

DISTRICT OF METCHOSIN

BYLAW NO. 692

A B Y L A W

To provide for the Control and Protection of Animals and Licensing of Dogs

WHEREAS the *Community Charter* provides local governments with fundamental powers to regulate, prohibit, and impose requirements in relation to Animals;

AND WHEREAS the *Community Charter* permits local governments to establish different classes of Animals on the basis of sex, age, size, or breed;

AND WHEREAS the *Community Charter* provides seizure and related powers in respect of Animals;

AND WHEREAS the *Community Charter* provides local governments with special powers in relation to Dangerous Dogs;

NOW THEREFORE the Council of the District of Metchosin, in open meeting assembled, enacts as follows:

CITATION

1. This Bylaw may be cited as the District of Metchosin *Animal Control Bylaw 2023, No. 692*.

INTERPRETATION

2. In this Bylaw:

aggressive dog means a dog that has been designated as such by the Animal Control Officer on the basis that:

- (a) it has without justifiable provocation, displayed aggressive behaviour toward a person or domestic animal; or
- (b) it has without justifiable provocation, caused a minor injury to a person or domestic animal.

animal means an animal that is tame or kept, or that has been or is being sufficiently tamed or kept, to serve some purpose for people.

Animal Control Officer means a person appointed by Council for the purpose of enforcing and carrying out the provisions of the Bylaw and includes a duly appointed Bylaw Enforcement Officer and a Peace Officer;

at large with reference to an animal, means an animal that, while not within the property of its owner or handler, is

- (a) not directly and continuously under control by a person who is able to keep the animal under control;
- (b) not securely confined within an enclosure;

- (c) not securely fastened so that it is unable to roam, or
- (d) a dog that is not on leash and under control when in a public space designated by the Municipality or by the Capital Regional District as an on-leash area.

bird means poultry, dove, duck, or ornamental bird;

boarding kennel means a premises in which dogs over the age of eight (8) months and cats are kept, trained, cared for, or boarded, but does not include an animal shelter or pound;

breeding kennel means a premises in which dogs over the age of eight (8) months are kept and bred;

cat means both male and female of the species *felis domesticus* apparently over the age of four (4) months;

Council means the Council of the District of Metchosin;

dangerous dog has the same meaning as defined in section 49 of the *Community Charter*.

dog means both male and female of the species *canis familiaris* apparently over the age of four (4) months;

dog licence means a current licence issued under this Bylaw for a dog over the age of four (4) months;

guide dog means a dog that is trained as a guide dog for a blind person and is certified as a guide dog under the *Guide Dog and Service Dog Act*;

habitually noisy dog means a dog that barks, cries, howls, or emits any other sounds continuously for over a ten (10) minute period and has done so on more than ten (10) isolated incidents within a thirty (30) day time period.

handler means the person in control of and responsible for an animal at a specific time, whether or not the person is the legal owner of the animal;

highway means a street, road, lane, bridge, viaduct, and any other way open to the use of the public, and an access route in a bare land strata lot development, but does not include a private right of way on private property;

impounded means seized, delivered, received or taken into the Pound or in the custody of the Animal Control Officer;

leash means a line or chain that does not exceed 6 feet (1.3 meters) in length whether retractable or not and is of sufficient strength to restrain a dog without breaking;

Municipality means the District of Metchosin;

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 other animal;

owner means a person legally entitled to ownership of an animal, provided that for a person under the age of 18, the parent or guardian of that person is deemed the owner;

parcel means any lot, block or other area in which land is held or into which it is subdivided, but does not include a highway;

park means a park established under the *Community Charter*, *Local Government Act*, *Park Act*, *Park (Regional) Act* or any land so designated under the *Land Title Act*;

police dog means a dog owned by an accredited police force and trained to assist Police on investigations;

pound means any building or enclosure, or place established for impounding animals;

purebred in relation to an animal of a distinct breed, means an animal that is a purebred of the breed as determined by the bylaws of the association authorized to register animals of that breed;

service dog means a dog that is trained to perform specific tasks to assist a person with a disability and is certified as a service dog under the *Guide Dog and Service Dog Act*;

under control means, in relation to handling a dog while in a public space:

- (a) when the dog is attached to a leash held by its handler; or
- (b) when off leash:
 - (i) the dog does not approach other users of a public space, of any species, without explicit permission;
 - (ii) the dog returns immediately to the handler when called and remains with the handler until released, or stops immediately when told to and remains in place until released by the handler;
 - (iii) the dog is always within the handler's sight; and
 - (iv) the dog does not chase wildlife or livestock, except under the direction of a handler competent to direct the dog while engaged in animal husbandry or lawful hunting or training activities; and

unlicensed dog means any dog for which the dog license for the current year, as provided in this bylaw, has not been obtained.

3. Except as otherwise provided herein, words and phrases in this Bylaw have the same meanings as in the *Community Charter*, *Local Government Act* and *Interpretation Act*, as the context and circumstances may require. A reference to a statute refers to a statute of British Columbia and a reference to any statute, regulation, bylaw or other enactment refers to that enactment as it may be amended or replaced from time to time.

SEVERABILITY

4. If any section or lesser portion of this Bylaw is held to be invalid by a court of competent jurisdiction, the invalid section or portion is severed, and the remainder continues to be valid.

LICENSING DOGS

When a Dog Comes of Age

5. No person shall keep or have in their possession within the Municipality any dog over the age of four (4) months unless a dog licence under this bylaw has been first obtained and the applicable fee paid.

Number of Dogs

6. No person, being the owner or occupier of a parcel, may cause or permit the keeping or harbouring on that parcel, more than four (4) dogs over the age of eight (8) months without holding a valid kennel licence issued under the *Business Licence Bylaw, No. 352*.

Deadline

7. Every dog licence issued under this bylaw shall expire on the thirty-first day of December next following the date on which the dog licence is issued and shall be valid only in respect of the dog for which it was issued.
8. Dog licence fees shall be payable, as specified in Schedule “A” of this bylaw and become due on or before March 1 in each year, or as soon thereafter as the dog in respect of which the dog licence is obtained attains the age of four (4) months.
9. If the appropriate dog licence fee has not been paid by March 31 of the licensing year, the owner of any dog not licensed shall pay a further fee as set out in Schedule “A” unless no licence fee is payable in respect of such dog by March 1 of the licensing year.

Replacement Licence

10. A replacement dog licence or dog licence tag may be issued upon payment of the fee specified in Schedule “A” when:
 - (a) the original dog licence has been lost, destroyed or stolen, or
 - (b) a valid and current dog licence for the dog has been issued in another jurisdiction, and the current dog licence tag and/or receipt are surrendered to the Municipality.

Neuter or Spay

11. One dog licence shall be issued free of charge for a dog which has been neutered or spayed during the twelve (12) month period immediately preceding the application for the dog licence subject to the owner providing a copy of the certification from a licensed veterinarian that the dog has been neutered or spayed.
12. Before issuing a dog licence for a spayed female dog or a neutered male dog, the Municipality may require the owner to furnish written certification from a licensed veterinarian that the dog has been neutered or spayed.

Transfer of Ownership

13. If the ownership of a licensed dog changes hands, the new owner may be issued a new dog licence and dog licence tag upon payment of the transfer fee specified in Schedule “A” provided that the old dog licence tag is surrendered to the Municipality.

Guide Dogs, Service Dogs, and Police Dogs

14. A dog licence is required, but no licence fee shall be charged for Guide Dogs, Service Dogs, and certified Police Dogs.

Tag Criteria

15. There shall be issued with each dog licence a suitable dog licence tag which shall be impressed or stamped with a number corresponding to the number of the dog licence.

Duty to Affix Dog Tag

16. The owner of any dog licensed by the Municipality must affix and keep affixed the metal dog licence tag issued by attaching it to a collar or harness on the dog.

Record Collection

17. The Collector may keep a record of the name and address of the owner of every dog licensed under the provisions of the bylaw, the date the dog licence was issued, a description of the dog, the dog licence number and the amount of fees paid.

LICENSING KENNELS**General**

18. A person must not keep or maintain more than four (4) dogs over the age of eight (8) months on any parcel or premises except for the purpose of:
- (a) a boarding kennel; or
 - (b) a breeding kennel.
19. The owner or occupier of a parcel, must not use the parcel as a boarding kennel except:
- (a) where that operation is a permitted use under the *Metchosin Land Use Bylaw No. 259*;
 - (b) the appropriate licence has been issued under the *Business Licence Bylaw, No. 352*; and
 - (c) in compliance with this bylaw, the *Metchosin Land Use Bylaw, No. 259* and the *Business Licence Bylaw, No. 352*, and enactments of British Columbia and Canada that apply to the care, keeping and breeding of animals.
20. A person operating a boarding kennel must not cause or permit the keeping or harbouring on a parcel more dogs or cats than is permitted in the *Metchosin Land Use Bylaw, No. 259* as stated under the terms of the kennel licence.
21. A kennel licence is not transferable to another person or to another parcel.

22. No person shall use a parcel as a breeding or boarding kennel unless there is a dog exercise area fenced in such a manner that a dog cannot escape the confines of the exercise area, and the exercise area is located at least 15.2 metres (50 feet) from any property line.
23. Any person who operates a kennel must ensure that any building, enclosure or exercise yard used to accommodate any animal is maintained in a sanitary condition.
24. A person must not keep or maintain more than four (4) dogs over the age of eight (8) months on any premises unless the owner or occupier of the premises operates a breeding kennel which is solely for the purpose of breeding purebred dogs.

OWNER AND HANDLER RESPONSIBILITIES

25. The owner and any handler of an animal must ensure:
 - (a) that the animal is kept, housed and fed in a manner conducive to its good health and well-being;
 - (b) that, if the animal is injured or suffering from any disease, it is promptly examined and treated by a qualified veterinarian or is treated in a manner approved by a qualified veterinarian, or otherwise treated in accordance with accepted health practices;
 - (c) that structures, pens and enclosures used to accommodate the same shall be maintained in a clean and sanitary condition at all times and that all cleanings from such facilities are disposed of in a manner that will not create a nuisance or health hazard; and
 - (d) that the animal is not confined in an enclosed space, including an automobile, without adequate ventilation that may result in medical distress.
26. An owner or handler of an animal must not permit such animal to be “at large.”
27. A person must not keep or harbour a habitually noisy dog.
28. Section 27 will not apply in respect to a licensed boarding kennel that is a permitted use under the Municipality’s Land Use Bylaw as long as the operator takes reasonable measures to mitigate the effects of the crying or barking of dogs in the neighbourhood.
29. Every owner of a female dog in heat or estrous shall confine her or cause her to be confined in a building or enclosure so that she cannot come in contact with dogs other than dogs belonging to that owner, except that such a dog may be conveyed under the control of a competent person to a veterinary clinic or a boarding kennel for an intended breeding, or for the purpose of exercise, training or competition in such a manner that the dog does not come in contact with dogs other than dogs belonging to that owner.
30. An owner must not cause or allow a dog to be trained or kept for the purpose of dog fighting.
31. The owner or handler of a dog must ensure that when the dog defecates in a public place, the handler of the dog will immediately remove the excrement and retain it until disposing of it in a suitable container.

32. Handlers of police dogs and persons with guide dogs or service dogs who are prevented by their disability from removing the excrement are exempt from section 31.
33. The owner or handler of an aggressive dog or a dangerous dog:
- (a) must not cause or allow the dog to be on a highway, park or other public place, or on any private lands or premises without the consent of the occupier, except
 - i. if it is firmly held on a non-extendable leash by a person competent to restrain the dog, and
 - ii. if the dog is a dangerous dog, it is also fitted with a suitable muzzle;
 - (b) must, at all times while the dog is on the premises of its owner or handler, keep the dog securely confined, either indoors or
 - i. if an aggressive dog, within a fenced area sufficient to prevent the escape of the dog or securely tethered so as to prevent the dog from leaving the premises;
 - ii. if a dangerous dog, in an enclosed pen that is:
 - A. at least 1.82 metres (6 feet) long, 1.22 metres (4 feet) wide, and 1.82 metres high;
 - B. enclosed on all sides, top and bottom with secure fencing or other secure material;
 - C. capable of preventing the entry of children and the escape of the dog; and
 - D. locked at all times when occupied by the dog; and
 - E. limited to occupancy by one dangerous dog and no other dog; and
 - (c) must comply with any order by the Animal Control Officer in relation to keeping the dog for the safety of persons and other animals.
34. The owner of a dangerous dog must display a sign at each entrance to the premises where the dog is kept, indicating that a dangerous dog is within the premises, capable of being read by a person approaching any entrance or from the sidewalk or lane, if any, and posted so that it cannot be easily removed. A person must not deface, alter or remove a sign required to be posted under this section.
35. The owner of an aggressive or dangerous dog must notify the Animal Control Officer:
- (a) as soon as possible, if the dog is loose or has attacked or bitten any person or other animal;
 - (b) within two (2) business days,
 - i. of any transfer of ownership of the dog, providing the Animal Control Officer with the name, address and telephone number of the new owner, or
 - ii. if the dog has died and providing the Animal Control Officer with a certificate of death from a veterinarian.
36. A person under the age of 19 years must not own or keep a dangerous dog or have the care and control of a dangerous dog while in a public place.
37. The owner of an aggressive dog may apply to the Animal Control Officer to remove the designation of aggressive dog after six (6) months have elapsed from the date of the designation. Upon being satisfied that the dog has successfully completed a dog behaviour training program conducted by a

qualified professional trainer and is no longer aggressive or threatening to persons or other animals, the Animal Control Officer may remove the designation of aggressive dog. A designation of aggressive dog may be removed from a dog only once.

ENFORCEMENT

38. The Animal Control Officer may:
- (a) enforce the provisions of this bylaw;
 - (b) if the Animal Control Officer believes that an unlicensed dog is present on any premises, by written notice require the occupant of the premises or the owner:
 - i. to give evidence that a dog licence has been obtained and a dog licence tag has been issued for that dog; or
 - ii. to obtain a valid dog licence within a certain time; or
 - iii. to deliver the dog to the Animal Control Officer to be impounded pending the obtaining of a dog licence for the dog.
 - (c) seize any animal found “at large”, or straying or trespassing on private property, or on unfenced land and not securely contained;
 - (d) impound an unlicensed dog, or a dog found unlawfully “at large” for a period of ninety-six (96) hours unless it is reclaimed as provided in this bylaw;
 - (e) designate a dog to be an aggressive dog or a dangerous dog, and make orders in writing in relation to its keeping for the safety of persons and other animals;
 - (f) deal with a dangerous dog in accordance with section 49 of the *Community Charter*;
 - (g) euthanize any animal which has been found “at large” and which, upon examination by a licensed veterinarian is found to be suffering from an incurable disease or injury; and
 - (h) order the owner or handler of an aggressive dog or a dangerous dog to keep it muzzled and on a leash when not within its usual residence, and to ensure it is kept secure from escape when it is within its usual residence or other private property.

IMPOUNDING ANIMALS

39. During any period of impoundment, every animal shall be supplied with a sufficient quantity of food and water.
40. Where an impounded animal can be identified by a licence tag, microchip, tattoo or otherwise, the Animal Control Officer shall, within twenty-four (24) hours after the impoundment, notify the owner by telephone or by mail or by electronic means.
41. The owner of an animal impounded under this bylaw may reclaim it on applications to the Animal Control Officer within ninety-six (96) hours from the time of its seizure by providing proof of ownership, paying any licence, impoundment and related fees as set out in Schedule “B”.

42. Despite section 41, the Animal Control Officer may refuse to allow a dog to be reclaimed if it has been seized as a dangerous dog pursuant to section 49 of the *Community Charter*, until an application to the Court has been resolved or, if no Court proceedings are brought, until the dog has been impounded for 21 days.
43. If an impounded animal other than a dangerous dog is not claimed within ninety-six (96) hours of the time of its impoundment, the Animal Control Officer may dispose of it by adoption to a person the Animal Control Officer considers to be suitable, or by euthanasia.

AGREEMENTS WITH OUTSIDE AGENCIES OR CORPORATIONS

44. The Council may enter into an agreement with an agency or corporation to authorize the sale of dog licenses by that agency on behalf of the Municipality.
45. The Council may enter into an agreement with an agency or corporation for the provision of animal control services including pound keeping services.

RIGHT OF ENTRY

46. An Animal Control Officer may enter on property in accordance with section 16 of the *Community Charter*.
47. No person shall prevent or obstruct, or attempt to prevent or obstruct an Animal Control Officer in fulfillment of their duty under this bylaw.

OFFENCE AND PENALTIES

48. Any person who
 - (a) contravenes this bylaw;
 - (b) permits or allows any act to be done in contravention of this bylaw, or
 - (c) fails or neglects to do anything required to be done under this bylaw,commits an offence. Each day that a contravention occurs or continues shall constitute a separate offence.
49. A person found guilty of contravening this bylaw is liable to pay:
 - (a) A fine of not less than \$100 and not more than \$50,000, together with the cost of prosecution if proceedings are brought under the *Offence Act*, or
 - (b) A fine of up to \$1,000 if a ticket is issued under the *Ticket Information Authorization Bylaw No. 475, 2004*.

SCHEDULES

50. Schedules "A" and "B" attached to this bylaw are part of this bylaw.

REPEAL

51. District of Metchosin *Animal Control Bylaw, 2002, No. 421* and all its amendments are repealed and replaced by this bylaw.

Read a First time this 23rd day of October 2023.

Read a second time this 23rd day of October 2023.

Read a third time this 23rd day of October 2023.

ADOPTED BY COUNCIL this 6th day of November 2023.



Mayor



Corporate Officer

Schedule "A"**Dog Licence Fees**

(a)	Female dog (not spayed)	\$ 45.00
(b)	Female dog (spayed)	\$ 25.00
(c)	Male dog (not neutered)	\$ 45.00
(d)	Male dog (neutered)	\$ 25.00
(e)	Replacement of lost licence	\$ 5.00
(f)	Late Application Penalty	\$ 10.00
(j)	Dangerous Dog Licence	\$100.00
(k)	Aggressive Dog Licence	\$75.00

Schedule "B"

<u>Impounding Fees</u>		<u>Amount</u>
1. Dogs		
a.	first impoundment fee	\$ 75.00
b.	second impoundment fee	150.00
c.	third and subsequent impoundment fee	300.00
d.	penalty added to impoundment fee for unlicensed dogs	50.00
e.	maintenance and sustenance charge for each 24 hour period or part thereof that the dog has remained in the pound	15.00
2. Cats		
a.	impoundment	50.00
b.	maintenance and sustenance charge for each 24 hour period or part thereof that the cat has remained in the pound	15.00
3. Other Mammals		
a.	impoundment	75.00
b.	maintenance and sustenance charge for each 24 hour period or part thereof that the animal has remained in the pound	15.00
4. Bird, reptile or rodent		
a.	impoundment	25.00
b.	maintenance and sustenance charge for each 24 hour period or part thereof that the bird, reptile or rodent has remained in the pound	15.00
5.	Costs for special equipment or personnel used, if any, to effect the impoundment	At Cost
6.	Veterinary expenses, if any, to treat injured or sick impounded animals	At Cost