

APPENDIX 'A'

REGIONAL DISTRICT OF KOOTENAY BOUNDARY

BYLAW NO. 1081

A Bylaw to replace Bylaw No. 135, 1976, Bylaw No. 276, 1979 and Bylaw No. 996, 1998 being Bylaws to establish and set regulations for a pound within the area comprising the Corporation of the City of Grand Forks, the Corporation of the City of Greenwood and Electoral Areas 'C' and 'D' of the Regional District of Kootenay Boundary.

WHEREAS the Regional District of Kootenay Boundary was granted the function of Animal Control by Supplementary Letters Patent dated March 2, 1976 which confers exclusive jurisdiction on the Regional Board to exercise the power to regulate animals within specific areas of the Regional District;

AND WHEREAS the aforementioned Supplementary Letters Patent were amended January 10, 1980 to include Regional District of Kootenay Boundary Electoral Area 'C';

AND WHEREAS the Municipal Act provides that the Regional Board may by bylaw require that an owner, possessor or harbourer of a dog or any class of dog keep it effectively muzzled while at large or on a highway or public place or on a leash or under control of a competent person while on a highway or public place;

NOW THEREFORE BE IT RESOLVED that the Board of the Regional District of Kootenay Boundary, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as "Regional District of Kootenay Boundary Pound Bylaw No. 1081, 1999".

2. In this bylaw unless the context otherwise requires:

"Grand Forks" means the Corporation of the City of Grand Forks.

"Greenwood" means the Corporation of the City of Greenwood.

"Area D" means Electoral Area 'D' of the Regional District of Kootenay Boundary.

"Area C" means Electoral Area 'C' of the Regional District of Kootenay Boundary.

"Control Area" means all that area within the boundaries of Grand Forks, Greenwood and Electoral Areas 'C' & 'D'.

"Animal" means any stallion, mare, gelding, filly, foal, colt, jackass, mule, bull, cow, heifer, steer, calf, ram, ewe, wether, lamb, goat, swine, dog, fowl, poultry and rabbit.

"Vicious dog" means:

- (a) Any dog that has attacked or bitten, attempted to attack or bite, or chase any person or animal or wildlife; or,
- (b) 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 the aforementioned breeds.

"Incurable disease" when used in relation to any animal means an animal certified by a licensed and qualified veterinarian to have an incurable disease.

"Run at large" or "Running at large" means being elsewhere than in the immediate vicinity of the person owning or having the custody, care or control of any animal or not being under control of that person or another competent person.

"The Board" means the Board of the Regional District of Kootenay Boundary.

"Collector" means either the Collector of Grand Forks or Greenwood and the Animal Control Officer.

"Pound-keeper" means the person for the time being in the authorized charge of any pound or his agent as authorized by the Board.

"Animal Control Officer" means the Animal Control Officer of the Control Area, who may also act as Pound-keeper.

3. The Board shall cause to be established a pound or pounds at such place or places within the Control Area as the Board may from time to time determine.
4. The Board shall appoint one or more competent person or persons to carry out the duties of Animal Control Officer, at such salary or other remuneration as may be provided by resolution.
5. The Pound-keeper shall provide a suitable facility as a pound which shall be approved by the Chief Building Inspector.
6. Notwithstanding Sections 3, 4 and 5 hereof, the Board may enter into a contract with a person or persons to carry out the duties of Pound-keeper.
7. No person shall permit any animal owned, housed or harboured by him or in his charge to:
 - (a) Run at large, stray or graze on any highway, dyke, boulevard, park or public place within the Control Area.
 - (b) Trespass on any private property within the Control Area.
8.
 - (1) It shall not be lawful for any person to own any diseased or vicious dog within the Control Area unless the same shall be kept sufficiently secured as to prevent it from running at large or endangering the safety of any person or other animal.
 - (2) A person must not cause or allow a dog that is owned by that person or is under that person's control to be on a highway or sidewalk, in a park, or in any other public place unless the dog is firmly held by a person competent to restrain the dog
 - (a) on a leash that is not longer than 2.4 m, or
 - (b) on a retractable lead that is not longer than 8 m when it is fully extended.
 - (3) Subsection (2)
 - (a) does not apply to dogs that are participating in a lawful dog show or performance trial;
 - (b) but does apply to the following areas only:
 - (i) the City of Grand Forks,
 - (ii) the City of Greenwood, and

- (iii) that part of Area 'C' shown in the dark outline on Schedule "A" to this Bylaw.
- (4) A person must not cause or allow any animal owned by that person or is under that person's control to be within the boundaries of:
 - (a) James Donaldson Park
 - (b) Dick Bartlett Park
 - (c) Angus MacDonald Park
- 9. The Pound-keeper may issue a warning notice to the owner, possessor or harbourer of a dog found running at large, and may upon the issuance of a third warning notice to the owner of the same dog found running at large, cause an information to be laid and a summons issued by means of a ticket in accordance with the procedure set out in the OFFENCE ACT.
- 10. If any animal shall be found running at large, straying or grazing on any highway, dyke, boulevard, park or public place or found trespassing on private property, it shall be lawful for the Pound-keeper or any other person to take such animal and lead, drive or convey the same to a pound, and there impound, or deliver to the Pound-keeper, as the case may be, the same as hereinafter provided.
- 11.
 - (1) When an animal, other than a dog, is impounded in accordance with the provisions of this bylaw, the Pound-keeper shall place a notice giving the description of the animal in one (1) issue of a newspaper circulating the Control Area, which shall state that the animal may be offered for sale at a public auction on a specified date not before the expiration of five (5) days from the date of the notice. The placing of such notice may be waived if the owner of the animal is known to the Pound-keeper and written notification of impoundment has been mailed to the owner. In conjunction with the placing of notice, the Pound-keeper shall make every reasonable effort to find the owner of the animal.
 - (2) When a dog is impounded in accordance with the provisions of this bylaw, the Pound-keeper shall post a notice at the regional pound giving a description of the dog, the date it was impounded and stating that the dog may be destroyed at the expiration of five (5) days from the date of the notice if it is not reclaimed and the prescribed impounding fees paid. In conjunction with the placing of a notice, the Pound-keeper shall make every reasonable effort to find the owner of the dog. The placing of a notice may be waived if the owner of the dog is known to the Pound-keeper and written notification of impoundment has been mailed to the owner.
- 12.
 - (a) If the animal impounded (other than dogs), be not redeemed within the period of five (5) days as set out in Section 11(1), it shall be offered for sale at public auction. Such sale shall be held following the expiration of such period of five (5) days and the said animal or animals shall be sold to the highest bidder who shall be given a receipt for the payment of the purchase money. The Pound-keeper is prohibited from bidding at the said auction or from otherwise acquiring the animal.
 - (b) Notwithstanding Section 11(1), if the animals are horses or cattle, they must be referred to the Breeds Inspector before being sold at Public Auction or being otherwise disposed of under Section 12 (a).

- (c) If an impounded dog is not reclaimed and the prescribed impounding fees paid within a period of five (5) days from the date of the notice referred to in Section 11(2), the Pound-keeper may destroy any such dog.
 - (d) If an impounded animal offered for sale is not purchased and the prescribed impounding fees paid the Pound-keeper may have the animal destroyed.
13. All animals impounded by the Pound-keeper under the provisions of this bylaw shall be subject to the following impounding fees:
- (a) For the first offence:
 - For impounding any stallion , jackass,
bull, ram, billy-goat or unlicensed dog \$ 20.00
 - For impounding any mare, gelding,
filly, mule, cow, steer, calf, heifer, foal,
colt, ewe, wether, lamb, sheep, pig, goat
or licensed dog \$ 15.00
 - For impounding any vicious dog \$500.00
 - For each animal other than those specifically
mentioned above \$ 15.00
 - (b) For the second offence in any one year, the impounding fees shall be double the fees as set out in Section 13 (a) above.
 - (c) For a third or more offences in any one year, the owner shall be summoned to appear in Court.
14. Upon payment to the Pound-keeper of all fees and expenses imposed by this bylaw and chargeable in respect of any animal which has been impounded as aforesaid, the person to whom such payment is made shall deliver or cause to be delivered to the owner or to the person entitled to the possession of the said animal or his agent, an order in writing for the release of such animal to the keeper of the pound in which said animal is impounded, counter-signed by the person to whom it is issued on the same day of the date of the order, such animal shall be thereupon released and the order shall be filed as a voucher in the office of the Treasurer of the Regional District of Kootenay Boundary.
- 15.
- (a) A book shall be kept in the office of the "Pound" in which shall be entered by the Pound-keeper who impounded the same, the place where the animal was found, the date, and the name of the person by whom the same was redeemed or if sold, the name and address of the purchaser and the amount of the purchase money. The Pound-keeper shall also record the description, and date on which any dog was destroyed by him.
 - (b) The Pound-keeper shall, on his removal from office, or on the acceptance of his resignation, deliver this book to the person who may be appointed to receive it.
16. It shall be the duty of the Pound-keeper to daily water and furnish with proper shelter and good and sufficient food all animals so impounded and detained by him, and for so doing shall collect the following sums, on a per diem basis for such food and shelter, in addition to the impounding fees prescribed by Section 13, from the person reclaiming the animal:
- (a) For each stallion, mare, filly, foal, gelding
colt, bull, cow, jackass, mule or steer \$ 20.00
 - (b) For each yearling or heifer \$ 15.00

- (c) For each calf, sheep, ram, goat, wether, ewe, lamb, or pig \$ 10.00
 - (d) For each animal other than those specifically mentioned above \$ 10.00
17. Every owner or person entitled to the possession of an animal which has been impounded as aforesaid, forthwith upon being notified or becoming aware of such impounding shall redeem the animal in accordance with Sections 13 and 16 hereof, or should the pound be broken into and any animal get out or in any way escape therefrom and get back into the possession or custody of the owner or other person shall still be liable for the payment of the fees chargeable and recoverable under the provisions of this bylaw.
18. The proceeds of any sale of impounded animals shall be first applied in payment of the expenses lawfully chargeable in respect of impounding and keeping of such animals, and the surplus, if any shall be paid to the Treasurer of the Regional District of Kootenay Boundary to be paid by him to the owner or other person entitled to the possession of the animal when such person is ascertained, and if not claimed within three (3) months, such surplus shall be paid into and form part of the Control Area revenue; but if the money realized at the sale of any impounded animals shall not be sufficient to satisfy the expenses incurred in relation to the sale and in respect of impounding and keeping of the animal, the Pound-keeper shall be paid the difference by the Regional District of Kootenay Boundary.
19. No person shall rescue or retake or attempt to rescue or retake any animal on the way to the pound or impounded under the provisions of this bylaw from the person in whose custody the same shall be, under the provisions of this bylaw, nor shall any person hinder, delay, obstruct or interfere with any Pound-keeper or keepers in the execution of the duties by this bylaw imposed upon him or them.
- 20.
- (1) On complaint made in writing on oath before a Justice that a person owns or has in his possession a dog which had, within the space of six (6) months then last past, worried, and injured or destroyed any domestic animals, the Justice may issue his summons directed to the person, stating shortly the matter of the complaint and requiring the person to appear before him at a certain time and place therein stated, to answer to the complaint and to be further dealt with according to law.
 - (b) On complaint made in writing on oath before a Justice that a person owns or has in his possession a dog which had, within the space of six (6) months then last past, bitten or attempted to bite a person, the Justice may issue his summons directed to the owner or possessor, stating shortly the matter of the complaint and requiring the owner or possessor to appear before him at a certain time and place therein stated, to answer to the complaint and to be further dealt with according to law.
21. On the Justice finding the complaint proved, under Section 20, he may make an order for the killing of the dog, describing that same according to the tenor of description given in the complaint and in the evidence.
22. The order shall be directed to a constable or other peace officer, and shall require the owner or person in possession of the dog to destroy the dog or deliver up the dog to the constable or other police officer within three (3) days from the date of the order, to be destroyed in accordance with the terms thereof; and in default of compliance with the said order, the owner or other person aforesaid is liable, on summary conviction, to a fine not exceeding fifty dollars (\$50.00); but the payment of such fine does not in any way nullify the order for the destruction of the dog.

23. In case the defendant wishes to appeal from the order made by the Justice for the killing of the dog, notice shall be given within three (3) days from the making of the order, and the Judge of the County Court to which notice of appeal has been given may, if he sees fit, grant an order staying the order of the Justice for the killing of the dog, and also for the confinement of the dog, until after the appeal has been disposed of.
24. No such owner or possessor is entitled to plead the proceedings mentioned in the four (4) preceding sections in bar or as a defence to an action for damages in respect of the same matter.
25. The owner of an animal unlawfully at large is liable for the actual damages committed by it when running at large, the damage to be recovered in an action at law by the person sustaining the same, or by the arrest and sale of the animal as hereinafter mentioned.
26.
 - (a) A person who owns, possesses or harbours an animal found running at large within the Control Area is guilty of an offence.
 - (b) Every person who violates a provision of this bylaw or suffers or permits any act or thing to be done in contravention or violation of any of the provisions of this bylaw or who neglects to do or refrains from doing anything required to be done by a provision of this bylaw shall be deemed to have committed an offence punishable on summary conviction and shall be liable to a fine not exceeding \$2,000 and the cost of prosecution and each day an offence continues or is allowed to continue shall constitute a separate offence.
27. The Board hereby designates as areas where vicious dogs may not be kept as any residence in the Control Area within 100 metres of a parcel of land on which a school or daycare facility is located or any public park.
28. No owner of a vicious dog shall permit, suffer or allow the vicious dog to be on any highway or in any other place that is not owned or controlled by that person unless the vicious dog is effectively muzzled to prevent it from biting another animal or a person.
29. An owner of a vicious dog shall at all times, while the vicious dog is on the premises owned or controlled by such person, keep the vicious dog securely confined indoor or in an enclosed pen or other structure capable of preventing the entry of young children and adequately constructed to prevent the vicious dog from escaping.
30. The Pound-keeper and Animal Control Officer are hereby authorized at all reasonable times to enter upon any property in the Control Area to:
 - (a) ascertain if there is on the said property an unlicensed dog;
 - (b) conduct enquiries where there is reason to believe that a vicious dog is on the said property.
31.
 - (1) A person who has control of a dog must immediately remove excrement deposited by that dog
 - (a) on a highway or sidewalk, in a park, or in any other public place;
 - (b) on private property that is not owned by the owner of the dog or by the person who has control of the dog.
 - (2) Subsection (1) does not apply to a blind person who is accompanied by a guide dog.

32. A person must not keep or harbour a dog that is habitually noisy or loud to the extent that it disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any person in the neighbourhood or vicinity.
33. A person who contravenes this Bylaw commits an offence and is punishable upon conviction in accordance with the penalties prescribed in the OFFENCE ACT.
34. Bylaws Nos. 135, 276 and 996 are hereby rescinded.

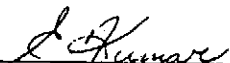
INTRODUCED this 27th day of May, 1999.

Read a FIRST time this 27th day of May, 1999.

Read a SECOND time this 27th day of May, 1999.

Read a THIRD time this 27th day of May, 1999.

I, Elaine Kumar, Deputy-Director of Corporate Administration of the Regional District of Kootenay Boundary, do hereby certify the foregoing to be a true and correct copy of Bylaw No. 1081, 1999 cited as "Regional District of Kootenay Boundary Pound Bylaw No. 1081, 1999" as read a third time this 27th day of May, 1999.

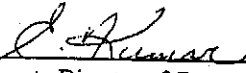


Deputy Director of Corporate Administration

RECONSIDERED, finally passed and adopted this 24th day of June , 1999

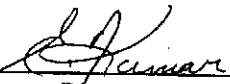


Chairperson



Deputy Director of Corporate Administration

I, Elaine Kumar, Deputy Director of Corporate Administration of the Regional District of Kootenay Boundary, do hereby certify the foregoing to be a true and correct copy of Bylaw No. 1081, 1999 cited as "Regional District of Kootenay Boundary Pound Bylaw No. 1081, 1999" as reconsidered and finally adopted this 24th day of June , 1999.



Deputy Director of Corporate Administration