



## **ANIMAL RESPONSIBILITY BYLAW**

Bylaw 3740

### **CONSOLIDATION**

This consolidation is a copy of a bylaw consolidated under the authority of section 139 of the *Community Charter* and in accordance with section 1 of Consolidation and Revision Authority Bylaw 3514, 2013.

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**This Bylaw has been consolidated and printed under and by authority of the Corporate Officer for the Corporation of the District of North Cowichan.**





The Corporation of the District of North Cowichan

**Animal Responsibility Bylaw**

Bylaw 3740, 2019

A Bylaw to Regulate the Keeping of Animals in the District of North Cowichan

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The Council of The Corporation of the District of North Cowichan enacts as follows:

## PART 1 – INTRODUCTION

### Title

1. This Bylaw may be cited as “Animal Responsibility Bylaw No. 3740, 2019”.

### Definitions

2. In this Bylaw:

**“Aggressive Dog”** means any Dog that meets any one of the following conditions:

- a) has, with or without provocation, attacked, bitten or caused injury to a Person or has demonstrated a propensity, tendency or disposition to do so;
- b) has bitten, killed or caused injury to a Companion Animal or a Farm Animal;
- c) has aggressively pursued or harassed a Person or Companion Animal or a Farm Animal;
- d) is owned or kept primarily, or in part, for the purpose of dog fighting or is trained for dog fighting; or
- e) is a dangerous dog as defined by Section 49 of the *Community Charter*.

**“Animal”** means any member of the Kingdom Animalia excluding humans.

**“Animal Control Officer”** means any Person who is:

- (a) A Poundkeeper;
- (b) A Peace Officer;
- (c) A Bylaw Compliance Officer; or
- (d) A Person appointed by the District of North Cowichan as an Animal Control Officer. [3943]

**“At-Large”** means an Animal:

- a) in or upon a public place, or
- b) in or upon the lands or premises of any Person other than the Owner of the Animal without the express or implied consent of that Person, while not under the direct and continuous control of the Owner or a Competent Person.

**“Biting” or “Bitten”** means the breaking, puncturing or bruising of the skin by an Animal with its teeth.

**“Cat”** means a male or female of the species *felis catus* and does not include any hybrid of *felis catus*.

**“Choke Collar”** means a slip collar or chain that may constrict around the Animal’s neck as a result of pulling on one end of the collar or chain and includes pinch or prong collars, but does not include a martingale collar.

**“Companion Animal”** means a domesticated Animal kept for companionship to a Person rather than other forms of utility or profit and which may lawfully be kept on residential property in accordance with the Municipality’s zoning regulations.

**“Competent Person”** means a person of sufficient age, capacity, height and weight to ensure an Animal under their control will be obedient to their commands or to physically restrained the Animal if required.

**“Council”** means the Municipal Council of The Corporation of the District of North

**“Chief Financial Officer”** means the person designated by Council as the Financial Officer for the Municipality, or their delegate. [BL 3808]

**“Dog”** means any Animal of the *canis familiaris* species, irrespective of age or sex.

**“Kennel”** means a structure on and/or a use of land for the purpose of sheltering, boarding, and/or breeding 4 or more dogs.

**“Exotic Animals”** means:

- (a) alien invasive species as defined by the Spheres of Concurrent Jurisdiction - Environment and Wildlife Regulation, BC Reg 144/2004;
- (b) controlled alien species as defined by the Controlled Alien Species Regulation, BC Reg 94/2009; and
- (c) wildlife species identified in Schedule “B” or “C” to the Designation and Exemption Regulation, BC Reg 168/90.

**“Farm Animals”** means domesticated cows, donkeys, mules, llamas, emus, ostriches, swine, sheep, or goats, and all other animals that are solely used for agricultural purposes.

**“Guard Dog”** means a Dog that is specifically trained for or used primarily for the purposes of guarding property, including residential, commercial, or industrial property;

**“Leash”** means a line or chain, or use of a line or chain that does not exceed 6 feet (1.83 metres) in length and is of sufficient strength to restrain a Dog without breaking.

**“Municipality”** means the Municipality of North Cowichan or the area within its jurisdiction.

**“Muzzled”** means properly fitted with a humane device placed over the mouth of a Dog that allows the dog to pant and drink, and that is of sufficient strength and design to prevent the Dog from biting any Person or Animal or from removing the device.

**“Owner”** means any Person:

- (a) to whom a licence for a Dog has been issued pursuant to this Bylaw;
- (b) who owns, is in possession of, or has the care or control of any Animal; or
- (c) who harbours, shelters, permits or allows any Animal to remain on or about the Owner’s land or premises.

**“Park”** includes public parks, playgrounds, squares, greens, driveways, roadways, paths, and buildings which are posted, designated or zoned as Park by the Municipality.

**“Pen”** means a six-sided outdoor enclosure with a roof and floor sufficient to prevent the escape of an Animal and to prevent the entry of children and other persons except those persons authorized by the Owner.

**“Permanent Identification”** means identification for an Animal in the form of a microchip or tattoo that contains the contact information of the Owner.

**“Person”** means a natural or legal Person.

**“Poultry”** includes chickens, turkeys, ducks, geese and pigeons.

**“Pound”** means any facility designated by the Municipality and operated by the Municipality or its agent as an impoundment or boarding facility in accordance with this Bylaw.

**“Poundkeeper”** means the Person or Persons appointed from time to time by the District of North Cowichan for the purpose of maintenance, operation and regulation of a Pound in accordance with the provisions of this Bylaw, including the care, euthanasia and disposal of Animals and the collection and remission of fees; or the authorized employee or agent of any corporation or society with which the District of North Cowichan has an agreement to act as Poundkeeper. [BL3943]

**“Public Place”** means all land owned, held, operated or administered by any level of government, including a school district.

**“Unlicensed Dog”** means any Dog over the age of 4 months that is not registered for a licence by the Municipality, or for which the license for the current year has not been paid as provided in this Bylaw, or to which the licence tag provided for by this Bylaw is not attached.

## **PART 2 – APPLICATION**

### **Keeping of Animals**

- 3. No Person shall keep more than 6 Companion Animals, consisting of not more than 3 Dogs over the age of 8 weeks and not more than 5 Cats over the age of 12 weeks.
- 4. A Person must not keep rabbits in an outdoor Pen, cage or run, unless the Pen, cage or run is securely enclosed to prevent escape and to ensure the safety of the rabbits from predators.

5. A Person who keeps bees must:
  - (a) provide adequate water for the bees on the Person's property; and
  - (b) maintain the bees in a condition that will reasonably prevent swarming.

### **Identification for the Keeping of Cats**

6. Every Owner of a Cat shall affix, and keep affixed, sufficient identification on the Cat by means of a collar, harness, traceable tattoo, microchip or other suitable device, such that a Person finding the cat At-Large in the Municipality can identify and contact the Owner.
7. Every Owner of a Cat apparently over the age of 6 months, shall upon request by the Animal Control Officer, provide evidence to the Animal Control Officer's satisfaction, that such Cat has identification in accordance with Section 6 of this Bylaw.
- 7.1 Every Owner of an outdoor Cat must have the Cat spayed or neutered.

### **Prohibited Animals**

8. No Person shall either on a temporary basis or permanent basis:
  - (a) breed;
  - (b) possess;
  - (c) ship;
  - (d) release;
  - (e) exhibit for entertainment; or
  - (f) display in public;any Exotic Animal.
9. Despite the prohibitions in Section 8 of this Bylaw, an Exotic Animal may be kept at or on:
  - (a) premises operated by the BC Society for the Prevention of Cruelty to Animals;
  - (b) a veterinary hospital under the control of a veterinarian registered as a member of the BC Veterinary Medical Association; or
  - (c) premises operated by the RCMP or municipal police forces;but a Person must not permit an Exotic Animal to run At-Large.

### **Exemptions**

10. This Bylaw does not apply to a Dog belonging to and actively working for a government law enforcement agency having jurisdiction in BC.
11. Any Owner of a Dog used as a certified guide animal pursuant to the *Guide Animal Act* is exempt from the licensing fees set out in this Bylaw.



## **PART 3 – ADMINISTRATIVE DUTIES OF THE**

### **Appointing a Poundkeeper**

12. The District of North Cowichan may establish one or more Pounds for the keeping and impounding of Dogs and other Animals, and the Poundkeeper shall make all rules and regulations not inconsistent with this Bylaw pertaining to the administration of the Pound(s). [BL3943]
13. The District of North Cowichan may enter into an agreement with any Person or organization to act as a Poundkeeper for the establishment, maintenance, operation, and regulation of a Pound and the enforcement of any of the provisions of this Bylaw. [BL3943]
14. The Poundkeeper must keep a record book in a form prescribed by the Chief Financial Officer from time to time, showing therein a description of every Animal impounded, the Owner of the Animal if any, the length of time of such impoundment, the final disposition of each impounded Animal, and all funds received and disbursed in respect of the operation of the Pound. [BL 3808]
15. Every Poundkeeper must keep the Pound clean and in good repair, and must supply the Animals impounded therein with sufficient and wholesome food and water, and with reasonable shelter, segregation and care as circumstances may warrant.

### **Monthly Reporting**

16. The Poundkeeper must report monthly on the operation and maintenance of any Pound in their charge to the Municipality.

### **Money Received**

17. The Poundkeeper must pay to the Chief Financial Officer all funds for licence fees received by them under this Bylaw within 30 days after receipt thereof. [BL 3808]

## **PART 4 – ANIMAL WELFARE**

### **Animal Cruelty**

18. Notwithstanding any other provision of this Bylaw, no Person shall:
  - (a) abandon any Animal;
  - (b) in any way use poison, air pellet guns, bows and arrows, firearms, sling shots, or similar on any Animal;
  - (c) tease, torment, beat, kick, choke, or provoke an Animal;
  - (d) cause, permit or allow an Animal to suffer; or
  - (e) train or allow any Animal to fight.

### **Basic Animal Care Requirements**

19. The Owner of an Animal must ensure that the Animal is provided with:
- (a) sufficient clean, potable drinking water;
  - (b) suitable food of sufficient quantity and quality to allow for normal growth and the maintenance of normal body weight;
  - (c) clean and disinfected food and water receptacles that are located so as to avoid contamination by excreta;
  - (d) the opportunity for regular exercise sufficient to maintain good health; and
  - (e) necessary veterinary care to maintain the health and comfort of the Animal or when the Animal exhibits signs of pain, injury, illness or suffering.

### **Outdoor Shelter Requirements**

20. An Owner of an Animal must ensure that the Animal has protection from all elements and must not allow the Animal to suffer from hyperthermia, hypothermia, dehydration, discomfort, or exertion causing unnecessary pain, suffering, or injury.
21. A Person must not keep an Animal outside, unless the Animal is provided with a shelter that provides:
- (i) protection from heat, cold and wet that is appropriate to the Animal's weight and type of coat;
  - (ii) sufficient space to allow the Animal the ability to turn about freely and to easily stand, sit and lie in a normal position; at least two times the length of the Animal in all directions, and at least as high as the Animal's height measured from the floor to the highest point of the Animal when standing in a normal position, plus 10%;
  - (iii) protection from the direct rays of the sun at all times; and
  - (iv) bedding that will assist with maintaining normal body temperature.
- (a) A Person may not confine a Dog to a Pen for a period in excess of 10 hours within any 24 hour period.

### **Sanitation Requirements**

22. A Person must not keep an Animal in a shelter, Pen, cage, or run unless the shelter, Pen, cage or run is regularly cleaned and sanitized with all excreta removed and properly disposed of at least once a day, and free from wild vermin.

### **Tying Animals**

23. A Person must not cause, allow or permit an Animal to be:
- (a) tethered to a fixed object or vehicle where:
    - (i) a Choke Collar forms part of the securing apparatus, or
    - (ii) a rope, cord or chain is tied directly around the Animal's neck; or
    - (iii) the Animal's collar or harness is not properly fitted, or is attached in a manner that could injure the Animal or enable the Animal to injure itself by pulling on the tether.

- (b) tethered to a fixed object, except with a tether of sufficient length to enable the Animal to sit, stand, and lie normally.
- (c) tethered to a fixed object for longer than 2 hours within a 24 hour period;
- (d) tethered to a traffic control device or support thereof, any fire hydrant or fire protection equipment, handrails or any other object in such a way as to obstruct the public or create a nuisance; or
- (e) tethered within 3 metres of an entrance or exit from any public building.

### **Transport of Animals in Motor Vehicles**

24. No Person shall:
- (a) transport any Animals in a motor vehicle outside the passenger compartment or in an uncovered passenger compartment unless the Animal is adequately confined in a Pen or cage which is securely fastened to the vehicle, or secured in a body harness or other manner of fastening adequate to prevent the Animal from jumping or falling off the vehicle or otherwise injuring itself; or
  - (b) keep an Animal confined in an enclosure, including a motor vehicle, without adequate ventilation by means of open windows or operating mechanical device that supplies fresh or cooled air to prevent the Animal from suffering distress, discomfort or heat related injury. Such enclosed space or vehicle, if stationary, shall be in an area providing sufficient shade to protect the Animal from direct rays of sun at all times and the Animal does not exhibit signs of distress.

### **Exercising Dogs from a Motor Vehicle or Bicycle**

25. A Person must not:
- (a) exercise a Dog by allowing it to run next to a moving motor vehicle; or
  - (b) exercise a Dog by allowing it to run next to a bicycle, unless the Dog is attached to the bicycle by an apparatus that allows the Person to retain two-handed control of the bicycle at all times.
26. Section 25(b) does not apply to a Person exercising a Dog in a Designated Off-Leash Dog Area if the Dog is not tethered and bicycle riding is allowed in the area.

### **Traps**

27. A Person must not use, set or maintain a trap or device that is designed to capture an Animal by the foot, leg, or neck.

## **PART 5 – ANIMAL CONTROL**

### **Animals on private property**

28. The Owner of an Animal, not including bees, must not allow the Animal to trespass on any private property.

### **Dogs in public places**

29. The Owner of a Dog must not allow the Dog to be in a Public Place unless the Dog is on a Leash with one end securely affixed to a collar or harness securely attached to the Dog, and the other end held by a Competent Person.
30. Every Owner of a Dog must ensure that any Person who has care, custody or control of their Dog is a Competent Person.
31. Despite Section 29, the Owner of a Dog may allow the Dog to be off-leash in the areas listed in Schedule B to this Bylaw, so long as the Dog is under the effective control of a Competent Person such that it will obey verbal or hand commands to come when directed to do so.
32. No Person may permit a Dog in their care or custody to obstruct other users of a pathway or Municipal sidewalk.

### **Other Animals in public places**

33. The Owner of a snake or other reptile must not allow the snake or other reptile to be in a Public Place unless the Animal is securely confined in a cage or other container.
34. The Owner of an Animal other than a Dog a snake or other reptile, or a spayed or neutered Cat must not allow the Animal to be in a Public Place unless the Animal is under the direct control of a Competent Person.

### **Animal Performances**

35. 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, participate in, or otherwise accompany exhibitions or performances for the entertainment of an audience; however, nothing in this Section shall prohibit or restrict the following:
  - (a) exhibitions, parades or performances involving horses or ponies or in which individuals ride horses or ponies;
  - (b) exhibitions involving dogs;
  - (c) displays or showings of animals in agricultural fairs or pet shows; or
  - (d) magic acts;provided that the exhibition, parade or performance in no way causes an Animal to be treated in an inhumane manner.

### **Animals damaging public property**

36. The Owner of an Animal must not allow the Animal to damage or destroy any building, structure, tree, shrub, plant, or turf in a Public Place.
37. The Owner of any Animal must compensate the Municipality for any and all damage done by that Animal to Municipal property in violation of Section 36.

### **Animals chasing or harassing**

38. No Owner may permit their Animal to chase, harass, molest, attack, injure or kill a Person or Animal.

### **Dogs in heat**

39. Every Owner of a female Dog in heat must ensure that the Dog remains within an enclosed building or Pen until she is no longer in heat.
40. The Owner of a female Dog in heat may allow the Dog to leave the building or Pen in order to urinate or defecate on the Owner's private lands, or go for a walk, if a Competent Person:
  - (a) firmly holds the Dog on a Leash, and
  - (b) immediately returns the Dog to the building or Pen upon completion of the urination or defecation or walk.

## **PART 6 – LICENCING**

### **Obtaining Dog licenses**

41. No Person shall keep any Dog over the age of 4 months unless a valid and subsisting licence has been issued in respect of that Dog under this Bylaw.
42. Every Owner of a Dog must make application to the Municipality for a licence on the form provided by the Municipality and pay the fee prescribed in the Fees Bylaw.
43. Upon receipt of the complete application and payment of the prescribed fee, the Municipality or Poundkeeper may issue a receipt that is deemed to be the licence, and a corresponding licence tag for the Dog.
44. Fees paid for Dog licences are non-refundable.

## **Collars and licence tags**

45. Every licence and corresponding licence tag issued under this Bylaw:
  - (a) expires on the 31st day of December of the year in which it is issued; and
  - (b) is valid only in respect of the Dog for which it is issued.
46. A licence must not be issued to, or in the name of, any Person under the age of 18 years.
47. Every Owner must ensure that a valid licence tag is affixed and displayed on a collar, harness or other suitable device which is worn at all times by the Dog for which the licence is issued.
48. Where a licence or licence tag is lost or destroyed, the Owner must promptly make application to the Municipality to replace the licence or licence tag and pay the fee prescribed in the Fees Bylaw.
49. No Person other than the licensed Owner of the Dog may remove a licence tag issued pursuant to this Bylaw from the subject Dog.
50. A Person who finds and takes possession of an Animal At-Large in the Municipality shall immediately provide the Poundkeeper with a description and photo of the Animal, where possible, and provide that Person's name and address for contact purposes.
51. Where the Owner of a Dog in respect of which a licence has been issued under this Bylaw sells or otherwise ceases to be the Owner of the Dog, the licence is automatically cancelled upon the expiry of 7 days from the change in ownership.
52. If the licensed Owner of a Dog transfers the ownership of the Dog to another Person, that Person must obtain a new licence for that Dog by paying the transfer fee as prescribed in the Fees Bylaw and surrendering the licence tag previously held by that Dog to the Municipality, on or before the expiry of 7 days from the date of change of ownership.
53. Where a Dog has been duly licensed in another municipality or regional district, that Dog may be licensed in the Municipality upon registration of the dog with the Municipality and payment of the licence transfer fee prescribed in the Fees Bylaw.
54. Where a Dog attains the age of 4 months during a calendar year, the licence fee payable for the Dog in that year shall be that of a replacement licence as prescribed in the Fees Bylaw.
55. An Owner whose licensed Dog has been lost, stolen, gone missing, or died may apply to transfer that Dog's former licence tag to a replacement dog in the prescribed form and by paying the replacement licence fee as prescribed in the Fees Bylaw.

## **Licensing of Kennels**

56. No Person shall keep or maintain more than 3 Dogs, or board Dogs for purposes of utility or profit, unless that Person has first obtained a Kennel Licence under this Bylaw and paid the applicable fee as prescribed in the Fees Bylaw.
57. Kennel licence fees become due and payable on the 28<sup>th</sup> day of February each year, or as soon thereafter as a Person begins to keep or maintain a Kennel.
58. A Kennel licence shall be obtained by making application in the form prescribed by the Municipality to the Municipality or Poundkeeper and paying the applicable fees as prescribed in the Fees Bylaw.

## **Duties of the Deputy Director of Financial Services**

59. The Chief Financial Officer 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.  
[BL 3808]

## **PART 7 – AGGRESSIVE DOGS**

### **Aggressive Dog**

60. Where the Poundkeeper determines that a Dog meets the definition of an Aggressive Dog, the Poundkeeper may issue a written notice to the Owner of that Dog advising of that determination and advising the Owner of the requirements of this Bylaw with respect to Aggressive Dogs.
61. The notice set out in Section 60 may be served on the Owner:
  - (a) personally by handing the notice to the Owner;
  - (b) by handing the notice to a Person on the Owner's property who appears to be over the age of 19 years;
  - (c) by posting the notice upon some part of the Owner's property and by sending a copy to the Owner by regular mail, in which case the notice is deemed to have been received by the Owner 5 days after the notice was mailed; or
  - (d) by mailing a copy by prepaid registered mail to the last known address of the Owner.
62. A dangerous dog may also be dealt with by the Municipality in accordance with Section 49 of the *Community Charter*.
63. All Animal Control Officers are designated as animal control officers for the purpose of Section 49 of the *Community Charter*.

## **Licensing an Aggressive Dog**

64. An Owner must apply for an Aggressive Dog Licence within 14 days of receiving a notice under Section 60.
65. No Person shall own or keep any Aggressive Dog unless the Dog is licensed as an Aggressive Dog with the Municipality by an Owner who is over 19 years of age, who has paid the applicable fee as outlined in the Fees Bylaw, and who keeps the Dog in compliance with Sections 66 through 72 of this Bylaw.
66. An Owner of an Aggressive Dog shall supply the following documentation to the Municipality when first applying for a licence for an Aggressive Dog:
  - (a) a complete licence application for the Dog;
  - (b) written confirmation from a licensed veterinarian that the Dog has been neutered or spayed; and
  - (c) proof that the Dog has Permanent Identification, with the details of the Permanent Identification outlined on the application.
67. In addition, the Owner of an Aggressive Dog shall supply the following documentation to the Municipality each calendar year by no later than January 30<sup>th</sup>:
  - (a) Proof that a policy of liability insurance is in force and provides third party liability coverage in a form satisfactory to the Municipality, in minimum amount of \$1,000,000, for any injuries which may be caused by the Dog;
  - (b) A side view, full body color photo of the Dog; and
  - (c) Payment of the Aggressive Dog licence fee as outlined in the Fees bylaw.
68. If the Owner of an Aggressive Dog does not comply with Sections 66 through 73 of this Bylaw, the Aggressive Dog's Licence is subject to immediate cancellation and the Dog may be seized or otherwise dealt with as an Unlicensed Dog.

## **Duties of an Aggressive Dog Owner**

69. Every Owner of an Aggressive Dog must:
  - (a) Secure the Dog by a collar or harness and a Leash that is a maximum length of 1.83 metres or 6 feet when not on the Owner's property;
  - (b) Ensure the Dog is not At-Large within the Municipality at any time;
  - (c) Keep the Dog Muzzled when not on the Owner's property;
  - (d) Post a clearly visible sign in the form outlined in Schedule A to this Bylaw at all points of entry onto any premises where the Dog is being kept, temporarily or permanently; and
  - (e) At all times while the Dog is on the Owner's property, keep the Dog securely confined either indoors or, if outdoors, in a Pen that is:
    - i. located in a rear yard;
    - ii. locked to prevent casual entry by another Person; and
    - iii. has been inspected and approved by an Animal Control Officer.



70. An Owner of an Aggressive Dog must not allow the Aggressive Dog to be:
- (a) on any school grounds;
  - (b) within 30m of any playground apparatus; or
  - (c) in the areas listed in Schedule B to this Bylaw.
71. A Pen referred to in Section 69(e) must:
- (a) be of sufficient height and strength and stability to contain the Dog and form a confined area with no side in common with a perimeter fence;
  - (b) be located in a rear yard; and
  - (c) have a secure top attached to all sides, and have a single entrance which is self-closing and has a lock.
72. The Owner of an Aggressive Dog must:
- (a) Allow an Animal Control Officer to photograph the Dog, on demand.
  - (b) Within one week of moving the Dog to a new place of residence, provide the Poundkeeper with the new address where the Aggressive Dog is kept.
  - (c) Within one week of selling or giving away the Dog, provide the Poundkeeper with the name, address and telephone number of the new Owner.
  - (d) Within one week of the death of the Dog, provide the Poundkeeper with a veterinarian's certificate of death.
  - (e) Advise an Animal Control Officer immediately if the Dog is At-Large.
  - (f) Advise an Animal Control Officer immediately if the Dog has bitten or attacked any Person or Companion Animal or Farm Animal.
73. In addition to the requirements of Section 70, if the Poundkeeper considers that an Aggressive Dog can be retrained and socialized, or that the bite or injury from any attack was the result of improper or negligent training, handling, or maintenance, the Poundkeeper may impose, as a condition of licensing, conditions and restrictions in respect of the training, socialization, handling and maintenance of the Aggressive Dog.
74. Where the Owner of an Aggressive Dog requests that the Dog be destroyed, the Poundkeeper may arrange to have the Dog humanely destroyed. In such cases, the Owner must sign a form for the release of the Dog to the Municipality for the purposes of humane destruction.
75. An Owner, following a period of at least 2 years from the date stated on the written notice under Section 60, may apply to the Municipality for relief from the requirements of Sections 67(a) and 69 through 73 provided that:
- (a) the Municipality has received no further complaints in regard to that Dog's aggressive behaviour during the two-year period; and
  - (b) the Owner provides satisfactory proof that the Owner and the Dog have successfully completed a course designed and delivered by a qualified dog behavior professional to address the Dog's aggressive behaviour.

76. If a Dog displays aggressive behaviour again after relief has been granted pursuant to Section 74, the requirements of Section 67 through 73 shall apply in perpetuity.

### **Aggressive Dog Signage**

77. Every Owner of an Aggressive Dog must prominently display at each entrance to the property and building in or upon which the Dog is kept, a warning in writing, as well as with a symbol, similar, to the one shown in Schedule "A" of this Bylaw, which sign must be posted so that it cannot be removed and which will be visible and capable of being read from the sidewalk, street or lane abutting the entrances to the property or building.

### **Appeal of Aggressive Dog Designation**

78. The Owner of any Dog that has been designated an Aggressive Dog may, within 14 calendar days of receipt of that notice, request in writing to the Manager of Fire & Bylaw Services that they reconsider the decision of the Poundkeeper. The request for reconsideration must be accompanied by written submissions setting out why the Owner of the Dog believes the Dog is not an Aggressive Dog.
79. If the written request for reconsideration is received by the Municipality within the timeframe allowed, the Manager of Fire and Bylaw Services will provide the Owner and the Poundkeeper is received with an opportunity to make representations regarding the Aggressive Dog.
80. After the hearing, the Manager of Fire & Bylaw Services may confirm, reverse or amend the decision designating the Dog as an Aggressive Dog and may cancel or modify any restrictions, requirements or conditions imposed by the Poundkeeper and impose any new or additional restrictions, requirements or conditions as he or she deems necessary or appropriate in the circumstances.
81. If a licence is cancelled under Section 68 of this Bylaw, the Owner of the Dog may appeal the cancellation in writing to the Manager of Fire & Bylaw Services within 96 hours of such cancellation, and the process set out in Sections 79 and 80 will apply to such reconsideration.

### **PART 8 – GUARD DOGS**

82. Every Owner of a Guard Dog must ensure that:
- (a) the Guard Dog is securely confined in an area within the Owner's property or the premises being guarded that is adequate to ensure the Guard Dog cannot escape;
  - (b) the Owner's property or the premises being guarded are reasonably secure against unauthorized entry, including, where the Guard Dog is outdoors, completely enclosed by means of a 2-metre high fence constructed in accordance with Municipal bylaws and any gates in such fence are reasonably secured against unauthorized entry;

- (c) warning signs are posted on the Owner's property or the premises being guarded, at each driveway or entranceway and all exterior doors, advising of the presence of a Guard Dog, with lettering clearly visible from the lesser of the curb line or 15 metres from the Owner's property or premises; and
- (d) the Municipality is notified of the address of the property which the Guard Dog will be guarding, the approximate hours during which the Guard Dog will be performing guard duties, the breed, age, sex and licence number of the Guard Dog and the full names, address and telephone numbers of the Owner and any other individual who will be responsible for the Guard Dog while it is on guard duty.

## **PART 9 – ANIMAL NUISANCES**

### **Animal Waste**

- 83. Every Person must remove and sanitarily dispose of any excrement deposited by a Dog in their care and custody.
- 84. No Person who has removed Dog excrement may deposit same into a public litter receptacle except where the excrement is securely contained in an impermeable bag or other impermeable container so as not to ooze, leak or fall out in the public litter receptacles.

### **Noisy Dogs**

- 85. No Person may allow or permit a Dog to bark, howl, yelp, cry or make other noises:
  - (a) continuously for ten minutes or more without significant periods of rest;
  - (b) sporadically for a cumulative total of 15 or more minutes within 1 hour;
  - (c) in a manner that that unduly disturbs the peace, quiet, rest, comfort or tranquility of the surrounding neighbourhood or vicinity, or of Persons in the neighbourhood or vicinity; or
  - (d) otherwise in such a manner as to cause a nuisance.

### **Feeding Wildlife**

- 86. A Person must not intentionally feed or leave food out for the purposes of feeding:
  - (a) *Cervidae* (deer)
  - (b) *Procyon lotor* (racoons);
  - (c) *Sciurus* (squirrels);
  - (d) feral *Sylvilagus floridanus* or *Oryctolagus cuniculus* (rabbits); or
  - (e) bears, coyotes, cougars, wolves, or other Animals designated as dangerous wildlife under the *Wildlife Act*, RSBC 1996, c. 488; or
  - (f) ownerless Cats or Cats without identification.
- 87. Despite Section 86(f), any Person may feed ownerless Cats subject to the following:

- (a) the Person must be registered with a Municipally approved organization with a Trap Neuter Release program;
- (b) the Person must maintain a plan for the care, feeding and mandatory spaying/neutering, tattooing, and vaccination of each ownerless Cat;
- (c) the plan must be in writing and registered with a Municipally approved organization with a Trap Neuter Release program, the Municipality's Poundkeeper, and the local office of the Society for the Prevention of Cruelty to Animals (SPCA);
- (d) outdoor feeding stations must be located on private property and may only contain food and be available for feeding for up to 45 minutes maximum, once per day;
- (e) outdoor shelter must be provided for any ownerless Cat on the property where the feeding station is located.

## **PART 10 – SEIZING AND IMPOUNDING ANIMALS**

### **Authority to Seize and Impound**

88. The Animal Control Officer may immediately seize and impound:
- (a) a Dog that is At-Large in contravention of this Bylaw;
  - (b) any Unlicensed Dog;
  - (c) any Animal that is straying or trespassing on private property;
  - or
  - (d) any Animal that is on unfenced land and not securely tethered or contained.
89. The Poundkeeper may impound any Animal brought to the Pound by any other Person.
90. The Animal Control Officer may, where they have reason to believe that an Unlicensed Dog has taken refuge on a premises:
- (a) request the occupant of such premises to provide proof that the Dog is the subject of a current and valid licence and is wearing the associated licence tag, or to surrender the Dog to the Animal Control Officer;
  - (b) enter and search any place, including a place that is occupied as a private dwelling, subject to the requirements of Section 16 of the *Community Charter*.
91. The Animal Control Officer is authorized to employ such assistance as is deemed necessary or advisable to seize and impound any Dog in pursuance of this Bylaw, and the expense of such employment shall be added to the fees chargeable by the Animal Control Officer as outlined in the Fees Bylaw.

## **Care of Impounded Animal**

92. If the Poundkeeper considers that an impounded Animal requires:
- (a) A vaccination;
  - (b) Flea treatment;
  - (c) Worm treatment;
  - (d) Examination by a veterinarian; or
  - (e) Urgent veterinary care to alleviate any pain or suffering as recommended by a veterinarian; then the Poundkeeper may cause such care to be provided at the sole cost and expense of the Animal's Owner.

## **Informing the Owner of Impoundment**

93. Where an Animal is impounded pursuant to this Bylaw, within 24 hours:
- (a) the Poundkeeper must make reasonable effort to contact the Owner of an impounded Dog if it is wearing a licence tag by calling the most recent telephone number in the licence information for the Dog;
  - (b) the Poundkeeper must make reasonable effort to determine the Owner of the Animal, other than a Dog wearing a licence tag, by posting a notice on the Pound's social media site, including a photograph and description of the Animal and the contact information for the Poundkeeper.
94. Where the Poundkeeper has identified the Owner of an impounded Animal but is unable to reach the Owner by telephone, a notice of impoundment may be delivered by mail and shall be sent to the last known address of the Owner, in which case the notice shall be deemed to have been received by the Owner 72 hours after deposit thereof in any post box within the Municipality.
95. Notices of impoundment shall include the following information:
- (a) date and time of the impoundment;
  - (b) description of the Animal;
  - (c) how application may be made for release of the Animal;
  - (d) costs of seizure, expenses to the date of the Notice and any continuing costs and expenses; and
  - (e) that the Animal will become the property of the Municipality and may be sold or destroyed after the expiration of 72 hours from the date of the impoundment, unless sooner redeemed.

## **Redeeming an Animal from the Pound**

96. The Owner of an Impounded Animal or the Owner's authorized agent may redeem the Animal from the Pound by:
- (a) Proving Ownership of the Animal to the satisfaction of the Poundkeeper and, in the case of an Owner's agent, satisfying the Poundkeeper of the agent's authority to act on the Owner's behalf;

- (b) Paying to the Poundkeeper:
  - (i) any applicable licence fees;
  - (ii) the applicable impoundment fees as outlined in the Fees Bylaw;
  - (iii) the applicable maintenance fees prescribed in the Fees Bylaw; and
  - (iv) any veterinary costs incurred in respect of the Animal during the impoundment period;
 and
- (c) Satisfying the Poundkeeper that the Owner is in compliance with Part 4 of this Bylaw.

97. The Owner of an impounded Animal is liable to pay the seizure and impoundment fee and boarding and maintenance fees, regardless of whether or not the Owner redeems the Animal.

### **No liability for injury to Animal**

98. No provision of this Bylaw shall be construed as making an Animal Control Officer or the Municipality liable to any Person for injury to, sickness or death of an Animal, whether or not incurred while the Animal is in the custody of the Poundkeeper or the Animal Control Officer.

### **Disposition of unredeemed Animals**

99. An Animal becomes the property of the Municipality if it is not redeemed within hours after:

- (a) Its impoundment, or
- (b) In the case of a licensed Dog, within 72 hours of the Owner being notified of the impoundment pursuant to Section 93 or 94 of this Bylaw.

100. Where an Owner has commenced an appeal under Section 78, the time set out in Section 99 does not begin to run until after the Manager of Fire and Bylaw Services has issued their decision regarding the request for reconsideration.

101. If an Animal becomes the property of the Municipality, the Poundkeeper may:

- (a) Sell the Animal on behalf of the Municipality for an amount not less than the amount of any fees and charges outstanding, plus the cost of a licence for the Animal, if applicable;
- (b) Cause the Animal to be surrendered to the British Columbia Society for the Prevention of Cruelty to Animals or any other organization or Person for the purpose of adoption;
- (c) Deal with the Animal in accordance with the requirements of applicable federal or provincial legislation; or
- (d) May cause the Animal to be humanely destroyed.

102. Where any Animal is sold pursuant to Section 101(a) above, all property therein shall pass to the purchaser and all rights of property in the Animal that existed before the sale shall be extinguished.

103. Where an impounded Animal is sold or adopted out pursuant to this Bylaw, any monies received by the Poundkeeper for the Animal will be applied against the fees and costs of impounding, boarding, outstanding licences for, and adopting out the Animal.

## **Euthanization of Impounded Animals**

104. Notwithstanding any other provisions of this Bylaw, if an impounded Animal is suffering from an injury, sickness or incurable disease or from any other cause, the Poundkeeper, may, in their discretion, immediately cause the Animal to be destroyed if he is of the opinion that:
- (a) such Animal would not survive such injury, disease or sickness;
  - (b) such sickness or disease constitutes a health hazard to other Animals or humans that cannot be otherwise reasonably addressed; or
  - (c) the Animal is unduly suffering.

## **Adoption**

105. Every Person wishing to adopt an animal from the Pound must:
- (a) make an application to the Poundkeeper on the form prescribed by the Poundkeeper and pay the fee set out in the Fees Bylaw; and
  - (b) where applicable, license the Dog pursuant to this Bylaw.

## **PART 11 – PENALTIES AND ENFORCEMENT**

106. This Bylaw may be enforced by an Animal Control Officer, and any other Person or class of Persons designated by the District of North Cowichan to enforce Municipal bylaws. [BL3943]

## **Provision of information**

107. If a Person occupies premises where a Dog is kept or found, the Person must provide the following information when requested by an Animal Control Officer:
- (a) The Person's name, address and telephone number;
  - (b) If the Person is not the Dog's Owner, the Owner's name, address and telephone number;
  - (c) The number of Dogs kept on the premises;
  - (d) The breed, sex, age, name and general description of each Dog kept on the premises;
  - (e) Whether each Dog kept on the premises is licensed, and if so, the licence number(s).
108. If a Person has apparent custody of a Dog, the Person must provide the following information when requested by an Animal Control Officer:
- (a) The Person's name, address and telephone number;
  - (b) If the Person is not the Dog's Owner, the Owner's name, address and telephone number;
  - (c) The breed, sex, age, name and general description of each Dog owned by or in the custody of the Person;
  - (d) Whether each Dog owned or in the custody of the Person is licensed, and if so, the licence number(s).

## Entering property for inspection

109. In accordance with Section 16 of the *Community Charter*, an Animal Control Officer at reasonable times may enter onto and into real property to inspect and determine whether the requirements and prohibitions of this Bylaw are being complied with.

## Right of Refusal to Release from Impoundment

110. The Poundkeeper may refuse to release an Animal to any Person, including its Owner, where:
- (a) the Animal has been seized by an Animal Control Officer under Section 49 of the *Community Charter* less than 21 days prior, or is the subject of an application by the Animal Control Officer under Section 49 of the *Community Charter*;
  - (b) the Animal is required to be dealt with in a different manner under applicable federal or provincial legislation, including but not limited to the Wildlife Act, the Prevention of Cruelty to Animals Act or the *Animal Disease Control Act*; or
  - (c) the Poundkeeper has determined under Section 104 of this Bylaw that the Animal is subject to suffering that cannot be reasonably addressed other than by the Animal's humane destruction.

## Offences

111. No Person shall hinder, delay, or obstruct in any manner, directly or indirectly, an Animal Control Officer from in carrying out their duties and powers under this Bylaw, including, without limitation:
- (a) providing false information;
  - (b) unlocking or unlatching or otherwise opening a vehicle or enclosure in which an impounded Animal has been placed;
  - (c) removing or attempting to remove any Animal from the possession of an Animal Control Officer; or
  - (d) removing, or attempting to remove, an Animal from the Pound except in accordance with this Bylaw.
112. Any Person who causes, permits or allows anything to be done in contravention or violation of this Bylaw, or who neglects or fails to do anything required to be done pursuant to this Bylaw, commits an offence against this Bylaw and is liable upon summary conviction to pay a fine of not more than \$10,000.
113. This Bylaw may also be enforced by a ticket in accordance with Division 3 of Part 8 of the *Community Charter*.
114. Section 115 and 116 shall not prevent the Municipality, or an authorized person on behalf of the Municipality, issuing and enforcing a ticket under the Municipality's Bylaw Offence Notice Enforcement Bylaw.
115. Each day an offence continues, or is permitted to exist, constitutes a separate offence.



## **PART 12 – GENERAL PROVISIONS**

### **Severability**

116. If any part, section, sub-section, sentence, clause or sub-clause of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid section shall be severed and the severance shall not affect the validity of the remaining portions of this Bylaw.

### **Repeal**

117. "Animal Control Bylaw 1995" is hereby repealed.

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Read a first, second, and third time on April 3, 2019  
Read a third time, as amended, on April 17, 2019  
Adopted on May 1, 2019

**SCHEDULE "A" to Animal Responsibility Bylaw No. 3740**

Actual Size of Sign: 30.5 cm x 23.5 cm [12 inches x 9.25 inches]

**Red lettering. Black graphic of Dog's head.**



**SCHEDULE "B" to Animal Responsibility Bylaw No. 3740** [BL 3808]

**Designated Off-Leash Dog Areas**

- 1 The following locations are designated as off-leash dog areas within the jurisdiction of North Cowichan:
  - (a) Chemainus Lake Park
  - (b) Herd Road Park Off Leash Area
  - (c) Somenos Dog Park;
  - (d) Fuller Lake Park boat launch area where designated by signs;
  - (e) Chemainus Ball Park, field 3, from September 1 to March 15
  - (f) Kin Beach Park foreshore, excluding other areas of Kin Beach Park, from October 1 – June 15;
  - (g) Maple Bay Beach foreshore, excluding other areas of Maple Bay Beach, from October 1 to June 15;
  - (h) Wul'aam' (Echo) Park
  - (i) Municipal Forest Reserve