



# ANIMAL CONTROL BY-LAW

## RURAL MUNICIPALITY OF VICTORIA

### BY-LAW NO: 1431/2021

**BEING** A BY-LAW OF THE RURAL MUNICIPALITY OF VICTORIA for establishing regulations for the control of dogs and cats within the Rural Municipality of Victoria.

**WHEREAS** The Animal Liability Act, authorizes the Council of any municipality to pass by-laws to prohibit and regulate the running at large or trespassing of animals and providing for impounding them and other regulations in respect thereof.

**AND WHEREAS** Section 232(1) of The Municipal Act, states that, "a Council may pass by-laws for municipal purposes respecting the following matters:

- a) The safety, health, protection and well-being of people, and the safety and protection of property;
- k) wild and domestic animals and activities in relation to them, including by-laws differentiating on the basis of sex, breed, size or weight;"

**AND WHEREAS** Section 232(2) of The Municipal Act, states that "without limiting the generality of subsection (1), a Council may in a By-Law passed under this Division

- e) subject to the regulations, provide for a system of licences, permits or approvals, including any or all of the following:
  - i) establishing fees, and terms for payment of fees, for inspections, licences, permits and approvals, including fees related to recovering the costs of regulation"

**NOW THEREFORE** the Council of the Municipality of Victoria, in public meeting duly assembled, enacts as follows:

#### **SECTION 1** **INTERPRETATION**

##### **Name of By-Law**

1.1 The name of this By-Law, for citation, is the "Animal Control By-Law".

1.2 **THAT** By-Law No. 1329/2010 of the Rural Municipality of Victoria is hereby repealed.

##### **Definitions**

1.3 In this By-Law:

- a) "Aggressive dog" means a dog with a known propensity, tendency, or disposition to attack without provocation other domestic animals or human beings, or a dog which has bitten another domestic animal or human being without provocation;
- b) "Animal Control Officer" means the Animal Control Officer for the Municipality of Victoria or such other person appointed or hired by contract by the Municipality to enforce and carry out its provisions, and includes any assistant to the Animal Control Officer;
- c) "Cat" means an animal of the feline species regardless of age or sex;
- d) "Municipality" means the Municipality of Victoria;
- e) "Communities of Holland and Cypress River" means the area zoned as "General Development Area" as specified in Zoning By-Law No: 1266/2005 for the communities of Holland and Cypress River'
- f) "Dog" means an animal of the canine species regardless of age or sex;
- g) "Domestic cat" means an animal of the feline species regardless of age or sex that resides in residence with humans without a cage;
- h) "Euthanasia" means the methods described in American Veterinary Medical Association (AVMA) Guidelines on Euthanasia 2007 or an updated version;
- i) "Household pet" means a domesticated animal or bird normally kept in a dwelling and kept for pleasure rather than utility;
- j) "Impound" means to take into custody, confine, and hold;
- k) "Keep" means to own, possess, or harbor a dog, cat, or other animal;
- l) "Kitten" means a member of the feline species which is less than six months old;
- m) "Other animal" means any animal except a dog or domestic cat;
- n) "Puppy" means a member of the canine species which is less than six months old;
- o) "Police officer" means a peace officer or constable employed by the Municipality of Victoria or by contract with the RCMP;

- p) "Pound" means the location where the Animal Control Officer takes into custody, confines and holds animals;
- q) "Run at large", with reference to a dog, cat or any other animal, means being elsewhere than on the property of the person who keeps the dog, cat or other animal, or of a person who has care, custody or control of the dog, cat or other animal, and not being under the immediate charge and control of a responsible person.

### **Schedules**

- 1.4 The schedules attached to this By-Law form part of this By-Law.

### **Severability**

- 1.5 A decision by a court that any part of this By-Law is illegal, void, or unenforceable severs that part from this By-Law, and is not to affect the balance of this By-Law.

## **SECTION 2**

### **GENERAL – HOUSEHOLD PETS**

#### **Maximum number of household pets**

- 2.1 Subject to the maximums per species outlines in this By-Law, respecting the number of animals permitted per household, a person may keep:
  - a) a maximum of four household pets in a one-family or two-family dwelling;
  - b) a maximum of three household pets in a multi-family dwelling;
  - c) the maximums prescribed in subsections (a) and (b) above do not include litters of puppies or kittens.
- 2.2 This by-law only applies to pets within the Communities of Holland and Cypress River.

## **SECTION 3**

### **DOG LICENSES**

#### **No keeping of dog without license**

- 3.1 A person must not keep a dog within the communities of Holland and Cypress River that is older than three months unless such person has acquired a license for the dog from the Municipality.

#### **Applying for license**

- 3.2 A person who keeps a dog must apply to the Municipality for a license when the person acquires the dog.

#### **Paying for license**

- 3.3 A person who applies for a license to keep a dog must, when applying, pay the Municipality the fee specified in Schedule "A" to this By-Law and if paying the reduced fee for an altered dog, produce a certificate from a veterinarian to verify such alteration.

#### **Waiving license fee**

- 3.4 If the Animal Control Officer is satisfied that a dog has been specially trained to guide or assist a person who is disabled, and if such a person applies for a license to keep the dog, no fee is payable under section 3.3.

#### **Wearing dog tag**

- 3.5 A person who keeps a dog must ensure that the dog at all times wears a collar to which is attached a tag furnished by the Municipality.

#### **No removing of dog tag**

- 3.6 Except with the authority of the person who keeps the dog, a person must not remove the tag required by section 3.5 from a dog's collar or from elsewhere on the dog's body.

## **SECTION 4**

### **CONTROL OF DOGS**

#### **Controlling a dog/No running at large**

- 4.1 A person who keeps a dog, or a person who has care, custody or control of a dog, must not permit or allow the dog to be elsewhere than on his or her property unless it is

under the immediate charge and control of a responsible person. A person who keeps a dog must not permit or allow the dog to run at large.

#### **Leashing dogs**

4.2 A person who keeps a dog must not permit or allow the dog to be on a street or other public place unless the dog is under the immediate charge and control of a responsible person by means of a leash that is not more than 2.5 meters long or another Municipal By-Law allows the dog to be off-leash under certain circumstances.

#### **Muzzling aggressive dogs**

4.3 In addition to complying with section 4.2, a person who keeps an aggressive dog must not permit or allow the dog to be on a street or other public place or on any other property that such person does not own or control unless such person has muzzled the dog to prevent it from biting another animal or a person, except when the dog is participating in an event sanctioned by the Canadian Kennel Club.

#### **Securing aggressive dogs on private property**

4.4 A person who keeps an aggressive dog must, at all times while the dog is on property owned or controlled by such person, securely confine the dog, 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 or from biting another animal or human being.

#### **Limiting number of dogs**

4.5 Except for a person licensed under the Municipal License By-Law as a kennel keeper, any person in a one-family or two-family dwelling, must not keep more than three dogs at any time, and any person in a multiple-family dwelling must not keep more than two dogs at any time.

#### **Confining dogs in heat**

4.6 A person who keeps a female dog must confine and house the dog during the period it is in heat.

#### **Vaccination**

4.7 A person who keeps a dog must provide proof of current vaccination records.

#### **Confining dogs with communicable diseases**

4.8 A person who keeps a dog, and who knows or suspects that the dog has a communicable disease, must:

1. isolate the dog, during the period such person knows or suspects that the dog has a communicable disease, in a manner that will prevent further spread of the disease and in a manner prescribed at law;
2. seek the assistance of a veterinarian; and,
3. follow the orders of such veterinarian, the Animal Control Officer, and any government officials who have authority to issue such orders.

#### **Clean-up of excrement**

4.9

- a) If a dog defecates on any property within the Communities of Holland and Cypress River other than the property of the person who owns or is in possession or control of the dog, the person who owns or is in possession or control of the dog, shall remove such feces immediately and in a sanitary manner.
- b) Any person who owns or is in possession or control of a dog and occupies property in the Communities of Holland and Cypress River, shall remove any and all dog feces from the said property on a regular basis and shall dispose of the feces in a sanitary manner.

#### **Securing dogs in vehicles**

4.10 A person who keeps a dog, or a person who has care, custody or control of a dog, must not keep the dog in a vehicle unless such person secures the dog in a manner that prevents the dog from falling or being thrown out of the vehicle.

#### **Barking or howling**

4.11 A person who owns or occupies premises must not permit or allow the sound of a barking or howling dog that a person, not on the same premises, can easily hear and

that disturbs or tends to disturb unreasonable the quiet, peace, rest, enjoyment, comfort or convenience of such person.

#### **Upsetting or breaking into refuse container**

4.12 A person who keeps a dog, or a person who has care, custody or control of a dog, must not permit or allow the dog to upset or break into a refuse container on a street or other public place.

### **SECTION 5** **KEEPING OF DOGS**

#### **Giving basic care to dogs**

5.1 A person who keeps a dog, or a person who has care, custody or control of a dog, must give the dog food, water, shelter, and exercise sufficient to maintain the dog in good health.

#### **Tethering dogs**

5.2 A person who keeps a dog, or a person who has care, custody or control of a dog, must not tie or fasten a dog to a fixed object by using a choke collar or choke chain or by tying a rope, chain, or cord directly around the dog's neck. Any chain, leash, or similar device for animal constraint shall be designed to prevent choking or injury to the dog, and the tethering device shall be at least 4 meters in length and placed on a swivel or chain run. The tether mentioned in this section shall not permit the dog to be within 3 meters of a sidewalk or street, and shall not be allowed in any front yard.

#### **Enclosing dogs**

5.3 A person who keeps a dog, or a person who has care, custody or control of a dog, must not confine the dog in an enclosure unless the air ventilation, temperature, and size of the enclosure are sufficient to maintain the dog in good health.

### **SECTION 6** **IMPOUNDMENT OF DOGS**

#### **Seizing dogs under this By-Law**

6.1 The Animal Control Officer or a police officer may seize a dog:

- a) in respect of whom the person who keeps a dog does not have a license;
- b) in respect of whom payment of the license fee referred to in section 3.3 is in arrears;
- c) who is not wearing the dog tag referred to in section 3.5;
- d) who is on a street or other public place unlawfully including running at large; or
- e) who has bitten or who is alleged to have bitten a human being.

#### **Delivering dogs without tags**

6.2 If:

- a) the Animal Control Officer believes that a dog is not wearing the collar and tag required under section 3.5;
- b) the Animal Control Officer requests the person who keeps the dog, the person who has care, custody and control of the dog, or a person who occupies the property where the dog is situated to produce evidence satisfactory to the Animal Control Officer that the dog has a license; and,
- c) the person referred to in clause (b) fails to produce such evidence, the Animal Control Officer may request delivery of the dog to the Animal Control Officer or to the pounds, and, immediately upon receipt of that request, the person referred to in clause (b) must deliver the dog to the Animal Control Officer or the pound.

#### **Impounding dogs**

6.3 Promptly upon receiving a dog under section 6.1 or 6.2, the Animal Control Officer must impound the dog at the pound, except that, if the Animal Control Officer believes the dog is in need of medical care, the Animal Control Officer may take the dog to, or leave the dog with, a veterinarian.

#### **Detaining impounded dogs**

6.4 The Animal Control Officer may detain for:

- a) 72 hours, a dog impounded under section 6.3; and,
- b) 21 days, a dog who has bitten or who is alleged to have bitten a human being;

after the date and time of impoundment.

#### **Destroying dogs for humane reasons**

6.5 Despite section 6.4, if the Animal Control Officer believes that an impounded dog is suffering from injury, disease, sickness, or other cause which it is unlikely to survive or from which it is unlikely to recover, and that destroying the dog would be humane, the Animal Control Officer may destroy the dog immediately.

#### **Caring for dogs**

6.6 The Animal Control Officer, as he or she considers necessary and humane, may maintain or arrange to maintain and care for impounded dogs including the provision of food, water, and shelter, veterinary care, medication, and safety.

#### **Disposing of dogs**

6.7 After expiry of the 72 hours referred to in section 6.4, the Animal Control Officer may destroy, or sell by auction or private sale, an impounded dog.

#### **Reclaiming dogs**

6.8 At any time before destruction or sale of a dog under section 6.7, the person who keeps the dog may apply to the Animal Control Officer to reclaim the dog, and, when applying must:

- a) give the Animal Control Officer proof of ownership by such person of the dog;
- b) pay all outstanding charges and fees under this By-Law that apply to such dog; and,
- c) pay all outstanding fines or penalties imposed on such person for breach of this By-Law.

### **SECTION 7** **KEEPING OF CATS**

#### **Giving basic care to cats**

7.1 A person who keeps a cat, or a person who has care, custody or control of a cat, must give the cat food, water, shelter, and an environment sufficient to maintain the cat in good health.

#### **Enclosing cats**

7.2 A person who keeps a cat, or a person who has care, custody or control of a cat, must not confine the cat in an enclosure unless the air ventilation, temperature, and size of the enclosure are sufficient to maintain the cat in good health.

#### **No keeping of cats without license**

7.3 A person must not keep a cat within the communities of Holland and Cypress River that is older than one month unless such person has acquired a license for the cat from the Municipality.

#### **Applying for license**

7.4 A person who keeps a cat must apply to the Municipality for a license when the person acquires the cat.

#### **Paying for license**

7.5 A person who applies for a license to keep a cat must, when applying, pay the Municipality the fee specified in Schedule "A" to this By-Law and if paying the reduced fee for an altered cat, produce a certificate from a veterinarian to verify such alteration.

#### **Cat identification**

7.6 A person must ensure that a cat displays the tag to enable any person finding the cat to contact the owner.

#### **Clean up of excrement**

7.7 a) If a cat defecates on any property within the communities of Holland and Cypress River other than the property of the person who owns or is in possession or control of the cat, the person who owns or is in possession or control of the cat, shall remove such feces immediately and in a sanitary manner.

- b) Any person who owns or is in possession or control of a cat, and occupies property in the communities of Holland and Cypress River, shall remove any and all cat feces from the said property on a regular basis and shall dispose of the feces in a sanitary manner.

#### **Spay or Neuter of a cat**

- 7.8 a) Any person who owns a cat over six months of age, shall ensure that such cat has been spayed or neutered, as applicable except cats that are kept for breeding or show purposes.

#### **Controlling a cat/No running at large**

- 7.9 A person who keeps a cat, or a person who has care, custody or control of a cat, must not permit or allow the cat to be elsewhere than on his or her property unless it is under the immediate charge and control of a responsible person. Any cat is not permitted to run at large.

#### **Limiting number of cats**

- 7.0.1 Except for a person licensed under the Municipality's License By-Law as a kennel keeper, any person in a one-family or two-family dwelling, must not keep more than three cats at any time, and any person in a multiple-family dwelling must not keep more than two cats at any time.

### **SECTION 8**

#### **DISPOSITION SERVICES**

##### **Removing carcasses**

- 8.1 If the Animal Control Officer learns that the carcass of an animal is lying on a street or other public place, the Animal Control Officer may remove the carcass.

### **SECTION 9**

#### **EUTHANASIA**

##### **Destroying of an animal**

- 10.1 Any reference to the destroying of a dog, cat or animal will follow the Canadian Veterinary Medical Association (AVMA) Guidelines on Euthanasia. The principle for a humane method of killing an animal is a rapid unconsciousness and death, with the least possible pain and distress accompanying the procedure. The most appropriate method of euthanasia may vary depending on the circumstances and the animal species. Euthanasia is not desirable as a sole means of population control, but is a necessary requirement for unwanted companion dogs, cats or animals. Optimal methods of euthanasia will be used. Shooting of dogs, cats or animals is considered a humane way to destroy an animal as it produces immediate unconsciousness prior to death. Shooting may be the most practical and logical method of euthanasia of wild or free ranging animals.

### **SECTION 10**

#### **CHARGES AND FEES**

##### **Charging for impoundment**

- 10.1 A person who keeps a dog, cat or other animal which the Animal Control Officer has impounded under this By-Law must pay to the Municipality on demand and before release of the dog, cat or other animal, with respect to that dog or other animal:
  - a) the impound fee set out in Schedule A;
  - b) the daily charge for maintaining the animal set out in Schedule A; and,
  - c) the costs for veterinary care and medication that may have been incurred by the Animal Control Officer.

### **SECTION 11**

#### **OFFENCES AND PENALTIES AND ENFORCEMENT**

##### **No removing impounded animals**

- 11.1 A person must not remove, or attempt to remove, from the pound an impounded animal except as allowed under this By-Law.

##### **No interfering with Animal Control Officer**

11.2 A person must not interfere with, resist, or otherwise obstruct the Animal Control Officer, or other person authorized under this By-Law, in the performance of his or her duties.

**Offences under By-Law**

11.3 A person who:  
a) violates any provision of this By-Law, or does any act or thing which violates any provision of this By-Law, or allows any other person to do any act or thing which violates any provision of this By-Law;  
b) neglects to do or refrains from doing anything required to be done by any provision of this By-Law; or,  
c) allows any other person to fail to comply with an order, direction, or notice given under any provision of this By-Law;  
is guilty of an offence against this By-Law, and liable to the penalties imposed under this Section.

**Fine for offence**

11.4 Every person who commits an offence against this By-Law is punishable on conviction by a fine of not less than \$100.00 and not more than \$2,000.00 for each offence.

**Fine for continuing offence**

11.5 Every person who commits an offence of a continuing nature against this By-Law is liable to a fine not exceeding \$100.00 for each day such offence continues.

**SECTION 12**

**REPEAL AND ENACTMENT**

**Repeal**

12.1 This By-Law repeals By-Law No: 1181/1996 as well as Schedule "A" of By-Law 1313/2009 regarding Public Safety.

**Force and effect**

12.2 This By-Law shall come into force and effect on the date of passing hereof; and,  
  
12.3 This By-law shall not apply to any person, firm or corporation who at the time of this By-Law coming into force and effect is keeping or harbouring any of the animals set forth in said By-Law until 60 days have elapsed from the coming into force and effect of this By-Law.

**DONE AND PASSED** by the Council of the Rural Municipality of Victoria, in Council duly assembled this 12<sup>th</sup> day of May, A.D., 2021.

**Rural Municipality of Victoria**

*"Originally Signed by Deputy Reeve Harold W. Purkess"*

Reeve

*"Originally Signed by CAO Y. Ivan Bruneau"*

Chief Administrative Officer

Read a first time this	<u>14<sup>th</sup></u>	day of	<u>April</u>	A.D.	<u>2021.</u>
Read a second time this	<u>14<sup>th</sup></u>	day of	<u>April</u>	A.D.	<u>2021.</u>
Read a third time this	<u>12<sup>th</sup></u>	day of	<u>May</u>	A.D.	<u>2021.</u>

**SCHEDULE "A" TO BY-LAW NO: 1431/2021**

**FEES AND CHARGES**

**Part 1 – Yearly License Fee**

Unaltered male or female dog or cat	\$ 50.00
Altered male or female dog	10.00
Altered male or female cat	10.00
Replacement tag for dog or cat	5.00
Transfer Fee	No Charge
Companion dog	No Charge
Failing to obtain valid pet license (first offence)	250.00
Failing to obtain valid pet license (second offence)	750.00

**Part 2 – Impound Fees**

Impound of licensed dog	\$ 30.00
Impound of unlicensed dog	50.00
Impound of licensed cat	30.00
Impound of unlicensed cat	50.00
Impound of licensed aggressive dog	100.00
Impound of unlicensed aggressive dog	100.00
Per kilometer traveled	.50

**Part 3 – Maintenance Charges**

Maintenance of dog	\$ 5.00 per day
Maintenance of aggressive dog	10.00 per day
Maintenance of cat	2.50 per day
Veterinary Fees	Actual Costs