



BYLAW NO. 1465

ANIMAL REGULATION AND IMPOUNDING BYLAW NO. 1, 1986

Consolidated for Public Convenience
(This bylaw is for reference purposes only)

ORIGINALLY ADOPTED JUNE 10, 1987

(Consolidated with Amending Bylaws 1771, 2012, 3168, 3194, 3210, 3472, 3697, 3785,
3884, 3908, 4264, **4686**)

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 1465**

**A BYLAW TO REGULATE THE KEEPING OF ANIMALS
WITHIN THE CAPITAL REGIONAL DISTRICT**

WHEREAS it is deemed expedient to regulate the keeping of animals within the Capital Regional District and to provide for the fixing, imposing and collecting of licence fees from the issuance of licences to any person who owns, possesses or harbours any dog;

AND WHEREAS the Letters Patent of the Capital Regional District dated the 16th day of February 1979, confer on the Regional Board with respect to participating member municipalities, the powers conferred on the council of a municipality by Sections 524, 525, 932, 933, and 934 of the *Municipal Act* and those powers which are granted under the *Livestock Protection Act*;

NOW THEREFORE the Regional Board of the Capital Regional District, in open meeting assembled, enacts as follows:

DEFINITIONS:

1.

(1) In this Bylaw unless the context otherwise requires,

"Animal" means an animal that is

- (a) tame or kept, or that has been and is being sufficiently tamed or kept, to serve some purpose for the use of man; and
- (b) includes rabbits, goats, sheep, swine, horses, cattle, poultry kept for the purpose of providing meat or eggs, fur bearing animals as defined in the *Fur Farm Act*.

"Animal Control Officer" means the person appointed from time to time by the Regional Board for the purpose of administering this Bylaw, and includes any assistant or any person appointed by the Regional Board to assist in carrying out the provisions of this Bylaw.

"Breeding Kennel" - means a parcel where dogs are kept, trained, cared for, and bred.

"Boarding Kennel" - means a parcel where dogs are kept, trained, cared for, bred and/or boarded.

"Cat" means both male and female of the species *felis domesticus* apparently over the age of four (4) months.

"Dangerous" when used in relation to any animal means any animal that has attacked or bitten, attempted to attack or bite, or chased any person or animal or wildlife, but excludes any attack by a dog on other animals or wildlife engaged in molesting livestock.

(Bylaw 3168)

"Dog" means both male and female of the species *canis domesticus* apparently over the age of four (4) months.

"Guide Dog" means a dog used by a blind person to assist him to avoid hazards, and includes a dog for which a certificate has been issued under the *Blind Persons Rights Act* R.S.B.C. 1979 C29.

"Highway" includes any street, road, lane, bridge, viaduct, and any other way open to the use of the public, 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 as provided for herein.

"Owner" in respect of any animal includes possessor or harbourer and "Owned" includes possessed or harboured.

"Parcel" means a lot, block, or other area in which land is held or into which land is subdivided and which is registered under one title, pursuant to the *Land Title Act*.

"Police Dog" means any 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 by the Regional Board under the provisions of this Bylaw.

"Public Beach" means any public land located within FIFTEEN METRES (15 m) of any lake or between low water mark and FIFTEEN METRES (15 m) beyond high water mark of any body of salt water but does not include any private lands or any lands included in any highway.

"Regional Board" means the Regional Board of the Capital Regional District.

"Regional District" means all of the Regional District not contained within a city, district, town or village.

"Treasurer" means Treasurer of the Capital Regional District.

"Unlicensed Dog" means any dog for which the licence for the current year has not been paid as provided herein.

"Zone" means any zone district established under the zoning bylaws of the Capital Regional District.

(2)

- (a) For the purposes of this Bylaw an animal is deemed to be "running at large" if it is on land which is not owned or occupied by the owner of the animal.
- (b) For the purposes of this Bylaw an animal shall not be deemed to be "running at large" if it is:
 - i) On the property of its owner or of another person who has the care and control of the animal, or
 - ii) Under the direct and continuous control of a person who is competent to control it, or
 - iii) Securely confined within an enclosure, or
 - iv) Securely fastened so that it is unable to roam.

- (c) For the purpose of this Bylaw, a dangerous animal is deemed not to be under the direct and continuous control of a person. *(Bylaw 3194)*

KENNELS:

2.

- (1) (a) Subject to paragraph (b) no person, being the owner or occupier of a parcel, shall cause or permit the keeping or harbouring on that parcel, in respect of each dwelling unit on the parcel, more than four (4) dogs over the age of four (4) months without holding a valid kennel licence issued under this Bylaw. *(Bylaw 3168)*
- (b) No person holding a valid kennel licence shall cause or permit the keeping or harbouring on a parcel more dogs than is permitted under the terms of his kennel licence over the age of eight (8) months.
- (2) (a) Subject to paragraphs (b) and (c) no person shall use a parcel as a kennel for the keeping, training, care, breeding, or boarding of any animals unless the operation is a permitted use under an applicable Zoning Bylaw.
- (b) Breeding kennel licences can be issued only to persons who are engaged in solely the breeding of dogs, and whose dog or dogs are registered with a bona fide Kennel Club or associated with other bona fide dog clubs.
- (c) 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 the dog or dogs cannot escape the confines of the exercise area.

LICENCING DOGS:

3. The owner of a dog shall obtain a licence for the calendar year, January 1 to December 31 in accordance with the Bylaw on or before the last day of February in each year for each dog owned by him/her over the age of four (4) months; provided, however, if he/she becomes the owner of such a dog after the last day of February in any year, he/she shall obtain a licence therefore forthwith. *(Bylaw 3785)*

4.

- (1) The licence shall be issued by the Animal Control Officer or such other person as he or she appoints from time to time, and applications for licences may be made to him or her or to any other person duly authorized to receive same. *(Bylaw 3472)*
- (2) Every licence shall be distinguished by a number, and a record shall be kept by the Regional District of all licences issued and, for the purpose of identification, a general description of the dog in respect of which such licence was issued.

5.

- (1) Every application for a licence shall be accompanied by a licence fee payable to the Capital Regional District as prescribed in Schedule "A".
- (2) Notwithstanding Subsection (1), a licence shall be issued free of charge for a dog which has been neutered or spayed during the 12-month period immediately preceding the application for the licence, provided that not more than one free licence shall be issued for any one dog.

- (3) Before issuing a licence for a spayed or neutered dog, the issuer of the licence may require the owner to furnish proof that the dog has been spayed or neutered.
- (4) If the appropriate licence fee has not been paid by the last day of February of the licencing year, the owner of any dog not so licenced shall pay a further fee as set out in Schedule "A" unless no licence fee was payable in respect of such dog by the end of February of the licencing year. *(Bylaw 3785)*
- (5) Notwithstanding Subsection (1) the total dog licence fees payable by any person who operates a kennel shall be as prescribed in Schedule "A" for all dogs owned by him.
- (6) No licence fee shall be charged for Police Dogs and Guide Dogs.
- (7) The owner of a dog declared dangerous must purchase a "Dangerous Dog Licence" for a fee listed in Schedule "A". *(Bylaw 3472)*
- 6. Every licence issued under this Bylaw shall be for the calendar year in which the licence is issued and shall expire on the 31st day of December next following the date on which the licence takes effect. There shall be issued with each licence a tag which shall be impressed or stamped with a number corresponding to the number of the licence and with figures denoting the year in which the licence expires.
- 7. The owner of every dog licenced pursuant to this Bylaw shall cause the dog to wear the licence tag.
- 8. If the ownership of a licenced dog changes hands the new owner may apply for a new licence at no cost provided that the old licence tag and receipt are surrendered to the Animal Control Officer.
- 9. Any person holding a valid and subsisting licence for any dog under the bylaw of any municipality or of a regional district who takes up residence within the Capital Regional District may make application for a free licence for the remainder of the year provided that the dog's current licence tag and receipt are surrendered to the Animal Control Officer. This provision shall not apply to any person who has obtained the licence in a municipality or other regional district while residing within the Capital Regional District.
- 10. No person shall remove from a dog the licence tag issued for that dog under this Bylaw, except with the authority of the owner of the dog.

ESTABLISHMENT OF POUND:

- 11. The establishment, maintenance and operation of facilities for the impounding of animals at such place or places and upon such premises as the Regional Board may by resolution from time to time determine is hereby authorized.
- 12. The Regional Board may from time to time appoint an "Animal Control Officer" and may enter into a contract with any persons to provide for such pound keeping services.

IMPOUNDING ANIMALS:

13. The authority to seize and impound animals conferred by this Bylaw upon the Animal Control Officer may be exercised by a peace officer or a bylaw enforcement officer.
14. (a) The Animal Control Officer is hereby authorized to seize and impound unlicensed dogs, and dogs and other animals which are at large.

(b) The Animal Control Officer is hereby authorized to impound any dangerous dog found to be in a place or in circumstances prohibited by this Bylaw.

(c) The owner of a "dangerous dog" must display a warning sign at each entrance of the property and buildings. The sign must be posted so it cannot be removed, and must be visible and capable of being read from the street or land abutting the entrance to the property. (Bylaw 3168)
15. The owner of any animal impounded pursuant to the provisions of this Bylaw may reclaim such animal on application to the Animal Control Officer during normal working hours prior to its sale or destruction on proof of ownership and on payment of the fees and charges prescribed in Schedule "B". No dog may be released from the Pound without the purchase of a valid licence.
16. The Animal Control Officer may destroy any animal suffering from an incurable disease or injury.
17. Subject to Section 18 of this Bylaw, if an impounded animal is not claimed within seventy-two (72) hours of the time of its impoundment, the Animal Control Officer may destroy the animal or sell it.

NOTICE OF IMPOUNDING:

18. If the owner of any impounded animal is known to the Animal Control Officer, the Animal Control Officer shall forthwith notify the owner by telephone of the impoundment, or mail the form set out in Schedule "C" of this Bylaw, or post at the owner's home the form set out in Schedule "C" of this Bylaw.

COMPENSATION SERVICES IN EACH ELECTORAL AREA

19. (1) Three separate services are established for livestock injury compensation as set out in the *Local Government Act* (collectively the "Compensation Services"):
 - (a) Juan de Fuca Electoral Area – Livestock Injury Compensation Service (Juan de Fuca) Bylaw No. 1, 2021 (Bylaw No. 4417);
 - (b) Salt Spring Island Electoral Area – Livestock Injury Compensation Service (Salt Spring Island) Bylaw No. 1, 2021 (Bylaw No. 4418); and
 - (c) Southern Gulf Islands Electoral Area – Livestock Injury Compensation Service (Southern Gulf Islands) Bylaw No. 1, 2021 (Bylaw No. 4419).(Bylaw 4264)

(2) For each Compensation Service, the Regional Board shall pay compensation to the owner of any sheep, goat, poultry for the purpose of providing meat and eggs, domestic rabbits, animals of the bovine species, swine, horses or fur-bearing animals as defined in the *Fur Farm Act* (the "Livestock") killed or injured by any dog apparently over the age of four (4) months, the owner of which is unknown, and after diligent enquiry cannot be found in the amount of the lesser of:

(a) SEVENTY-FIVE (75%) PERCENT of the decrease in the market value of the animal as a result of its death or injury, or

(b) SEVEN HUNDRED AND FIFTY (\$750) DOLLARS.

(Bylaw 4264)

20. The total annual maximum payable in each Service Area for these Compensation Services shall be as follows:

(a) The Juan de Fuca Compensation Service: \$3,000

(b) The Salt Spring Island Compensation Service: \$3,000

(c) The Southern Gulf Islands Compensation Service: \$3,000

(Bylaw 4264)

21. (1) All claims pursuant to the provisions of this Bylaw shall be filed with the Animal Control Officer within three business days of the discovery of the animal's injuries in the form attached hereto as Schedule "D".

(Bylaw 4264)

(2) No claim shall be authorized under this Bylaw unless:

(a) The Regional Board is satisfied that the owner submitting the claim has taken all reasonable precautions for protecting such Livestock;

(b) The loss is reported to the Animal Control Officer within three (3) business days of the discovery of the animal's injury in the appropriate form; and

(c) In the event the claim is more than the amount the Animal Control Officer is permitted to authorize under Section 22, confirmation from a veterinary professional that the injuries were caused by a dog over the age of four months.

(Bylaw 4264)

22. The Animal Control Officer is hereby authorized to approve any claim under this Bylaw up to the amount of TWO HUNDRED AND FIFTY (\$250) DOLLARS. Any claim in excess of that amount shall be referred to the Regional Board.

(Bylaw 4264)

23. Claims properly filed under the former compensation program shall be paid by the Regional Board in accordance with sections 19 to 22 if the injury was properly reported on or before December 31, 2021. Claims reported on or after January 1, 2022 shall be handled as claims under the respective Compensation Services.

(Bylaw 4264)

GENERAL:

24.

(1) No owner of an animal shall suffer or permit such animal to "run at large" as defined in Section 1. (2) of this Bylaw.

(2) An owner of a dangerous dog shall keep it muzzled and on a leash.

(Bylaw 3168)

- (3) No person shall prevent or obstruct or attempt to prevent or obstruct, an Animal Control Officer in the fulfilment of their duties under this Bylaw. (Bylaw 3168)

25. Every owner of a female dog in "heat" shall confine the same or cause it to be confined in a secure building or enclosure so that it cannot come in contact with other dogs.

26.

- (1) No owner of a dog shall permit or cause the dog to cry or bark in a manner which disturbs quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity of the place where the dog is kept.
- (2) Except in an Agricultural Zone no person shall keep, harbour or permit, allow or suffer to be kept or harboured on any property owned, occupied or controlled in any way by such person any animal which disturbs or tends to disturb the quiet, peace, rest, enjoyment comfort or convenience of the neighbourhood in which the animal is kept or harboured or of persons in the vicinity of such animal.

27.

- (1) An owner shall ensure his or her animal is provided with:
- (a) clean potable drinking water and food of sufficient quantity and quality to allow for healthy growth and the maintenance of healthy body weight;
 - (b) food and water receptacles kept clean and disinfected and located so as to avoid contamination by excreta;
 - (c) the opportunity for regular exercise sufficient to maintain good health, including daily opportunities to be free of a confined area and exercised regularly under appropriate control; and
 - (d) necessary veterinary care when such animal exhibits signs of pain, injury, illness or suffering.
- (2) An owner shall not keep an animal which normally resides outdoors, or which is kept outdoors for extended periods of time, unless such animal is provided with an outdoor shelter:
- (a) which has a total area that is at least twice the length of the animal in all directions and that also allows the animal to turn around freely and adopt normal resting postures;
 - (b) which ensures protection from heat, cold and dampness that is appropriate to the weight and type of protective outer coat of such animal;
 - (c) which provides sufficient shade to protect the animal from the direct rays of the sun at all times; and
 - (d) which is regularly cleaned and sanitized, and removed of excreta daily.
- (3) No person may cause an animal to be hitched, tied or fastened to a fixed object where a choke collar or choke chain forms part of the securing apparatus, or where a rope or cord is tied directly around the animal's neck.
- (4) No person shall keep any animal hitched, tied or fastened to a fixed object as the primary means of confinement for an extended period of time.
- (5) No person may cause an animal to be confined in an enclosed space or vehicle, including a car, without adequate ventilation. Such enclosed space or vehicle (if stationary) shall be in an area providing sufficient shade to protect the animal from the direct rays of sun at all times.

- (6) No person may transport an animal in a vehicle outside the passenger compartment or in an uncovered passenger compartment unless it is adequately confined or unless it is secured in a body harness or other manner of fastening which is adequate to prevent it from falling off the vehicle or otherwise injuring itself. (Bylaw 3908)

28. The Animal Control Officer may enter upon property on which animals are kept at any reasonable hour and may inspect any animal and the facilities for housing the same in order to ascertain whether the regulations contained in this Bylaw are being obeyed.
29. No person shall suffer or permit any animal owned or harboured by him or in his charge to be on any of the public beaches listed in Schedule "E" from June 15 to September 15 inclusive.

PENALTY:

- 30.
- (1) No person shall do any act or suffer or permit any act or thing to be done in contravention of this Bylaw.
 - (2) Notwithstanding any other provision of this Bylaw where the Animal Control Officer has reasonable grounds to believe that an owner is not complying with any provision of this Bylaw, he may give a written or verbal warning.
 - (3) Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable upon conviction to the penalties prescribed by the *Offence Act*, provided that the minimum penalty is not less than FIFTY (\$50.00) DOLLARS for the first offence and for each subsequent offence to a minimum penalty of not less than ONE HUNDRED (\$100.00) DOLLARS.
 - (4) The penalties imposed under Subsection (3) hereof shall be in addition to and not in substitution for any other penalty or remedy imposed by this Bylaw.
 - (5) A separate offence shall be deemed to be committed upon each day during and in which a contravention of this Bylaw occurs or continues.
31. The Animal Control Officer may, if he/she has reason to believe that an offence has been committed against this Bylaw, complete and leave with the alleged offender, or at the address of the alleged offender with someone who appears to be sixteen years of age or greater, a Municipal Ticket Information indicating a voluntary penalty equal to the minimum for such an offence. (Bylaw 3194)

SEVERANCE:

32. If a section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid, by the decision of a Court of competent jurisdiction; such decision shall not affect the validity of the remaining portions of this Bylaw.
33. Schedules "A" to "E" inclusive of this Bylaw which are attached hereto form part of this Bylaw. (Bylaw 3194)
34. Bylaw No. 688 "Dog Regulation and Impounding Bylaw No. 1, 1980" and amendments thereto, except insofar as it repeals any other bylaw is hereby repealed.

35. This Bylaw may be cited as the "Animal Regulation and Impounding Bylaw No. 1, 1986".

READ A FIRST TIME THIS 23rd day of July 1986

READ A SECOND TIME THIS 23rd day of July 1986

READ A THIRD TIME THIS 25th day of March 1987

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS THIS 12th day of May 1987

RECONSIDERED AND FINALLY ADOPTED THIS 10th day of June 1987

A.J. Peterson
CHAIRMAN

J. Neville-Smith
ACTING SECRETARY

SCHEDULE "A"

(Bylaws 1771, 2012, 3168, 3210, 3697, 3785, 3884, 4686)

DOG LICENCE FEES

(a)	Female Dog (not spayed)	\$60.00
(b)	Female Dog (spayed)	\$40.00
(c)	Male Dog (not neutered)	\$60.00
(d)	Male Dog (neutered)	\$40.00
(e)	Replacement of Lost License	\$5.00
(f)	Early Purchase Discount	\$5.00
(g)	Late Application Penalty	\$20.00
(h)	Breeding Kennel	\$200.00
(i)	Boarding Kennel	\$200.00
(j)	Dangerous Dog License	\$100.00

SCHEDULE "B"
(Bylaws 2012, 3168, 3697, 3884, 4686)
ANIMAL IMPOUNDMENT FEES

1. DOGS
 - (1) First impoundment fee \$75.00
 - (2) Second impoundment fee \$100.00
 - (3) Third impound fee \$150.00
~~(a) \$50.00 incremental increase for each additional impound~~
 - (4) Penalty added to impoundment fee for unlicensed dogs \$50.00
 - (5) Maintenance and sustenance charge for each 24-hour period or part thereof that the dog has remained in the pound **\$25.00**
2. CATS
 - (1) Impound fee \$25.00
 - (2) Maintenance and sustenance charge for each 24-hour period or part thereof that the cat has remained in the pound **\$15.00**
3. ASS, CATTLE, GOAT, HORSE, MONKEY, MULE, SHEEP, SWINE, ANY ANIMAL OF THE BOVINE SPECIES
 - (1) Impound fee **\$75.00**
 - (2) Maintenance and sustenance charge for each 24-hour period or part thereof that the ass, cattle, goat, horse, monkey, mule, sheep, swine, and any animal of the bovine species has remained in the pound **\$25.00**
4. BIRD, DOVE, DUCK, FOWL, FOX, FUR-BEARING ANIMALS as defined in the *Fur Farm Act*, GERBIL, GOOSE, GUINEA PIG, HAMSTER, MOUSE, PIGEON, RABBIT, RACCOON, REPTILE, RODENT, SKUNK, SQUIRREL or TURKEY
 - (1) Impoundment fee \$10.00
 - (2) Maintenance and sustenance charge for each 24-hour period or part thereof that the bird, dove, duck, fowl, fox, fur-bearing animal as defined in the *Fur Farm Act*, gerbil, goose, guinea pig, hamster, mouse, pigeon, rabbit, raccoon, reptile, rodent, skunk, squirrel or turkey has remained in the pound. \$5.00
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

SCHEDULE "C"

NOTICE OF IMPOUNDMENT

(Section 18)

TO:

TAKE NOTICE that pursuant to the provisions of the "Capital Regional District Animal Regulation Bylaw No. 1465, 1986"

(Description of Animal or Animals Impounded)

was (or were) impounded in the Pound kept by the undersigned at

on _____ the _____ day of _____, 20_____
at the hour of _____ A.M./P.M.

AND FURTHER TAKE NOTICE that unless within three (3) days after the date of this notice you appear at the Pound and release the animal(s) so impounded by the payment of the lawful fees and charges, the same will be destroyed or sold as provided in the said Bylaw.

DATED this _____ day of _____, 20_____.

Animal Control Officer

SCHEDULE "D"

**APPLICATION FOR COMPENSATION UNDER THE
CAPITAL REGIONAL DISTRICT ANIMAL
REGULATION AND IMPOUNDING BYLAW NO. 1465, 1986**
(Section 19)

1. Name

2. Address

Postal Code

3. At _____ a.m./p.m. on _____, 20_____,
the following domestic animals owned by me were killed or injured by dog(s):

	Number	Type	Age	Registered	Value
POULTRY FOR THE PURPOSE OF PROVIDING MEAT AND EGGS					
GOAT					
SHEEP					
ANIMALS OF THE BOVINE SPECIES					
DOMESTIC RABBITS					
SWINE					
HORSES					
FUR-BEARING ANIMALS AS DEFINED IN THE <i>FUR FARM ACT</i>					

4. Within three (3) business days of the date stated above I notified

5. The owner of the dog(s) is/are unknown and after diligent enquiry cannot be found.
6. I understand that, if approved, payment of this claim will be made pursuant to Section 19 of the Animal Regulation Bylaw No. 1465, 1986.

Witness

Owner

SCHEDULE "E"

1. AYLARD FARM BEACH

The sandy beach at the Capital Regional District's East Sooke Park known as Aylard Farm.
2. GLEN LAKE PARK BEACH

(Park, Plan 27201, Section 87, Esquimalt District and Park, Plan 40038, Sections 88 and 87, Esquimalt District)
3. LANGFORD LAKE PARK BEACH

(Lot 10, Plan 2075, Section 85, Esquimalt District)
4. VESUVIUS BAY BEACH

The beach extending from the public access stairs on Langley Street south to the bluff at the end of the gravel portion of the beach.
5. BADER BEACH

The beach extending from the public access at Collins Road north for 350 metres.