened at all times, the dog license tag issued in connection with the licensing of such dog, except where a qualified Veterinary Surgeon certifies that a dog cannot, due to sickness, injury or disease, comfortably wear a collar or harness.
- h) No person except the owner of a dog or the Animal Control Officer or Authorized Representative of the District shall remove a license tag from a dog.
- i) Every license issued under this section shall be for one (1) animal only, and such license is not transferable to any other dog.
- j) Where the owner of a dog in respect of which a current license has been issued under this Bylaw, sells or otherwise ceases to be the owner of the dog, he shall, within seven (7) days of ceasing to be the owner of such dog, notify the Municipality of the name and address of the new owner.
- k) Where the ownership of a dog in respect of which a current license has been issued under this Bylaw changes, the license may be transferred to the new owner without charge upon making application to the Municipality.
- l) The District may, upon being satisfied that a license tag issued hereunder has been lost or stolen, issue a replacement thereof on payment of a fee as in accordance with Schedule "A" attached hereto.
- m) Upon request, the District may issue a temporary boarding permit that allows a dog handler or breeder to board one additional dog for a

maximum of seven (7) days, notwithstanding that the dog is subject to the provisions of this Bylaw.

4. Control of Animals

The owner of a dog or other animal shall ensure that:

- a) Any animal owned, possessed or harboured by him/her does not run at large or trespass in or upon any private lands or premises.
- b) Any animal owned, possessed or harboured by him/her is not on a highway or any public place unless such animal is under the control of a person who is competent to control the animal.
- c) The owner of every dog shall, at all times when such dog is not on a leash and under the control of a person who is competent to control the dog, keep such dog securely confined on the premises owned or controlled by the owner, by keeping the dog indoors, within a fenced area sufficient to prevent the escape of the dog or securely tethered in such a manner as to prevent the dog from leaving the premises.
- d) No owner of an unspayed female dog shall permit such dog to leave the premises of the owner during such female dog's ovulatory period except to convey the dog directly to a veterinarian or kennel.
- e) The Animal Control Officer and every other person empowered to administer this bylaw may impound a female dog in heat found running at large and shall detain such dog at the expense of the owner while the dog is in heat; Section 10 of this bylaw shall not apply until the expiration of such period.
- f) The owner of every dog shall, at all times when such dog is off the premises of the owner, immediately remove or cause to be removed any feces deposited by such dog in a public or private area and dispose of the feces in a sanitary manner.

5. Noise Complaints

- a) No person shall own, possess or harbour any dog that disturbs or tends to disturb the peace, quiet, rest, enjoyment, comfort or convenience of the neighbourhood by its persistent barking or howling.
- b) A complaint concerning a dog alleging a disturbance contrary to section 5(a) of this bylaw shall be made in writing to the Clerk.
- c) Upon receipt of a complaint in writing that a dog has caused a disturbance and the owner of the dog can be ascertained, the Animal Control Officer or Authorized Representative of the District shall notify the owner of the dog, in person, of the complaint. If the owner of the dog

cannot be ascertained, the Animal Control Officer or Authorized Representative shall investigate.

- d) Upon receipt of a complaint in writing of a second offence by the same dog and the owner of the dog can be ascertained, the Animal Control Officer or Authorized Representative shall notify the owner of the dog, in person, of the complaint. If the owner of the dog cannot be ascertained, the Animal Control Officer or Authorized Representative shall issue a "Notice of Bylaw Violation", as set out in Section 11 of this bylaw. The Animal Control Officer or Authorized Representative of the District may also request the owner of the dog, in writing, to effectively muzzle or restrain the dog.

6. Vicious or Diseased Animals and Dangerous Dogs (Bylaw No. 842)

- a) The owner of a vicious dog shall ensure that such dog is not on a highway or any public place unless effectively muzzled so as to prevent it from endangering the safety of any person or other animal, including a person lawfully entering upon premises where the animal is located. When such dog is not effectively muzzled, on a leash and under the control of a person who is competent to control the dog, such dog shall be kept indoors or within a securely closed and locked enclosure.
- b) No person shall keep, harbour or have in his possession any animal suffering from any infectious or communicable disease, unless such animal is in isolation and is undergoing treatment for the cure of such disease.
- c) The Animal Control Officer or Authorized Representative of the District may, at any time, and at his/her sole discretion, destroy or cause to be destroyed, any animal suffering from any incurable disease, injury or mutilation, to prevent cruel suffering or the spread of disease.
- d) Section 707.1 of the *Local Government Act* provides additional authority that an animal control officer may seize a dog if the officer believes on reasonable grounds that the dog is a dangerous dog. Application and exercise of that authority is subject to the requirements of that section. (Bylaw No. 842)
- e) Section 8 of the *Livestock Protection Act* provides additional authority that, in relation to a dog that the animal control officer has reasonable grounds to believe is a dangerous dog, the animal control officer may apply to the Provincial Court for an order that the dog be destroyed in the manner specified in the order. (Bylaw No. 842)
- f) Limitations to the length of impoundment of a dog that has been seized under this section is provided for in Section 707.1 of the *Local Government Act*. (Bylaw No. 842)

7. Kennels

- a) Every person wishing to operate a kennel for the purposes of breeding, training or boarding dogs, must obtain a Kennel License from the District of Ucluelet. A Kennel license is not a substitute for a license required by the Municipality's Business License bylaw and does not relieve an owner of a kennel from compliance with that bylaw or any other bylaw of the municipality. **(Bylaw No. 1038)**
- b) Every person operating a kennel must ensure that each dog bred, trained, boarded or cared for in the kennel possesses a valid and subsisting dog license from the District of Ucluelet. **(Bylaw No. 1038)**
- c) Kennel and dog licenses may be obtained by applying to the District and paying the prescribed kennel/dog license fee set out in Schedule "A". **(Bylaw No. 1038)**
- d) No person shall:
 - i) have or keep more than ten (10) dogs in a kennel;
 - ii) permit or cause a dog to be unattended or uncontrolled in an open air run in a kennel between the hours of 9:00 p.m. and 7:00 a.m.
 - iii) allow a dog to run loose in a kennel except in an adequately fenced area;
 - iv) permit or cause barking, yelping, howling or other frequent noise to emanate from a kennel. **(Bylaw No. 1038)**
- e) The owner or operator of a kennel shall:
 - i) ensure that all animals in the kennel are under control and are restrained from frequent barking, yelping, howling or making other noises;
 - ii) keep the kennel in good repair at all times;
 - iii) keep the kennel and the yard surrounding it at all times in a clean and sanitary condition and free of vermin and rodents;
 - iv) collect all uneaten food from the kennel daily, wrap it and place it in a bear proof garbage receptacle for collection;
 - v) dispose of all manure, dung or refuse and all liquid wastes from the kennel in a manner which meets the approval of the Medical Health Officer and the Municipality;
 - vi) dispose of all hair clippings and waste paper in a sanitary manner;

- vii) keep the kennel regularly cleaned and disinfected and free from any offensive or objectionable odours to the satisfaction of the Medical Health Officer and the Municipality. (Bylaw No. 1038)
- f) No kennel shall be permitted unless:
 - i) 24 square feet of floor space is provided for each dog;
 - ii) a dog exercise area is provided that is fenced in such a manner that the dog or dogs cannot escape the confines of the exercise area;
 - iii) the kennel complies with all laws and regulations in force in the Province of British Columbia and all municipal bylaws, regulations and policies. (Bylaw No. 1038)
- g) A kennel license issued may be suspended or revoked at any time by the Animal Control Officer or the Authorized Representative of the District if the licensee does not observe the provisions of this bylaw. (Bylaw No. 1038)
- h) Every licensee shall, at all reasonable times, permit the Animal Control Officer or the Authorized Representative of the District to enter and inspect any kennel for the purposes of ascertaining whether the provisions of this bylaw are being observed. (Bylaw No. 1038)
- i) Every kennel license issued under this bylaw:
 - i) expires on the 31st day of December of the year in which it is issued;
 - ii) is valid only in respect of the kennel for which it is issued; and
 - iii) shall be renewed not later than the 1st day of February in the following calendar year. (Bylaw No. 1038)
- j) The municipality shall maintain a record of all kennel licenses issued for a period of two (2) years from the date a license is issued, showing the name and address of the owner, the date of the license, a description and kennel license number of the kennel and the license fee paid. (Bylaw No. 1038)

8. Impounding

- a) The Animal Control Officer, Authorized Representative of the District or police officer may impound any animal that is running at large within the Municipality.
- b) The owner, possessor or harbourer of any animal impounded under this bylaw may redeem the same upon application to the Animal Control

Officer or Authorized Representative of the District with proof of ownership and payment of the following fees:

- i) In the case of such animal not being licensed for current calendar year, prescribed license fees as set out in Schedule "A" attached hereto and forming part of this bylaw.
- ii) Pound fees for seizing and impounding such animal as set out in Schedule "B" attached hereto and forming a part of this bylaw.
- iii) An additional \$5.00 per day for every day or portion thereof during which it shall have been impounded, plus any additional expenses incurred in conveying, impounding and maintaining such animal.
- c) Any person who in any way interferes, resists, or willfully obstructs the Animal Control Officer or any other person lawfully engaged in impounding any animal or carrying out any other duty pursuant to the provisions of this bylaw, is guilty of an offence against this bylaw.
- d) Any person who, without lawful authority and not having paid the fees and expenses imposed under the provisions of this bylaw, is guilty of an offence against this bylaw.
- e) The Pound shall be open for all purposes during the hours of 8:00 a.m. – 12:00 p.m. and 1:00 p.m. to 4:30 p.m. on the days during which the offices of the District are open to the public, unless otherwise designated by the District Clerk.

9. Cat Regulation, Identification and Cat Breeding Permits

- a) No person may be or become an owner of any cat that is actually or apparently over the age of six (6) months unless:
 - i) the cat has been spayed or neutered, as the case may be, by a veterinarian; or
 - ii) the person holds a valid cat breeding permit for an unspayed or unneutered cat as provided for in this bylaw; or
 - iv) the person is not normally resident in the Municipality and while in the Municipality for any temporary period or periods ensures that his or her cat, if unspayed or unneutered, is not permitted to be running at large in the Municipality.
- b) Every owner of a cat must ensure that the cat, if it is unspayed or unneutered, whether pursuant to a cat breeding permit issued under this bylaw or otherwise, is not permitted to be running at large within the Municipality.

- c) Any person finding a cat running at large that he or she believes to be unspayed or unneutered and takes into his or her possession must immediately notify the Animal Control Officer and either deliver the cat to the Animal Control Officer or, upon request, release the cat to the Animal Control Officer.
- d) Every owner of a cat is responsible for ensuring that his or her cat bears sufficient identification to allow any person finding the cat running at large to identify and contact the owner. For clarity, but without limiting the identification options open to an owner, cat identification may take the form of a collar and tag worn by the cat, a traceable tattoo or microchip.
- e) It is unlawful for any person other than the owner of a cat or the Animal Control Officer to remove any identification worn by a cat pursuant to this bylaw.
- f) Any person who wishes to obtain a cat breeding permit that will exempt that person from the provisions of section 8(a)(i) during the life of the permit, must submit a completed application form to the Municipality.
- g) The Animal Control Officer may, upon receiving an appropriate application form and the fees for a cat breeding permit specified in section 8(i), issue a cat breeding permit which permit will be valid for a period of three years from the date of issuance.
- h) An owner who holds a cat breeding permit is responsible for ensuring that his or her cat to which the permit relates is not permitted to be running at large in the municipality.
- i) The fee for a cat breeding permit issued pursuant to this bylaw is \$60.00.

10. Sale and Destruction

- a) The Animal Control Officer or Authorized Representative of the District may, at his/her discretion, sell, destroy, cause to be destroyed or dispose of any animal which has been impounded where the prescribed fines, fees, and other charges are not paid within three (3) clear working days.
- b) Within two (2) working days after impounding of any animal pursuant to this bylaw, the Animal Control Officer or Authorized Representative of the District shall post a notice, setting out the particulars of the impounded animal, including the ownership, where known, and advise that the animal will be sold or destroyed after expiration of three clear working days from the date of the notice, unless, in the meantime, the animal is redeemed. The notice may itself fix the time and place where the impounded animal will be offered for sale by auction or private sale.

- c) The Animal Control Officer or Authorized Representative of the District may, after expiration of the time specified in the notice referred to in section 10(b), and where the animal has not been redeemed, offer the impounded animal for sale by public auction, at which he shall sell the animal to the highest cash bidder. Where the notice given itself fixes the time and place where the impounded animal will be offered for sale, no further or other notice shall be necessary, but the Animal Control Officer or Authorized Representative of the District may, at his/her discretion, give notice by newspaper advertisement or otherwise.
- d) The notice referred to in section 10(b) shall for all purposes be sufficient notice to the owner and shall be deemed to have been received by him or her on the date of posting.
- e) Where no bid is received for the sale of the animal and the animal is not redeemed at the time of sale, the Animal Control Officer or Authorized Representative of the District shall destroy, cause to be destroyed or dispose of such animal.
- f) The Municipality shall provide the Animal Control Officer or Authorized Representative of the District with a register book, within which he/she shall enter the number and description of every dog or animal impounded by him/her, the day and hour on which the same was received or redeemed, sold, destroyed or disposed of, and the amount of fines, fees, or licenses paid by the redeeming party, and the proceeds of the sale (if any). The Animal Control Officer or Authorized Representative of the District shall, on the first day of every week in the year, deliver to the Municipality, a copy of the records so made, in addition to any sums so received as fines and licenses recovered under the provisions of this bylaw.

11. Designation of Bylaw Enforcement Officer

For the purposes of this bylaw, the designated Bylaw Enforcement Officer means any of the following;

- 1. Bylaw Enforcement Officer for the District of Ucluelet
- 2. R.C.M.P. Officers and Auxiliary members (Bylaw No. 950)

12. Penalties

- a) Every person who violates any of the provisions of his bylaw, or who suffers or permits any act or thing to be done in contravention of this bylaw is liable on summary conviction to a fine of not more than two thousand dollars (\$2,000.00) and costs (including the costs of the committal and conveyance to the place of imprisonment) for each offense, and in default of payment therefore, to imprisonment of a term not exceeding six months in jail. Each day that such violation is permitted to continue shall be a separate offence. (Bylaw No. 950)

- b) The fines and penalties payable in respect of a breach of this bylaw are set out in Schedule "D", attached hereto and forming part of this bylaw. (Bylaw No. 950)

13. Interpretation Act

In reckoning time for purposes of this bylaw, any period of time expressed in days shall be exclusive of any holiday as defined by the *Interpretation Act*. Where the time limit or the date under this bylaw for any proceeding falls due on a day when the offices of the District are not open to the public, the time so limited shall extend to (and such things may be done on) the day next following on which the offices are open to the public.

14. Administrative Provisions

- a) This bylaw hereby repeals the Corporation of the Village of Ucluelet "Animal Control and Licensing Bylaw No. 577, 1991" and amendments thereto in their entirety.
- b) This bylaw may be cited for all purposes as the "District of Ucluelet Animal Control and Licensing Bylaw No. 803, 1999".

15. Severability

If any provision of this Bylaw is determined by a court of competent jurisdiction to be unlawful or unenforceable, that provision shall be severed from this Bylaw and shall not affect the validity of any remaining provision of this Bylaw. (Bylaw No. 950)

READ A FIRST TIME this 11th day of **May, 1999.**

READ A SECOND TIME this 11th day of **May, 1999.**

READ A THIRD TIME this 11th day of **May, 1999.**

RECONSIDERED and **FINALLY PASSED** and **ADOPTED** this 25th day of **May, 1999.**

THE CORPORATE SEAL of the
District of Ucluelet was hereto affixed
In the presence of:

ORIGINAL SIGNED BY MAYOR

ORIGINAL SIGNED BY CLERK

Bill Irving, Mayor

Ian Howat, A/Clerk Administrator

A CERTIFIED TRUE CONSOLIDATED COPY of the “District of Ucluelet Animal Control and Licensing Bylaw No. 803, 1999”, which includes amending Bylaw No. 842.

Cliff Strachan
Chief Administrative Officer

Schedule "A"

License and Permit Fees

License Fees	
Spayed female dogs	\$15.00
Neutered male dogs	\$15.00
Unspayed female dogs	\$30.00
Unneutered male dogs	\$30.00
Kennel	\$100.00
Temporary Boarding Permit	\$10.00
Licenses Purchased after July 1st	
Spayed female dogs	\$7.50
Neutered male dogs	\$7.50
Unspayed female dogs	\$15.00
Unneutered male dogs	\$15.00
Replacement License Tag	\$2.50
Cat Breeding Permit	\$60.00

Schedule "B"

Schedule of Pound Fees

Seizing and impounding any licensed dog	\$30.00 <i>(plus \$5.00 per day)</i>
Seizing and impounding an unlicensed dog	\$60.00 <i>(plus \$5.00 per day)</i>
Seizing and impounding any dog a subsequent time within a three month period <i>(in addition to the above fee)</i>	\$60.00 <i>(plus \$5.00 per day)</i>
Seizing and impounding birds, reptiles, etc.	\$5.00 <i>(plus cost of food)</i>
Seizing and impounding a vicious dog <i>(for each time the dog is impounded)</i>	\$200.00
Seizing and impounding an unspayed or unneutered cat	\$25.00 <i>(plus \$5.00 per day)</i>

Schedule "C"
Temporary Boarding Permit

Date: _____

Permit No: _____

The District of Ucluelet hereby authorizes:

Name: _____

Address: _____

Phone: _____

To board the following breeding and/or show dog:

Full description: _____

In accordance with, and under the regulation of the District of Ucluelet Bylaw No. 803, 1999.

Permit Fee: \$10.00

Bylaw Enforcement Officer or
Authorized Representative

Schedule "D"

Penalties

Offense	Section	Fine – 1st Offense	Fine – 2nd & Subsequent Offenses
Unlicensed Dog	3A	\$50.00	\$100.00
License Not Affixed	3G	\$25.00	\$50.00
No Kennel License	7A	\$100.00	\$200.00
Animal at Large	4A	\$50.00	\$100.00
Failure to Dispose of Excrement	4F	\$25.00	\$50.00
Vicious Dog Not Muzzled or Leashed	6A	\$200.00	\$400.00
Vicious Dog Not Securely Confined	6A	\$200.00	\$400.00
Unlawful Keeping of Animals	6C	\$200.00	\$400.00
Disturbing the Peace/Noise	5A	\$100.00	\$200.00
Interfere with Animal Control/Bylaw Enforcement Officer	8C	\$250.00	\$500.00

(Bylaw No. 950)