

DISTRICT OF SALMON ARM

BYLAW NO. 2398

A bylaw to maintain and operate a *pound* and to regulate the keeping of certain *animals* in the *District* of Salmon Arm

WHEREAS under the provisions of Sections 703 of the "Local Government Act", R.S.B.C. 1996, s.323 and amendments thereto, the *Council* is given broad powers to licence, regulate or prohibit the keeping of certain *animals* within the municipality;

AND WHEREAS it is considered both desirable and expedient to maintain and operate a *pound*, to regulate the operations of the *pound*, and to regulate the keeping of, and to licence, certain *animals* within the municipality;

NOW THEREFORE the *Council* of the *District* of Salmon Arm, in open meeting assembled, enacts as follows:

1. For the purposes of this bylaw the following words and terms have the meaning hereby assigned to them with appropriate changes in number or gender as required by the context:
 - a) "*Animal*" means any *cattle, horse, llama, alpaca, sheep, swine, goat, domestic rabbit, guinea pig or poultry*;
 - b) "*Animal Control Officer*" means any *person* appointed from time to time under this bylaw to enforce and carry out such provisions of this bylaw as specified in the appointment;
 - c) "*Cattle*" means any *bull, ox, heifer, steer or calf*;
 - d) "*Council*" means the *Municipal Council* of the *District* of Salmon Arm;
 - e) "*District*" means the *municipal area* comprised within the boundaries of the *District* of Salmon Arm;
 - f) "*Dog*" means any *dog* apparently over the age of six months and including male and female of the species but not a bonafide seeing-eye *dog*;
 - g) "*Harbourer*" shall mean a person who gives shelter to, feeds or keeps a dog.
 - h) "*Horse*" means any *horse, mare, gelding, colt, filly, ass or mule*;

- i) "*Impounded*" means seized, delivered, received, or taken into the *Pound* or in the custody of the *Pound Keeper* as provided herein;
- j) "*Lot*" means the smallest unit in which the land is designated as a separate and distinct parcel on a legally recorded plan or description filed in the Land Title Office;
- k) "*Owner*" in respect of any *animal*, includes possessor or harbourer;
- l) "*Owned*" means possessed or harboured;
- m) "*Person*" means an individual but shall be construed as meaning the plural, masculine, feminine, body politic or corporate where the context may require;
- n) "*Possessor*" shall mean a person who owns or gives shelter or has a dog in his/her keeping.
- o) "*Poultry*" means any domestic fowl, turkey, goose, duck, ostrich or emu;
- p) "*Pound*" means any building, enclosure or place established as such, by the *Council* from time to time, for the keeping of *animals impounded* under this bylaw;
- q) "*Pound Keeper*" means the *person* appointed from time to time by the *Council* for the purpose of enforcing and carrying out the provisions of this bylaw, and shall include any assistant *Pound Keeper* appointed pursuant to the provisions of this bylaw;
- r) "*Run or Running at large*" when used with reference to any *animals* means being elsewhere than on the premises of a *person* owning or having the custody, care or control of said *animal* and not being under the immediate charge and control of a responsible and competent *person*;
- s) "*Structure*" means any building, shed, stable, or other type of housing used for the shelter or enclosure of *animals*;
- t) "*Treasurer*" means the *Treasurer* of the *District* of Salmon Arm and shall include any lawful deputy or assistant;

u) "*vicious dog*" shall mean:

any dog with a known propensity, tendency or disposition to attack or cause injury without provocation or to otherwise threaten the safety of human beings or domestic animals; or

any dog which, without provocation, chases or approaches a person on public or private property in a menacing fashion or apparent attitude of attack; or

any dog which, without provocation, bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal on public or private property; or

any dog that has been determined to be vicious upon complaint to the police or the Dog Control Officer."

v) "*Watercourse*" may include one or all of the following:

i. a natural flowing stream or a standing body of water which forms a wetland, marsh, pond or an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation;

ii. a natural depression in the land 0.5 metres or more in depth usually containing water;

iii. a *watercourse* may also include, but is not limited to: spring, lake, dam, pond, basin, pool, river, lagoon, reservoir, brook, stream, creek, waterfall, swamp or gulch.

w) "*Zone or Zones*" shall have the same meaning and classification as contained and identified in the *District of Salmon Arm Zoning Bylaw* and as amended from time to time;

The words herein shall be construed as meaning singular or plural and masculine or feminine, wherever the context so requires.

2. A *Pound* shall be maintained and operated in the *District* and the *Pound* shall be located at such place and in such premises as the *Council* may from time to time determine by resolution.

CONTROL OF DOGS

3. No *person* shall allow any *dog* to *run at large* within the confines of the *District*. If any *dog* is found at large or causing a disturbance and such *dog* cannot be caught and *impounded* and if the identity of the *owner* of such *dog* is known, then the *Pound Keeper* shall cause a summons to be issued charging such *owner* with an infraction of this bylaw.
4. No *persons* shall permit or cause any *dog* to continually or in a persistent, intermittent manner to cry, bark, yelp, howl, or make other noises which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any *person* or *persons* in the neighbourhood or vicinity.
5. Any *person* having custody of any bitch in heat shall confine the *animal* during the whole period of heat in such a manner that its presence is not a nuisance to *persons* residing in the adjacent area.
6. It shall not be lawful for any *person* to own, possess or harbour any diseased or vicious *dog* within the *District* unless the same shall be kept sufficiently secured so as to prevent it from endangering the safety of any *person*, *dog*, cat, or other *animal*, and it shall be lawful for a justice before whom any *person* shall be convicted for a breach of this section to order that any such diseased or vicious *dog* shall be destroyed, and the costs of destroying and disposing of such *dog* may be collected as if the amount were a fine imposed upon summary conviction from the *owner* thereof, in addition to any fine or cost which may lawfully be imposed upon such a *person*.
7. No *person* shall keep, own or have in his possession or harbour within the *District* any *dog* over six [6] months of age unless a licence and a tag therefor, pursuant to the provisions of this bylaw, has been obtained.

The owner of a vicious dog shall confine the dog in a secure enclosure and shall muzzle the dog whenever it is off the owner's or harbourer's premises.

If a vicious dog attacks or viciously pursues a person or domestic animal, said dog shall be subject to the impoundment provisions of "District of Salmon Arm Pound and Animal Control bylaw No. 2398" and "District of Salmon Arm Fee for Service Bylaw No. 2498" as amended from time to time.

8. The *owner* of every *dog* over the age of six [6] months shall annually for each calendar year on or before the first day of January in each year, or as soon thereafter as such *dog* shall attain the age of six months, cause the same to be registered, numbered, described, and licensed for that year in the office of the *Treasurer* and shall cause the *dog* to wear around its neck a collar to which shall be attached a metal tag which shall be impressed or stamped with the number corresponding to the number of the licence and figures indicating the year for which such licence was paid.
9. Any *person* who without authority removes such metal tag from any *dog* shall be guilty of a breach of this bylaw.
10. Every licence shall be distinguished by a number and a record shall be kept of all licences issued and for the purpose of identification a general description of the *dog* in respect of which such licence was issued.
11.
 - a) Within the *District* of Salmon Arm, the *owner* of a *dog* over the age of six [6] months shall pay an annual licence fee as set out in the Fee for Services Bylaw, unless the *owner* holds a valid kennel licence.
 - b) Four [4] or more *dogs* over the age of six [6] months shall be deemed to be a kennel, and the owner shall be subject to an annual licence fee as set out in the Fee for Services Bylaw and location and criteria as set out in the Zoning Bylaw.
12. Any *person* who has obtained a tag as provided in this bylaw, and has lost the same, may so often as such tag is lost, apply to the *Treasurer* or the *Pound Keeper*, for another in place of the one so lost; the *Treasurer* or *Pound Keeper* may issue to such *person* applying therefor a duplicate or other tag upon payment by such *person* of the fee as set out in the Fee for Services Bylaw.
13. Every licence issued pursuant to this bylaw shall expire on the thirty-first day of December next following the date on which such licence takes effect.
14. Where the *owner* of a *dog* in respect of which a licence is issued under this bylaw sells or otherwise ceases to be the *owner* of the *dog* the licence shall in respect of that *dog* become cancelled.

ANIMAL EXCREMENT

15. a) No dog shall be permitted to excrete on other than his owner's, *possessor's* or *harbourer's* property.
- b) The owner, *possessor* or *harbourer* of a dog shall remove, forthwith, any excrement deposited by said dog on other than the owner's, *possessor's* or *harbourer's* property.
- c) The owner, *possessor* or *harbourer* of a dog shall not permit dog excrement to accumulate in such a manner as to be offensive to smell or unsanitary. Dog excrement shall be regularly disposed of in a manner approved by the Medical Health Officer.

SEIZURE OF DOGS

16. The *Pound Keeper* may seize any *dog* found *running at large* in the *District* or causing a disturbance and retain the same for a period of seventy-two [72] hours unless it be sooner reclaimed as hereinafter provided.
17. The *Pound Keeper* may, where he has reason to believe that a *dog* over the age of six [6] months for which the licence or tax for the current year has not been paid or a *dog* over the age of [6] months which does not have attached to it a metal tag for the current year has taken refuge on any premises, request the occupant of such premises to satisfy him the tax or licence has been paid and to exhibit the tag attached to the *dog* or to deliver forthwith the *dog* to him, and where any *dog* over the age of six [6] months is found to be on the premises, any occupant who fails or refuses to exhibit the tag or who fails, neglects, or refuses to deliver the *dog* on request or who resists or interferes with the *Pound Keeper* in seizing the *dog*, commits an infraction of this bylaw.
18. a) When complaint is made to the *Pound Keeper* that a *dog* is vicious or diseased, he shall investigate the complaint and if he is satisfied that the complaint is well founded shall request the *owner* of the *dog* to destroy it or to keep it in confinement on his own premises; and in case of non-compliance of the *owner* with this request the *Pound Keeper* may seize the *dog* and impound it and, within 48 hours of impounding it, shall apply to a justice for a warrant to destroy the *dog*.

- b) The *Pound Keeper* shall give or send to the *owner* of the *dog* a written notice of his intention to apply for the said warrant at least twenty-four [24] hours prior to the application being made, and an opportunity shall be given to the *owner* to show cause why the warrant should not be granted and the justice may instead of granting the warrant request from the *owner* an undertaking to keep the *dog* in confinement and may order the *owner* to pay to the *Pound Keeper* the expenses of seizing and maintaining the *dog*.
- c) In the event the *Pound Keeper* being unable to give any notice at the address appearing on the register hereinbefore mentioned relating to the *dog*, or in the event of the address of the *owner* of the *dog* not being traceable on the register, notice may be given by inserting it in one issue of a weekly newspaper circulating in the area, and the notice shall appear at least 24 hours before the application is heard and it shall have the same force and affect as if given to the *owner* personally.

The *Pound Keeper* is hereby empowered to enter any lands and premises for purposes of enforcing this bylaw.

- 19. It shall be lawful for the *Pound Keeper* or any other *person* duly authorized by the *Pound Keeper* to destroy at once a diseased or vicious *dog* found at large.
- 20. During the period of its detention in the *Pound*, every *impounded dog* shall be supplied with sufficient quantity of food and water and, if the *dog* is not reclaimed within seventy-two [72] hours of its being *impounded*, it shall be the duty of the *Pound Keeper* to destroy the *dog* or to sell it to any *person* by auction or private sale.
- 21. The owner of any *dog impounded* under this bylaw, other than a *dog* that is subject of an application pursuant to Section 8[1] of the Livestock Protection Act or Section 6 of this bylaw, may reclaim it upon application to the *Pound Keeper* and upon proof of ownership and upon payment of impoundment, maintenance and if still outstanding, current years licence fees as set out in the Fee for Service Bylaw.
- 22. It shall be the duty of the *Pound Keeper* to keep a record in which he shall enter with reference to each *dog impounded* the date and hour of *impounding*, the description of the *dog*, the name of the *person* from whom seized, and the manner in which the *dog* was dealt with.

ANIMALS

23. a) Except as outlined in this section, the keeping of *animals* is prohibited in all *Zones* in the *District*. The keeping of *animals*, shall comply with the following restrictions:
- i. In all *zones* where the *lot* is less than 0.2 ha [0.5 acre] in area, two [2] rabbits are permitted.
 - ii. In all *zones* where the *lot* is more than 0.2 ha [0.5 acre] but less than 0.4 ha. [1.0 acre] in area, ten [10] domestic fowl, turkeys, geese, ducks or rabbits, or a combination thereof are permitted.
 - iii. In all *zones* where the *lot* is more than 0.4 ha. [1.0 acre] but less than two acres [.81 ha] in area, not more than two [2] *animals*, plus ten [10] domestic fowl, turkeys, geese, ducks or rabbits, or a combination thereof are permitted.
 - iv. In all *zones* other than A-1, A-2 and A-3 where the *lot* exceeds 0.8 ha [2.0 acre] in area, not more than four [4] *animals* plus twenty-four [24] domestic fowl, turkeys, geese, ducks or rabbits, or a combination thereof are permitted.
 - v. In the A-1, A-2 or A-3 *zones* where the *lot* exceeds 0.8 ha [2.0 acres] in area, the number of *animals* and *poultry* is unlimited except as outlined in the Zoning Bylaw.
- b) i. *The minimum setback of buildings and structures intended to accommodate animals where the lot is less than 0.4 ha [1.0 acre] from the:*
- | | |
|---------------------------------------|------------------------|
| .1 Front parcel line shall be | 6.0 metres [19.7 feet] |
| .2 Rear parcel line shall be | 1.0 metre [3.3 feet] |
| .3 Interior side parcel line shall be | 1.0 metre [3.3 feet] |
| .4 Exterior side parcel line shall be | 6.0 metres [19.7 feet] |
- ii. *The minimum setback of buildings and structures intended to accommodate animals where the lot is 0.4 ha [1 acre] or larger from the:*
- | | |
|-----------------------------------------------------------|-------------------------|
| .1 Front parcel line shall be | 30.0 metres [98.4 feet] |
| .2 Rear parcel line shall be | 15.0 metres [49.2 feet] |
| .3 Interior side parcel line shall be | 15.0 metres [49.2 feet] |
| .4 Exterior side parcel line shall be | 30.0 metres [98.4 feet] |
| .5 Any single family dwelling shall be | 15.0 metres [49.2 feet] |
| .6 Any well, <i>watercourse</i> or body of water shall be | 30.0 metres [98.4 feet] |

- c) *Animals* shall be kept enclosed by secure fences or corrals.
 - d) No *person* shall keep swine or goats on any *lot* in the *District*, unless the *lot* is assessed as “Farm Land” as defined in the Local Government Act.
 - e) No *person* shall keep bee hives on a *lot* within the *District* which has an area of less than 0.4 ha [1 acre].
 - f) No *person* shall keep pigeons unless the *person* has a minimum parcel of 0.4 ha [1.0 acre] of land;
 - i. The maximum number of pigeons permitted is thirty [30].
 - ii. Any *structure*, pen or enclosure for the keeping of pigeons must be situated a minimum of 9.0 metres [29.5 feet] from any building used for residential purposes.
 - iii. No pigeon *owned*, kept or under the control of any *person* shall trespass on any private or public property in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of *persons* in the vicinity.
 - g) Manure storage shall be kept a minimum of 15.0 metres [49.2 feet] from any building used for residential purposes, or from any front, side or rear *lot* line of the *lot* it occupies and a minimum of 30 metres [98.4 feet] from any well or *watercourse*.
 - h) No *person* shall permit or cause any *animal*, *poultry*, pigeon or other bird to create a noise or odour which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any *person* or *persons* in the neighbourhood or vicinity.
24. No *person* shall allow any *animal* to run at large within the *District*.
25. It shall be lawful for the *Pound Keeper* to impound any *animal* running at large within the municipality and it shall be the duty of the *Pound Keeper* to detain the *animal* until the *owner* or *owners* thereof shall have paid the impoundment and maintenance fees as set out in the Fee for Services Bylaw.

26. Whenever *animals* are *impounded* under this bylaw it shall be the duty of the *Pound Keeper*, with whom they are *impounded*, to furnish them with food, water and shelter during the entire time they continue to be *impounded*, and the *owner* of the *impounded animals* shall, pay for any food, water and shelter supplied, as set out in the Fee for Services Bylaw.
27. In the case of milk cows being *impounded*, the *Pound Keeper* shall at least twice in each day milk each cow, and for so doing the *Pound Keeper* shall be entitled to keep the milk so obtained for his own use.
28. In all cases where the *Pound Keeper* has *impounded* any *animal* under the provision of this bylaw, he shall maintain the *animal* at the *Pound* for a period of ninety-six [96] hours and the *owner* thereof upon proof of *ownership* may redeem it by paying the charges set out in the Fee for Services Bylaw together with any additional expenses incurred in the apprehension or care of the *animal* and the penalty imposed if any. If the *animal* is not claimed at the end of the ninety-six [96] hour period, it shall be lawful for the *Pound Keeper* to cause the *animal* to be sold or destroyed and after providing for any charges applicable under the Fee for Services Bylaw including any expenses incurred by the *Pound Keeper*, any surplus shall be paid to the *owner* if ascertained, and if the *owner* is not ascertained any surplus shall be retained by the *Treasurer* for and on behalf of the *District* of Salmon Arm.

OTHER PROVISIONS

29. Except where specifically stated otherwise in this bylaw all fees and charges paid under the provisions of the Fee for Services Bylaw shall be received by the *Treasurer* for and on behalf of the *District* of Salmon Arm.
30. Any *Pound Keeper* who *impounds* or confines any of the *animal* hereinbefore mentioned under this bylaw and neglects or refuses to find, provide and supply the same with good and sufficient food, water, and shelter as hereinbefore provided, shall be subject to the penalties imposed by this bylaw and to immediate dismissal.
31.
 - a) Every *person* who contravenes any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention of any of the provisions of this bylaw, or who does any act or thing which contravenes any of the provisions of this bylaw commits an offence against this bylaw and is liable upon summary conviction to a fine of not more than Five Hundred Dollars [\$500.00] for each offence; and in default of payment thereof, to imprisonment of not more than thirty [30] days.
 - b) Each day that any violation is allowed to continue will be deemed to be a separate offence.

32. *District of Salmon Arm Pound and Animal Control Bylaw, No. 1985*", and all amendments thereto are hereby repealed.
33. This bylaw may be cited for all purposes as "***District of Salmon Arm Pound and Animal Control Bylaw No. 2398***".

READ A FIRST TIME THIS 31st DAY OF July 1995.
READ A SECOND TIME THIS 14th DAY OF August 1995.
READ A THIRD TIME THIS 28th DAY OF August 1995.
RECONSIDERED, FINALLY PASSED AND ADOPTED BY COUNCIL ON THE
11th DAY OF September 1995.

"MARG KENTEL"
DEPUTY MAYOR

G.W. BUCHANAN
CLERK

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