

COMOX VALLEY REGIONAL DISTRICT

BYLAW NO. 100

A bylaw to provide for the impounding and licensing of animals

WHEREAS the Comox Valley Regional District has the authority to exercise the regulation of animals function in accordance with sections 703, 707, and 707.1 of the *Local Government Act* and section 49 of the *Community Charter*;

AND WHEREAS by supplementary letters patent dated the 3rd day of September 1981 the Regional District of Comox-Strathcona was granted the function of animal control with Electoral Areas “B” and “C” and that portion of Electoral Area ‘A’ located on Vancouver Island being the participating areas;

AND WHEREAS Bylaw No. 2266 being “Comox Valley Animal Control Extended Service Conversion Bylaw No. 2266, 2000”, adopted on the 28th day of August 2000 converted the function to animal control to an extended service of the regional district;

NOW THEREFORE the board of the Comox Valley Regional District in open meeting assembled enacts as follows:

Title

1. This Bylaw No. 100 may be cited for all purposes as “Electoral Areas Animal Control Bylaw No. 100, 2010”.

Interpretation

2. In this bylaw, unless the context otherwise requires:

“Agricultural Animal” includes livestock animals such as cattle, horse, mule, ass, swine, sheep, goat, rabbit, other animals of the bovine species and poultry or domesticated birds including but not limited to chicken, ducks, geese, turkeys and game birds.

“Animal” means any domestic animal or agricultural animal.

“Animal Control Officer “ means an employee, officer or agent designated by the board for purposes of this bylaw such as the poundkeeper, peace officer and the bylaw compliance officers.

“At Large Dog” means a dog being in or upon the lands or premises of any person other than the owner of the dog without the expressed or implied consent of that person; in or upon a public place not prohibited to dogs including a highway, unless on a leash and under the control of a competent person; or in or upon a public place posted as being prohibited to dogs.

“At Large Other Animals” means any other animal being in public place including a highway, or upon the lands or premises of any person, other than the owner; without the express or implied consent of that person.

“Board”	means the board of the Comox Valley Regional District.
“Dangerous Dog”	means the following: <ol style="list-style-type: none">any dog which has killed or injured a person; orhas killed or seriously injured a domestic animal, while in a public place or while on private property, other than the property owned or occupied by the person responsible for the dog; orif an animal control officer has reasonable grounds to believe that a dog is likely to kill or seriously injure a person such as any dog which, when unprovoked, attacks, chases or approaches a person(s) upon the street, sidewalk or any public place in a menacing fashion or apparent attitude of attack.
“Dog”	means any animal of the canine species.
“Domestic Animal”	means any dog, cat and other species kept as a pet by its owner and does not include agricultural animals.
“Noise”	means continuous barking, howling or yelping sound lasting more than 5 minutes or the sound of barking, howling or yelping sporadically or erratically for a cumulative duration of 5 minutes or longer in any 15 minute period which sounds are repeated again within 72 hours.
“Noisy”	means making, or given to making a loud noise.
“Owner”	means a person over the age of 16 years and includes a person who possesses or harbours an animal.
“Pound”	means any facility or vehicle established, maintained, or operated as a pound in accordance with this bylaw.
“Poundkeeper”	means the person or persons appointed from time to time by the board as a poundkeeper and his or her designate, and may include a contractor with whom the regional district has contracted to act as poundkeeper.
“Regional District”	means the Comox Valley Regional District.
“Service Area”	means electoral areas “B” and “C” and that portion of electoral area “A” located on Vancouver Island.
“Unlicensed Dog”	means any dog for which the license for the current year has not been paid as provided in this bylaw or to which the tag provided for by this bylaw is not attached.

Jurisdiction

3. This bylaw is applicable to and enforceable within Electoral Areas ‘B’, and ‘C’ and that portion of Electoral Area ‘A’ located on Vancouver Island.

Licensing Process

4. A person must not keep any dog over the age of six (6) months unless a valid and subsisting licence has been issued in respect of that dog under this bylaw. An application for a licence under this bylaw shall be made by paying the fee prescribed in schedule “A” attached hereto and forming part of this bylaw to the regional district. Upon receipt of the prescribed fee and a completed application form, the CVRD officers or their delegates may issue a licence and corresponding licence tag for the dog.

License Responsibility

5.
 - (1) Every licence and corresponding tag issued under this bylaw expires on the 31st day December of the year in which it is issued, is valid only in respect of the dog for which it was issued.
 - (2) The person to whom a licence is issued under this bylaw must pay the licence fee as outlined in schedule A and while the licence is valid and subsisting, affix and keep affixed the corresponding licence tag to a collar or harness worn at all times by the dog for which the licence was issued.
 - (3) Where a licence or licence tag is lost or destroyed, the person to which the original licence was issued may, by paying the fee prescribed in schedule A, apply to the regional district for a replacement licence or licence tag.
 - (4) A person other than the owner of the dog must not remove from such a dog a licence tag issued pursuant to this bylaw.

Prohibition of At Large

6. Subject to the “Electoral Areas Parks Regulations Bylaw No. 103, 2010”, a person owning or having the custody, care or control of any animal or dog must not permit or allow the animal or dog to run at large within the service area.

Prohibition in Designated Areas

7.
 - (1) The board may designate all or any part of a park(s) or public place(s) as an area in which no animals shall be permitted and such an area(s) may be marked by signs or other design.
 - (2) A person owning or having the custody, care or control of any animal must not suffer, permit or allow such animal to be in a designated area pursuant section 7(1).

Solid Excrement

8. A person must not allow or suffer any dog to leave or deposit solid excrement on any public place or private property other than the property of the owner, unless the person owning or having the custody, care and control of such dog, shall immediately take steps to remove such solid excrement and to dispose of it in a sanitary manner.

Noisy Dogs

9. (1) A person must not keep, harbor, house or maintain any noisy dog within the service area.
- (2) If the level of noise disturbs, then persistent barking, calling, whining or other similar persistent sounds made by a domestic animal kept or used for a purpose other than agriculture are prohibited at all times.

Dangerous Dogs

10. (1) A person must not own or have custody of a dangerous dog except as provided in sections 10(2) and 10(3) of this bylaw.
- (2) An owner of a dangerous dog must not permit or allow the dangerous dog to be in a public place including a highway, or in any other place that is not owned or controlled by that owner unless the dog is muzzled to prevent it from biting a human or animal and is under the effective control of some person over the age of 16 years.
- (3) The owner of a dangerous dog must confine the dog in a building or secure enclosure and must keep the dog effectively muzzled, caged, or leashed on a fixed leash by an adult person whenever such dog is released from said building or secure enclosure.
- (4) If a person contravenes section 10(2), the dog which attacks or viciously pursues a person or domestic animal shall be subject to the impoundment provisions of this bylaw and the owner must, upon written request of the poundkeeper, surrender the dog immediately.
- (5) At the discretion of the poundkeeper, any dog, which bites any person or an animal, whether on private or other property shall:
 - (a) be impounded by the poundkeeper unless the dog is placed under the supervision of licensed veterinary surgeon;
 - (b) be impounded for a period of fourteen (14) days and the daily fee charges for impoundment shall be that amount set out in Schedule B of this bylaw and shall be paid by the owner of the dog; and
 - (c) be disposed of if not claimed by the owner within two (2) days after the expiration of the fourteen (14) day period.

Seize or Impound

11. (1) The poundkeeper or any peace officer is authorized as animal control officers to seize or impound any animal that is found at large or an unlicensed dog.
- (2) If a peace officer seizes an animal pursuant to section 11(1), they must, as soon as practical, notify the poundkeeper of such seizure and cause such animal to be delivered to the poundkeeper.
- (3) The poundkeeper must receive and impound any animal delivered to them by a peace officer pursuant to section 11(2). The poundkeeper must retain in a pound any animal seized and impounded pursuant to this section and shall not release any such animal except in accordance with the provisions of this bylaw.

Impound Procedures

12. (1) Where a dog is seized and impounded pursuant to section 11(1), and if the dog is unlicensed, then the poundkeeper must retain it for a minimum of seventy-two (72) hours.
- (2) Where a dog is seized and impounded pursuant to section 11(1), and if the dog is licensed, then, the poundkeeper must immediately notify the owner in person, by telephone or by any other communication means. The notice will provide the following information:
 - (a) date and time of impoundment;
 - (b) description of dog;
 - (c) name and address of the poundkeeper to whom application may be made for release of the dog; and
 - (d) costs of seizure, expenses to the date of the notice, and any continuing costs and expenses.
- (3) Where an animal other than a dog is seized and impounded pursuant to section 11(1), then the poundkeeper must, if the owner is known to the poundkeeper, immediately notify the owner in accordance with section 12(2).
- (4) In the case of an unlicensed dog that has been impounded, if the owner does not appear at the pound, release the dog, and pay the required fees set out in schedule B of this bylaw, plus the cost of a licence for the dog if applicable within seventy-two (72) hours of impounding then the poundkeeper may dispose of such dog as provided in this bylaw.
- (5) In the case of a licensed dog that has been impounded, if the owner does not within forty-eight (48) hours of being notified pursuant to section 12(2) or within seventy-two (72) hours of impounding, whichever comes first, appear at the pound, release the dog, and pay the required fees set out in schedule “B” of this bylaw, plus the cost of a licence for the dog if applicable, then the poundkeeper may dispose of such dog as provided in this bylaw.
- (6) In the case of an impounded animal, if the owner or duly authorized agent does not within forty-eight (48) hours of being notified pursuant to section 12(3) or within seventy-two (72) hours of impounding, whichever comes first, appear at the pound and release the animal so impounded by payment of the fees and charges set out in schedule “B” plus the cost of a licence for the animal, if applicable, then the poundkeeper may dispose of such an animal.
- (7) After the expiration of the relevant period of time set out in sections 12(4, 5 and 6), the poundkeeper may cause the animal to be sold by auction or private sale for the amount no less than the amount of any fees and charges outstanding plus the cost of a licence for the animal, if applicable, or if in the poundkeeper’s opinion, the animal cannot or should not be sold, he may destroy the animal. Where any animal is sold all property therein shall pass to the purchaser and all rights of property in the animal that existed before the sale shall be extinguished.

Rescue

13. A person must not rescue or attempt to rescue any animal in the custody of the poundkeeper or any other person, or when the animal is in a pound.

Enforcement

14. Notwithstanding the provisions of the *Offence Act*, for a contravention of any of the provisions of the bylaw, a notice of such contravention may be given by the animal control officer by means of a ticket of the amount in accordance with the fees outlined in the CVRD ticketing bylaw.

Penalty

- 15. (1) Any person who contravenes a provision in this bylaw, or who suffers or permits any act or thing to be done in contravention of this bylaw, or who refuses, omits, or neglects to fulfill, observe, carry out or perform any duty or obligation imposed in this bylaw is guilty of an offence and:
 - a. on summary conviction is liable to a fine of not less than \$500 and not more than \$10,000; or
 - b. on conviction of a ticket offence under the ticket information bylaw, is liable for the fine imposed under that bylaw.
- (2) In the case of a continuing violation, each day that a violation continues to occur shall constitute a separate offence.

Severability

16. If any provision of this bylaw is held to be beyond the power of the regional district or otherwise invalid by any court of competent jurisdiction, then the provision may be severed from the bylaw without affecting the validity of the remainder of the bylaw.

Repeal

17. Bylaw No. 2053 being “Regional District Animal Control Bylaw No. 2053” and amendments thereto are hereby repealed.

Read a first and second time this	30th	day of	March	2010.
Read a third time this	30th	day of	March	2010.
Adopted this	27th	day of	April	2010.

G. T. Phelps
Chair

D. Oakman
D/Corporate Legislative Officer

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 100 being “Electoral Areas Animal Control Regulations Bylaw No. 100, 2010” as adopted by the board of the Comox Valley Regional District this 27th day of April 2010.

D. Oakman
D/Corporate Legislative Officer

**Schedule “A”
Licence Fees**

Type	Section	Action	Fees
Male Altered Dog	1.	An altered male in respect of which the applicant produces a certificate of neutering signed by a veterinarian or which is marked in a manner satisfactory to the poundkeeper so as to indicate that it has made a neutering.	\$5.00
Female Altered Dog	2.	An altered female dog in respect of which the applicant produces a certificate of ovario-hysterectomy signed by a veterinarian or which is marked in a manner satisfactory to the poundkeeper so as to indicate that it has had an ovario-hysterectomy.	\$5.00
Male Unaltered Dog	3.	For a male dog that is not neutered	\$15.00
Female Unaltered Dog	4.	For a female dog that has not had a ovario-hysterectomy above	\$15.00
Replacement	5.	For a replacement licence or licence tag	\$2.00

**Schedule ‘B’
Animal Control Fees**

Type	Section	Action	Fees
Licensed Dogs	1 a.	Licensed dog first seizure and impoundment in a calendar year.	\$30.00
	1 b.	Licensed dog second seizure and impoundment in a calendar year	\$60.00
	1 c.	Licensed dog third and subsequent seizure and impoundment in a calendar year	\$100.00
Unlicensed Dogs	2 a.	Unlicensed dog first seizure and impoundment in a calendar year.	\$60.00
	2 b.	Unlicensed dog second seizure and impoundment in a calendar year	\$80.00
	2 c.	Unlicensed dog third and subsequent seizure and impoundment in a calendar year	\$110.00
Animals (other than Dogs)	3 a.	For the first impoundment in any calendar year and in addition thereto, the actual costs incurred in capturing and transporting such animal to the pound.	\$30.00 plus actual costs
	3 b.	For the second and each subsequent impoundment in any calendar year and in addition thereto, the actual costs incurred in capturing and transporting such animal to the pound.	\$50.00 plus actual costs
Feeding Charges	4.	Feeding charges for all animals, including dogs, each day or part thereof that an animal is in the pound	\$15.00