

COLUMBIA SHUSWAP REGIONAL DISTRICT

BYLAW NO. 5669

A bylaw to regulate the control of dangerous dogs within Electoral Area 'F'

WHEREAS the Board of Directors of the Columbia Shuswap Regional District is empowered and authorized pursuant to the Local Government Act to regulate the keeping of dogs and to provide for the fixing, imposing and collecting fees for licensing dogs and impounding dangerous dogs;

AND WHEREAS the Board of Directors has established a dangerous dog control service within Electoral 'F';

AND WHEREAS the Board of Directors deems it desirable and expedient to provide for regulation and enforcement of dangerous dog control provisions within Electoral Area 'F';

NOW THEREFORE the Board of Directors of the Columbia Shuswap Regional District, in an open meeting assembled, HEREBY ENACTS AS FOLLOWS:

DEFINITIONS

1. In this Bylaw:

"BOARD " means the Board of Directors of the Columbia Shuswap Regional District.

"DANGEROUS DOG" means any dog that:

- a) has killed or seriously injured a person; or
- b) has killed or seriously injured a domestic animal in a public place or while on private property, other than property owned or occupied by the person responsible for the dog;
or
- c) a Dog Control Officer has reasonable grounds to believe is likely to kill or seriously injure a person.

"DOG" means an animal of the canine species.

"DOG CONTROL OFFICER" means that person appointed by the Board to enforce the provisions of this Bylaw.

"HARBOURER" means a person who is in possession, gives shelter to, feeds or keeps a dog.

"OWNER" means the person, partnership, association or corporation that owns a dog.

"PERSON" means and includes any individual, group of individuals, society, corporation, partnership and the heirs, executors, administrators or other legal representatives of the same.

"POUND" means the facility or facilities designated by the Regional District, which is used for the temporary housing and care of dogs that have been impounded pursuant to this Bylaw.

"REGIONAL DISTRICT" means the Columbia Shuswap Regional District.

AUTHORITY, APPLICATION AND ENFORCEMENT

2. This Bylaw applies to the entirety of all lands within Electoral Area 'F'.
3. A Peace Officer, Bylaw Enforcement Officer, Dog Control Officer or designate and any other person duly authorized by the Regional District may enter onto any property at any reasonable time to ascertain whether the provisions of this Bylaw are being observed and may take whatever action is deemed necessary in accordance with this Bylaw.
4. No person shall unreasonably obstruct or prevent a Dog Control Officer from carrying out their duties as prescribed in this Bylaw.

LICENSING OF DOGS

5. Annual dog licenses and dog tags will be available to owners of dogs within Electoral Area 'F' on a voluntary basis by applying to the Regional District or the Dog Control Officer for a dog license and paying the dog license fee as set out in Schedule "A" attached hereto and forming a part of this bylaw.
6. As a condition of release from the pound, the owner of a dog that has been impounded in accordance with the provisions of this bylaw must purchase a dog license at the annual license fee set out in Schedule 'A'.

DANGEROUS DOGS

7. Any Dog Control Officer shall have the authority and the discretion to make a determination that a dog is a dangerous dog.
8. If a dog bites, inflicts injury, assaults or otherwise attacks a human being or animal or dangerously pursues a person or domestic animal, the said dog may be impounded pursuant to this Bylaw.
9. A Dog Control Officer may seize a dog if the officer believes on reasonable grounds that the animal is a dangerous dog and may detain and impound the dangerous dog for twenty-one (21) days, or longer where an application for a destruction order is made to the Provincial Court by the Dog Control Officer. Should the order not be granted the dangerous dog shall be returned to the owner, upon:
 - a) submission of a completed Release and Waiver of Liability, Assumption of Risks and Indemnity Agreement in the form provided by the Regional District; and
 - b) payment of all fines or fees due pursuant to this bylaw.
10. The owner of a dog that has been determined to be a Dangerous Dog pursuant to this Bylaw may surrender the dangerous dog to the Dog Control Officer for destruction at no cost to the owner.

COMPLAINTS

11. In the event of a complaint alleging a dangerous dog, the Dog Control Officer will be responsible for investigating the complaint. If the owner or harbourer of the dog can be ascertained, the Dog Control Officer has the authority to either:
 - a) issue a written warning notice to the owner or harbourer of the dog; or
 - b) issue a ticket under the CSRD Ticket Information Utilization Bylaw; or
 - c) impound the dog, or
 - c) any combination of the above.
12. A repeat offence following a written warning notice will be considered a violation of this bylaw.

IMPOUNDING OF DANGEROUS DOGS

13. **Impounding** - Any dangerous dog may be impounded by a Dog Control Officer.
14. **Release** – no dangerous dog may be released from the pound until all provisions of this Bylaw have been met and all fines, fees and penalties have been paid.
15. **Unlawful Release** – it is unlawful for any person, other than a Dog Control Officer acting in the course of its duties, to release or rescue or to attempt to release or rescue any dangerous dog lawfully in the custody of the Dog Control Officer or the pound.
16. **Notice to Owner** – if an impounded dog's owner is known to the Dog Control Officer, the Dog Control Officer must make reasonable efforts to notify the owner of the impounded dog by telephone or mail, whichever is the most practical, that the dog has been impounded.
17. **Notice of Impoundment** – if the dangerous dog's owner is not known to the Dog Control Officer, the Dog Control Officer must make reasonable efforts to locate the owner by posting a "Notice of Impoundment" at the pound where the dog is impounded, and the Dog Control Officer's website.
18. **Unclaimed Dangerous dogs** – if the owner or harbourer of a dangerous dog impounded in accordance with this Bylaw is not known to the Dog Control Officer or if the owner so notified does not appear at the Regional District office to pay the lawful fines, fees and penalties pursuant to this or any Regional District Bylaw that may apply, the Dog Control Officer may destroy the dangerous dog as provided for in this Bylaw.
19. **Responsibility for Uncollected Fees and Costs** – the owner or harbourer of a dangerous dog is responsible for all unpaid fees, fines or penalties imposed in accordance with this Bylaw and its Schedule(s).

POUND

20. The Regional District may provide or arrange by contract with others to provide such buildings, yards, enclosures and motor vehicles as may be deemed necessary for the care, keeping and transportation of dangerous dogs that have been impounded.

FEES AND PENALTIES

21. All fees and penalties as set out in Schedules 'A' and 'B' attached hereto and forming a part of this bylaw, are hereby imposed and are payable to the Regional District or the Dog Control Officer.

RECORDS

22. The Dog Control Officer shall keep detailed records that include a description of the dog, dog tag number (if available), name of the dog; name and address of the owner; date and reason for:
- a) warning notices delivered;
 - b) complaints received;
 - c) impoundments;
 - d) destruction of dogs.
23. The Dog Control Officer shall keep detailed records of the fees and penalties for:
- a) impoundments;
 - b) destruction of dogs.
24. The Dog Control Officer shall keep detailed records of all monies received pursuant to this bylaw and shall, at least once in every month, submit such records to the Regional District.

OFFENCES

25. Any person who contravenes any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention of any provision of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any provision of this Bylaw, commits an offence against this Bylaw and is subject to:
- a) a fine in accordance with the CSRD Ticket Information Utilization Bylaw if an information respecting the infraction is laid by means of a ticket; or
 - b) upon summary conviction, a fine not exceeding \$2,000 and the costs of prosecution; or
 - c) any combination of the above.
26. Each day a new contravention of or failure to comply with any provision of this Bylaw continues to exist shall constitute a separate offence.
27. Any penalty imposed pursuant to this Bylaw shall be in addition to, and not in substitution for, any other penalty or remedy imposed pursuant to any other applicable statute, law, or regulation.

SEVERANCE

28. If any portion of this Bylaw is held to be invalid by a Court of competent jurisdiction, such invalidity does not affect the remaining portions of the Bylaw.

FORCE AND EFFECT

29. This bylaw will come into force and effect on December 31, 2013.

CITATION

30. This Bylaw may be cited as " Area 'F' Dangerous Dog Control Regulation Bylaw No. 5669".

READ a first time this 18th day of July, 2013.

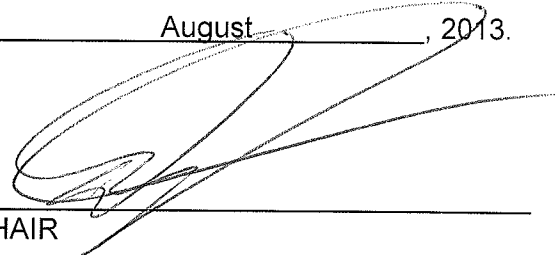
READ a second time this 18th day of July, 2013.

READ a third time this 18th day of July, 2013.

ADOPTED this 15th day of August, 2013.



CHIEF ADMINISTRATIVE OFFICER



CHAIR

CERTIFIED a true copy of
Bylaw No. 5669 as adopted.

Deputy Manager of Corporate
Administration Services

**COLUMBIA SHUSWAP REGIONAL DISTRICT
AREA 'F' DANGEROUS DOG CONTROL REGULATION BYLAW**

SCHEDULE 'A'

Annual License Fees (Voluntary*)

1. Annual Licence Fee for Each Dog
 - a) Unspayed female or unneutered male dog \$50.00
 - b) Spayed female or neutered male dog \$15.00
 - c) Replacement Tags \$5.00
2. For the purposes of determining whether a dog has been spayed or neutered, the owner or harbourer shall provide evidence to the satisfaction of the Dog Control Officer that the dog is spayed or neutered.
3. For license fees paid by new residents and new dog owners after June 30th, but before October 1st in each calendar year, a fifty percent (50%) discount shall apply.
4. For license fees paid by new residents and new dog owners after October 1st in each calendar year, a seventy-five percent (75%) discount shall apply.

* annual license fees are mandatory for dogs that have been impounded in accordance with the provisions of this bylaw (see Section 6).

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**COLUMBIA SHUSWAP REGIONAL DISTRICT
AREA 'F' DANGEROUS DOG CONTROL REGULATION BYLAW**

SCHEDULE 'B'

Impound Fees

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| 1. | Impound Fees | |
| | - First Impoundment | \$200.00 |
| | - Second Impoundment | \$350.00 |
| 2 | Daily Maintenance Fee (includes any part of day for which a dog is impounded) | \$20.00 |
| 3 | The owner of a dog shall be responsible for any extraordinary costs and/or fees for equipment, labour, or services incurred and assessed by the Regional District for extraordinary resources necessary to control and impound a dangerous dog, or a potentially dangerous dog. | |
| 4. | Destruction Fee* - Actual cost (not to exceed \$200.00) | |

*Destruction Fee will be waived where a dog is voluntarily surrendered for destruction in accordance with Section 9 of this bylaw.