

Town of Creston

Bylaw No. 1826

A bylaw to regulate the care and keeping of dogs, cats, and other domestic animals.

WHEREAS pursuant to the *Community Charter*, Council may, by bylaw, regulate, prohibit and impose requirements in relation to animals within the Town of Creston;

AND WHEREAS pursuant to section 48 of the *Community Charter*, Council of the Town of Creston has the authority to provide for the seizure of animals and establish fees to be paid in relation to seized animals;

AND WHEREAS pursuant to section 49 of the *Community Charter*, Council of the Town of Creston has the authority to regulate and control Dangerous Dogs;

AND WHEREAS pursuant to section 15 of the *Community Charter*, Council of the Town of Creston has authority to establish licencing requirements.

NOW THEREFORE the Council of the Town of Creston, in open meeting assembled, enacts as follows:

Part 1 Citation

- 1.1 This Bylaw may be cited for all purposes as “Animal Care and Responsibility Bylaw No. 1826, 2015”.

Part 2 Severability

- 2.1 If a portion of this Bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this Bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

Part 3 Previous Bylaw Repeal

- 3.1 Town of Creston Bylaw No. 1406, cited as “Animal Control Bylaw No. 1406, 1997” and all amendments thereto, are hereby repealed.
- 3.2 Town of Creston Bylaw No. 1704, cited as “Cat Control and Regulation Bylaw No. 1704, 2009” and all amendments thereto, are hereby repealed.

Part 4 Definitions

- 4.1 In this Bylaw:

“Animal” means any member of the Kingdom Animalia excluding humans.

“Animal Control Officer” means any person appointed by Council as an animal control officer or bylaw enforcement officer or his/her authorized designate, and includes a peace officer.

“Animal Shelter” means premises designated, under contract with the Town, for the impoundment and care of animals.

“At Large” means an animal in or upon a public place or in or upon the lands or premises of any person other than the owner of the animal without the express or implied consent of that person.

“Bylaw Notice” means a ticket issued under the Bylaw Notice Enforcement Bylaw.

“Bylaw Notice Enforcement Bylaw” means the Town’s Bylaw Notice Enforcement Bylaw as amended or replaced from time to time.

“Cattery” means any establishment which houses more than 4 cats, or in which any number of cats are kept for breeding and/or boarding purposes.

“Companion Animal” means an animal kept for companionship to a person rather than utility or profit and which is lawfully kept upon residential property.

“Choke Collar” means a slip collar or chain that may constrict around the animal’s neck as a result of pulling on one end of the collar or chain, and includes Pinch or Prong collars but does not include a Martingale collar.

“Council” means the municipal council of the Town of Creston.

“Dangerous Dog” means a dog that:

- a) has killed or seriously injured a person;
- b) has killed or seriously injured a companion or domestic animal, while in a public place or while on private property, other than property owned or occupied by the Person Responsible for the dog; or
- c) an animal control officer has reasonable grounds to believe is likely to kill or seriously injure a person.

“Domestic Animal” means an animal that is tame or kept, or that has been or is being sufficiently tamed or kept, to serve some purpose for the use of people.

“Enclosure” means a structure forming a pen suitable to confine a companion or domestic animal.

“Horse” means any horse, mare, colt or filly.

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

“Kennel” means any establishment which houses more than 4 dogs, or in which any number of dogs are kept for breeding and/or boarding purposes.

“Owner” means any person:

- a) to whom a licence for an animal has been issued pursuant to this Bylaw;
- b) to whom a kennel or cattery business licence has been issued pursuant to the Town’s Business Licence Bylaw; or
- c) who owns, is in permanent possession of, or has the primary care and control of any animal.

“Permanent Identification” means identification for an animal in the form of a traceable tattoo or a microchip that contains the contact information of the Owner.

“Person Responsible” means, in relation to any animal, a person who:

- a) is the Owner of any animal; or
- b) is temporarily keeping, harbouring, or sheltering any animal; provided that, where the animal is under the care, custody, or control of a person under the age of nineteen (19) years or is being kept or harboured by a person, under the age of nineteen (19) years, the custodial parent or legal guardian of such child will be deemed, for the purpose of this Bylaw, to be the Person Responsible.

“Police Services Dog” means any dog owned by the Royal Canadian Mounted Police or any municipal police department while on duty, including while engaged in training exercises and under the supervision of a member of the Royal Canadian Mounted Police or any municipal police department.

“Public Place” includes any highway and any real property owned, held, operated or administered by the Town or Province.

“Seize” includes impound and detain.

“Spay/neuter” means the sterilization of a female animal by removing the ovaries or of a male animal by removing the testicles or by any method of pharmaceutical sterilization approved by the Canadian Veterinary Medical Association.

“Special Needs Assistance Animal” means:

- a) a Special Needs Animal as defined in the *Guide Animal Act*, RSBC 1996, c 177; or
- b) an animal designated as a Special Needs Assistance Animal pursuant to section 8.8 of this Bylaw.

“Town” means the Town of Creston.

Part 5 Possession of Animals

- 5.1 No person shall keep or allow to be kept on any real property more than four (4) companion animals, except in the lawful operation of a veterinary clinic, kennel/cattery (for breeding or boarding), the Creston Pet Adoption and Welfare Society (PAWS), rescue or foster home approved by PAWS, animal daycare facility and/or animal grooming facility providing the use is specifically permitted within the Town’s zoning bylaw.
- 5.2 Section 5.1 of this Bylaw applies to dogs, cats and potbellied pigs.

Part 6 Prohibited Animals

- 6.1 Except as provided in section 6.2 of this Bylaw, no person shall:
 - a) possess;
 - b) breed;
 - c) exhibit for entertainment or educational purposes; or
 - d) display in public;

either on a temporary basis or permanent basis, any prohibited animal outlined in Schedule “A” to this Bylaw.

- 6.2 Section 6.1 does not apply to:
- a) the premises of a facility used for keeping impounded animals;
 - b) the premises of the Creston RCMP detachment;
 - c) premises operated by Creston Pet Adoption and Welfare Society; or
 - d) the premises of a veterinarian licenced by the College of Veterinarians of BC, providing the veterinarian is providing temporary care for a prohibited animal.

Part 7 Animal Control Regulations and Prohibitions

- 7.1 No Owner or Person Responsible shall permit or allow a dog or cat to:
- a) howl or bark:
 - i) continuously for ten (10) minutes or more without significant periods of rest;
 - ii) sporadically for a cumulative total of fifteen (15) or more minutes within one (1) hour; or
 - iii) otherwise in such a manner as to cause a nuisance;
 - b) be At Large in the Town;
 - c) be in a Public Place unless the dog or cat is in a carrier or kept on a leash, chain or tether not exceeding 183 centimeters (6 feet) in length;
 - d) notwithstanding section 7.1(c), dogs are permitted to be off-leash at the Creston off-leash dog park, except for:
 - i) Dangerous Dogs; or
 - ii) any dog not under the immediate verbal control of its Owner/Person Responsible;
 - e) further notwithstanding section 7.1(c), no dogs or cats are permitted in Centennial Park, Burns Park or Millennium Park;
 - f) be tethered, tied, attached or otherwise fastened by any means to any traffic control device or support thereof, any fire hydrant or fire protection equipment, handrails, or any other object, in such a way as to obstruct the public or create a nuisance;
 - g) aggressively harass or chase other animals, bicycles, automobile or vehicles;
 - h) chase or otherwise threaten a person, whether on the property of the Owner/Person Responsible or not, unless the person chased, or threatened is a trespasser on the property of the Owner/Person Responsible;
 - i) bite a person or other animal, whether on the property of the Owner/Person Responsible or not; or
 - j) attack a person or other animal, whether on the property of the Owner/Person Responsible or not, causing severe injury or death.
- 7.2 Every Owner/Person Responsible for an intact female dog or cat shall, at all times when the dog or cat is in heat, keep the dog or cat securely confined within a building or enclosure capable of preventing the escape of the dog or cat and the entry of other dogs or cats.
- 7.3 Every Owner/Person Responsible shall, at all times when his or her animal is off the premises of the Owner/Person Responsible, immediately remove or cause to be removed any feces deposited by the animal, and dispose of the feces in a sanitary manner.
- 7.4 Every Owner/Person Responsible for a diseased animal must, where the disease poses a threat to the health or safety of a person or animal, ensure that the diseased animal does not leave the property or premises of the Owner/Person Responsible other than for the purpose of a visit to a veterinarian, in which case the animal must be transported in a manner so as to ensure that it does not come into contact with another person or animal.

- 7.5 No person other than the Owner/Person Responsible for an animal shall remove any form of identification on or affixed to the animal.
- 7.6 A person who finds and takes possession of a licenced companion animal-at-large in the Town shall immediately notify the Animal Control Officer.
- 7.7 No person, other than the Animal Control Officer or Owner/Person Responsible of an animal may use a live trap or otherwise capture an animal.

Part 8 Licencing for the Keeping of Dogs

- 8.1 No person shall own, keep, possess or harbour any dog over the age of six (6) months in the Town unless a valid and subsisting licence for the current calendar year has been obtained for the dog under this Bylaw.
- 8.2 The requirement in section 8.1 does not apply to a dog that is kept in the Town for less than one (1) month in a calendar year.
- 8.3 If a dog is required to be licenced pursuant to this Bylaw, the Owner of the dog shall apply to the Town for a licence on the prescribed form provided by the Town and pay the fee set out in the current *Fees and Charges Bylaw*, and upon receipt of the application and payment of the prescribed fee, the Town shall issue a numbered dog licence and corresponding licence tag for that licence year.
- 8.4 Every dog licence and corresponding licence tag issued under this Bylaw shall expire on the 31st day of December in the calendar year in which the licence was issued.
- 8.5 The licence fees set out in the *Fees and Charges Bylaw* shall be reduced by one-half in respect of an application for a licence made after August 31st.
- 8.6 The Owner of a dog for which a licence and corresponding licence tag have been issued under this Bylaw shall affix, and keep affixed, the licence tag on the dog by a collar, harness, or other suitable device.
- 8.7 The Owner of a Special Needs Assistance Animal is exempt from the licensing fees in the *Fees and Charges Bylaw*.
- 8.8 The Owner of an animal may apply to the Animal Control Officer, in a form acceptable to the Animal Control Officer, to have that animal designated as a Special Needs Assistance Animal for the purposes of this Bylaw and, upon receiving and reviewing an application under this section, the Animal Control Officer shall:
- a) reject the application; or
 - b) approve the application and designate that animal as a Special Needs Assistance animal.
- 8.9 The Owner of a dog for which a licence and corresponding licence tag have been issued under this Bylaw shall obtain a replacement licence tag upon satisfying the Town that the original licence tag has been lost or stolen and upon payment of the replacement licence fee set out in the *Fees and Charges Bylaw*.

- 8.10 Where the *Fees and Charges Bylaw* provides for a reduced licence fee for a dog that is neutered or spayed, the application shall be accompanied by either:
- a) a certificate signed by a qualified veterinarian indicating that the dog has been neutered or spayed; or
 - b) a solemn declaration signed by the Owner in the presence of the Town's Corporate Officer in a form acceptable to the Corporate Officer.

Part 9 Dangerous Dogs

- 9.1 No person shall own or keep any Dangerous Dog unless this dog is licenced as a Dangerous Dog with the Town by an Owner who is over the age of nineteen (19), who has paid the applicable fee indicated in the *Fees and Charges Bylaw*, and who keeps the dog in compliance with sections 9.5 and 9.6.
- 9.2 In order to obtain such licence, an Owner of a Dangerous Dog shall supply the following documentation to the Town:
- a) completion of the dog licence application;
 - b) written confirmation from a licenced veterinarian that this dog has been spayed or neutered;
 - c) written confirmation from an animal trainer approved by the Town that the services of such trainer have been retained for the purpose of providing behavioural remediation to this dog;
 - d) written confirmation that the Owner has obtained a policy of liability insurance specifically covering any damages for injuries caused by this dog in an amount not less than five hundred thousand (\$500,000.00) dollars, and covering the twelve (12) month period during which licensing is sought. The policy shall contain a provision requiring the Town to be named as an additional insured, such that the Town will be notified by the insurer if the policy is cancelled or terminated or expires;
 - e) written confirmation that the dog has Permanent Identification with the identification information outlined on the application; and
 - f) payment of the Dangerous Dog licence fee as outlined in the *Fees and Charges Bylaw*.
- 9.3 If an Animal Control Officer, based on his or her own knowledge or observations or a written complaint, has reasonable grounds to believe that a dog:
- a) has, without provocation, aggressively pursued, attacked or bitten another animal or a person; or
 - b) has been trained for or is owned, possessed or harboured, primarily or in part, for the purpose of fighting;

the Animal Control Officer may, without limiting the powers available to him or her pursuant to any applicable legislation, designate the dog to be a Dangerous Dog. Upon making such a designation pursuant to this section, the Animal Control Officer must deliver to the dog's Owner a letter advising that the dog has been designated as a Dangerous Dog and informing the Owner of the right to request reconsideration of that decision in accordance with section 9.4. The letter shall be deemed to be delivered if mailed to the address on the most recent licence for that dog or the address where the dog is known or believed to reside, or left with an adult person at the address on the most recent licence for that dog or the address where the dog is known or believed to reside.

- 9.4 The Owner of any dog that has been designated as a Dangerous Dog, may within fourteen (14) calendar days of delivery of the letter notifying of the Dangerous Dog designation, request that the Animal Control Officer reconsider the decision. The request for reconsideration must be accompanied by written reasons why the Owner of the dog believes the dog is not a Dangerous Dog and a written assessment of the dog, prepared by a dog behaviour specialist approved by the Town within the last six (6) months. The Animal Control Officer, after providing the Owner and any complainant with an opportunity to make representations regarding the dog, may confirm or reverse the decision designating the dog as a Dangerous Dog and may cancel or modify any restrictions, requirements or conditions imposed by an Animal Control Officer and impose any new or additional restrictions, requirements or conditions as he or she deems necessary or appropriate in the circumstances.
- 9.5 Every Owner of a Dangerous Dog must at all times keep the dog:
- a) securely confined indoors such that the dog cannot escape; or
 - b) in an Enclosure which prevents the entry into the Enclosure of children under 12 years old and prevents the animal from escaping the Enclosure; or
 - c) properly fitted with a humane basket muzzle, on a leash not longer than one (1) metre (3.2 feet) and under the immediate control of a competent person at least nineteen (19) years of age and skilled in animal control.
- 9.6 The Owner of a Dangerous Dog shall display a sign declaring in legible writing and with a recognizable symbol that the dog is dangerous, at each entrance to the property and building in which this dog is kept.
- 9.7 The Owner of a Dangerous Dog shall promptly notify the Town's animal control department if:
- a) the dog is found to be At Large; or
 - b) the dog moves, is given away or dies.
- 9.8 If the Owner of a Dangerous Dog is unwilling or unable to comply with the requirements of sections 9.1, 9.2, and 9.5 - 9.7, this dog may be seized and impounded for a fourteen (14) day holding period, after which the Town may, in consultation with the Animal Shelter and/or RCMP, seek a Provincial Order in accordance with section 49 of the *Community Charter* to euthanize the dog by lethal injection of a barbiturate approved by the College of Veterinarians of British Columbia.
- 9.9 The Owner of a Dangerous Dog may, within fourteen (14) days of impoundment, request the release of a Dangerous Dog by submitting to the Animal Control Officer a letter providing proof of his or her actions of remediation to the contraventions of this Bylaw, as outlined in sections 9.1, 9.2, and 9.5 - 9.7.

Part 10 Licencing Requirements for the Keeping of Cats

- 10.1 No person shall own, keep, possess or harbour any cat over the age of six (6) months in the Town unless a valid and subsisting licence for the current calendar year has been obtained for the cat under this Bylaw.
- 10.2 The requirement in section 10.1 does not apply to a cat that is kept in the Town for less than one (1) month in a calendar year.

- 10.3 If a cat is required to be licenced pursuant to this Bylaw, the Owner of the cat shall apply to the Town for a licence on the prescribed form provided by the Town and pay the fee set out in the current *Fees and Charges Bylaw*, and upon receipt of the application and payment of the prescribed fee, the Town shall issue a numbered cat licence and corresponding licence tag for that licence year.
- 10.4 Every cat licence and corresponding licence tag issued under this Bylaw shall expire on the 31st day of December in the calendar year in which the licence was issued.
- 10.5 The licence fees set out in the *Fees and Charges Bylaw* shall be reduced by one-half in respect of an application for a licence made after August 31st.
- 10.6 The Owner of a cat for which a licence and corresponding licence tag have been issued under this Bylaw shall:
- a) affix, and keep affixed, the licence tag on the cat by a collar, harness or other suitable device; or
 - b) ensure that a cat that is not wearing the current licence purchased has Permanent Identification with the identification information outlined in the application.
- 10.7 The Owner of a cat for which a licence and corresponding licence tag have been issued under this Bylaw shall obtain a replacement licence tag upon satisfying the Town that the original licence tag has been lost or stolen and upon payment of the replacement licence fee set out in the *Fees and Charges Bylaw*.
- 10.8 Where the *Fees and Charges Bylaw* provides for a reduced licence fee for a cat that is neutered or spayed, the application shall be accompanied by either:
- a) a certificate signed by a qualified veterinarian indicating that the cat has been neutered or spayed; or
 - b) a solemn declaration signed by the Owner in the presence of the Town's Corporate Officer in a form acceptable to the Corporate Officer.

Part 11 Regulations for the Keeping of Horses

- 11.1 A person who engages in horse keeping must:
- a) be the registered owner or obtain permission from the registered property owner at a property where the horse is kept, and reside at a property where the horse is kept;
 - b) keep no more than one (1) horse per parcel of land zoned either Rural Residential (R-5) or Agricultural under the Town's Zoning Bylaw, and with a minimum lot size of one hectare (2.47 acres);
 - c) notwithstanding section 11.1(b), horses that are kept lawfully according to the previous Animal Control Bylaw No. 1406, 1997 may be kept, provided they exist at the time this Bylaw comes into effect;
 - d) provide an appropriate stable or building for the shelter or accommodation of horses in accordance with applicable regulations for accessory buildings in the Town's Zoning Bylaw and Building Bylaw.
 - e) ensure all lands and premises where horses are kept are adequately fenced and maintained in a sanitary condition at all times, and manure shall not be allowed to accumulate in such a manner as to cause, in the opinion of the Animal Control Officer, an objectionable odour or nuisance;
 - f) provide care in accordance with the standards outlined in Part 13 of this Bylaw;

- g) follow biosecurity procedures recommended by the Canadian Food and Inspection Agency and Equine Canada;
- h) keep horses for personal use, and not sell manure, meat or other products derived from the animals; and
- i) not slaughter, or attempt to euthanize, or bury a horse within Town limits, unless at an authorized facility.

Part 12 Issuance of Licence or Permit

- 12.1 An Animal Control Officer may refuse to issue, suspend, revoke or cancel a licence or permit if the applicant for or holder of the licence or permit:
- a) has been convicted of an offence involving cruelty to an animal; or
 - b) in the opinion of the Animal Control Officer, has failed to comply with the Standards of Care outlined in this Bylaw; or
 - c) has failed to pay any fines or fees imposed on him or her pursuant to this Bylaw.
- 12.2 On request, the Animal Control Officer must provide the Owner with written reasons for refusing to issue or for suspending, revoking or cancelling a permit or licence.
- 12.3 An Owner whose animal licence or permit was refused, suspended, revoked, or cancelled pursuant to section 12.1 may request that the Animal Control Officer reconsider the decision by notifying the Town's Corporate Officer within fourteen (14) days of the date of the decision. Such a request must be in writing and must include the reasons why the owner believes the decision should be reconsidered. Upon receipt of a completed request, the Animal Control Officer must:
- a) give the Owner written reasons for the detention; and
 - b) reconsider the refusal, suspension, revocation, or cancellation of the licence or permit and may uphold or overturn the original decision.
- 12.4 The applicant may re-apply at any time if and once the conditions for refusal, suspension, revocation, or cancellation of the licence or permit have changed.

Part 13 Standards of Care for Animals

- 13.1 No person shall keep any animal in the Town unless the animal is provided with:
- a) clean potable drinking water and food in sufficient quantity and of a recognized nutritional quality to allow for the animal's normal growth and the maintenance of the animal's normal body weight;
 - b) food and water receptacles which are clean;
 - c) the opportunity for regular exercise sufficient to maintain the animal's good health, including daily opportunities to be free of an Enclosure and exercised under appropriate control; and
 - d) necessary veterinary care when the animal exhibits signs of pain, injury, illness, suffering, or disease.
- 13.2 No person may keep any animal which normally resides outside or which is kept outside for extended periods of time, unless the animal is provided with outside shelter:
- a) which ensures protection from heat, cold and wet that is appropriate to the animal's weight and type of coat;

- b) which provides sufficient space to allow any animal the ability to turn about freely and to easily stand, sit and lie in a normal position; at least two (2) times the length of the animal in all directions, and at least as high as the animal's height measured from the floor to the highest point of the animal when standing in a normal position plus 10%;
 - c) which provides sufficient shade to protect the animal from the direct rays of the sun at all times;
 - d) which contains bedding that will assist with maintaining normal body temperature; and
 - e) which is regularly cleaned and sanitized and all excreta removed and properly disposed of at least once a day.
- 13.3 No person may cause, permit, or allow an animal:
- a) to be hitched, tied, or fastened to a fixed object in such a way that the animal is able to leave the boundaries of the Owner/Person Responsible's property; or
 - b) to be hitched, tied, or fastened to a fixed object where a choke collar forms part of the securing apparatus, or where a rope or cord is tied directly around the animal's neck; or be tethered other than with a collar that is properly fitted to that dog and attached in a manner that will not injure the animal or enable the animal to injure itself by pulling on the tether; or
 - c) to be hitched, tied, or fastened to a fixed object except with a tether of sufficient length to enable the full and unrestricted movement of the animal; or
 - d) to be hitched, tied, or fastened to a fixed object for longer than four (4) hours within a twenty-four (24) hour period.
- 13.4 No person shall keep an animal confined in an Enclosure, including a motor vehicle, without sufficient ventilation to prevent the animal from suffering discomfort or heat related injury. Such enclosed space or vehicle (if stationary) shall be in an area providing sufficient shade to protect the animal from direct rays of sun at all times. The Town of Creston shall assume no financial responsibility or liability for involving an agency authorized under the *Prevention of Cruelty to Animals Act* to free a confined animal deemed by the Animal Control Officer to be in critical distress.
- 13.5 No person may transport a dog in a vehicle outside of the passenger compartment or in an uncovered passenger compartment unless it is adequately confined to a pen or cage or unless it is secured in a body harness or other manner of fastening to prevent it from jumping or falling off the vehicle or otherwise injuring itself.
- 13.6 Notwithstanding any other provision of this Bylaw, no person shall:
- a) abandon any animal;
 - b) in any way use poison, air pellet guns, bows and arrows, firearms, sling shots, and the like on any animal;
 - c) tease, torment, or provoke an animal;
 - d) cause, permit or allow an animal to suffer; or
 - e) train or allow any animal to fight.
- 13.7 No Owner/Person Responsible for any dog shall keep such dog in an Enclosure unless all of the following requirements are met:
- a) the Enclosure shall be a fully enclosed structure with a minimum dimension of two (2) metres (6.5 feet) in width, by four (4) metres (13 feet) in length, and two (2) metres (6.5 feet) in height from the grade upon which the Enclosure is constructed;

- b) the location of the Enclosure shall be within a rear yard and shall meet the requirements for an accessory structure contained within the Town's zoning bylaw, as amended from time to time;
- c) the Enclosure shall include an outside shelter that conforms to section 13.2 of this Bylaw;
- d) if the sides are not secured to the bottom of the Enclosure, then the sides shall be embedded into the ground no less than thirty (30) centimeters (12 inches) or as deep as may be necessary to prevent the escape of the dog from the Enclosure;
- e) the Enclosure must be regularly cleaned and sanitized and all excreta removed at least once a day; and
- f) the Owner/Person Responsible for any dog shall ensure that such dog is not confined to an Enclosure in excess of ten (10) hours within any twenty four (24) hour period.

Part 14 Abilities of an Animal Control Officer

- 14.1 An Animal Control Officer may, in accordance with section 16 of the *Community Charter*, enter on any property at any reasonable time for the purpose of ascertaining whether the regulations and requirements of this Bylaw are being observed.
- 14.2 An Animal Control Officer may seize:
 - a) any unlicensed dog or cat;
 - b) any Dangerous Dog not secured or muzzled in accordance with section 9.5;
 - c) any animal found to be At Large contrary to this Bylaw; and
 - d) any animal that is, or appears to be, suffering.
- 14.3 When an animal is not on the property of the Owner/Person Responsible, the Animal Control Officer may, where necessary, employ the use of lures, baits, nets, tranquilizer gun, sonic and mechanical devices or any other means of apprehending animals provided that such methods are applied humanely.
- 14.4 An Animal Control Officer shall convey any animal seized and liable to impoundment under this Bylaw to the designated shelter for impounded animals.
- 14.5 No person shall hinder, delay, or obstruct in any manner, directly or indirectly, an Animal Control Officer or any person employed by the Animal Control Officer in carrying out the duties and powers of an Animal Control Officer under this Bylaw.
- 14.6 Every occupier of premises where any animal is kept or found and every person where encountered, having at that time the apparent custody of an animal, shall immediately, upon demand made by an Animal Control Officer or a peace officer, truthfully and fully supply the following information:
 - a) his or her name;
 - b) the number of animals owned or kept by him or her, their breed, sex, and general description;
 - c) the place where such animals are kept; and
 - d) whether the animals are currently licensed or registered.

Part 15 Establishment of Animal Shelter

- 15.1 The Town may enter into a service agreement with any person or organization to operate the Animal Shelter and care for impounded animals pursuant to the terms of the service agreement.
- 15.2 Any animal impounded shall be provided with the basic animal care provisions described in sections 13.1 - 13.7 of this Bylaw and with the requirements set out in the most current edition of *A Code of Practice for Canadian Kennel Operations* (Canadian Veterinary Medical Association).
- 15.3 Where an animal is seized pursuant to this Bylaw, the Animal Shelter shall screen for identification and microchips. The Animal Control Officer shall make every effort to identify and notify the Owner of the animal of the fact that the animal has been seized and that the animal will be adopted or otherwise placed with a person or organization deemed appropriate by the Animal Control Officer after the expiration of seventy-two (72) hours from the date the animal was seized unless the animal is redeemed before that time.
- 15.4 Where the Owner of an animal which has been seized under this Bylaw is not known to, and cannot be identified by, the Animal Control Officer, the Animal Control Officer shall cause notice of the seizure to be posted at Town Hall, advertised by any means that the Animal Control Officer deems appropriate, and, if the technology is available, posted on the Internet.
- 15.5 An Owner of an animal seized under this Bylaw, or any person authorized in writing on the Owner's behalf, may redeem the animal at any time prior to its adoption or placement under this Bylaw upon:
- a) delivery to the Animal Control Officer of evidence establishing ownership of the animal;
 - b) payment of the impoundment and maintenance fees incurred in respect of the seizure and boarding of the animal;
 - c) licensing or registration of the animal with the Town and payment of the current requisite licence or registration fee if the animal is required to be licenced or registered pursuant to this Bylaw and is not licenced or registered.
- 15.6 A Bylaw Notice(s) may be issued at the time of redemption for any applicable fines/penalties. The Animal Control Officer may consider waiving any fines/penalties if the Owner/Person Responsible has the impounded animal spayed or neutered prior to its release from the Animal Shelter.
- 15.7 After an animal has been impounded for longer than seventy-two (72) hours, the Animal Control Officer, in consultation with the Animal Shelter, may direct that the animal:
- a) be offered to the general public for adoption if the animal is neither a diseased animal nor a Dangerous Dog; or,
 - b) be placed with any person or organization deemed acceptable by the Animal Control Officer; or,
 - c) in the case of a diseased or seriously injured animal, the Town may, in consultation with the Animal Shelter and/or RCMP, seek to euthanize the animal by lethal injection of a barbiturate approved by the College of Veterinarians of British Columbia. This may occur prior to the seventy-two (72) hour impoundment period of, in the opinion of a licenced veterinarian, the animal is experiencing significant pain or suffering that cannot otherwise be reasonably addressed;

- d) in the case of a Dangerous Dog, the Town may, in consultation with the Animal Shelter and/or RCMP, seek to euthanize the animal by lethal injection of a barbiturate approved by the College of Veterinarians of British Columbia.
- 15.8 Where the Owner of an animal has been determined and all reasonable efforts to contact such Owner have been made, but the Owner does not claim the animal, he or she shall be responsible for payment to the Town the applicable fees outlined in the *Fees and Charges Bylaw*.
- 15.9 No person shall take or release any animal from the Animal Shelter without the consent of the Animal Control Officer within the first seventy-two (72) hours following seizure of the animal.
- 15.10 Upon reasonable grounds, the Animal Control Officer has the right to refuse to any person the release of any animal if, in his or her opinion, the circumstances so warrant, including the following situations:
- a) to protect the safety of the public from the animal;
 - b) to protect the safety of the animal from the public;
 - c) to protect the health and welfare of the animal from the individual; or,
 - d) if the person is apparently under the influence of alcohol or a drug, such that the Animal Control Officer does not feel that the individual has the cognitive ability to accept responsibility for the animal.
- 15.11 An Owner whose animal was detained pursuant to section 15.10 may request that the Animal Control Officer reconsider the decision to detain the animal by notifying the Town's Corporate Officer within fourteen (14) days of the date of the decision. Such a request must be in writing and must include the reasons why the Owner believes the decision should be reconsidered. Upon receipt of a completed request the Animal Control Officer must:
- a) give the Owner written reasons for the detention; and
 - b) reconsider the detention and may uphold or overturn the original decision.
- 15.12 If, within fourteen (14) days after the decision to detain was made or confirmed, an animal detained pursuant to section 15.10 is not claimed by its Owner and the applicable requirements of section 15.11 are not satisfied, the animal shall be deemed to have been surrendered to the Town.

Part 16 Regulations for the Operation of Kennels & Catteries

- 16.1 No person shall operate a kennel or cattery in the Town unless a Town of Creston business licence for the current calendar year has been obtained.
- 16.2 Every kennel or cattery business licence is valid only in respect of the facility for which it was issued and only on appropriately zoned land pursuant to the Town's Zoning Bylaw.
- 16.3 The following information is also required at the time of initial application for business licencing:
- a) written confirmation from *The British Columbia Society for the Prevention of Cruelty to Animals* or a licensed veterinarian that the applicant has complied with section 16.4 of this Bylaw, with any associated costs borne by the applicant;

- b) a list of the maximum dogs or cats to be kept at the subject property, including both purebreds and non-purebreds, and verification of current rabies vaccinations for each dog and cat;
- c) a sworn affidavit by the owner or operator and by each member of staff that he/she has never been convicted of an offense pertaining to cruelty towards or neglect of an animal;
- d) Certificate of Insurance or Covernote, confirming the issuance of a Commercial General Liability or like policy, having third party liability limits of no less than two million (\$2,000,000.00) dollars, covering the property on which the kennel or cattery is located and its operations.

16.4 All kennels and catteries shall comply with the basic animal care requirements set out in this Bylaw and with the requirements set out in the most current edition of *A Code of Practice for Canadian Kennel Operations* (Canadian Veterinary Medical Association) and shall sign a declaration to that effect.

Part 17 Offences and Penalties

17.1 The Animal Control Officer is authorized to deliver a Bylaw Notice to any person alleged to have contravened a provision of this Bylaw. Such notice is deemed to be sufficiently served:

- a) if served personally to the Owner/Person Responsible for the animal concerned;
- b) if mailed by registered mail to the address of the Owner/Person Responsible for the animal concerned; or
- c) if served to a person appearing to be over the age of nineteen (19) years who is a resident at the address of the Owner/Person Responsible of the animal concerned.

17.2 Any person who contravenes this Bylaw is liable to a fine imposed by means of a Bylaw Notice under the *Local Government Bylaw Notice Enforcement Act*. Every day during which there is an infraction of this Bylaw shall constitute a separate offence.

17.3 All penalties relevant to contraventions of this Bylaw are contained in the Town of Creston *Bylaw Notice Enforcement Bylaw No. 1760, 2011*.

READ A FIRST TIME by title and SECOND TIME by content this 8th day of December, 2015.

READ A THIRD TIME by title this 8th day of December, 2015.

ADOPTED this 15th day of December, 2015.

“Kevin Boehmer”
Acting Mayor Kevin Boehmer

“Bev Caldwell”
Bev Caldwell, Executive Assistant

SCHEDULE "A"

List of Prohibited Animals

1. All non-human primates;
2. All felidae, except the domestic cat;
3. All canidae, except the domestic dog;
4. All ursidae (bears);
5. All proboscidea (elephants);
6. All pinnipedia (seals, walrus);
7. All marsupials;
8. All edentates (anteaters);
9. All xenartha (such as sloths, armadillos, and tamanduas);
10. All monotremata (spiny anteater and platypus);
11. All venomous or poisonous reptiles and amphibians;
12. All reptiles and amphibians over two (2) feet adult size;
13. All venomous or poisonous invertebrates;
(such as black widow spiders, tarantulas, and blue-ringed octopus);
14. All ungulates, including domestic breeds of cow, goat, sheep, pig, mule, donkey, llama and alpaca, except horses (where zoning and lot size permits) and potbellied pigs;
15. All hyenidae (hyenas);
16. All hyracoidean (hyraxes);
17. All erinaceidae (tenrecs and hedgehogs);
18. All mustelidae (skunks, weasels, otters, wild ferrets), except the domestic ferret;
19. All procyonidae (raccoons, coatimundis);
20. All viverridae (civets and genets);
21. All herpestidae (mongooses);
22. All cetacea (whales, porpoises, dolphins);
23. All rodentia, except the hamster, gerbil, guinea pig, domestic mouse, and domestic rat;
24. All chiroptera (bats), colugos (flying lemurs), and scandentia (treeshrews);
25. All lagomorphs (rabbits and hare), except the domestic rabbit; and,
26. All birds, except the budgie, cockatiel, lovebird, finch, parrot and canary.