

CITY OF MERRITT

BYLAW 2241 ANIMAL CONTROL BYLAW

WHEREAS the Council of the City of Merritt deems it expedient to provide for a bylaw for the provision of services, the regulation, impoundment, display and protection of animals, and the licencing of dogs within the municipal boundaries of the City;

AND WHEREAS paragraph 8 (3) (k) of the *Community Charter*, SBC 2003, c. 26 provides general authority to regulate, prohibit and impose requirements by bylaw in relation to animals;

AND WHEREAS Section 47 of the *Community Charter* provides that a bylaw passed under section 8 (3) (k) may establish different classes of animals on the basis of sex, age, size or breed;

AND WHEREAS Section 48 of the *Community Charter* provides authority for the seizure of animals and related powers;

AND WHEREAS the Council has received complaints and reports of unprovoked attacks on other Animals and persons by Dangerous or Aggressive Dogs;

NOW THEREFORE the Municipal Council for the City of Merritt, in open meeting assembled, **ENACTS AS FOLLOWS:**

1. Citation

This Bylaw shall be cited as the “**City of Merritt Animal Control Bylaw No. 2241, 2018**”.

2. Repeal

“City of Merritt Animal Control Bylaw No. 2197, 2015” and amendments thereto, are hereby repealed.

3. Definitions

In this Bylaw, unless the context otherwise requires:

“Aggressive Dog” means a Dog which:

- a) has, without provocation, displayed aggressive behaviour toward a person, Cat, or Animal; or
- b) a Bylaw Enforcement Officer has reasonable grounds to believe is likely to cause injury to a person, Cat, or Animal; or
- c) has been relocated to Merritt from another jurisdiction that had deemed said Dog aggressive, vicious, or other similar designation for demonstrated aggression.

“Animal” includes any cattle, horse, sheep, swine, farm animal, poultry, bird, reptile, Dog, rodent, fur-bearing animal and wild animal, but specifically excludes a Cat;

“Animal Control Facility” means the City Facility established by Council for the holding of impounded Animals pursuant to this Bylaw, located at 1298 Coldwater Avenue, Merritt.

“Assistance Dog” means a Dog trained and certified to assist a disabled person or a guide Dog trained and certified to assist the visually impaired;

“At Large” means any Animal that is:

- a) not on the property of the owner;
- b) not securely contained within a vehicle, building, structure, or enclosure with the consent of the owner of the vehicle, building, structure, or enclosure;
- c) not securely leashed by a Competent Person in any area other than the property of the owner or an Off-Leash Area; or
- d) in an Off-Leash Area, contrary to section 25 of this Bylaw.

“Basic Care” means to provide an Animal or Cat with clean drinking water, food, adequate exercise, and necessary veterinary care.

“Bylaw Enforcement Officer” means the person(s) appointed by the Council as a Bylaw Enforcement Officer from time to time, and includes a Peace Officer;

“Cat” means a member of the feline species, commonly known as the domestic house cat;

“**City**” means the City of Merritt or the area within the municipal boundaries as the context requires;

“**Competent Person**” means a person of sufficient age, height, and weight to ensure a Dog under their control will be obedient to their commands and can be physically restrained if required;

“**Council**” means the Municipal Council of the City of Merritt;

“**Dangerous Dog**” means a Dog that:

- a) has killed or seriously injured a person;
- b) has killed or seriously injured an Animal or Cat, 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) a Bylaw Enforcement Officer has reasonable grounds to believe is likely to kill or seriously injure a person.

“**Dog**” means an Animal of the canine species, irrespective of sex or age;

“**Dog Licence**” means a Licence issued by the City in accordance with sections 15 to 22 of this Bylaw;

“**Hen**” means a female domestic chicken kept for the purposes of egg production;

“**Leash**” means a device of sufficient strength and design to restrain the Dog for which it is being used, where one end is securely affixed to the Dog and the other end is being securely held by a Competent Person.

“**Licence Year**” means the time period from January 1st to December 31st, inclusive, in each and every year;

“**Off-Leash Area**” means an area of City-owned property designated by signs, which defines the geographic area or times that Dogs are permitted to be unrestrained by a Leash;

“**Permanent Identification**” means identification for an Animal in the form of a traceable tattoo or microchip that contains the current contact information of the owner;

“**Sterilized**” means spayed or neutered;

“**Tether**” means to fasten a Dog to a fixed object with a rope, chain, or the like, so as to limit its range of movement;

“Unlicenced Dog” means a Dog that is not licenced by the City or is not wearing a valid Dog Licence tag either affixed to a collar securely fastened around the Dog’s neck, or to a harness securely fastened about the Dog;

Authority of Bylaw Enforcement Officer

4. Every Bylaw Enforcement Officer is authorized to enter at all reasonable times upon any land in the City for the purpose of ascertaining whether the requirements of this Bylaw are being observed.

Obstruction of Bylaw Enforcement Officer

5. No person shall hinder, impede, delay or obstruct a Bylaw Enforcement Officer or other City officer or employee in the execution of his or her duties for any purpose relating to this Bylaw, including seizing, detaining or impounding any Dog or other Animal.

At Large

6. The Owner of a Dog must not allow or permit a Dog to be At Large in the City.

Parks

7. No Animal, leashed or At Large, is permitted in a playground or sports field area belonging to the City, except in the case of an Assistance Dog, or where express written permission has been given for use of a playground or sports field for the purposes of an event sanctioned by the City.

Animal Waste

8. The Owner an Animal must not allow or permit the Animal to leave or deposit excrement on any public place or on private property other than the property of the Owner, unless the Owner immediately takes steps to remove such excrement and to dispose of it in a sanitary manner.

Infectious Disease

9. No owner shall keep, harbor, or have in their possession any Animal or Cat suffering from any infectious or contagious disease unless such Animal or Cat is isolated and under treatment for that disease.

Vehicles

10. No person shall keep an Animal or Cat confined in a vehicle or enclosure without sufficient ventilation and adequate measures to prevent the Animal from suffering discomfort or injury from excessive cold or heat.

Maximum Number of Animals

11. No person shall keep, harbour, or permit to be kept more than two (2) Dogs over the age of six (6) months at any residence, including any premises that houses a suite, boarder or tenant, unless otherwise approved by Bylaw Services.
12. No person shall keep or harbour more than two Cats at any residence, including any premise that houses a suite, boarder or tenant.
13. Except as may be allowed in the City of Merritt Zoning Bylaw, or provision of this Bylaw, no horses, mules, donkeys, cows, pigs, llamas, alpacas, cattle, sheep, goats, poultry or fowl shall be harboured within the City.

Basic Care

14. All owners of Animals or Cats kept in the City must provide the Animal or Cat with Basic Care.

Dog Licences

15. No person may keep, harbour or permit to be kept on a parcel of property any Dog over the age of three (3) months unless a Dog Licence has been issued by the City and the owner has paid the Dog Licence fee provided in Schedule "M" of the City of Merritt Fees and Charges Bylaw No. 2176, 2015. Dog Licence fees are not refundable.
16. The owner of a Dog must, annually, on or before the first day of January of each year, cause the Dog to be registered, numbered, described and licenced with the City.
17. Upon payment of the appropriate Dog Licence fee, the City shall issue to the owner a Dog Licence tag which must be securely fastened to a collar or harness worn by the Dog at all times except when the Dog is penned or enclosed on the owner's land or premises. Dangerous Dogs will be issued a distinctive tag.
18. A Dog Licence and Dog Licence tags are not transferable to another Dog, but may be transferred to a new owner upon registration and payment to the City of a transfer fee provided in Schedule "M" of the City of Merritt Fees and Charges Bylaw No. 2176, 2015.
19. Where a Dog Licence tag has been lost, destroyed or mutilated, the owner must acquire a replacement Dog Licence tag from the City.
20. The City shall issue a duplicate Dog Licence tag upon being satisfied by the owner that the original Dog Licence tag issued by the City has been lost or stolen and upon payment of the duplicate Licence tag fee provided in Schedule "M" of the City of Merritt Fees and Charges Bylaw No. 2176, 2015.

21. Where an owner of a Licenced Dog has a change of address within the City, the owner must promptly notify the City of his/her new address.
22. A Dog Licence and a Dog Licence tag will be provided at no charge to the owner of a registered Assistance Dog for the blind or the disabled, upon presentation of appropriate documentation.

Dog Tethering and Outdoor Care

23. Any owner who ties, secures, or Tethers a Dog must ensure the Dog has adequate freedom of movement and ability to access shelter and water.
24. No owner shall cause or permit his or her Dog to be:
 - (a) left unattended at any time while tied or Tethered;
 - (b) tied or Tethered with a choke collar or pinch collar;
 - (c) left outdoors during extreme weather, except for brief walks or exercise, unless the Dog has access to adequate shelter to protect the Dog from the extreme weather.

Off-Leash Areas

25. When in an Off-Leash Area, an owner of a Dog may allow their Dog to be off-leash, provided that the Dog is not a Dangerous Dog, and the owner:
 - (a) is carrying a Leash and immediately leashes the Dog if it displays any aggressive behavior;
 - (b) keeps the Dog in view at all times;
 - (c) follows all posted rules and regulations on signs in the Off-Leash Area;
 - (d) ensures the Dog wears a collar or harness, and a valid Dog Licence tag.

Dog in Heat

26. The owner of a female Dog in heat must:
 - (a) keep the Dog securely confined indoors or within an enclosure that will prevent the escape of the Dog or the entry of other Dogs while on the owner's property; and
 - (b) keep the Dog out of Off-Leash Areas.

Aggressive Dog

- 27.** Where a Bylaw Enforcement Officer deems a Dog to be an Aggressive Dog, a Bylaw Enforcement Officer will advise the owner in writing of this designation and the requirements of this Bylaw.
- 28.** Every owner of an Aggressive Dog must at all times keep the Dog:

 - (a) securely confined indoors such that the Dog cannot escape, or in a backyard or secure enclosure that, in the opinion of a Bylaw Enforcement Officer, is sufficient to prevent the entry of young children and the escape of the Dog;
 - (b) on a Leash that is a maximum of six (6) feet in length and held by a Competent Person while in a public place, or any other place that is not owned or controlled by that person to prevent the Dog from biting another Animal or person; or
 - (c) muzzled when in a designated Off-Leash area.
- 29.** Every owner of an Aggressive Dog must promptly notify a Bylaw Enforcement Officer if the Dog is found to be At Large.
- 30.** Where an Aggressive Dog attacks and injures another Animal, Cat, or human, the owner of the Aggressive Dog must, upon demand of a Bylaw Enforcement Officer, surrender the Aggressive Dog to a Bylaw Enforcement Officer for impoundment pending an investigation to determine if the Dog should be deemed a Dangerous Dog.
- 31.** A Dog owner may apply to the City to have an Aggressive Dog designation removed, provided that:

 - (a) one year has passed since the Dog was declared an Aggressive Dog;
 - (b) the City has received no further complaints in regard to that Dog's aggressive behaviour; and
 - (c) the owner provides the City with proof and documentation that the owner and the Dog have successfully completed a course by a recognized and accredited institution or trainer to address the Dog's aggressive behavior.
- 32.** The decision whether to remove the Aggressive Dog designation once the owner has fulfilled the requirements of Section 31 shall be at the sole discretion of a Bylaw Enforcement Officer. Where a Bylaw Enforcement Officer refuses to remove the Aggressive Dog designation, the applicant may appeal the decision to Council.

Dangerous Dog

- 33.** Where a Bylaw Enforcement Officer deems a Dog to be a Dangerous Dog, the Bylaw Enforcement Officer will advise the owner in writing of this designation and requirements of this Bylaw.
- 34.** In order to obtain a licence for a Dangerous Dog, an owner of a Dangerous Dog shall supply the following documentation to the City:

 - (a) the Dog Licence application;
 - (b) written confirmation from a licenced veterinarian that the Dog has been Sterilized and that the Dog has Permanent Identification;
 - (c) written confirmation from an Animal trainer approved by the City that the services of such trainer have been retained for the purpose of providing behavioural remediation to the Dog; and
 - (d) payment of the Dangerous Dog licence fee as provided in Schedule “M” of the City of Merritt Fees and Charges Bylaw No. 2176, 2015.
- 35.** Every owner of a Dangerous Dog must at all times keep the Dog:

 - (a) securely confined indoors such that the Dog cannot escape, or in a backyard or secure enclosure that, in the opinion of a Bylaw Enforcement Officer, is sufficient to prevent the entry of young children and the escape of the Dog;
 - (b) muzzled and on a Leash that is a maximum of six (6) feet in length and held by a Competent Person while in a public place, or any other place that is not owned or controlled by that person; and
 - (c) out of any Off-Leash Area.
- 36.** Every owner of a Dangerous Dog must promptly notify a Bylaw Enforcement Officer if the Dog is found to be At Large.
- 37.** The owner of a Dangerous Dog must, within three (3) business days of moving, selling, or transferring the Dangerous Dog, provide the City with the owner’s new address, or in the case of a new owner, their updated name, address and telephone. In the case of sale or transfer, the previous owner must provide the new Owner with notice of the Dangerous Dog’s designation as a Dangerous Dog and of the requirements and conditions for keeping a Dangerous Dog.

38. The owner of a Dangerous Dog must display at each entrance to the parcel of land which, and the building or structure in which, the Dangerous Dog is kept a sign containing the words "WARNING DANGEROUS DOG ON PREMISE" measuring at least six (6) centimeters high and twenty (20) centimeters wide. This sign must also include a realistic picture of the head of a Dog with bared teeth measuring at least fourteen (14) centimeters high and fourteen (14) centimeters wide, similar to the not-to-scale sample provided as Schedule "A" of this Bylaw.
39. Where a Dangerous Dog attacks and injures another Animal, Cat, or human, the owner of the Dangerous Dog must, at the request of a Bylaw Enforcement Officer, surrender the Dangerous Dog to a Bylaw Enforcement Officer for impoundment pending application to have the Dangerous Dog destroyed.

Seizure and Impounding of Dogs and Other Animals

40. A Bylaw Enforcement Officer may, alone or with others, seize, detain and impound at any Dog or other Animal found to be in a place prohibited under section 7 or running At Large in the City.
41. Where a Dog or Animal is impounded under this Bylaw, a Bylaw Enforcement Officer shall record the date and hour of impounding, a description of the Dog or Animal, and where applicable, the Dog's Licence tag.
42. Where a Dog or Animal is impounded under this Bylaw, a Bylaw Enforcement Officer must take reasonable efforts to find and notify the owner of the Dog or Animal's impoundment. Where a Licenced Dog is impounded, that Dog shall not be sold, relocated or destroyed until written notice is hand delivered to the owner or posted at the owner's residence as described on the City's Dog Licence application. This notice shall state if the Dog is not claimed within a specified time that the Dog may be sold, relocated or destroyed.
43. Where a Dog or Animal is impounded under this Bylaw, a Bylaw Enforcement Officer must retain the Dog or Animal for a period of seventy-two (72) hours, unless it is reclaimed sooner.
44. The owner of an impounded Dog or other Animal may redeem it from the Animal Control Facility within seventy-two (72) hours of impoundment by paying the applicable impoundment and round-up/transportation fees set out in Schedule "M" of the City of Merritt Fees and Charges Bylaw No. 2176, 2015, together with a Dog Licence fee if the impounded Animal is an Unlicenced Dog.
45. Where a Dog or Animal is redeemed or destroyed under this Bylaw, a Bylaw Enforcement Officer shall record a description of the Dog or Animal, the Dog Licence tag, the date and the hour of redemption or destruction, the name of the redeeming party and the applicable fees per Schedule "M" of the City of Merritt Fees and Charges Bylaw No. 2176, 2015.

46. When a Dog or Animal has been impounded and it is found that the Dog or Animal is suffering from injury, disease or sickness and would not survive the injury, disease or sickness, a Bylaw Enforcement Officer, in his or her discretion, and in consultation with a veterinarian, may immediately cause the Dog or Animal to be destroyed.
47. When a Dog or Animal has been impounded and it is found that the Dog or Animal is suffering from injury or sickness such that in the opinion of a Bylaw Enforcement Officer the services of a veterinarian are required and obtained at the cost of the City, a Bylaw Enforcement Officer shall be entitled to request and receive from the owner, an amount equivalent to the veterinarian's services.
48. Any person who takes or rescues an Animal from the Animal Control Facility without the consent of a Bylaw Enforcement Officer shall be guilty of an offence under this Bylaw.

Hen Permits

49. Any person who keeps Hens must possess a valid Hen permit, which must be procured prior to any Hens arriving on the property. The application process for a Hen permit includes:
 - (a) completing and submitting the Hen permit application form in Schedule "B" of this Bylaw to the City;
 - (b) the applicant obtaining and providing the City with written consent from all abutting neighbours and, if applicable, the property owner; and
 - (c) paying the one-time application fee as provided in Schedule "M" of the City of Merritt Fees and Charges Bylaw No. 2176, 2015.
50. Received applications will be reviewed by a Bylaw Enforcement Officer to ensure that all Bylaw requirements are satisfied. Issuance of a permit is at the sole discretion of the City. Where the City has refused to issue a Hen permit, the applicant may appeal the decision to Council.
51. Where an applicant cannot meet the lot size requirements of section 54(b), a Bylaw Enforcement Officer may approve a Hen permit application, if, because of the irregular shape of the lot and position of the home, the yard is of sufficient size to house Hens and preserve the character of this Bylaw.
52. A school or other institution in the P1 zone may make an application to Council for a Hen permit, on terms other than those set out in this Bylaw, notwithstanding the section 54 zoning requirements.

- 53.** Permits issued under this provision are subject to the following conditions:
- (a) permits may be revoked by Council where three (3) or more complaints from the public have been received and upon recommendation of a Bylaw Enforcement Officer;
 - (b) only one (1) permit per residence will be issued; and
 - (c) Hen permits are not transferable.

Hen Regulations

- 54.** A property owner or occupant may only keep Hens in accordance with the following provisions:
- (a) the parcel must be zoned for single family residential use (R1) or lowdensity residential use (R2);
 - (b) the lot size must be a minimum of 810 square metres (0.2 acres);
 - (c) a minimum of two and a maximum of six (6) Hens may be kept on any such property;
 - (d) any structure housing hens, whether portable or stationary, must not be located within the front yard setback and must be located at least 1.5 metres from any property line;
 - (e) only one structure containing Hens is permitted on a parcel; and
 - (f) a person must not keep Hens in, upon, or under any structure used for human habitation.
- 55.** Every person keeping Hens, and the owner of a parcel on which Hens are kept, must ensure that:
- (a) poultry, manure, and waste products are composted or disposed of to prevent odours;
 - (b) any diseased Hen is killed and the carcass destroyed;
 - (c) no slaughtering of Hens occurs on the property;
 - (d) eggs are used only for consumption and not for resale;
 - (e) all Hens must be provided with food, water, light, ventilation, veterinary care, and opportunities for essential behaviours such as scratching, dust-bathing, and roosting; and

- (f) any structure housing Hens and accompanying run must be fenced in such a manner to prevent the entry of vermin or predators and to confine the Hens and kept free of vermin.

Hen Enclosures

- 56.** All Hen enclosures must have:
 - (a) a run consisting of any combination of vegetated or bare earth,
 - (b) a minimum enclosed floor area of 0.4 square metres (4 square feet) per Hen;
 - (c) a wooden floor at least 0.3 metres above grade, or a concrete floor;
 - (d) at least one (1) nest box; and
 - (e) for each Hen, a minimum of eight (8) inches of perching space.

Beekeeping Permits

- 57.** Any person who keeps bees must adhere to all provincial bee keeping regulation and possess a valid beekeeping permit, which must be procured prior to any bees arriving on the property. The application process for a beekeeping permit includes:
 - (a) completing and submitting the beekeeping permit application form in Schedule "C" of this Bylaw to the City;
 - (b) the property owner obtaining and providing the City with written consent from all abutting neighbours and, if applicable, the property owner; and
 - (c) paying the one-time application fee as provided in Schedule "M" of the City of Merritt Fees and Charges Bylaw No. 2176, 2015.
- 58.** Received applications will be reviewed by a Bylaw Enforcement Officer to ensure that all Bylaw requirements are satisfied. Issuance of a permit is at the sole discretion of the City.
- 59.** Where the City has refused to issue a beekeeping permit, the applicant may appeal the decision to Council. A school or other institution in the P1 zone may make an application to Council notwithstanding the section 61 zoning requirements.
- 60.** Permits issued under this provision are subject to the following conditions:
 - (a) permits may be revoked by Council where three (3) or more complaints from the public have been received and upon recommendation of a Bylaw Enforcement Officer.
 - (b) only one (1) permit per residence will be issued.

- (c) application must be made by the permit holder to the City annually by December 31 to renew a beekeeping permit. Lapsed permits will require reapplication with consent of the neighbours as identified in section 57 (b).
- (d) beekeeping permits are not transferable.

Bee Regulations

- 61.** Bees may only be kept in a parcel zoned for single family residential use (R1) or low density residential use (R2).
- 62.** Every person keeping bees, and the owner of a parcel on which bees are kept, must ensure that there are no more than:
 - (a) two (2) hives on a parcel of less than 1,000 square metres (0.25 acres);
 - (b) four (4) hives on a parcel that is between 1,000 square metres (0.25 acres) and 2,000 square metres (0.5 acres);
 - (c) six (6) hives on a parcel that is over 2,000 square metres (0.5 acres).
- 63.** Every person keeping bees, and the owner of a parcel on which bees are kept, must ensure that:
 - (a) all hives are located in a rear yard;
 - (b) all hives are oriented to face away from adjacent properties, lanes, and streets;
 - (c) all hives allow a clear flight path of at least 7.5 metres straight ahead from the front of the hive to any property line, and allow a three (3) metres setback from the sides and rear of the hive to any property line.
- 64.** Every person keeping bees and the owner of any parcel on which bees are kept must:
 - (a) provide adequate water to prevent the bees from seeking water from other sources, such as neighbourhood swimming pools, birdbaths, ponds, or other community bodies of water;
 - (b) take all reasonable measures to prevent swarming and aggressive behaviour; and
 - (c) if bees swarm or show signs of aggressive behaviour, ensure that the bees are requeened as soon as possible.

OFFENCES AND PENALTIES

- 65. Every person who violates any of the provisions of this Bylaw, or who allows or permits any act or thing to be done in contravention of any of the provisions of this Bylaw, or who neglects to do, or refrains from doing, anything required to be done by any of the provisions of this Bylaw, or who does any act which violates any of the provisions of this Bylaw, will be guilty of an infraction and will be liable to penalties imposed by this Bylaw.
- 66. A disabled person shall not be liable for penalties under this Bylaw for failing to remove excrement left or deposited by their Assistance Dog when no other person is present to assist them.
- 67. A person who violates any of the provisions of this Bylaw will upon summary conviction be liable to a penalty of not less than \$50.00 and more than \$2,000.00, plus the costs of the prosecution.

SEVERABILITY

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

READ A FIRST TIME THIS	28 th Day of August, 2018
READ A SECOND TIME THIS	28 th Day of August, 2018
READ A THIRD TIME THIS	28 th Day of August, 2018
ADOPTED THIS	18 th Day of September, 2018

Original signed by
Neil Menard,
MAYOR

Original signed by
Sean Smith,
CORPORATE OFFICER

Schedule "A"
Dangerous Dog Sign – Visual Aid





Schedule "B"
Hen Permit Application Form

Applicant Name: _____ Telephone: _____

Address: _____ Lot Size: _____
_____ (square metres)

- I own the property
- I rent the property

Zoning: _____

Consent of abutting neighbours (neighbours on each side, and back if applicable):

Name: _____

Address: _____

Signature: _____

Name: _____

Address: _____

Signature: _____

Name: _____

Address: _____

Signature: _____

Applicant signature:



**Schedule “C”
Beekeeping – Permit Application Form**

Applicant Name: _____ Telephone: _____

Address: _____ Lot Size: _____

(square metres)

I own the property

Zoning: _____

I rent the property

Consent of abutting neighbours (neighbours on each side, and back if applicable):

Name: _____

Address: _____

Signature: _____

Name: _____

Address: _____

Signature: _____

Name: _____

Address: _____

Signature: _____

Applicant signature:
