

VILLAGE OF MIDWAY

BYLAW NO. 230, 1994

"A BYLAW TO PROVIDE FOR ANIMAL CONTROL, LICENCING,  
PROTECTION OF AND PROTECTION FROM, DOMESTIC ANIMALS"

WHEREAS the Municipal Act, Chapter 290, Section 524, 932 and 933, R.S.B.C., 1979, and amendments thereto, provides that Council, may, by Bylaw, provide for such legislation:

NOW THEREFORE the Council of the Village of Midway in open meeting assembled enacts as follows:

- 1.0 DEFINITIONS - In this Bylaw unless the context otherwise requires:
  - 1.1 Animal - shall mean any dog, cat, horse, cow, sheep, mule, goat, pig, rabbit, bee, poultry, bird, fowl or any domesticated wild animal.
  - 1.2 Animal Control Officer - shall mean the person, or persons, or company appointed from time to time by Council to ensure compliance with this Bylaw, ensuring all functions relating thereto are undertaken.
  - 1.3 Animal Shelter - shall mean the place or places as designated by Council to provide for the Care, control and destruction of animals, and should meet the Standards as set down by the B.C.S.P.C.A.
  - 1.4 Cat Kennel (Commercial) - means a building, structure, compound, group of pens or cages or property in which, or where three (3) or more cats are, or are intended to be trained, cared for, bred, boarded or kept for any commercial purpose whatsoever.
  - 1.5 Cattle - includes bulls, cows, oxen, heifers and calves.
  - 1.6 Village - shall mean the Village of Midway.
  - 1.7 Commercial Dog or Commercial Cat Kennel Business

Licence - means a licence issued by the Licence Inspector under the provisions of the Business Licence Bylaw of the Village of Midway for the purposes of operating a Commercial Dog or Commercial Cat Kennel (but does not cover regular dog licences).

1.8 Council - shall mean the Council of the Village of Midway.

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1.9 Dog - shall mean an animal of the canine species apparently over the age of three (3) months.

1.10 Dog Kennels - means a building, structure, compound, group of pens or cages, or property in which, or where three (3) or more dogs are, or are intended to be trained, cared for, boarded, or kept for any purpose whatsoever, and without limiting the foregoing, includes a building or part of a building in which two or more dogs are kept for breeding purposes. For the purpose of this Bylaw, "Dog Kennels" shall be classified as follows:

1.10.1 "Commercial Dog Kennels" means Dog Kennels in which dogs are trained, care for, boarded, groomed or kept for any purpose whatsoever, for a fee, or in which more than five (5) dogs are kept for breeding and selling purposes.

1.10.2 "Hobby Dog Kennels" means Dog Kennels, the owners of which keep and own, as a hobby, two (2), but not more than Five (5) dogs for the purpose of breeding, or for show or other hobby purposes.

1.11 Domestic Animal - means an animal, tame or kept, or that has been or is being sufficiently tamed or kept, to serve some purpose for the use of man; and designated by Order of the Lieutenant Governor in Council pursuant to the Livestock Protection Act to be a domestic animal.

1.12 Harbourer - shall mean a person or persons who gives shelter to, feeds or keeps an animal.

- 1.13 Highways - shall mean any street, road, avenue, lane, crescent, bridge, alley, viaduct, sidewalk, public parking area, boulevard or any other way open to the public or intended to be open to the public.
- 1.14 Hobby Dog Kennel Licence - means a licence issued by the Animal Control Officer under the provisions of the Animal Control Bylaw of the Village of Midway.
- 1.15 In Heat - a dog in its ovulatory period.
- 1.16 Impervious - means through which water will not pass.

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1.17 Livestock Protection Act

Section 5 - allows a Police Officer to kill a dog running in a pack (two or more dogs) with justifiable reason to do so.

Section 6 - allows a person to kill a dog that is attacking or viciously pursuing a person or domestic animal.

Section 8 - allows a Provincial Court Judge or Commissioner in an emergency situation to order a dog destroyed when deemed to be vicious and dangerous.

- 1.18 Livestock Animals (Large) - means those animals included in the following list: dairy and beef cattle, bulls, goats, pigs, sheep, donkeys and mules, and horses.
- 1.19 Livestock Animals (Small) - means such animals as: domestic fowls, pigeons, chickens (except for roosters), rabbits, ducks, geese, honey bees, milk goats, (except for billy goats), and other game birds.
- 1.20 Medical Health Officer - means the Medical Health Officer of the Village of Midway.

- 1.21 Open Air Run - means an area used for exercising or airing dogs or cats.
- 1.22 Owner of Record - shall mean the person or persons shown as the licenced owner on the Village record.
- 1.23 Possessor - shall mean a person or persons who owns or who gives shelter or has an animal in his/her keeping.
- 1.24 Residential Area - means those areas described in the Village of Midway Zoning Bylaw No. 184, and amendments thereto, as residential areas.
- 1.25 Rodents - includes rats and mice.
- 1.26 Running at Large - shall mean an animal not under control by being other than:
- 1.26.1 on the property of its Owner or of another person who has the care and control of the animal, or

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- 1.26.2 attached directly to a person who is competent to, and of sufficient strength to ensure that the animal cannot break free from the leash, or other device, used to restrain and/or guide the animal; or
- 1.26.3 securely confined within an enclosure; or
- 1.26.4 securely fastened so that it is unable to roam beyond the confines of the owner's, possessor's or harbourer's property.
- 1.27 Vermin - includes fleas, lice, worms and other parasitic insects and animals.
- 1.28 Vicious Dog - a dog which is known to attack or viciously pursue a person or domestic animal.
- 1.28 Whelping Area - means an area where a cat or dog gives birth to its young.

2.0 ANIMAL SHELTER

The Animal Control Officer shall provide such buildings, yards, corrals and enclosures as may be deemed necessary for care, keeping and destruction of animals under the provisions of this Bylaw.

3.0 ANIMAL CONTROL OFFICER

The Village shall appoint from time to time an Animal Control Officer to ensure compliance with this Bylaw, and administer the Animal Shelter. The Animal Control Officer may appoint someone to act on his/her behalf as required.

4.0 OFFENCE - OBSTRUCTION OR INTERFERENCE

Anyone who obstructs or interferes with the Animal Control Officer, or his/her duly authorized delegate, engaged in the execution of his/her duties, commits an offence.

5.0 ANIMALS PERMITTED

5.1 No Animals Housed in Dwelling Unit - No animals other than domesticated dogs and cats or other small domesticated animals may be housed within their owner's, possessor's or harbourer's dwelling unit.

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5.2 Permitted Animals - No animals other than domesticated cats and dogs or other small domesticated animals actually housed within their owner's, possessor's or harbourer's dwelling unit shall be kept in any portion of the Village that is zoned residential, commercial, industrial, utility, or administration and assembly under the Village of Midway Zoning Bylaw No. 184, 1988, as amended from time to time.

5.3 Poultry, Pigeons or Doves - No poultry, pigeons or doves shall be kept in any portion of the Village that

is zoned residential, commercial, industrial, utility or administration and assembly under the Village of Midway Zoning Bylaw No. 184, 1988, as amended from time to time, except as provided in Section 14 of this Bylaw.

6.0 LICENCES

6.1 Valid Licence - No person shall own, possess or harbour any dog within the boundaries of the Village unless a valid and subsisting licence has been issued under this Bylaw for such dog.

6.2 Age of Licencee - No licence shall be issued under this Bylaw in respect of any animal to any person under the age of nineteen (19) years, unless and until such person provides the Animal Control Officer or the Municipal Office with written consent, in the prescribed form, of his or her parent or guardian; and any parent or guardian providing a written consent under this section, shall be for the purposes of this Bylaw, deemed to be the owner of the animal in respect of whom the Licence was issued.

6.3 Period of Licence - All Village of Midway Dog Licences, including Hobby Dog Kennel licences, shall be for the period January 1st to December 31st of the year issued or the remaining portion thereof.

6.4 Dog Licence Displayed - Every person who is issued a Dog Licence under this Bylaw shall receive a Dog Licence Tag which shall at all times, be fastened to a collar or harness worn by the dog for which the Licence was issued.

6.5 Dog Licence Specific - Every Licence issued under this Bylaw shall be for a specific animal, and no person shall place, affix or use a Licence issued in respect of one animal on or for another animal.

6.6 Replacement Licences - A replacement Dog Licence may be issued, upon providing reasonable proof that the original licence issued has been lost, and upon

payment of the fee shown in the attached Schedule "A".

6.7 Form of Licence - All Dog Licences issued shall have included a description of the property, if different from the owner's residence, upon which the animal will be kept, and a description of the dog including name, breed and age.

6.8 Fee - The fees to be paid prior to issuing a Dog Licence shall be those shown in the attached Schedule "A".

7.0 IMPOUNDMENT

7.1 Running at Large - No owner, possessor or harbourer of a dog or animal shall allow the dog or animal to run at large.

7.2 Impounding - Any animal running at large or violating any portion of this Bylaw may be impounded.

7.3 Release - No animal shall be released from impoundment until all provisions of this Bylaw are complied with and all fees, board costs, damage costs, and/or fines are paid.

7.4 Time - All impounded animals shall be retained for a period of seventy-two (72) hours, excluding Sundays and statutory holidays, from time of impoundment, or until released to the owner of record and Section 7.3 herein has been complied with to the Animal Control Officer's satisfaction, whichever is the shorter period.

7.5 Maximum Time in Shelter - No animal shall remain in the Animal Shelter for longer than one hundred forty-four (144) hours from the time of impoundment.

7.6 Unclaimed Animals - The Animal Control Officer or other authorized agent of the Village is empowered to destroy all impounded animals, in a humane and aesthetically acceptable manner, that are unclaimed after seventy-two (72) hours of impoundment, excluding Sundays and statutory holidays.

7.7 Diseased, Suffering or Vicious Animal -  
Notwithstanding 7.4 and 7.6 above, an animal may be  
destroyed immediately upon receipt if it is  
diseased, suffering or vicious and this is  
verified either by a veterinarian of the  
Animal Control Officer, or if requested by the  
owner of record and proof of identification is  
received and a waiver form signed.

7.8 Sale of Impounded Animals - All impounded animals are  
eligible for sale seventy-two (72) hours after  
impoundment subject to 7.3 above, excluding Sundays  
and holidays.

7.9 Responsibility for Uncollected Fees or Costs - The  
owner of record shall be held responsible for all  
uncollected fees or costs in respect of an impounded  
animal whether or not he/she effects the release of  
the animal, and boarding costs shall be those shown in the  
attached Schedule "A".

8.0 DOG EXCREMENT

8.1 Removal of Dog Waste - Other Property - The owner,  
possessor or harbourer of a dog shall remove,  
forthwith, any excrement deposited by said dog, on  
other than the owner's, possessor's or harbourer's  
property.

8.2 Removal of Dog Waste - Own Property - The owner,  
possessor or harbourer of a dog shall not permit dog  
excrement to accumulate in such a manner as to be  
offensive to smell or unsanitary. Dog Excrement shall  
be regularly disposed of in a manner approved by the  
Medical Health Officer.

9.0 VICIOUS DOG

9.1 Confine, Secure or Muzzle - Upon learning that a dog  
attacked or viciously pursued a person or domestic  
animal, the owner, possessor or harbourer of such dog

shall confine the dog in a building or secure enclosure and shall muzzle the dog whenever it is off the premises. owner's, possessor's or harbourer's

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9.2 Destruction of Vicious Dog - If an owner, possessor or harbourer permits a dog to be in contravention of Section 9.1 above, said dog which attacks or viciously pursues a person or domestic animal shall be subject to the impoundment provisions of this Bylaw, and a judge of the Provincial Court of B.C. may, upon being satisfied that the dog has killed or injured, or is likely to kill or injure a person or a domestic animal, order that the dog be killed or released to a new owner.

9.3 Guard Dog - Any guard dog must be kept within a well-fenced area or be chained to a secure stake.

9.4 Rabies - If a dog bites a person and the dog has not been immunized against rabies, the dog shall be quarantined for ten (10) days and kept under observation by the Animal Control Officer at the cost of the owner.

10.0 BITCH IN HEAT

10.1 Ovulatory Period - No owner, possessor or harbourer shall allow an unspayed female dog in heat to leave their premises, EXCEPT to convey it directly to a veterinarian or a boarding kennel.

10.2 Impoundment - Where a dog in Section 10.1 herein has been impounded under the provision of this Bylaw, the dog shall remain in the custody of the Animal Control Officer while in heat and Section 7.0 herein shall not

apply until the expiration of the dog's ovulatory period, other than the costs of board, which shall be calculated from the date of original impoundment.

10.3 Released to Owner - Where a dog in Section 10.1 and 10.2 herein has been impounded under the provisions of this Bylaw, the female dog "in heat" may be released at the discretion of the Animal Control Officer, upon being satisfied that the said owner will take the necessary precautions.

10.4 Unattended - No owner, possessor or harbourer shall allow an unspayed female dog during its ovulatory period, to be unattended in a yard that is not fenced to keep out other dogs.

11.0 UNWEANED ANIMALS

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11.1 Unweaned Animals - All unweaned offspring of an animal together with the female parent shall be deemed to constitute a single animal for the purpose of this Bylaw.

12.0 FOWL

12.1 Proximity - No structures to house or shelter poultry, pigeons or doves shall be placed or constructed within 6 meters (20 feet) of any dwelling house or within 6 meters (20 feet) of the boundary of any property on which the structure is located.

12.2 Poultry, Pigeons or Doves - No poultry, pigeons or doves shall be kept in any part of a dwelling house or in any store or other place of business, except in a business licenced through the Village of Midway to sell or keep such fowl.

13.0 TETHER

13.1 Traffic Control Device - No person shall tether, tie,

attach or otherwise fasten by any means, an animal to any traffic control device or support thereof.

13.2 Leave Property - No person shall tether an animal in such a way that the animal is able to leave the boundaries of the owner's, possessor's or harbourer's property.

14.0 REGULATION OF THE KEEPING OF LIVESTOCK IN CERTAIN AREAS

14.1 Designated Areas - The keeping of livestock will be permitted in designated Subareas A1 and A2 only on the plan as attached hereto and marked Schedule "B" to this bylaw.

14.2 Permitted Used and Minimum Parcel Sizes:

14.2.1 Sub-area A1 - In sub-area A1 (attached Schedule B"), the keeping of both large and small livestock animals for farm purposes will be permitted, provided that there are no health or environmental problems.

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14.2.2 Minimum Parcel Sizes - Large Livestock - The minimum area for keeping large livestock animals in Subarea A1 will be 0.40 hectares (1 acre of land) for the first large animal, and at least 0.20 hectares (1/2 acre) for each additional large animal; all land to be in one location.

14.2.3 Minimum Parcel Sizes - Small Livestock - The minimum area for keeping of smaller livestock animals and fowl will be 0.20 hectares (1/2 acre) in Subarea A1.

14.2.4 Subarea A2 - In Subarea S2 (attached Schedule "B"), the keeping of small livestock will be permitted for personal and hobby farm use, provided that no health,

environmental or nuisance problems result.

- 14.2.5 Minimum Parcel Sizes - Small Livestock - The minimum area for keeping small livestock animals will be 0.13 hectares (1/3 acre) in Subarea A2.
- 14.2.6 Keeping of Milk Goats - The keeping of milk goats will also be permitted on a site in Subarea A1 and A2 that has a minimum area of 0.30 hectares (3/4 acre) for the first animal and at least 0.10 hectares (1/4 acre) for each additional milk goat; all land to be in one location.
- 14.2.7 Proximity to Neighbour's Premises - No cows, horses, or other large livestock shall be kept in the Village within 24 m (80 ft) of a neighbour's premises occupied as a dwelling.
- 14.2.8 Running at Large - Large Livestock - No owner of large livestock shall permit them to run at large or be on any portion of the following area:
- (i) parks and schoolyards;
  - (ii) sidewalks;
  - (iii) private property, unless the consent of the property owner has first been obtained, and the Village Bylaw requirements have been met.
- 14.2.9. Right-of-Way - Every person riding or leading a horse, cow, sheep, ass, donkey or similar animal shall yield the right-of-way to any pedestrian when said pedestrian is occupying the shoulder of a roadway normally used for pedestrian purposes.

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- 14.2.10 Horses -
- (i) Sunset to Sunrise - No person shall ride a horse on any highway between one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise.

- (ii) Travelled Portion of Highway - No person shall ride a horse on the travelled portion of a highway, in the downtown area, at any time, other than in a parade where a parade permit has been obtained.
- (iii) Gallop - No person shall gallop a horse on public property within the boundaries of the Village.
- (iv) Shelter for Horses - There shall be constructed on the property on which the horse, or horses are kept, a shelter or lean-to sufficiently large to house all horses on the property.
- (v) Remove Excrement - The owner, possessor or harbourer of a horse shall remove forthwith any excrement deposited by said horse on public property.

14.2.11 Special Occasion Permits - Special Occasion Permits may be obtained through the Animal Control Officer or the Municipal Office to permit small or large livestock, on a per event basis, in areas other than Subareas 1 or 2 (as identified in attached Schedule B), for special occasions such as Petting Zoos, Farmer's Market and Livestock Exhibits.

14.2.12 Removal of Livestock Waste - Own Property - The owner, possessor or harbourer of large or small livestock shall not permit animal excrement to accumulate in such a manner as to be offensive to smell or unsanitary. Animal excrement shall be regularly disposed of, if a nuisance or health problem arises, in a manner approved by the Medical Health Officer.

## 15.0 FENCING OF LIVESTOCK

15.1 Adequate Fences Provided - Where livestock are being kept in open fields there will be adequate fences to keep such livestock from roaming beyond property boundaries.

15.2 Property Abutting Highway - In every zone where the keeping of livestock is permitted, every owner or occupier of real property abutting upon any highway shall forthwith, upon receipt of notice given pursuant to this Bylaw, erect fences along the boundary of that property abutting on the highway, for the purpose of preventing livestock from straying upon said highway.

15.3 Fence Posts - Shall be a minimum of 1.2 metres (4 feet) in height above ground level and no more than 3.6 metres (12 feet) apart, and of adequate strength so that livestock cannot dislodge or break with minimum force applied.

15.4 Fencing - Fencing may be a minimum 3 (three) strands barb wire or 3 (three) rails or chain link. Where barb wire is used there will be orange or red ribbon on the top strand no more than 3 metres (10 feet) apart.

15.5 Maintained in Good Condition - In any zone where a fence has been erected, said fence shall be maintained in good condition and repair. No person shall allow a fence located on property of which he/she is the owner or occupier, to fall into a state of disrepair.

15.6 Fence in Disrepair - Subject to notice given pursuant to this Bylaw, where any fence has fallen into a state of disrepair, the owner or occupier of property upon which said fence is located, shall repair same.

16.0 REGULATION AND PROHIBITION OF KENNELS, OR OTHER PLACES FOR THE KEEPING, TRAINING, CARE, BREEDING OR BOARDING OF DOGS AND CATS

16.1 HOBBY DOG KENNEL:

General Regulations:

16.1.1 Hobby Kennel Licence Required - No person shall operate a Hobby Dog Kennel, without being the holder of a current and valid Hobby Kennel Licence therefore.

16.1.2 Hobby Kennel Licence Fee - Hobby Kennel

Licence fees for this section of the Bylaw, are as set out in Schedule "A" of this Bylaw namely:

Kennel/Hobby.....\$75.00

- 16.1.3 No More Than 2 (Two) Dogs - No person shall own, possess, keep or harbour more than two (2) dogs on any parcel of land, except when the Hobby Kennel Regulations are being abided by.
- 16.1.4 No Boarding, Grooming, Etc. - No owner, keeper or operator or manager of a Hobby Dog Kennel shall accept any dog from any other person for the purpose of boarding, grooming, harbouring, training, or keeping for any purpose.
- 16.1.5 Dog Rescued By Breeder - A breeder who has a Hobby Kennel and rescues a dog of his or her own breed, may keep this dog for one-month period to find a home for the dog. After Thirty (30) days, the dog must be removed from the property.
- 16.1.6 Control Noise - The operator of a Hobby Dog Kennel shall take effective precautions to ensure that animals under his/her care are properly controlled and restrained from barking, yelping or howling.
- 16.1.7 Provide Clean Utensil - The operator of a Hobby Dog Kennel, shall ensure that animals are fed and watered from utensils which has been washed daily.
- 16.1.8 Bylaws Adhered To - Notwithstanding anything in any other Bylaw to the contrary, no person shall have, operate, maintain or carry on, or permit to be operated, maintained or carried on, any Hobby Dog Kennel within the Village

*of Midway, unless the Building Zoning, Nuisance, Noise, Health and Sanitation Bylaws are being adhered to.*

*Building Regulations:*

*16.1.9 No Other Buildings - No Hobby Dog Kennel shall be situated on a parcel of land which contains, or has situated on it, any other building or structure other than a one-family dwelling and necessary outbuildings, including staff living quarter, ancillary to the one-family dwelling.*

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*16.1.10 Hobby Dog Kennel Regulations - Every person operating, maintaining, or allowing to carry on any Hobby Dog Kennel, shall comply with the following regulations. Each Hobby Dog Kennel shall:*

- (i) Have a fenced-off area for dogs to have adequate exercise area, when not supervised.*
- (ii) Allow each dog to have its own run, 1.2 metres (4 feet) wide, 3.6 metres (12 feet) long, and of a minimum of 1.8 metres (6 feet) high.*
- (iii) Provide the run with a floor surface of an impervious material for cleaning purposes.*
- (iv) Provide each run with a shelter for each dog so as not to restrict standing, turning or sleeping.*
- (v) Have a suitable whelping area.*
- (vi) Be 6 metres (20 feet) from adjoining property, and 18.2 metres*

(60 feet) from any dwelling.

Maintenance & Operation:

16.1.11 Every person operating, maintaining, or allowing to carry on any Hobby Dog Kennel shall:

(i) Protect all female dogs in heat so as to prevent neighbourhood dogs creating problems for the neighbourhood.

(ii) Ensure that each female dog shall have only two litters in each calendar year.

16.2 COMMERCIAL DOG OR COMMERCIAL CAT KENNEL:

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General Regulations:

16.2.1 Business Licence Required - No person shall operate a Commercial Dog or Commercial Cat Kennel, without being the holder of a current and valid Business Licence therefore.

16.2.2 Business Licence Fee - Business Licence fees for this section of the Bylaw, are as set out in Schedule "A" of the Village of Midway Business Licence Bylaw No. 200, 1980 and amendments thereto.

16.2.3 Control Noise - The operator of a Commercial Dog or Commercial Cat Kennel shall take effective precautions to ensure that animals under his/her care are properly controlled and restrained from barking, yelping or howling.

16.2.4 Provide Clean Utensils - The operator of a Commercial Dog or Commercial Cat Kennel, shall ensure that animals are fed and watered from utensils which have been washed daily.

16.2.5 Bylaws Adhered To - Notwithstanding anything in any other Bylaw to the contrary, no person shall have, operate, maintain or carry on, or permit to be operated, maintained or carried on, any Commercial Dog or Commercial Cat Kennel, within the Village of Midway, unless the Building, Zoning, Nuisance, Noise, Health and Sanitation, and Business Licence Bylaws are being adhered to.

16.2.6 Register and Display of Fees - Commercial Dog and Commercial Cat Kennel operators shall:

(i) Maintain a register of animals in the kennel, clearly providing the following information:

(a) the name, address, and telephone number of the owner of the animal,

(b) the name and breed of the animal, and

(c) the licence authority, and number of the licence.

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(ii) Make the register available to the Inspector of the Police and the Municipal Inspectors, at all reasonable times.

(iii) Display prominently in the public visiting room, the rates charged for services rendered by the kennel, and the kennel personnel.

Building Regulations:

- 16.2.7 *No person shall use a building or part of a building for a Commercial Dog or Commercial Cat Kennel unless it complies with the following regulations. The building shall:*
- (i) Have a ceiling height of not less than 2.4 metres (8 feet) measured perpendicularly from the floor.*
  - (ii) Have floor constructed of material that is impervious and readily cleaned.*
  - (iii) Be lighted by windows admitting unobstructed natural daylight, the glass area of which shall equal one-tenth (1/10th) of the floor area, fifty percent (50%) of which shall open in order that proper ventilation may be attained or, alternately to the foregoing, shall be equipped with the following:*
    - (a) Artificial light providing evenly distributed illumination equivalent to at least 3 metres (10-foot) candles at a distances of 76 cm (30 inches) from the floor and working surfaces, and such artificial light sources shall be in use except when equivalent natural light is present or during the night or rest periods.*

16.2.8 *Have installed a mechanical apparatus to provide at least one (1) complete change of air per hour.*

16.2.9 *Have interior walls and ceilings constructed or containing at least 7.6 cm (3 inches) of insulation or its equivalent for the purpose of soundproofing.*

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16.2.10 *Be connected to the Municipal water supply system.*

16.2.11 *Have an adequate supply of hot water available in the premises at all times for the purpose of*

*cleaning the premises so that the place is clean and healthy in pens, and runs at all times.*

- 16.2.12 Be adequately heated.*
- 16.2.13 Have a suitable whelping area.*
- 16.2.14 Have, in the case of buildings having pens, a 1.2 metre (4 foot) wide hallway fronting each pen.*
- 16.2.15 Have pens or cages of design, finish and size so as not to restrict the animal unnecessarily, and so as to permit ready cleansing of the pens or cages, with an outside kennel run, 1.2 metres (4 feet) wide, 3.6 metres (12 feet) long, and a minimum of 1.8 metres (6 feet) high.*
- 16.2.16 Each pen shall be serviced by a facility capable of providing an adequate supply of fresh water for the animal.*
- 16.2.17 The kennel building and outside run shall have a floor constructed of an impervious material, with a 5 cm (2 inch) fall to a drainage gutter, connected to a sanitary sewer or septic tank, and so arranged that it serves each pen and run.*
- 16.2.18 Each run shall be separated, one from another, with a 45 cm (18 inch) high concrete wall, 10 cm (4 inches) wide, and each run shall be further enclosed with a suitable metal mesh fence on all sides, and on the top.*
- 16.2.19 Have interior/exterior walls on kennel buildings constructed of a smooth impervious material to a height of 1.2 metres (4 feet) above the floor. Each pen shall have a doorway connecting it to a hallway, and shall be provided with a door, the pen outside of which shall be impervious to a height of 1.2 metres (4 feet) above the floor. Without limiting the foregoing, such doors may be of a dutch-door type.*

- 16.2.20 *Every Commercial Dog and Commercial Cat Kennel owner/operator shall provide a fence to prevent visibility from without, of at least 1.8 metres (6 feet) in height, constructed of wood, masonry, stone, or concrete, placed around that portion of the property used for kennel purposes, including, without limiting the foregoing, open air runs. The fence shall be situated not less than 3 metres (10 feet), nor more than 6 metres (20 feet) from the kennel building or from the building and its runs, and shall be kept in good repair by the owner or operator of the kennel, and painted at least once every calendar year; provided, however, if the fence is constructed of wood, it shall be constructed of the same type and design of materials throughout, so to be generally of uniform thickness and width in every part.*
- 16.2.21 Service Area - *In the case of Commercial Dog Kennels and Commercial Cat Kennels, have a service area containing the following facilities and accommodations:*
- (i) *A public waiting room and office, separate or combined.*
  - (ii) *Food storage and preparation room, equipped with a sink with running water.*
- 16.2.22 No Other Buildings - *No Commercial Dog or Commercial Cat Kennel shall be situated on a parcel of land which contains, or has situated on it, any other building or structure other than a one-family dwelling and necessary outbuildings, including staff living quarters, ancillary to the one-family dwelling.*
- 16.2.23 Proximity to Other Buildings - *Each building, or portion of a building, used as a Commercial Dog or Commercial Cat Kennel, shall not be located less than 15.2 metres (50 feet) from any dwelling, where the dwelling is situated on the parcel of*

land on which the kennel is located, nor shall the kennel be located less than 24.3 metres (80 feet) from any other dwelling on adjoining neighbour's property.

Maintenance & Operation:

The following regulations apply to Commercial Dog or Commercial Cat Kennel buildings, including the service area. They shall:

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- 16.2.24 Be painted at least once in every year, or more often if necessary, and be kept at all times in good repair.
- 16.2.25 Be kept, at all times, in a clean and sanitary condition, and free from Vermin and Rodents. This also includes the pens and yards.
- 16.2.26 Be kept regularly disinfected and free of offensive and disagreeable odours, to the satisfaction of the Medical Health Officer. This also includes the pens and yards.
- 16.2.27 Have all external openings, other than those used as egress or ingress to a run, equipped with screens capable of prohibiting the entrance of flies.
- 16.2.28 Be kept free of manure, dung and refuse, which the operator shall dispose of in a manner approved by the Medical Health Officer.
- 16.2.29 Have a competent person in attendance at all times.

17.0 RECORDS 7 FEES

17.1 Keeping of Records - The Animal Control Officer shall, subject to the requirements of the Village, keep such records as may be required.

17.2 Receipt of Fees - All fees required to be paid by any person pursuant to this Bylaw shall be paid to the Animal Control Officer, who shall keep accurate records of the receipts of such funds and turn these funds over the Village Treasurer's Office, fees can be paid directly at the Municipal Hall.

18.0 VIOLATIONS

18.1 Infractions - Any person who contravenes any provision of this Bylaw commits an offence.

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

18.3 Responsibility - For the purposes of proceedings under this Bylaw, a person shall be deemed to be the owner, possessor or harbourer, or person otherwise responsible for any infraction of any provision of this Bylaw, in the absence of any evidence to the contrary.

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Bylaw No. 230, 1994

19.0 VILLAGE OF MIDWAY EXEMPT

19.1 The provisions of this Bylaw shall not apply to the Village of Midway.

20.0 BYLAWS REPEALED

20.1 Bylaw Number 100, 1981 is hereby repealed.

21.0 This Bylaw may be cited as "Animal Control" Bylaw No. 230, 1994.

READ a first time this 6th day of September , 1994.

READ a second time this 6th day of September , 1994.

READ a third time this 6th day of September , 1994.

RECONSIDERED AND FINALLY ADOPTED this 15th day of September, 1994

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*ACTING MAYOR*

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*CLERK-ADMINISTRATOR*

*I hereby certify this to be a true and correct copy of by-law No. 230, cited as Animal Control Bylaw No. 230.*

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*R.J. HATTON  
CLERK-ADMINISTRATOR*

*SCHEDULE "A" TO BYLAW NO. 230, 1994*

*FEES*

*LICENCING:*

<i>(a) Dogs (i) Neutered male or Spayed Female</i>	<i>\$10.00</i>
<i>(ii) Other than (1) above</i>	<i>\$20.00</i>
<i>(b) Hobby Kennel</i>	<i>\$75.00</i>
<i>(c) Replacement or transfer of licence</i>	<i>\$2.00</i>

IMPOUNDMENT (Released to owner or sold):

DOGS

LICENCED

UNLICENCED

(a) Spayed or Neutered -

First impoundment in one year period	\$20.00	\$50.00
Second impoundment in one year period	\$30.00	n/a
Third impoundment in one year period	\$50.00	n/a
Each additional impoundment in one year period	\$80.00	

(b) Not Spayed or Neutered -

First impoundment in one year period	\$35.00	\$50.00
Second impoundment in one year period	\$50.00	n/a
Third impoundment in one year period	\$75.00	n/a
Each additional impoundment in one year period	\$100.00	n/a

(c) Pups under 4 months of age \$15.00

DESTRUCTION:

Dogs under 7 kg. (15 lbs.)	\$10.00
Dogs 7 kg. (15 lbs.) and under 23 kg. (50 lbs.)	\$18.00
Dogs 23 kg. (50 lbs.) and under 45 kg. (100 lbs.)	\$20.00
Dogs 45 kg. (100 lbs.) and over	\$45.00
All Cats	\$20.00

SCHEDULE "A" TO BYLAW NO. 230, 1994

BOARD:

Animals under 23 kg. (50 lbs.)	\$2.50 per day or portion thereof
Animals 23 kg. (50 lbs.) to 45 kg. (100 lbs.)	\$3.50 per day

	<i>or portion thereof</i>
<i>Animals over 45 kg. (100 lbs.)</i>	<i>\$5.00 per day or portion thereof</i>

<u><i>FINES</i></u>	<u><i>SECTION</i></u>	
<i>1. Unlicensed Dog</i>	<i>6.1</i>	<i>\$50.00</i>
<i>2. Animal running at large</i>	<i>7.1</i>	<i>\$50.00</i>
<i>3. Keeping poultry, pigeons or doges</i>	<i>5.3</i>	<i>\$50.00</i>
<i>4. Keeping of animals with health problems</i>	<i>14.2.1</i>	<i>\$100.00</i>
<i>5. Inadequate area for large livestock</i>	<i>14.2.2</i>	<i>\$100.00</i>
<i>6. Inadequate area for small livestock</i>	<i>14.2.3</i>	<i>\$100.00</i>
<i>7. Subarea A1-health, environmental or nuisance</i>	<i>14.2.4</i>	<i>\$100.00</i>
<i>8. Inadequate area (small livestock) Subarea A2</i>	<i>14.2.5</i>	<i>\$100.00</i>
<i>9. Inadequate area for milk goats</i>	<i>14.2.6</i>	<i>\$100.00</i>
<i>10. Livestock too close to neighbours</i>	<i>14.2.7</i>	<i>\$100.00</i>
<i>11. Livestock running at large</i>	<i>14.2.8</i>	<i>\$100.00</i>
<i>12. Riding horse at night</i>	<i>14.2.10(i)</i>	<i>\$100.00</i>
<i>13. Riding horse downtown</i>	<i>14.2.10(ii)</i>	<i>\$50.00</i>
<i>14. Vicious dog/not confined/muzzled</i>	<i>9.1</i>	<i>\$150.00</i>
<i>15. Dog excreting on property of others</i>	<i>8.1</i>	<i>\$25.00</i>
<i>16. Removal of excrement - other property</i>	<i>8.2</i>	<i>\$25.00</i>
<i>17. Horse excrement</i>	<i>14.2.10(vi)</i>	<i>\$25.00</i>