

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 persons who owns, possesses or harbours any dog;

AND WHEREAS the Letters Patent of the Capital Regional District dated the 16th 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. In this by-law 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".

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"Animal Control Officer" means a person appointed by the municipality or the regional district to enforce this bylaw, and includes assistant animal control officers, municipal and regional district bylaw enforcement officers and assistant officers, police officers, and kennel masters.

"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.

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

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"Guide Dog" means Mobility Assistance Dogs for persons with disabilities, and Guide Dogs for persons with visual impairment.

"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.

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“Leashed” means affixed to a harness, tether, or locked extendable leash not exceeding 6 feet in length and held by a person.

“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.

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“Playground Facility” means an area intended and developed for children’s play and which contains play equipment.

“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 By-law.

“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.

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“Sport Facility” means an area intended and developed for playing sports and which may or may not contain a sports field.

“Treasurer” means Treasurer of the Capital Regional District.

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

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“Vicious - 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”.

“Zone” means any zone district established under the zoning by-laws of the Capital Regional District.

2.

(a) For the purpose of this By-law 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 purpose of this By-law an animal shall not be deemed to be “running at large” if it is:

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- 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.
 - v) Leashed, in any area where dogs must be leashed according to this bylaw.
- c) For the purpose of this By-law, a vicious animal is deemed not to be under the direct and continuous control of a person.

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 By-law, except that a person who on June 25, 1980, kept ,or caused or permitted to be kept, more than four (4) dogs over the age of four (4) months may continue to do so for the duration of the lives of those dogs without holding a valid kennel licence.
 - (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 By-law.
 - (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 manger 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 this By-law on or before the 31st day of March in each year for each dog owned by him over the age of four (4) months; provided, however, that if he becomes the owner of such a dog after the 31st day of March in any year, he shall obtain a licence forthwith.
- 4.
- (1) The licence shall be issued by the Animal Control Officer or such other person as he appoints from time to time, and applications for licences may be made to him or to any other person duly authorized to receive same.

- (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 March 31st 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 March 31st of the licencing year.
 - (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.
6. Every licence issued under this By-law 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 By-law 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 by-law 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 By-law, 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 poundkeeping services.

IMPOUNDING ANIMALS:

13. The authority to seize and impound animals conferred by this By-law upon the Animal Control Officer may be exercised by a peace officer or a by-law enforcement officer.
14. The Animal Control Officer is hereby authorized to seize and impound unlicensed dogs, and dogs and other animals which are at large.
15. The owner of any animal impounded pursuant to the provisions of this By-law 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 By-law, 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 By-law, or post at the owner's home the form set out in Schedule C of this By-law.

COMPENSATION:

19. 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 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 less 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 (\$750.00) DOLLARS.
20. All claims pursuant to the provisions of this By-law shall be filed with the Animal Control Officer.
21. No claim shall be authorized under this Bylaw unless:
 - (a) The Regional Board is satisfied that the owner of the 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 submitting the claim has taken all reasonable precautions for protecting such sheep, goat, poultry for the purpose of providing meat and eggs, domestic

- rabbits, animals of the bovine species, swine, horses or fur-bearing animals under the Fur Farm Act; and
- (b) The loss is reported to the Animal Control Officer within three (3) business days of the occurrence being discovered.

22. The Animal Control Officer is hereby authorized to approve any claim under this By-law up to the amount of ONE HUNDRED (\$100.00) DOLLARS. Any claim in excess of ONE HUNDRES (\$100.00) DOLLARS shall be referred to the Regional Board for authorization of payment.

23. Applications for compensation under this By-law shall be in the form attached hereto as Schedule "D"

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 By-law.

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

(3) No person, except persons with a Police Dog, shall allow or permit a dog in their care or control to be in or on a playground facility or public beach unless the dog is leashed as defined in this bylaw.

(4) No person, except persons with a Guide Dog or a Police Dog, shall allow or permit a dog in their care or control to be in or on a sports facility at any time.

(5) No person, except persons with a Guide Dog or a Police Dog, shall allow or permit a dog in their dare or control to deposit feces on a highway, park or other public property, nor on private property other than the dog owner's property, unless that person immediately removes the feces and disposes of it in a sanitary manner.

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 of 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. The owner of an animal shall ensure:

- (a) that it is kept, housed and fed in a manger conducive to its good health and well being;

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- (b) that if it is injured or suffering from any disease it is promptly examined and treated by a qualified veterinarian or otherwise treated in accordance with established veterinarian practices; and
- (c) that structures, pens or 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.

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 By-law 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.

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(a) Persons with a Guide Dog or Police Dog are exempt from this regulation.

PENALTY:

30.

- (1) No person shall do any act or suffer or permit any act or thing to be done in contravention of this By-law.
- (2) Notwithstanding any other provision of this By-law where the Animal Control Officer has reasonable grounds to believe that an owner is not complying with any provision of this By-law, he may give a written or verbal warning.
- (3) Any person who contravenes any provision of this By-law 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 offense 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 the By-law.
- (5) A separate offence shall be deemed to be committed upon each day during and in which a contravention of this By-law occurs or continues.

31. The Animal Control Officer may, if he has reason to believe that an offence has been committed against this By-law, complete and leave with the alleged offender or at the address of the alleged offender an "Offence Notice" in the form attached to this By-law as SCHEDULE "F", indicating a voluntary penalty equal to the minimum penalty for such offence, less TWENTY FIVE(\$25.00) dollars, AND IF PAYMENT OF SUCH VOLUNTARY PENALTY IS MADE OT THE Capital Regional District before an Information has been sworn and a summons has been issued pursuant to the Offence Act, then no prosecution shall be instituted in respect of such offence.

SEVERANCE:

32. If a section, subsection, sentence, clause or phrase of this By-law 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 By-law.
33. Schedules "A" to "F" inclusive of this By-law which are attached hereto form part of this By-law.
34. B-law No. 688 "Dog Regulation and Impounding By-law No. 1, 1980" and amendments thereto, except insofar as it repeals any other by-law is hereby repealed.
35. This By-law may be cited as the "Animal Regulation and Impounding By-law 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.

CHAIRMAN

SECRETARY

Amending Bylaws:

#1771 (CRD bylaw adopted January 10, 1990);

#2012 (CRD bylaw adopted July 15, 1992);

#820 (adopted February 16, 2004);

#1310 (adopted November 1, 2010)

Consolidated Document Prepared: April 13th, 2011

BL 1771
10JAN90

BL 2012
15JUL92

“CAPITAL REGIONAL DISTRICT
ANIMAL REGULATION AND IMPOUNDING BY-LAW NO. 1465, 1986
SCHEDULE “A”

Dog Licence Fees:

(a) Female Dog (not spayed)	\$25.00
(b) Female Dog (spayed)	15.00
(c) Male Dog (not neutered)	25.00
(d) Male Dog (neutered)	15.00
(e) Replacement of Lost Licence	5.00
(f) Late Application Penalty	10.00
(g) Breeding Kennel having four (4) or less dogs	50.00
(h) Breeding Kennel having Five (5) or more dogs	125.00
(i) Boarding Kennel	150.00

"CAPITAL REGIONAL DISTRICT
ANIMAL REGULATION AND IMPOUNDING BY-LAW NO. 1465, 1986

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SCHEDULE "B"

1. DOGS
 - (1) First impoundment fee \$ 35.00
 - (2) Second impoundment fee \$ 55.00
 - (3) Third and subsequent impoundment fee \$115.00
 - (4) Penalty added to impoundment fee for unlicensed dogs \$ 35.00
 - (5) (a) Maintenance and sustenance charge for each 24 hour period or part thereof that the dog has remained in the pound \$ 9.00
 - (b) The amount of such charge to the Capital Regional District for unclaimed dogs will be \$ 7.00

2. CATS
 - (1) Maintenance and sustenance charge for each 24 hour period or part thereof that the cat has remained in the pound \$ 6.00
 - (2) The amount of such charge to the Capital Regional District for unclaimed cats will be \$ 5.50

3. ASS, CATTLE, GOAT, HORSE, MONKEY, MULE, SHEEP, SWINE, ANY ANIMAL OF THE BOVINE SPECIES
 - (1) Impoundment fee \$ 15.00
 - (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 \$ 10.50

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 \$ 5.50
 - (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. \$ 2.50

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"
CAPITAL REGIONAL DISTRICT
NOTICE OF IMPOUNDMENT
(Section 18)

TO:

TAKE NOTICE that pursuant to the provisions of the Capital Regional District
"Animal Regulation By-law 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 _____, 19_____, 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 By-law.

Dated this _____ day of _____, 19_____.

Animal Control Officer

SCHEDULE "D"

CAPITAL REGIONAL DISTRICT

APPLICATION FOR COMPENSATION UNDER THE
CAPITAL REGIONAL DISTRICT ANIMAL
REGULATION AND IMPOUNDMENT BY-LAW NO. 1465, 1986

(Section 19)

1. Name _____
2. Address _____ Postal Code _____
3. At _____ a.m./p.m. on _____, 19_____

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 FUR-FARM ACT					

4. Within three (3) business days of the date stated above I notified _____.
5. The owner of the dogs(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 By-law no. 1465, 1986.

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.
6. FLUTE LANE PARK BEACH The beach on Langford Lake – the beach extending from the public access which is 3 m wide, extending northwest 12 m.
7. LEQUESNE PARK BEACH The beach extending on Langford Lake 19 m at the dedicated "park" east of 2998 Leigh Road
8. LEIGH ROAD PARK BEACH The beach at 3030 Leigh Road on Langford Lake, lot 33, section 86 Esquimalt District, Plan 1457, PID 001-462-521. The beach extending from the road allowance north 83 ft.

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A cash register impression constitutes an
Official receipt for amount shown.
A dishonoured cheque invalidates this receipt.

No. _____

Do not detach

No. _____

SCHEDULE "F"
CAPITAL REGIONAL DISTRICT
ANIMAL REGULATION AND IMPOUNDING BY-LAW NO. 1465, 1986

OFFENCE NOTICE

To: _____

Address: _____

_____ British Columbia.

TAKE NOTICE that it is alleged that you have committed an offence by contravening
Section _____ of the Animal Regulation By-law _____
of the Capital Regional District.

Date: _____ Time: _____

Place of Alleged Offence: _____

Details of Animal: _____

NATURE OF ALLEGED OFFENCE

_____ Keeping, harbouring an _____ Failure to confine bitch in heat
unlicensed dog.

_____ Keeping or harbouring more _____ Keeping or harbouring a noisy
than four (4) dogs. animal

_____ Permitting an animal to run at _____ Owning or harbouring a vicious
large or not to be under effective control animal.

_____ Other _____

Indicated Penalty _____ Animal Control Officer

FURTHER TAKE NOTICE that if within TEN (10) days of receipt of the offence notice you pay
the indicated penalty to the Capital Regional District, 688