

The following is a consolidated copy of the “Electoral Areas Animal Control Bylaw No. 100, 2010” and includes the following bylaws:

Bylaw No.	Bylaw Name	Adopted	Purpose
100	Electoral Areas Animal Control Bylaw No. 100, 2010	April 27, 2010	To provide for the impounding and licensing of animals
625	Comox Valley Electoral Areas Animal Control Bylaw No. 100, 2010, Amendment No. 1	November 24, 2020	To add an aggressive dog definition, specific requirements for securing dangerous dogs, omitting the noisy dog section and updating licence fees to be in-line with surrounding municipalities
635	Comox Valley Electoral Areas Animal Control Bylaw No. 100, 2010, Amendment No. 2	January 12, 2021	To update the definitions section of the bylaw and the confinement requirements for aggressive and dangerous dogs

This bylaw may not be complete due to pending updates or revisions and therefore is provided for reference purposes only. Titles and whereas clauses may be different than in original bylaws to make this consolidated version clearer and identify historical changes and conditions. THIS BYLAW SHOULD NOT BE USED FOR ANY LEGAL PURPOSES. Please contact the Corporate Legislative Officer at the Comox Valley Regional District to view the complete bylaw when required.

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:

“Aggressive Dog”	means any dog which has: <ol style="list-style-type: none"> a. caused minor injuries to a person or domestic animal, not including bite wounds; or b. attacked or bitten an agricultural animal, regardless of whether the attack or bite resulted in injury; or c. displayed aggressive behaviour including, but not limited to, growling, snarling, or lunging; or d. without provocation, aggressively chased, stalked, pursued, harassed or attempted to attack or bite a person, agricultural animal or domestic animal while in a public place including a highway or on private property not owned or controlled by the owner.
------------------	---

“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”
- a. A dog being in or upon:
 - i. the property of any person other than the owner of the dog without the expressed or implied consent of that person;
 - ii. any public place posted as being prohibited to dogs;
 - iii. a public place not prohibited to dogs, including a highway, unless the dog is on a leash and under the control of a person who is competent to control the dog;
 - b. An agricultural animal being in or upon:
 - i. a public place including a highway; or
 - ii. the property 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:
 - a. any dog which has killed or seriously injured a person; or
 - b. has 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; or
 - c. if an Animal Control Officer has reasonable grounds to believe that a dog is likely to kill or seriously injure a person.
- “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.
- “Owner” means a person:
 - a. whose name appears on a dog licence; or
 - b. who possesses or harbours an animal; or
 - c. who has the care, custody, or control of 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.

- “Secure Enclosure” means a structure which:
- a. Allows for the humane confinement of an animal;
 - b. Allows the safe and unrestricted movement of an animal;
 - c. Has self-closing gates;
 - d. Is constructed and locked in a manner which prevents the escape of an animal and the unauthorized entry of a person;
 - e. Has no side in common with a perimeter fence;
 - f. Is approved by an Animal Control Officer for the specific animal it will house; and
 - g. An Animal Control Officer may require to have any of the following additional characteristics because of the design of the structure and the nature of the animal it will house:
 - i. A height of at least 1.8m;
 - ii. A concrete or asphalt floor which is securely attached to the sides of the enclosure;
 - iii. Wire or steel mesh sides and roof;
 - iv. If there is no concrete or asphalt floor, sides which are embedded into the ground to a minimum depth of 30cm.
- “Service Animal” means an animal trained by an accredited institution, and on duty:
- a. As a law enforcement animal; or
 - b. To provide assistance to a hearing- or visually-impaired or physically- or developmentally-challenged person.’
- “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 a licence is required for the current year but that licence has not been paid for as required by this bylaw or to which the tag issued pursuant to 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. (1) 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.
- (2) 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.
- (3) Upon proof satisfactory to the Animal Control Officer that a dog is a Service Animal, the Animal Control Officer may waive the requirement to pay the annual licensing fee prescribed in Schedule A.

Licence 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. (1) A person owning or having the custody, care or control of any agricultural animal or dog shall not permit or allow the agricultural animal or dog to run at large within the service area.
- (2) As an exception to the prohibition in Section 6(1), an owner may permit or allow a dog to be off leash in an area where dogs are permitted to be off leash pursuant to the *Electoral Areas Parks Regulations Bylaw No. 103, 2010*, if the owner complies with all requirements of that Bylaw respecting the presence of dogs in Regional District parks.

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.

Determinations

9. (1) An Animal Control Officer may determine whether a dog meets the definition of aggressive dog or a dangerous dog for the purposes of this bylaw.
 - (a) If an Animal Control Officer makes a determination under Subsection (1), the Animal Control Officer shall send written notice of the determination to the owner, including a brief description of the circumstances which gave rise to the

determination, and notice of the applicable provisions of this bylaw for aggressive dogs and dangerous dogs.

Aggressive Dogs

10. (1) A person must not own, keep, possess or harbour an aggressive dog except as provided in Sections (2) and (3) of this bylaw.
- (2) No owner may permit or allow the aggressive dog to be in a public place, including a highway, or in any other place not owned or controlled by that owner unless the dog is secured on a non-retractable leash not longer than 1.5m in length which is held by a person who is at least 19 years of age.
- (3) When an aggressive dog is on property owned or controlled by its owner, the owner must:
 - (a) securely confine the dog within a building or secure enclosure; or
 - (b) secure the dog on a non-retractable leash not longer than 1.5m in length which is securely held by a person who is at least 19 years of age.

Dangerous Dogs

11. (1) A person must not own, keep, possess or harbour a dangerous dog except as provided in Sections 11(2) through 11(5) of this bylaw.
- (2) No owner of a dangerous dog may permit or allow the dangerous dog to be in a public place, including a highway, or in any other place not owned or controlled by that owner unless:
 - (a) the dog is secured on a non-retractable leash not longer than 1.5m in length which is held by a person who is at least 19 years of age; and,
 - (b) the dog is securely muzzled to prevent it from biting a human or animal.
- (3) When a dangerous dog is on property owned or controlled by its owner, the owner must:
 - (a) securely confine the dog within a building or secure enclosure; or
 - (b) secure the dog on a non-retractable leash not longer than 1.5m in length which is held by a person who is at least 19 years of age.
- (4) The owner of a dangerous dog must post at the front and the back of any property on which the dangerous dog resides, a sign which is visible to the public (Sample attached to this bylaw as Schedule C).
- (5) The owner of a dangerous dog must:
 - (a) license the dog annually in accordance with Section 4; and,
 - (b) pay annually the dangerous dog service fee specified in Schedule B.

Seize or Impound

12. (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 12(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 12(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

13. (1) Where a dog is seized and impounded pursuant to section 12(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 12(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 12(1), then the poundkeeper must, if the owner is known to the poundkeeper, immediately notify the owner in accordance with section 13(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 13(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 13(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 13(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, the poundkeeper 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

14. 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

15. 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

16. (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

17. 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

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

**Schedule A
Licence Fees**

Type	Action	Fees
Male Altered Dog	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.	\$10.00
Female Altered Dog	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.	\$10.00
Male Unaltered Dog	For a male dog that is not neutered	\$25.00
Female Unaltered Dog	For a female dog that has not had a ovario-hysterectomy above	\$25.00
Replacement	For a replacement licence or licence tag	\$5.00

**Schedule B
Animal Control Fees**

Type	Action	Fees
Licensed Dogs	Licensed dog first seizure and impoundment in a calendar year.	\$50.00
	Licensed dog second seizure and impoundment in a calendar year	\$100.00
	Licensed dog third and subsequent seizure and impoundment in a calendar year	\$150.00
Unlicensed Dogs	Unlicensed dog first seizure and impoundment in a calendar year.	\$75.00
	Unlicensed dog second seizure and impoundment in a calendar year	\$200.00
	Unlicensed dog third and subsequent seizure and impoundment in a calendar year	\$300.00
Dangerous Dog	Dangerous dog first seizure and impoundment in a calendar year	\$500.00
	Dangerous dog second and subsequent seizure and impoundment in a calendar year	\$1000.00
Animals (other than Dogs)	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.	\$50.00 plus actual costs
	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.	\$100.00 plus actual costs
Feeding Charges	Feeding charges for all animals, including dogs, each day or part thereof that an animal is in the pound	\$30.00
Dangerous Dog	Annual animal control service fee payable by owners of dangerous dogs	\$50.00

Schedule C
Dangerous Dog Warning Sign (sample)

WARNING



**DANGEROUS
DOG**