

THE CITY OF TRAIL

BYLAW NO. 2436

A BYLAW TO REGULATE DOGS AND OTHER ANIMALS IN THE CITY OF TRAIL

WHEREAS Council of the City of Trail deems it necessary to regulate dogs and other animals in the City of Trail;

NOW, THEREFORE the Council of the City of Trail, in open meeting assembled, ENACTS AS FOLLOWS:

1. That this bylaw may be cited as the City of Trail "Animal Control Bylaw No. 2436, 1999".

INTERPRETATION

1. In this bylaw:

"Animal" means any member of the animal kingdom, other than a human being, as defined in the *Community Charter*.

"At large" means:

- with respect to a dog:
 - (a) in or upon the lands or premises of any person other than the owner of the dog without the consent, express or implied, of that person;
 - (b) in or upon a highway or public place not prohibited to dogs, unless on a leash or under the control of a competent person, and
- with respect to other animals means being in or upon the lands or premises of any person other than the owner without the consent, express or implied, of that person.
- with respect to a vicious dog:
 - (a) in or upon the lands and premises of any person other than the owner of the dog without their consent, express or implied, of that person and unless leashed or muzzled in accordance with section 22(b) of this bylaw;
 - (b) in or upon a highway or public place not prohibited to dogs unless leashed and muzzled in accordance with section 22(b) of this bylaw;
 - (c) in or upon private property while outdoors, and not confined in a structure in accordance with section 22(a) of this bylaw.

"Bylaw Enforcement Officer" means the person or persons appointed by the Council as bylaw enforcement officer from time-to-time, and includes a peace officer.

"Cattle" includes horse, mule, swine, sheep, goat, cow or other animal of the bovine species.

"Competent Person" means a person of sufficient age, height and weight to ensure a dog under their control will be obedient to their commands or can be physically restrained if required.

"Council" means the Council of the City of Trail.

"Dog" means an animal of the canine species, apparently over the age of four months.

"Domestic House Cat" means a cat that is six months old or older.

"Incurable Disease" includes rabies, incurable injury and mutilation which would inevitably result in death.

"Kennel" means a facility where four or more dogs are kept, trained, cared for, bred, treated, hospitalized or boarded for remuneration or for the purposes of sale.

"Leash" means a line, thong, or chain used for the purpose of restraining a dog and which does not exceed 183 centimetres (6 feet) in length and which is made of material of sufficient strength that the dog cannot break it.

"Licence" means a licence issued pursuant to this bylaw.

“Licence Year” means the period from January 1st to December 31st both inclusive, in any year.

“Municipality” means the City of Trail.

“Owner” means a person over the age of sixteen years and includes a person who possesses or harbors.

“Parcel” means a lot, block or other area in which land is held or into which land is subdivided and which is registered under one title, pursuant to the Land Title Act.

“Pitbull Terrier Dog” includes an American Pitbull Terrier, a Pitbull Terrier, a Staffordshire Bull Terrier, an American Staffordshire Terrier, or any dog of mixed breeding of the foregoing breeds.

“Pound Keeper” means the person, firm or organization employed by the Municipality to enforce the provisions of this bylaw.

“Public Place” means a place which is owned or controlled by a public body and which is open to use by the public.

“Unlicenced” means that a licence under this bylaw has not been issued for the current year, or having been issued means that the tag provided for under this bylaw has not been attached in accordance with this bylaw.

DOG LICENCES

2. No person shall own a dog on or after the commencement of the licence year without obtaining forthwith from the Municipality and holding a licence for the dog.
3. Upon payment of the appropriate licence fee set out in Schedule “A” to this bylaw, the Municipality shall issue to the owner a dog licence tag which shall be securely fastened to a collar or harness worn by the dog at all times except when the dog is penned up or enclosed on the owner’s land and premises.
4. A dog licence shall be worn only by the dog for which it is issued and is not transferable to another dog or to an owner other than the person to whom was issued the licence.
5. The Municipality may issue a duplicate dog licence tag upon being satisfied by the owner that the original tag issued by the Municipality has been lost or stolen and upon payment of the fee provided in Schedule “A” to this bylaw.
6. A licence may be issued to a person under the age of sixteen years if the application for the licence is accompanied by a written consent of the parent or guardian of the applicant and in that case, the parent or guardian is deemed to be the owner of the dog for the purposes of this bylaw.
7. The Municipality shall keep a book in which shall be recorded the name and address of the owner of each dog for which a licence is issued, the date of issuance of the licence, the description of the dog and the licence number.

PROHIBITIONS

8.
 - (a) An owner of a dog shall not permit or cause it to be at large in the Municipality;
 - (b) No owner of a Pitbull Terrier dog shall permit or cause it to be at large or on a highway or public place in the Municipality without the dog being effectively muzzled and leashed.
9.
 - (a) No person shall keep horses, cattle, sheep, goats, swine, fowl or poultry on any parcel in the Municipality;
 - (b) No person shall keep more than 2 rabbits on any parcel in the Municipality;
 - (c) No person shall keep bees on any parcel in the Municipality;

- (d) No person shall keep pigeons or doves on any parcel in the Municipality unless that person complies with all of the following requirements:
 - (i) not more than three (3) pairs of pigeons or doves, or a combination of both, shall be kept on any parcel within the Municipality and the owner of the pigeons or doves must reside on the premises;
 - (ii) all pigeon or dove lofts shall be no closer than 30 feet to any public or private building, other than that of the owner of the loft or his immediate family;
 - (iii) no person shall have more than one loft and no such loft shall contain more than three (3) pairs of pigeons or doves, or a combination of both.
 - (e) No person shall place, or cause to be placed, on or near the property of that person, any matter which has the effect of attracting pigeons. This subsection does not apply to a person who keeps pigeons in compliance with subsection 9(d).
 - (f) No person shall place, or cause to be placed, on any public place, any matter which has the effect of attracting pigeons.
10. The owner of a female dog in heat shall keep her confined within a building or kennel until she is no longer in heat.
 11. No person shall rescue or attempt to rescue an animal lawfully in the custody of the pound keeper, peace officer or bylaw enforcement officer pursuant to this bylaw.
 12. No person shall keep FOUR or more dogs on any one parcel, unless that person has obtained a business licence for the operation of a kennel, pursuant to the applicable bylaws of the Municipality.
 13. (a) An owner of an animal shall not permit such animal to be in any public park, playground, beach areas, playing fields or other such public places under the care, management, and jurisdiction of the Municipality except when the animal is confined by leash or chain;
(b) Notwithstanding Section 13.(a), dogs must be on a leash, or alternatively, are prohibited from the areas of the Municipality designated in Schedule "C" of this bylaw.
 14. No person shall keep SEVEN or more domestic house cats on any one parcel.

POUND KEEPER

15. The authority to seize and impound animals conferred by this bylaw upon the pound keeper may be exercised by a peace officer or a bylaw enforcement officer.
16. The pound keeper is hereby authorized to seize and impound licenced and unlicenced dogs, vicious dogs and other animals which are at large.
17. The pound keeper shall record in a book kept for that purpose the following information:
 - (a) the number and description of each dog impounded;
 - (b) the description of each other animal impounded;
 - (c) the name of the person who brought or caused the animal to be impounded;
 - (d) the day and the hour on which the animal was received, redeemed, sold or destroyed;
 - (e) the fees paid by the redeeming party;
 - (f) the amount of the proceeds of the sale, if any.
18. The pound keeper may destroy any animal suffering from an incurable disease, upon certification of the animal's condition by a licenced veterinarian.

IMPOUNDMENT

The calculation of time in the following Sections shall be in accordance with the Interpretation Act.

19. The owner of an animal impounded, pursuant to this bylaw, may redeem it from the pound at any time within five clear days of the time of its impoundment by paying to the pound keeper an impoundment fee.
20. If an impounded animal is not claimed and redeemed within five clear days of the time of its impoundment, then the pound keeper may destroy the animal or sell it for not less than the amount of the impoundment fee.

VICIOUS DOGS

21. In the following Sections, these definitions shall apply.

“Vicious Dog” means:

- (a) a dog which has twice within a 48 month period;
 - (i) bitten or attacked or otherwise caused minor injury to a person or a domestic animal engaged in lawful activity, or;
 - (ii) has shown the bent, temperament, tendency or inclination to attack, bite or otherwise cause injury to a person or domestic animal engaged in lawful activity, or;
- (b) a dog which has once attacked or bitten a person or domestic animal engaged in lawful activity, causing death or substantial injury;
- (c) any dog with a known inclination, tendency or temperament to attack unprovoked;
- (d) a Pitbull Terrier, an American Pitbull Terrier, a Pitbull, a Staffordshire Bull Terrier, an American Staffordshire Terrier or any dog of mixed breeding including any of the foregoing breeds.

REQUIREMENTS FOR KEEPING A VICIOUS DOG

22. The Owner of a Vicious Dog shall be subject to the following requirements:

- (a) **Confinement**. All Vicious Dogs shall be securely confined indoors or in an enclosed and locked pen or structure upon the premises of the Owner.

The pen or structure:

- (i) must have minimum dimensions of 1.52 metres (5 feet) by 3.05 metres (10 feet) by 1.83 metres (6 feet) high and;
 - (ii) must have secure sides and a secure top attached to the sides and;
 - (iii) if no bottom is secured to the sides, the sides must be embedded at least 2 feet into the ground and;
 - (iv) must be adequately lighted and kept clean and sanitary and;
 - (v) must protect the dog from the elements and;
 - (vi) must be capable of preventing the entry of young children.
- (b) **Leash and Muzzle**. No Owner of a Vicious Dog shall permit, suffer or allow the dog to be on any streets or in any public place or any other place that is not owned or controlled by the owner unless the dog is:
 - (i) leashed and under the physical control of a person **and**;
 - (ii) muzzled.

The muzzle must not cause injury to the dog or interfere with its vision or respiration, but must prevent the dog from biting any human or animal.

CHANGE OF OWNERSHIP

23. If the Owner of a Vicious Dog sells, gives away, or otherwise transfers custody of the Vicious Dog, the Owner shall, within three (3) days, provide the Clerk with the name, address and telephone number of the new Owner. The previous Owner shall notify the new Owner of the dog's designation as a Vicious Dog and of the requirements and conditions for keeping a Vicious Dog.

EXEMPTIONS TO THE VICIOUS DOG DEFINITION

24. (a) The definition shall not apply to dogs used by a police department or law enforcement agency;
- (b) No dog may be declared vicious for injury or damage sustained by a person who was committing a willful trespass or other crime or tort upon the premises of the dog's owner;
- (c) No dog may be declared vicious for injury or damage sustained by a person who was testing, tormenting, abusing, or assaulting the dog.

GENERAL

25. In the event of an outbreak or threatened outbreak in the Municipality of rabies or any other disease affecting dogs which may be transmitted to human beings, the Council may at any time, by resolution, order and direct that:
- (a) all dog owners shall securely tie their dogs up, or otherwise effectively confine and prevent them from being at large in the Municipality, and;
- (b) all dogs at large, whether licenced or not, shall be taken to the pound by the pound keeper and kept there until claimed, sold or destroyed, pursuant to Section 20.
26. No person who owns a dog shall permit or cause the dog to cry or bark in a manner which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity of the place where the dog is kept.
27. (a) An owner whose dog defecates on another person's property, or on any private property, or on any street, lane, boulevard, pathway, or any other Municipal or public property, or on any property used or reserved as a Park, recreational or cultural area, shall forthwith remove the defecated matter.
28. (a) An owner of a kennel which complies with all other relevant Municipal bylaws, may apply to the City for a kennel licence, and upon payment of the kennel licence fees set out in Schedule "A" to this bylaw, the owner shall be entitled to receive a licence and licence tags for each dog kept in the kennel;
- (b) A kennel licence is not a substitute for a licence required by the Municipality's business licence bylaw, and does not relieve an owner of a kennel from compliance with that bylaw nor any other relevant bylaw of the Municipality.
29. No person shall:
- (a) have or keep more than ten (10) dogs in a kennel;
- (b) permit or cause a dog to be unattended or uncontrolled in an open air run in a kennel between the hours of 9:00 pm and 7:00 am;
- (c) allow a dog to run loose in a kennel except in an adequately fenced area;
- (d) permit or cause barking, yelping, howling or other frequent noise to emanate from a kennel.

KENNELS

30. The owner or operator of a kennel shall:
- (a) ensure that all animals in the kennel are under control and are restrained from frequent barking, yelping, howling or making other noises;
 - (b) keep the kennel at all times in good repair;
 - (c) keep the kennel and the yard surrounding it at all times in a clean and sanitary condition and free of vermin and rodents;
 - (d) collect all uneaten food from the kennel daily, wrap it and place it in a garbage can for collection;
 - (e) 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;
 - (f) dispose of all hairclippings and waste paper in a sanitary manner;
 - (g) keep the kennel regularly cleaned and disinfected, and free of any offensive or disagreeable odors to the satisfaction of the Medical Health Officer or City Bylaw Enforcement Officer or Animal Control Officer;
 - (h) Every person operating a kennel in the Municipality where Pitbull Terrier dogs are being kept for breeding and boarding purposes or for sale shall confine the dog(s) to an area enclosed by a "kennel standard" six foot high chain link fence or other material authorized by the bylaw enforcement officer.

ENFORCEMENT

31. Any officer, employee or agent of the Municipality is hereby authorized to enter, at all reasonable times, on any property to ascertain whether the provisions of this bylaw are being observed and no person shall obstruct the entrance to such persons.

PENALTIES

32. A person who contravenes a provision of this bylaw is guilty of an offence and is liable, upon summary conviction, to a penalty of not less than \$100 and not more than \$2,000; or if an information is laid by means of a ticket, in accordance with the procedure set out in the Municipal Act and the Offence Act, a fine as stipulated in Schedule "B" of this bylaw.

Each day that a violation continues to exist shall constitute a separate offence.

REPEAL

33. The City of Trail Animal Control Bylaw No. 1978, 1984 and amendments thereto is hereby repealed.

READ the FIRST, SECOND and THIRD time the 25th day of May, 1999.

ADOPTED the 14th day of June, 1999.

ACTING MAYOR

CITY CLERK

**Certified a true copy of
Bylaw No. 2436, 1999.**

CITY CLERK

BYLAW NO. 2436

SCHEDULE "A"

LICENCE FEES

<u>Classifications</u>	<u>Yearly Fee</u>	<u>After August 31st</u>
Neutered male dog (veterinarian's certificate required)	\$ 25.00	\$ 12.50
Spayed female (veterinarian's certificate required)	\$ 25.00	\$ 12.50
Unneutered male dog	\$ 100.00	\$ 50.00
Unspayed female dog	\$ 100.00	\$ 50.00
Pitbull Terrier Dog	\$ 300.00	
Duplicate Licence	\$ 5.00	
Kennel Licence	\$ 25.00	

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SCHEDULE "B"

PENALTIES

Dog at Large (Section 8)	- First offence	\$ 50.00
	- Second offence in the same licence year	\$ 100.00
	- Third offence in the same licence year	\$ 200.00
	- Subsequent offences in the same licence year	double the previous offence's penalty
Failure to have a dog licence (Section 2)		\$ 25.00
Failure to keep a female dog, in season, effectively confined on private premises (Section 10)		\$ 100.00
Barking dog (Section 26)		\$ 100.00
Dog off of leash (Section 13(a))		\$ 50.00
Failure to remove defecated matter (Section 27(a))		\$ 50.00
Attracting pigeons (Section 9(e), 9(f))		\$ 100.00

SCHEDULE "C"

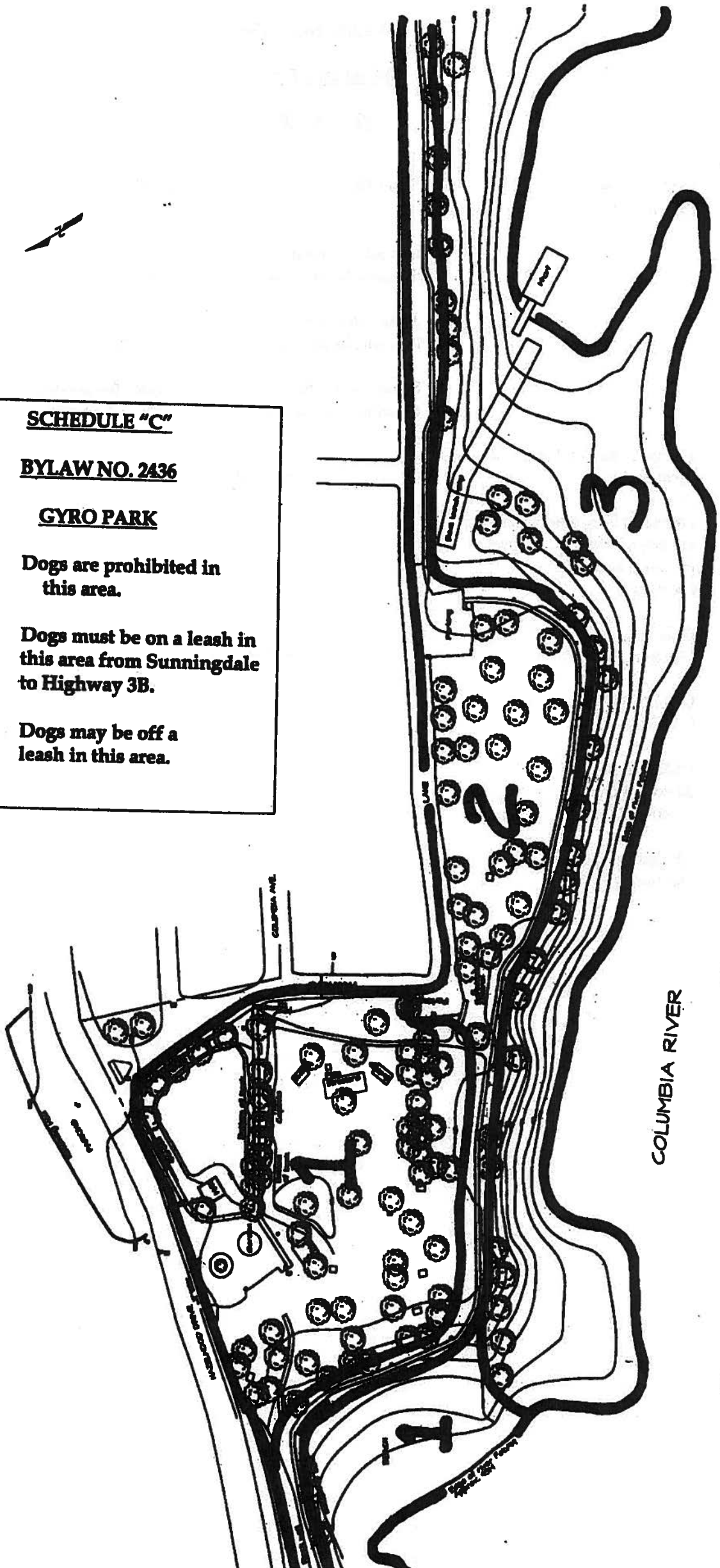
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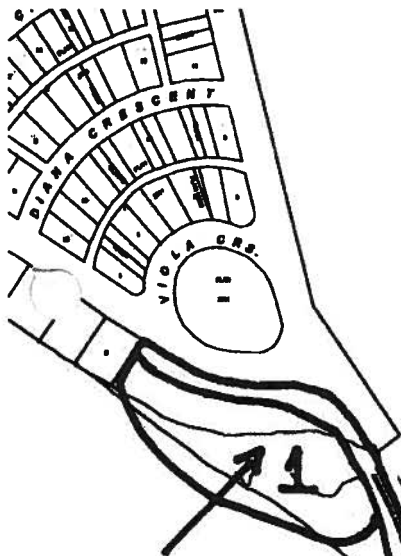
GYRO PARK

AREA 1 Dogs are prohibited in this area.

AREA 2 Dogs must be on a leash in this area from Sunningdale to Highway 3B.

AREA 3 Dogs may be off a leash in this area.

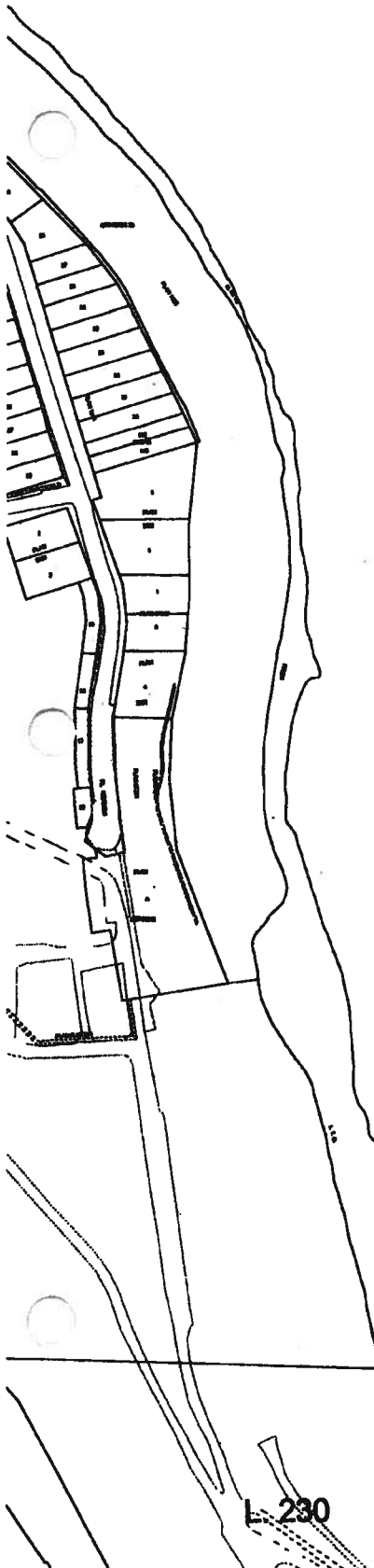




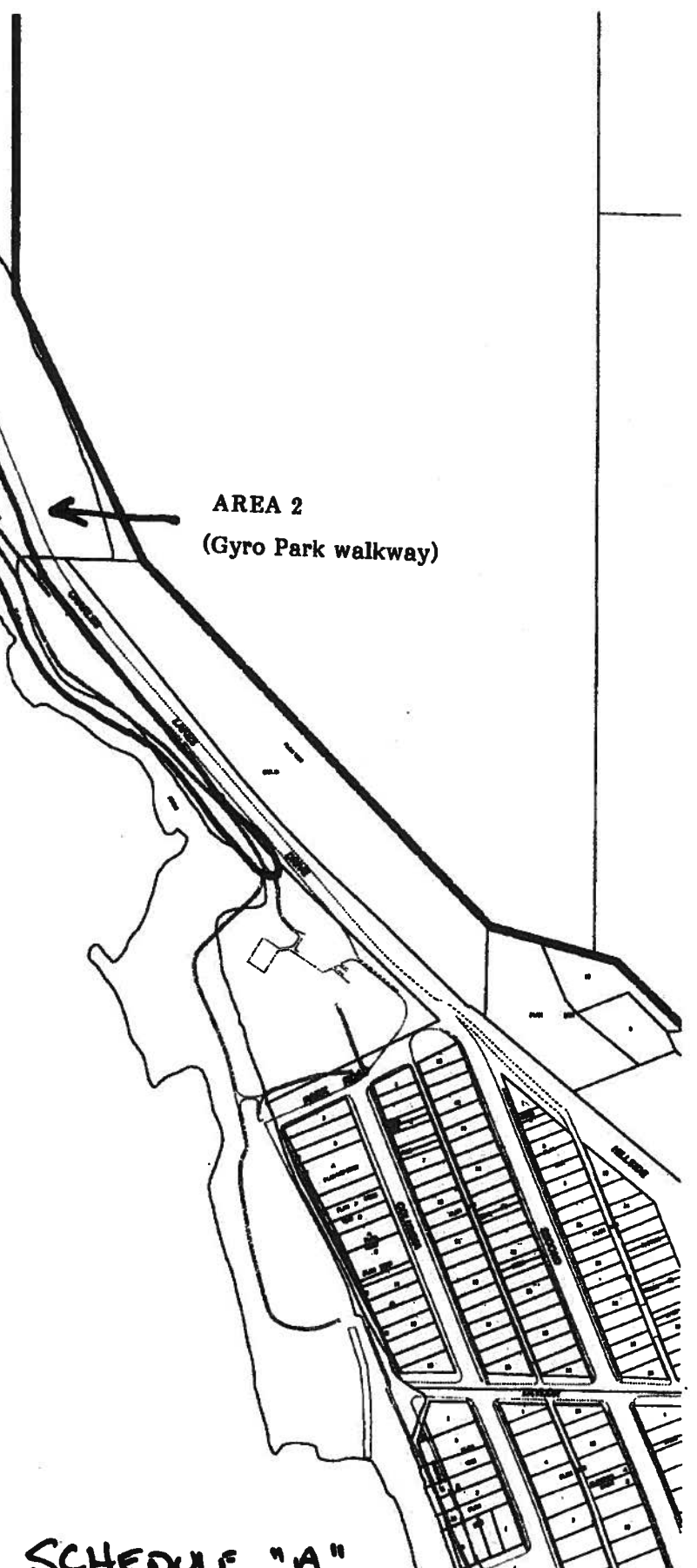
Bingay Bay
Beach area

SCHEDULE "C"
BYLAW NO. 2436

- AREA 1 - Dogs are prohibited in this area**
- AREA 2 - Dogs must be on a leash in this area**



L-230



AREA 2
(Gyro Park walkway)

SCHEDULE "A"



SCHEDULE "C"

BYLAW NO. 2436

DOWNTOWN AREA

Dogs must be on a leash within the area outlined in bold.