

VILLAGE OF RADIUM HOT SPRINGS

BYLAW NO. 373, 2010.

Being a bylaw to provide for the control of dangerous dogs.

WHEREAS Council may regulate, prohibit and impose requirements on dogs for the health, safety and protection of persons, property and other animals;

AND WHEREAS Council has deemed it desirable that additional dog controls be enacted with respect to dangerous dogs to promote the health, safety and protection of persons, property and other animals within the Village of Radium Hot Springs.

NOW THEREFORE the Council of the Village of Radium Hot Springs in open meeting assembled enacts as follows:

1. CITATION

This bylaw may be cited as "Dangerous Dog Bylaw No. 373, 2010".

2. DEFINITIONS

In this bylaw, unless the context otherwise requires:

“**Animal Control Officer**” means a municipal employee, officer or agent designated by the council as an animal control officer, dog control officer, bylaw enforcement officer or peace officer and includes RCMP officers;

“**At Large**” means not on the property owned or occupied by its owner and not securely confined, securely tethered or securely leashed so as to prevent it from being able to roam.

“**Dangerous Dog**” means, a dog that has killed or seriously injured a person, a dog that has killed or seriously injured a 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 a dog that an animal control officer has reasonable grounds to believe is likely to kill or seriously injure a person.

“**Impound**” means to confine in a pound or to be under the control of an Animal Control Officer or any other person authorized to enforce the provisions of this bylaw.

“**Leash**” means a chain or other material capable of restraining the dog on which it is being used and not over two metres in length.

“**Municipality**” means the Village of Radium Hot Springs.

“**Off-leash area**” means a public place designated in this bylaw where dogs may be released from a leash.

“**Out of control**” means a dog or animal that is, biting, attacking, or running at any person or animal, biting, barking at, or chasing bicycles, automobiles or other vehicles, causing damage to property or other animals.

“**Owner**” in respect to a dog, means a natural person or body corporate that has legal title to the dog, and includes any person who has possession or custody of the dog, either temporarily or permanently, or harbours the animal, or allows the animal to remain on his premises.

“**Pound**” means any pound facility utilized under an agreement with the municipality as the premises designated to harbour and maintain dogs impounded under the provisions of this bylaw.

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3. APPLICATION

3.1 The Animal Control Officer may:

1. deem a dog to be designated as a dangerous dog if that Animal Control Officer has reasonable grounds to believe that the dog is likely to kill or seriously injure a person;
2. deem a dog that has killed or seriously injured a person or a domestic animal as a dangerous dog;
3. employ the use of lures, baits, nets, sonics, nooses, traps, tranquilizers, or other mechanical devices or means of apprehension to seize dogs;
4. issue violation notices and fines for noncompliance with the provisions of this bylaw;
5. seize and impound a dog if the officer believes on reasonable grounds that the animal is a dangerous dog.
6. at all reasonable times enter on and inspect private property within the Village in order to ascertain whether this Bylaw is being complied with.

3.2 A dangerous dog designation may:

1. be made and immediately acted upon by the Animal Control Officer, at the discretion of said Officer, and shall be followed up with a notice in writing to the owner of the dog.

3.3 In the process of seizing a dangerous dog the Animal Control Officer:

1. must consider whether the dog was acting while in the course of attempting to prevent a person from committing an unlawful act, or performing law enforcement work;
2. may enter and search a place to exercise the power of seizure of a dangerous dog with the consent of the owner or occupier of the place, or in accordance with a warrant;
3. may, without a warrant, enter and search any place accompanied by a police officer, except a place that is occupied as a private dwelling, and seize a dog, if the officer believes on reasonable grounds that the dog is a dangerous dog who presents an imminent danger to the public, and that seizing the dog cannot reasonably be accomplished if the officer is required to obtain a warrant.
4. may, if an animal control officer has reasonable grounds to believe that a dog is a dangerous dog, apply to the Provincial Court for an order that the dog be destroyed in the manner specified in the order

3.4 Control of all Dogs

1. No owner of a dog shall permit the dog to be "at large" or to be "out of control" as defined in Section 2 of this bylaw except under the provisions of Section 3.6.
2. No owner of a dog shall take or allow the dog onto any municipal park unless the park has been otherwise designated and posted "dogs on leash allowed" or "dogs off-leash" allowed.
3. No owner of a dog shall allow the dog off of the property owned or occupied by the owner unless that dog is under the direct and continuous control of a person who is competent to control it.

3.5 Control of Aggressive and Dangerous Dogs

1. The owner of an aggressive dog which is known by the owner to have the propensity to attack or viciously pursue or threaten a person or domestic animal without being definitely provoked, teased or aroused by that person or animal, shall ensure that the dog is properly restrained at all times and, when the dog is off the owner's premises, that it is on a leash and muzzled.

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3.5 Control of Aggressive and Dangerous Dogs continued...

2. The owner of a “**dangerous dog**” shall ensure that the dog is properly restrained, confined and under control at all times and, when the dog is off the owner’s premises, that it is on a leash and muzzled and is under the direct and continuous control of a person over the age of eighteen (18) years and who is competent to control it.
3. A person who owns or keeps a “**dangerous 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 a domestic animal or human being.
4. The enclosed pen or other structure referred to in Section 3.5.3 above shall not be within one (1) metre of the property line or within five (5) metres of a neighbouring dwelling unit.
5. The owner of a “**dangerous dog**” must notify the Municipality should the dog be sold, gifted, or transferred to another person or die, and shall remain liable for the actions of the dog until such notification.
6. The owner of a “**dangerous dog**” must notify the Animal Control Officer if the dog is running at large.

3.6 Off-leash Areas

1. In designated “**off-leash areas**” dogs which are not “**dangerous dogs**” may be allowed to be detached from a leash provided they are under the direct charge and control of a responsible and competent person.
2. Owners are responsible for their dog’s behavior at all times and must ensure their dog is not “**out of control**” while off leash within designated “**off leash areas**”. Dogs which in the opinion of an animal control officer are not under direct charge and control are deemed to be running at large and are subject to seizure and penalties.
3. The Sinclair Creek municipal parklands are hereby designated as an “**off-leash area**”.

4. PENALTIES, ENFORCEMENT AND LEGALESE

4.1 General Penalties

1. Every person who violates any of the provisions of this by-law or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this by-law, who neglects to do or refrains from doing anything required to be done by any of the provisions of this by-law or who does any act which violates any of the provisions of this by-law is guilty of an offence against this by-law and liable to the penalties hereby imposed. Each day that a violation continues to exist shall constitute a separate offence under this by-law.
2. A person who is deemed to have committed an offence against this Bylaw is liable, on summary conviction under the Offence Act, to the penalties deemed appropriate by the presiding Provincial Court Judge or Justice of the Peace.

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4.1 General Penalties continued...

3. An Animal Control Officer or other authorized Bylaw Enforcement Officer may, at their discretion, and with respect to any contravention of any of the provisions of this bylaw, issue a notice warning of such contravention, issue a fine under the Municipal Ticket Information process, commence prosecution under the Offence Act, or seek a court injunction.
4. The fine, under the Municipal Ticket Information process, for a single infraction against this bylaw, shall be \$200.00.

4.2 Obstruction

1. No person, whether or not he is the owner of a dog or dangerous dog which is being or has been pursued or captured shall interfere with or attempt to obstruct an Animal Control Officer who is attempting to capture or who has captured a dog which is subject to impoundment.

4.3 Separate Infractions

1. Any offence under this bylaw which continues for a period in excess of one calendar day shall be deemed to be and is punishable as a separate offence for each and every subsequent day until such infraction ceases.

4.4 Severability

1. If any section, subsection, sentence, clause, or phrase of this bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this bylaw.
2. This bylaw is intended to complement the current Village 'Dog Control and Licensing Bylaw'. If any section, subsection, sentence, clause, or phrase of this bylaw conflicts with any section, subsection, sentence, clause, or phrase of the 'Dog Control and Licensing Bylaw' this bylaw shall prevail.

4.5 Effective Date

1. This Bylaw is effective, in force, and binding on all persons as from the day following the date of its adoption.

READ A FIRST TIME THIS 10th DAY OF NOVEMBER, 2010.
READ A SECOND AND THIRD TIME THIS 12th DAY OF JANUARY, 2011.
RECONSIDERED AND ADOPTED THIS 26th DAY OF JANUARY, 2011.



Mayor Dee Conklin



Clerk Mark Read

HEREBY CERTIFIED A TRUE COPY OF
BYLAW NO 373, 2010.

Clerk