



The Corporation of the District of North Cowichan

A Bylaw to Regulate the Keeping of Dogs and Other Animals

Bylaw 2856

[Consolidated and printed by authority of the Corporate Officer under section 139 of the Community Charter. Current to January 18, 2017. Last amended December 7, 2016. Amendments: 2947, 3002, 3048, 3088, 3120, 3213, 3254, 3278, 3308, 3399, 3470, 3527, 3548, 3567, 3624.]

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The Municipal Council of The Corporation of the District of North Cowichan, in open meeting assembled, enacts as follows:

Citation

1 This bylaw may be cited as the "Animal Control Bylaw 1995".

Interpretation

2 In this bylaw:

"animal control officer" means any person who is

- (a) an employee of the Poundkeeper,
- (b) a peace officer,

- (c) a bylaw compliance officer, or
- (d) a person appointed by the Council as an animal control officer;

"Council" means the Municipal Council of The Corporation of the District of North Cowichan;

"Director of Corporate Services" means the person so appointed by Council;

"Director of Financial Services" means the person so appointed by Council;

"dog" means any animal of the canine species;

"dog kennel" means any erection, enclosure, building, structure, or place in which 4 or more dogs are kept;

"exotic animals" means emus, llamas, or ostriches;

"leash" means a chain, rope, cord, or other such device by which a dog is led, controlled, or restrained, which is no longer than 2 m;

"Municipality" means, in accordance with the context, either the area incorporated as The Corporation of The District of North Cowichan, or the said Corporation;

"muzzled" means fitted with a device placed over the mouth of a dog that is of sufficient strength and design to prevent the dog from biting any person or animal;

"owner" includes possessor or harbourer, and **"owns"** includes possesses or harbours;

"pound" means any building, place, or enclosure for the detention of animals that is designated by Council as a pound;

"Poundkeeper" means the person or persons appointed from time to time by Council to keep a pound;

"unlicensed dog" means any dog for which the licence for the current year has not been obtained, or any dog to which the licence tag corresponding to a valid licence for the current year is not attached as prescribed by this Bylaw;

"vicious dog" means

- (a) a dog with a known propensity, tendency, or disposition to attack, without provocation, other animals or humans,
- (b) a dog which has bitten or attacked, without provocation, another animal or human, or
- (c) the following breeds: Pit Bull Terrier; American Pit Bull Terrier; English Bull Terrier; Pit Bull; Staffordshire Bull Terrier; or any dog of mixed breeding which includes any of the aforementioned breeds, excepting any dog registered with the Canadian Kennel Club. [BL3548]

Application

3 This Bylaw does not apply to

- (1) a specially trained dog that is used as a guide dog by a person whose sight or hearing is impaired;
- (2) a dog certified by a recognized training establishment and used to assist persons with special needs; or

- (3) a dog belonging to and actively working for a police force having jurisdiction in British Columbia.

Licensing of dogs

- 4** No person shall own any dog over the age of 4 months, unless a licence under this Bylaw has first been obtained and the applicable fee, as prescribed in the Fees Bylaw, paid. [BL3470]
- 5** Dog licence fees shall be payable as prescribed in the Fees Bylaw and become due on the 2nd day of January in each year, or as soon thereafter as the dog for which the licence is obtained reaches the age of 4 months. [BL3470]
- 6** A dog licence may be obtained by making application in the form prescribed by the Director of Corporate Services and paying the applicable fee prescribed in the Fees Bylaw. [BL3470]
- 7** Subject to the late payment provisions as prescribed in the Fees Bylaw, where any dog licence fees are not paid by the dates referred to in section 5, an additional late fee, payable as prescribed in the Fees Bylaw, shall be levied by the Municipality. [BL3470]
- 8** Fees paid for dog licences are not refundable.
- 9** A dog licence shall expire on December 31st in the calendar year for which the licence was issued.
- 10** If the ownership of a licenced dog changes,
 - (1) the dog licence expires on the 7th day of ownership unless, before that time, the new owner has obtained a new licence,
 - (2) the new owner may be issued a new licence upon payment of the transfer fee as prescribed in the Fees Bylaw, provided that the new owner shows the old licence tag to the Director of Financial Services or Poundkeeper. [BL2947; BL3470; BL3548]
- 11** Every dog licence issued pursuant to this Bylaw shall be accompanied by a tag. The form of such tag shall be as prescribed by the Director of Financial Services. [BL3548]
- 12** The owner of any dog over the age of 4 months shall place and keep around the neck of such dog the current licence tag issued by the Director of Financial Services or Poundkeeper.
- 13** The Director of Financial Services may issue a replacement licence tag upon payment of a fee as prescribed in the Fees Bylaw if
 - (1) the original licence tag has been lost or stolen; or
 - (2) a valid dog licence has been issued by another municipality. [BL3470; BL3548]
- 14** An owner whose dog has been lost, stolen, gone missing, or died may apply to transfer the said dog licence to a replacement dog upon making application in the form prescribed by the Director of Corporate Services. [BL3470; BL3548]

Licensing of kennels

- 15** No person shall keep or maintain more than 3 dogs, on any premises, unless that person has first obtained a dog kennel licence under this bylaw and paid the applicable fee as prescribed in the Fees Bylaw.
- 16** Dog kennel licence fees shall be payable as prescribed in the Fees Bylaw, and become due on the second day in January of each year or as soon thereafter as a person begins to keep or maintain a kennel. [BL3470]

17 A dog kennel licence shall be obtained by making application in the form prescribed by the Director of Corporate Services to the Director of Financial Services or Poundkeeper and paying the applicable fee as prescribed in the Fees Bylaw. [BL3527; BL3548]

18 Where any dog kennel licence fees are not paid by the dates referred to in Section 16, an additional late fee, payable as prescribed in the Fees Bylaw, shall be levied by the Municipality. [BL3470]

19 A dog kennel must not be located on a lot less than 2 ac in area. [BL2947, BL3624]

Duties of the Director of Financial Services

20 The Director of Financial Services shall keep a record of all dogs for which a licence has been issued, and such record shall contain the date of issuance of the licence, the licence number, a description of the dog, and the name, address, and telephone number of the owner of the dog. [BL3548]

Control of animals

21 No owner of any animal shall allow such animal to be at large on any highway or public place, or at large on private property when such an animal is not leashed, muzzled, or tethered as required by this Bylaw. [BL2947]

22 No owner of any animal which obtains nourishment by grazing shall allow such animal to graze on unfenced land unless the animal is securely tethered or otherwise under the control of the owner.

23 Every owner of a dog shall keep it effectively leashed whenever it is not on its owner's property or on the property of another person who consents to it not being leashed.

23.1 Despite sections 21 and 23, an owner may allow a dog to run unleashed in the following areas:

- (a) Chemainus Lake Park;
- (b) Herd Road Park;
- (c) Osborne Bay Park;
- (d) Somenos Dog Park;
- (e) Fuller Lake Park boat launch area where designated by signs;
- (f) Chemainus Ball Park, from September 1 to March 15;
- (g) Kin Beach Park foreshore, from October 1 to June 15;
- (h) Maple Bay Beach foreshore, from October 1 to June 15;
- (i) Wul'aam' (Echo) Park;
- (j) Municipal Forest Reserve. [BL3308; BL3567]

24 No owner of any dog shall allow such dog to harass or molest any person or animal.

25 Every owner of a vicious dog shall keep the dog muzzled and on a leash under the care and control of a competent person whenever it is at large or on a highway or public place.

26 Every owner of a vicious dog shall, when the dog is not muzzled, and on a leash under the care and control of a competent person, keep the dog securely confined by keeping it

- (1) indoors; or

- (2) in an enclosure that
 - (a) prevents inadvertent entry by any person including a child,
 - (b) prevents the dog from escaping or inflicting harm on any person or animal, and
 - (c) is posted with a sign warning of a vicious dog. [BL2947]

27 Every owner of a female dog in heat shall keep such dog effectively confined within a closed building.

28 Every owner of a dog which has defecated on public property or private property belonging to individuals who have not consented to such dog being on their property shall immediately remove such excrement and dispose of it in a sanitary manner on his/her own property.

Establishment of pound

29 Council hereby establishes the Cowichan Valley Animal Shelter, 2202 Herd Road, as a pound.

Appointment of the Poundkeeper

30 Council may, from time to time by resolution, appoint a Poundkeeper.

31 Council may appoint persons as animal control officers for the purpose of enforcing and carrying out the provisions of this Bylaw.

Impoundment of animals

32 The Poundkeeper or an animal control officer may enforce the provisions of this Bylaw and may seize, impound, and detain

- (1) any unlicensed dog; or
- (2) any animal unlawfully at large.

33 Poundage charges for each impounded animal shall be paid to the Poundkeeper as prescribed in the Fees Bylaw. [BL3470]

34 Maintenance charges for providing food, water, shelter, and care by the Poundkeeper, for each impounded animal, shall be paid to the Poundkeeper as prescribed in the Fees Bylaw. [BL3470]

35 If any person entitled to claim possession of any impounded animal appears at the pound to claim it within 3 days of such animal being impounded and pays the total amount of all poundage and maintenance charges payable pursuant to this Bylaw, the Poundkeeper shall allow such person to remove the animal from the pound.

36 If no person entitled to claim possession of any impounded animal appears at the pound to claim such animal within 3 days of such animal being impounded, or if an entitled person refuses to pay all poundage and maintenance charges payable pursuant to this Bylaw, the Poundkeeper may sell or destroy such animal.

37 No person purchasing a dog from the Poundkeeper shall remove such dog from the pound until a licence has been obtained for such dog.

Duties of the Poundkeeper

38 The Poundkeeper shall

- (1) supply each animal with food, water, and shelter while it is impounded;

- (2) keep a record of the description of each animal impounded, destroyed, sold, or reclaimed; the date, time, and place of such impounding, destroying, selling, or reclaiming; the name and address of the person reclaiming or purchasing each animal; and the moneys disbursed by the Poundkeeper to operate the pound; and
- (3) pay to the Municipality all moneys collected in excess of the moneys disbursed by the Poundkeeper to operate the pound.

Powers of the Poundkeeper

- 39** The Poundkeeper or an animal control officer may enter at all reasonable times upon any property in the Municipality, to ascertain whether the provisions of this Bylaw are being observed.
- 40** Every owner of a dog, upon a request from the Poundkeeper or an animal control officer, shall
- (1) give evidence that a licence has been obtained and a licence tag has been issued for that dog; or
 - (2) deliver the dog to the Poundkeeper or an animal control officer;
- and no person shall
- (3) fail or refuse to produce any licence or licence tag issued for a dog; or
 - (4) fail or refuse to deliver any dog to the Poundkeeper or an animal control officer.

Interference with the operation of the pound

- 41** No person shall stop, delay, or obstruct any person lawfully driving, leading, or carrying to the pound any animal liable to be impounded pursuant to this Bylaw.
- 42** No person shall break open, or directly or indirectly, aid or assist in breaking open the pound.
- 43** No person shall take or let any animal out of the pound without the Poundkeeper's consent.
- 44** No person shall resist, obstruct, or interfere with the Poundkeeper or any animal control officer while he or she is performing his or her duties.

Enclosure for dogs

- 45** No person shall use any structure or enclosure for keeping, housing, or harbouring dogs unless it complies with the minimum setback requirements from all lot boundaries of the zone in which it is located.

Keeping of animals

- 46** No person shall keep any farm animals, exotic animals, or poultry on any lot in the municipality that is less than 8000 m² (1.98 ac) in area, except as follows:
- (1) on a lot greater than 1675 m² (0.41 ac) in area but less than 4000 m² (0.99 ac) in area, a total of not more than 12 rabbits or poultry;
 - 2) on a lot equal to or greater than 4000 m² (0.99 ac) in area but less than 8000 m² (1.98 ac) in area, a total of not more than 12 rabbits or poultry and a total of not more than 2 farm animals or 2 exotic animals.
- 47** (1) Any structure or enclosure to house farm animals, exotic animals, or poultry shall be set back at least 15 m from any lot line.

- (2) Any structure used for the storage of manure shall be set back at least 15 m from any lot line.
- (3) Notwithstanding the foregoing, where the minimum setback requirements from all lot boundaries of the zone in which the structure or enclosure is located are greater than 15 m the greater minimum setback requirements shall be applied.

Fines

48 Any person found guilty of contravening any of the provisions of this Bylaw shall, upon summary conviction, be liable to a fine not exceeding \$2 000.

Bylaws Repealed

49 [Repealed; BL3567]

Animal performances

50 No person shall operate or carry on a public show, exhibition, carnival or performance, whether temporary or permanent, in which animals are required to perform tricks, fight, or participate in, or otherwise accompanying exhibitions or performances for the entertainment of an audience; however, nothing in this section shall prohibit or restrict the following:

- (1) exhibitions, parades, or performances involving horses or in which individuals ride horses or ponies;
- (2) exhibitions involving dogs;
- (3) displays or showings of animals in agricultural fairs or pet shows;
- (4) magic acts; or
- (5) rodeos

provided that the exhibition, parade or performance in no way exploits an animal such that it is being used or treated in an inhumane manner for profit or advantage. [BL3048]

Read a first, second and third time on November 15, 1995.
Adopted on December 6, 1995.