

CITY OF CASTLEGAR

BYLAW 572

A bylaw to licence and regulate dogs and other animals.

NOW THEREFORE the Council of the City of Castlegar, in open meeting assembled, enacts as follows:

INTERPRETATION

1. In this bylaw:

"Animal" means domestic animal, pet, and includes dogs, cats, cattle, poultry and rabbits;  
**(Bylaw 932)**

"Animal Control Officer" means the person or persons from time to time appointed by the Council as animal control officer and includes a peace officer; **(Bylaw 932)**

"At Large" means:

1. 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 public place not prohibited to dogs, or a highway, unless on a leash and under the control of a competent person;

(c) in or upon a public place posted as being prohibited to dogs; and

2. with respect to other animals means being in or upon:

(a) a highway or a public place, or

(b) the lands or premises of any person, other than the owner, without the consent, express or implied, of that person;

"Bees" means bees of any species;

"Cat" means an animal of the feline species; **(Bylaw 932)**

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

'City' means the City of Castlegar;

"Council" means the duly elected Council of the City of Castlegar;

"Dog" means an animal of the canine species; **(Bylaw 771)**

"Incurable Disease" includes, without limiting the meaning, rabies, incurable injury, and mutilation which would inevitably result in death;

"Kennel" means a parcel where three or more dogs are kept;

"Leash" means a line, thong, or chain used for the purpose of restraining a dog and which

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does not exceed 183 centimetres in length and which is made of material of sufficient strength that the dog cannot break it;

"Licence Year" means the period from January 1st to December 31st, both inclusive, in any year;

"Owner" means a person over the age of sixteen years and includes a person who possesses or harbours an animal;

"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;

"Poultry" means domestic fowls, such as chickens, turkeys, ducks or geese, raised for meat or eggs. **(Bylaw 1182)**

"Pound" means any building or enclosure used by the City from time to time for the purpose of impounding animals;

"Pound Keeper" means the person or persons from time to time authorized by the City as the pound keeper;

"Public Place" means a place which is owned or controlled by a public body and which is open to use by the public, but does not include air space; **(Bylaw 1182)**

"Unlicensed" 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;

"Vicious Dog" means:

- (a) any dog with a known propensity, tendency or disposition to attack without provocation other animals or humans; or
- (b) any dog which has bitten another animal or human without provocation; or
- (c) a Pit Bull Terrier, American Pit Bull Terrier, Pit Bull, Staffordshire Bull Terrier, American Staffordshire Terrier or any dog of mixed breeding which includes any of those breeds.

#### DOG LICENCES

2. No person shall own a dog on or after the commencement of the licence year without obtaining forthwith from the City and holding a licence tag for the dog.
3. Upon payment of the appropriate licence fee set out in Schedule "A" to this bylaw, the City 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 tag shall be worn only by the dog for which it is issued, and is transferable to another dog, or to an owner other than the person to whom the licence was issued provided the City is advised, in writing, of the transfer information and the fee prescribed in Schedule 'B' of this bylaw is paid.
5. The City may issue a duplicate dog licence tag upon being satisfied by the owner that the original tag issued by the City has been lost or stolen and upon payment of the fee provided in

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Schedule "B" to this bylaw.

6. A dog licence tag may be issued to a person under the age of sixteen if the application for the licence is accompanied by the 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 City shall keep records in which shall be recorded the name and address of the owner of each dog for which a licence tag is issued, the date of issuance of the licence tag, the description of the dog, and the licence tag number.

PROHIBITIONS

8. No person shall keep or permit to be housed any animal or animals, poultry or bees, on any land within the city boundaries, except for dogs, domestic cats, small rodents, small lizards, turtles, fish and caged birds which are not poultry, and excepting animals, poultry and bees being kept on land for farm purposes prior to Bylaw 316 coming into force. **(Bylaw 1182)**
9. No owner of an animal shall permit or cause it to be at large or on a highway in the City.
10. No owner of a vicious dog shall permit, suffer or allow the dog to be on a highway or in a public place or any other place that is not owned or controlled by that owner unless the dog is muzzled to prevent it from biting another animal or human.
11. The owner of a vicious dog shall, at all times while the dog is on premises owned or controlled by that owner, keep the dog securely confined either indoors or in an enclosed pen or other structure capable of preventing the entry of young children and adequately constructed to prevent the dog from escaping.
12. No person shall hinder, delay or obstruct the Animal Control Officer or any person or persons lawfully engaged in seizing or conveying any dog or dogs, or cat or cats, to the pound. **(Bylaw 932)**
13. No person shall keep or harbour any animal except in accordance with the provisions of this bylaw.
14. The owner of a female dog in season shall keep her effectively confined on private premises, until she is no longer in season.
15. No person shall rescue or remove or attempt to rescue or remove, an animal lawfully in the custody of the pound keeper or Animal Control Officer pursuant to this bylaw.
16. No person shall keep more than three (3) dogs and/or three (3) cats, on any one parcel, unless that person has obtained a kennel licence pursuant to this bylaw. **(Bylaw 932)**

ANIMAL CONTROL OFFICER AND POUND KEEPER

17. The Animal Control Officer is hereby authorized to seize and impound unlicensed dogs, cats and other animals which are at large, any dog acting in a dangerous or vicious manner and any dog which is barking excessively. **(Bylaw 932)**
18. The Pound Keeper shall record in a book kept for that purpose, the following information:
  - (a) the number and description of each dog or cat impounded; **(Bylaw 932)**

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- (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.
19. The Pound Keeper and/or the Animal Control Officer may euthanize an animal suffering from an incurable disease, or to prevent unnecessary suffering of the animal. **(Bylaw 1182)**

IMPOUNDMENT

20. The owner of an animal impounded pursuant to this bylaw may claim and redeem the animal from the location of impoundment,
- a. if the animal is a dog, within 5 days of the dog's impoundment,
  - b. if the animal is a cat, within 7 days of the cat's impoundment, or
  - c. for any other animal, within 72 hours of the animal's impoundment
- by paying to the City the impoundment fee set out in Schedule "B" to this bylaw. **(Bylaw 1182)**
21. Subject to Section 19 of this bylaw, if an impounded animal is not claimed and redeemed within the period of time prescribed under Section 20 then the pound keeper may euthanize the animal or sell it for not less than the amount of the impoundment fee.
22. Where a licenced dog or animal wearing sufficient identification is impounded, it shall not be sold, euthanized, or delivered to an animal welfare agency, such as the SPCA, prior to the Animal Control Officer or other City employee delivering a notice to the owner of the animal at the address shown on the licence application or identification. The notice shall state that if the animal is not claimed,
- a. if the animal is a dog, within 5 days of the dog's impoundment,
  - b. if the animal is a cat, within 7 days of the cat's impoundment, or
  - c. for any other animal, within 72 hours of the animal's impoundment
- then the animal may be sold, adopted, delivered to an animal welfare agency and if deemed unhealthy/sick by a veterinarian may be euthanized. **(Bylaw 1182)**
23. Where the Animal Control Officer has in any calendar year impounded any animal three (3) times or more, or where the owner of any animal has been convicted of any offence under this bylaw in respect of that animal three (3) times or more in any calendar year, then the Animal Control Officer may order that the animal be removed from the City within a reasonable period of time, and upon failure of the owner of the animal to comply with the order, the Animal Control Officer may take the Animal into custody and sell, adopt, deliver to an animal welfare agency and if deemed unhealthy/sick by a veterinarian, euthanize the animal. **(Bylaw 1182)**

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GENERAL

24. In the event of an outbreak or threatened outbreak in the City of rabies or any other disease affecting dogs or cats which may be transmitted to human beings, the Council may at any time, by resolution, order and direct that: **(Bylaw 932)**
- (a) all dog and or cat owners shall securely tie their dogs and/or cat up, or otherwise effectively confine and prevent them from being at large in the City; and **(Bylaw 932)**
  - (b) all dogs or cats at large, whether licenced or not, shall be taken to the pound keeper and kept there until claimed, sold or euthanized, pursuant to Sections 21, 22 and 23. **(Bylaw 1182)**
25. 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.
26. An owner whose dog or cat 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, recreation or cultural area shall forthwith remove the defecated matter. **(Bylaw 1088)**

KENNELS

27. (1) An owner of a kennel shall apply to the City for a kennel licence, and upon payment of the kennel licence fee set out in Schedule "B" to this bylaw and proof of compliance with all other relevant city bylaws, the owner shall be issued a kennel licence and licence tags for each dog kept in the kennel.
- (2) A kennel licence is not a substitute for a licence required by the City'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 City.
28. No person shall:
- (a) 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.;
  - (b) allow a dog to run loose in a kennel except in an adequately fenced area;
  - (c) permit or cause barking, yelping, howling or other frequent noise to emanate from a kennel.
29. 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;

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- (e) dispose of all manure, dung or refuse and all liquid waste from the kennel in a manner which meets the approval of the Medical Health Officer and the City;
- (f) dispose of all hair clippings and waste paper in a sanitary manner; and
- (g) keep the kennel regularly cleaned and disinfected, and free of any offensive or disagreeable odours to the satisfaction of the Medical Health Officer.

ENFORCEMENT

- 30. The Animal Control Officer is hereby authorized to enter, at all reasonable times, on any property to ascertain whether the provisions of this bylaw are being observed.

SCHEDULES

- 31. Schedules 'A', 'B', 'C' attached hereto form part of this bylaw and are enforceable in the same manner as this bylaw. (***Bylaw 1182***)

PENALTIES

- 32. A person who contravenes this bylaw commits an offence punishable on summary conviction and is liable to a fine of not less than \$50.00 and not more than \$2,000.00. (***Bylaw 1182***)

GENERAL PROVISIONS

- 33. This bylaw may be cited as "Animal Control and Licencing Bylaw 572".
- 34. Dog Licencing, Animal Control and Impounding Bylaw 316 is hereby repealed.

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35. This bylaw shall come into full force and effect upon final adoption.

READ A FIRST TIME on the 11th day of March, 1991.

READ A SECOND TIME on the 11th day of March, 1991.

READ A THIRD TIME AND PASSED on the 11th day of March, 1991.

RECONSIDERED, AND ADOPTED on the 14th day of March, 1991.

Audrey L. Moore, Mayor  
Gary Williams, City Clerk

List of Amending Bylaws	
690	June 7, 1994
706	November 1, 1994
771	April 16, 1996
932	November 5, 2001
1088	May 20, 2008
1169	December 3, 2012
<b>1182</b>	<b>December 16, 2013</b>

OFFICE CONSOLIDATION  
SCHEDULE "A"  
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Schedule "A"  
To City of Castlegar  
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DOG LICENSE FEES

Dog license tags are required when a dog reaches the age of eight months and fees are payable as follows:

1. For each neutered male dog, provided a certificate of neutering from a registered Veterinary Surgeon is provided when requested. \$ 20.00 per year
2. For each spayed female dog, provided a certificate of neutering from a registered Veterinary Surgeon is provided when requested. \$ 20.00 per year
3. For each male dog. \$ 55.00 per year
4. For each female dog. \$ 55.00 per year
5. For each Pit Bull Terrier, Staffordshire Terrier, or cross \$ 1,000.00 per year
6. Kennel licence \$55.00 annually
7. If the owner of a dog, not previously licensed in the City of Castlegar, applies for a dog license after the first day of July, the license fee shall be reduced by one-half (1/2). (**Bylaw 1182**)
- 8) Guide dogs are exempt from paying a licence fee.

(**Bylaw 1169**)



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SCHEDULE "B"  
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Schedule "B"  
To City of Castlegar  
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IMPOUNDING FEES, PENALTIES AND OTHER CHARGES

1. IMPOUNDING FEES

The owner of any dog impounded under this bylaw may reclaim same on application to the Poundkeeper, providing proof of ownership and payment of the following fees:

- a. If the dog is licensed for the current year
  - i. for the first offence \$ 35.00
  - ii. for the second offence in a twelve month period \$ 80.00
  - iii. third offence in a twelve month period \$ 135.00
- b. if the dog is unlicensed for the current year
  - i. for the first offence \$ 55.00 plus the applicable licence fee
- c. Maintenance fee actual cost

2. OTHER CHARGES

- a. Euthanization actual cost
  - b. Veterinary fee actual cost
  - c. Replacement of a lost dog licence tag \$ 5.00
  - d. Dog licence tag transfer \$ 5.00
- (Bylaw 1182)*

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SCHEDULE "C"  
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Schedule "C"  
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ANIMALS OTHER THAN DOGS  
IMPOUNDING FEES AND OTHER FEES PAYABLE

The owner of a cat or any impounded animal other than a dog, may reclaim the same prior to the date of the advertised sale thereof, upon proof of ownership and payment to the City of the following fees for each animal: **(Bylaw 932)**

1. Impounding fee \$ 35.00 plus the costs incurred in the collection of such cat or other animal **(Bylaw 932)**
2. Maintenance fee actual cost of detention, plus any other related costs incurred by the City.  
**(Bylaw 706)**

Note to Users

This office consolidation is not an authoritative text of the law and is produced solely as a convenience to the user. The authoritative text of the law is in the original bylaw and the amending bylaw(s).