

**THE DISTRICT OF WELLS
ANIMAL CONTROL BYLAW No. 44, 2001**

A Bylaw to regulate dogs and cats in the District of Wells

WHEREAS the Council is authorized to regulate the keeping of animals within the District of Wells; and

WHEREAS the Council is authorized to provide for the seizure, impound and detention of animals and to regulate and establish fees and fines;

NOW THEREFORE the Council for the District of Wells in open meeting assembled, enacts as follows:

1. This Bylaw may be cited for all purposes as the "Animal Control Bylaw No. 44, 2001"

2. DEFINITIONS:

In this Bylaw, unless the context otherwise requires;

2.1 ANIMAL means any *dog* or *cat*.

2.2 AT LARGE, BE AT LARGE or RUN AT LARGE means:

2.2.1 On the premises of a person other than an *owner*, without the consent of the *owner* or occupier of such premises;

2.2.2 On a public street, on public school grounds, or in a public place, except when in the custody of and under the direct control of an owner or a responsible and competent person;

2.2.3 Not securely confined within an enclosure; or

2.2.4 Not securely fastened so that it is unable to roam.

2.3 AUTHORIZED PERSON means any officer or employee of the *District*, the *Poundkeeper*, employees or agents of the *Pound* or any *Police Officer*.

2.4 CAT means a member of one of the Feline or Felis Domesticus species.

2.5 DISTRICT means the District of Wells.

2.6 COUNCIL means the elected Council of the District of Wells.

2.7 DOG means a member of one of the Canine or Canis Familiaris species

2.8 IDENTIFICATION means a collar or tag worn by an *animal*, which includes the name, address and contact number of the *owner*.

2.9 IMPOUNDED ANIMAL means any *animal* under the custody or control of the *Poundkeeper*.

- 2.10 IMPOUND means seize, deliver, receive, or take into the *Pound* or place into the custody of the *Poundkeeper*.
- 2.11 LEASH means a chain or other material of sufficient strength or a similar device of physical restraint that does not exceed two (2) metres in length and that is suitable for control of an *animal*.
- 2.12 MUZZLED means fitted with a device placed the over mouth of a dog that is of sufficient strength and design to prevent the *dog* from biting a person or another animal.
- 2.13 OWNER means a person who:
- 2.13.1 is legally entitled to ownership of an *animal*;
 - 2.13.2 has actual care and control of an *animal*; or
 - 2.13.3 harbours an *animal* within or on his or her lands or premises, on behalf of another person.

Where the care, control or harbouring of an *animal* is by a child under the age of 18 years, the custodial parent or legal guardian of such child shall be deemed to be the person, owning, controlling or harbouring the *animal* for the purposes of this Bylaw.

- 2.14 POLICE OFFICER means any member of the Royal Canadian Mounted Police.
- 2.15 POUND means the facility, facilities or premises for the care, containment, or destruction of *impounded animals* as designated by the *District*.
- 2.16 POUNDKEEPER means the person or persons designated by *Council* for the purposes of managing and operating the *Pound* which includes the collection of fees for the impoundment, care of, destruction of and disposal of *animals*.
- 2.17 VICIOUS DOG means a *dog* other than a police dog;
- 2.17.1 Which pursues, attacks, injures or kills a person or domestic animal; or
 - 2.17.2 Which has a known propensity, tendency or disposition to attack or cause injury without provocation or to otherwise threaten the safety of persons or domestic animals; or
 - 2.17.3 Which is owned or harboured primarily or in part for the purpose of *dog* fighting or is trained for *dog* fighting.

3. GENERAL PROVISIONS

- 3.1 No person shall keep, harbour or have in his or her possession an *animal* except in accordance with the provisions of this Bylaw.
- 3.2 No person shall permit his or her *animal* to run at large within the *District* whether or not the person has entrusted the care and control of the *animal* to another person.
- 3.3 No person shall permit or cause an *animal* to cry, bark, howl or create any kind of sound in a manner which disturbs the quiet, peace, rest, enjoyment, or comfort of any person in the neighbourhood or in the vicinity.

4. *DOGS*

- 4.1 An owner of a *dog* shall provide *identification* to be worn by the *dog* at all times if the *dog* is actually or apparently three (3) months of age or older.
- 4.2 If a *dog* defecates while on property which is not owned by the owner and without the consent or knowledge of the owner or occupier of that property, the owner shall ensure that the feces are removed and disposed of in a sanitary manner.
- 4.3 No owner of a *vicious dog* shall permit the *vicious dog* to be *at large* unless the dog is *muzzled* and on a *leash*.
- 4.4 No person shall keep more than three (3) *dogs*, actually or apparently three (3) months of age or older, on any parcel of real property within the *District* unless the person has obtained the permission of the *Council*.

5. *CATS*

- 5.1 An owner of a *cat* shall provide *identification* to be worn by the *cat* at all times if the *cat* is actually or apparently three (3) months of age or older.
- 5.2 No person shall keep more than three (3) *cats* over the age of 8 weeks on any premises within the *District* unless the person has obtained the permission of the *Council*.

6. *POUND AND POUNDKEEPER*

- 6.1 The *Council* may designate by resolution a premise to be the *Pound*.
- 6.2 The *Council* may appoint by resolution a *Poundkeeper* to operate and maintain the *Pound* on behalf of the *District* and may enter into an agreement with the *Poundkeeper* for the provision of such services.
- 6.3 The *Poundkeeper* has the following powers:
 - 6.3.1 To receive any *animal* that is *impounded*;

- 6.3.2 To retain any *animal* for a period of not less than 96 hours unless the *animal* is reclaimed by the *owner* or agent for the *owner*;
- 6.3.3 To offer the *animal* for sale to the general public or destroy and *animal*, where an *impounded animal* remains unclaimed by its *owner* for a period of 96 hours or more.
- 6.4 The *Poundkeeper* shall make a reasonable attempt to notify the owner of the *impounded animal* upon *impounding* the *animal*.
- 6.5 In order to have the *impounded animal* released by the *Poundkeeper*, the *owner* shall provide proof of ownership and shall pay the *impound* charges, the care and maintenance charges, and any reasonable expenses incurred by the *District* in delivering the *animal* to the *pound*.
- 6.6 If, in the opinion of a qualified veterinarian, an *impounded animal* is required to be euthanized for reason of illness or injury or both, that service shall be carried out and the *owner* of the *animal* shall pay the cost of the euthanasia and for the subsequent disposal of the remains.
- 7. FEES, CHARGES, FORMS
 - 7.1 Any person who is required to pay a fee or a charge under this Bylaw shall pay the applicable fee or charge prescribed in Schedule "A".
- 8. AUTHORIZATION
 - 8.1 Any officer or employee of the *District*, the *Poundkeeper*, employees or agents of the *Pound* or any *Police Officer* is authorized:
 - 8.1.1 To enforce or carry out the provisions of this Bylaw; and
 - 8.1.2 To seize and impound any *vicious dog* or any *animal at large*; and
 - 8.1.3 To investigate complaints.
 - 8.2 A *Police Officer* may kill a *dog* that is *running at large* and is attacking or viciously pursuing a person or animal.
- 9. PENALTY
 - 9.1 Any person who hinders, obstructs, interferes with or attempts to hinder, obstruct or interfere with a person authorized under this Bylaw in the performance of his or her powers and duties pursuant to this Bylaw commits an offence.
 - 9.2 A person is guilty of an offence against this Bylaw if he or she:
 - 9.2.1 Violates any provisions of this Bylaw; or
 - 9.2.2 Causes or permits any act or thing to be done in contravention or violation of any provisions of this Bylaw; or

9.2.3 Neglects or omits to do anything required under this Bylaw.

9.3 Each day's continuance of an offence under Section 9.1 or 9.2 constitutes a new and distinct offence.

9.4 Every person who commits an offence under this Bylaw is liable, on summary conviction, to a penalty not less than the amount set out in Schedule "B" of this Bylaw, but not exceeding a maximum of two thousand dollars (\$2,000) plus the costs of prosecution.

10. SEVERABILITY

10.1 If any portion of this Bylaw is held to be invalid by a court of competent jurisdiction, the invalid portion shall be severed and the remainder of the Bylaw shall be deemed to have been enacted without the invalid portion.

READ A FIRST TIME THIS 4th DAY OF DECEMBER 2001

READ A SECOND TIME THIS 4th DAY OF DECEMBER 2001.

READ A THIRD TIME THIS 4th DAY OF DECEMBER 2001.

READ A FOUR TIME AND ADOPTED THIS 18th DAY OF DECEMBER 2001.

Dave Hendrixson, Mayor

Gary Champagne, Chief Administrative Officer

SCHEDULE "A" of Bylaw No. 29 Animal Control Bylaw

FEES AND CHARGES

The fees and charges provided under this Bylaw are outlined in the following table:

| SECTION | TYPE OF FEE OR CHARGE | FEE |
|----------------|---|--------------------------------|
| 6.5 | Impound Charge | \$50.00 |
| 6.5 | Care and Maintenance during Impoundment | \$15.00 per day of impoundment |
| 6.6 | Euthanize | \$25.00 |
| 6.6 | Disposal of Remains | \$5.00 |

Schedule “B” of Bylaw No. 29 Animal Control

MINIMUM PENALTIES

The minimum penalties provided under this bylaw are outlined in the following:

| SECTION | CATEGORY OF OFFENCE | FINE |
|----------------|--|-------------|
| | | |
| 3.2 | Animal at large | \$50.00 |
| 3.3 | Animal making noise | \$50.00 |
| 4.2 | Failure to remove or improper removal of feces | \$25.00 |
| 4.3 | Vicious dog not muzzled | \$100.00 |
| 4.1 5.1 | No identification of owner | \$25.00 |
| 4.4 5.2 | Too many cats or dogs | \$50.00 |
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