

TOWN OF LAKE COWICHAN

Bylaw No. 1019-2019

A bylaw to provide for the regulation, keeping, impounding of animals and licensing of same within the municipal boundaries of the Town of Lake Cowichan under the *Community Charter*.

WHEREAS paragraph 8 (3) (k) of the *Community Charter*, SBC 2003, c. 26 provides general authority to regulate, prohibit and impose requirements by bylaw in relation to animals;

AND WHEREAS Section 48 of the *Community Charter* provides authority for the seizure of animals and related powers;

NOW THEREFORE, the Council of the Town of Lake Cowichan, in an open meeting assembled, enacts as follows:

1. TITLE

This bylaw may be cited for all purposes as "Town of Lake Cowichan Animal Control Bylaw No. 1019-2019".

2. DEFINITIONS

2.1 In this Bylaw,

ANIMAL shall mean any horse, mule, cattle, cat, dog, ass, swine, sheep, goat, domesticated rabbit, animal of bovine species, chicken, turkey, goose, duck, fowl, dove, pigeon, reptiles, or any domesticated wild animal;

ANIMAL CONTROL OFFICER shall mean a Bylaw Enforcement Officer, Peace Officer, Police Officer, or Pound Keeper.

AT LARGE shall mean any animal being elsewhere than on the premises of the person owning or having custody, care or control of any animal and not being under the direct and continuous charge of a person who is competent to control it;

COLLECTOR shall mean the Collector of the Town of Lake Cowichan, or any other person duly appointed by the Council to collect fees pursuant to this bylaw;

COUNCIL shall mean the elected Council of the Town of Lake Cowichan;

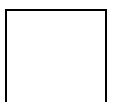
DOG shall mean any animal of the canine species over the age of four months, regardless of sex;

DOMESTIC ANIMAL shall mean any animal, tame or kept, or that has been or is being sufficiently tamed or kept, to serve some purpose for the use of man; and is designated by Order of the Lieutenant Governor in Council pursuant to the Livestock Protection Act to be a Domesticated animal;

FOUL shall mean when an animal defecates.

INFRACTION NOTICE shall mean a notice of contravention of this bylaw in the form established by Council;

LICENCE shall mean a dog licence issued in accordance with the provisions of this bylaw;



OWNER shall mean any person:

- (a) who owns, is in possession of, or has the care and control of any animal, or
- (b) who harbours, shelters, permits or allows any animal to remain on or about the owner's land or premises;

POUND shall mean the premises designated by the Council for confinement and shelter of dogs and animals pursuant to this bylaw designated as a pound;

POUNDKEEPER shall mean the person or persons or company duly appointed by council to enforce and carry out the provisions of this bylaw;

REDEEM shall mean to pay all outstanding Poundage and Boarding Fees, possess or purchase a dog licence if applicable, and to claim the animal from the Pound

RESTRICTED ANIMAL shall mean any horse, mule, cattle, ass, swine, sheep, goat, animal of bovine species, chicken, turkey, goose, duck, or other fowl;

TOWN shall mean the Town of Lake Cowichan;

TAG shall mean a tag made of metal, plastic or fibreglass;

TICKET shall mean a notice of contravention of this bylaw in the form established by the regulations under the *Offence Act*;

VETERNARIAN shall mean a person who holds a recognised university degree as a Doctor of Veterinary Medicine (DVM);

VICIOUS DOG shall mean

- (a) a dog that has attacked, bitten or caused injury to a person or has demonstrated a propensity, tendency or disposition to do so; or
- (b) a dog that has bitten, killed or caused injury to a domestic animal; or
- (c) a dog that has aggressively pursued or harassed a person or domestic animal; or
- (d) a dog with a known propensity to attack or injure a person without provocation.

3. ANIMAL SHELTER

The Council is hereby empowered to establish and/or designate a pound facility at such premises as the Council may, by contract, determine.

4. POUNDKEEPER

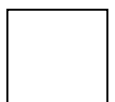
Council may by contract appoint a Pound keeper to maintain and operate a pound facility.

5. ANIMAL CONTROL OFFICER

5.1 Authority of an Animal Control Officer

5.1.1 An Animal Control Officer may enter, at reasonable times and with reasonable notice, upon any land in the Town for the purpose of:

- (a) ascertaining whether the requirements of this bylaw are being observed; or
- (b) seizing and impounding animals under this bylaw.



5.1.2 An Animal Control Officer may seize and impound:

- (a) Unlicensed dogs;
- (b) animals unlawfully at large on a Highway or in a Public Place;
- (c) animals straying or trespassing on private property; or
- (d) animals on unfenced land and not securely tethered or contained.

5.1.3 No person shall:

- (a) rescue or attempt to rescue any animal in the lawful custody of an Animal Control Officer;
- (b) directly or indirectly, delay or interfere with an Animal Control Officer issuing a Municipal Ticket Information or Bylaw Notice;
- (c) refuse to comply with the lawful direction of an Animal Control Officer; or
- (d) hinder, interfere with or obstruct an Animal Control Officer acting in the course of his duties.

6. DOG AND LICENCE FEES

- 6.1 No Owner shall keep, or permit to be kept, more than two (2) dogs on any parcel except in the lawful and licenced operation of a veterinary medical clinic.
- 6.2 No person shall keep, harbour or have in their possession or in their care, custody or control any dog, within the Town unless a dog licence under this bylaw has been obtained, whether or not the licence has been demanded of said person.
- 6.3 Any owner failing to adhere to this bylaw will be fined the amounts set out in Schedule A.
- 6.4 There shall be raised, levied, and collected from the owner of any dog within the Town, an annual licence fee as set out in Schedule A. The annual licence fee shall be payable on or before January 31st of each year or within the first month of purchasing a dog.
- 6.5 After January 31st of each year the late licence fee, as set out in Schedule A, for any dog which the owner has owned for more than one month.
- 6.6 An additional licence fee, as set out in Schedule A, will apply for any dog that has not been spayed or neutered. Establishing written proof of the claim that the dog has been spayed or neutered will be the responsibility of the owner.
- 6.7 A tag shall accompany every licence issued under this bylaw. Said tag will be fastened to a collar or harness and worn at all times on the dog for which the licence was paid.
- 6.8 Every licence tag issued under this bylaw shall expire on December 31st of each year.
- 6.9 The Collector shall keep a record of all dogs in respect of which a licence has been obtained, showing the date, tag number, description/age/ and breed of the dog, and the name and address of the person who obtained such licence.
- 6.10 A replacement tag may be obtained upon the payment of the fee set out in Schedule A.



7. DOGS AT LARGE

- 7.1 No owner of any dog shall suffer, permit, or allow such dog to run at large. The owners/possessor or harbourer of a dog shall be required to have control of a dog when in any street or public place by means of a leash not exceeding 2.5 M in length. Any dog found to be At Large may be taken and impounded.
- 7.2 Upon impounding any such dog, the Animal Control Officer shall immediately inform the owner of the dog that he/she has done so. If the owner of the dog is unknown to the Town, or if the Town is unable to contact the owner, the Town shall within twenty-four hours of the impoundment, post a notice of the impounding on the notice board at the Municipal Hall. The posting of such notice as aforesaid shall be deemed for all purposes sufficient notice to the owner of such dog.

8. POUND

- 8.1 Any animal impounded shall be taken to the designated Pound and furnished with good and sufficient food, water, and shelter and attended to by the Pound keeper.
- 8.2 The owner of the impounded animal shall pay to the Pound keeper, in addition to the Poundage charges, the boarding fee set out in Schedule A for each day or portion thereof.
- 8.3 The Poundage charges for all animals impounded are set out in Schedule A.
- 8.4 No dog shall be released from the Pound until a current Licence has been purchased.
- 8.5 Upon receiving the applicable Poundage, boarding and Licence fees in full from the owner, the Pound keeper will release the animal to such owner or other person entitled to the possession of the animal.
- 8.6 If no person entitled to claim possession of the impounded animal, appears at the pound and redeems such animal within three (3) days of the animal's impounding, or if the owner or other person entitled to possession of the animal shall refuse or neglect to redeem such animal, the Pound keeper shall put up for sale, adopt out, or destroy said animal at the discretion of the Pound keeper and/or Town.
- 8.7 If any dog to be disposed of is to be killed, the manner of death shall be by lethal injection administered by a Veterinarian.
- 8.8 If any cat to be disposed of is to be killed, the manner of death shall be either by use of a CO2 chamber or by lethal injection.
- 8.9 The Pound keeper shall keep a record of the description of all animals impounded together with the time and location of such impoundment, the fees owing and manner of disposal of the impounded animal, and all monies received by the Pound keeper on behalf of the Town.

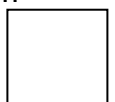
9. VICIOUS DOGS

- 9.1 The classification of a dog as a Vicious Dog will be done by the Animal Control Officer if after careful consideration of the facts, in his or her opinion the dog is vicious. Owners of dogs that have been declared as vicious will be contacted promptly in written form. The Contractor will then monitor the securing and muzzling of the dog.

- 9.2 Once a dog has been declared vicious the only way in which this declaration can be determined to be incorrect is by the Court, if charges are brought into the Court under the ticketing bylaw. This can be done by the owner in defending a Municipal Ticket Information, a Long Form Information or an Application to Destroy the dog.
- 9.3 Every owner of a Vicious Dog shall, at all times while the dog is on the premises owned or controlled by such person, keep the dog securely confined either indoors or in an enclosed pen or other structure capable of preventing the entry of young children and adequately constructed to prevent the dog from escaping.
- 9.4 No owner of a Vicious Dog shall permit, suffer or allow the dog to be on any street, public place or any other place that is not owned or controlled by that person unless the dog is muzzled to prevent it from biting another animal or human.
- 9.5 Failure of an owner of a Vicious Dog to adhere to Sections 8.3 and 8.4 of this bylaw will result in the Town issuing an Infraction Notice or Ticket at their discretion.
- 9.6 The Provincial Court may on application and on being satisfied that a dog has killed or injured, or is likely to kill or injure a person or domestic animal, order that the dog be destroyed.

10. CRUELTY TO ANIMALS

- 10.1 No person shall keep any animal within the Town unless it is provided with:
- (a) clean potable drinking water at all times and suitable food of sufficient quantity and quality to allow for normal growth and the maintenance of normal body weight;
 - (b) food and water receptacles kept clean and disinfected and located to avoid contamination by excreta;
 - (c) the opportunity for regular exercise sufficiently to maintain good health; and
 - (d) necessary veterinary medical care when the animal exhibits signs of pain or suffering.
- 10.2 No person shall keep any animal within the Town unless the animal is provided with outside shelter such as a pen:
- (a) to ensure protection from heat, cold and wet that is appropriate to the animal's weight and type of coat. Such shelters must provide sufficient space to allow any animal the ability to turn about freely and to easily stand, sit and lie in a normal position;
 - (b) at least 12 times the length of the animal and at least the animal's length in width, 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 percent;
 - (c) in an area providing enough shade to protect the animal from the direct rays of the sun always;

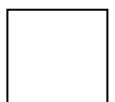


- (d) any pen and run area must be regularly cleaned and sanitized and all excreta removed at least once a day.
- 10.3 No person may cause an animal to be hitched, tied or fastened by any rope, chain or cord that is directly tied around the animal's neck or to a choke collar.
- 10.4 No person shall cause, allow or permit an animal to be confined in a vehicle where there is no adequate ventilation or where the internal vehicle temperature exceeds twenty-three degrees Celsius (23⁰C).
- 10.5 No person shall cause an animal to be tethered to a fixed object or vehicle where:
 - (a) a choke collar forms part of the securing apparatus; or
 - (b) where a rope, cord or chain is tied directly around the animal's neck; or
 - (c) the collar is not properly fitted or attached in a manner that will enable the animal to injure itself by pulling on the tether.
- 10.6 No person shall permit an animal to be tethered to a fixed object except with a tether of enough length to enable the full and unrestricted movement of the animal.
- 10.7 No person shall have an animal tethered for more than 10 hours in a 24 hour period day or more.

11. GENERAL

No person shall own, harbour, or keep any dog which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood by barking for longer than ten (10) consecutive minutes. If the Town determines that this section has been violated the Town may issue an Infraction Notice or Ticket.

- 11.1 Owners shall not allow or suffer their animal to foul public property or private property other than the owner's residence. The owner, or any person having the care, custody or control of a dog, except for a guide dog in the company of a blind person, shall remove forthwith any excrement deposited by the dog and shall deposit it in a suitable refuse container. The Town may fine any owner who does not clean a property so fouled.
- 11.2 No person shall hinder, delay or obstruct the Pound keeper or Animal Control Officer during any of his or her duties, or be subject to the fines set in Schedule A.
- 11.3 No person shall break open the Pound in any manner or shall directly or indirectly aid or assist in breaking open the Pound or shall take or let any dog out of the Pound, without the consent of the Pound keeper.
- 11.4 No person shall keep, harbour or have in his possession any animal suffering from an infectious or contagious disease, unless such animal is in isolation under treatment for cure of the same.



12. PROHIBITIONS

- 12.1 No person shall cause or permit any Restricted Animal, designated in Section 1 of this bylaw, to be kept or harboured on any parcel of land within the Town having an area of less than two (2) acres.
- 12.2 No owner of any Restricted Animal shall suffer, permit, or allow such animal to run at large. Any Restricted Animal found to be At Large by the Town, may be taken and impounded. Or as an alternative an Infraction ticket will be levied.

13. REPEAL

- 13.1 That upon adoption of the bylaw, Bylaw No. 932-2013 being the "Town of Lake Cowichan Animal Control Bylaw" and all amendments thereto are hereby repealed.

READ A FIRST TIME on the 23rd day of April 2019.

READ A SECOND TIME on the 23rd day of April 2019.

READ A THIRD TIME on the 28th day of May 2019.

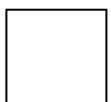
RECONSIDERED, FINALLY PASSED and ADOPTED by the Municipal Council of the Town of Lake Cowichan on the 25th day of June 2019.

 Rod Peters
 Mayor

 Joseph A. Fernandez
 Corporate Officer

I hereby certify the foregoing to be a true and correct copy of "Town of Lake Cowichan Animal Control Bylaw No. 1019-2019" as adopted on the 25th day of June 2019.

 Corporate Officer



SCHEDULE "A"

(attached to and forming part of Bylaw No. 1019-2019)

DOG LICENCES

Annual Dog Licence Fee before the end of February	\$	15.00
Annual Dog Licence Fee after the end of February		30.00
Additional Licence Fee for unspayed/unneutered Dogs		10.00
Replacement tag		5.00

POUND FEES

The following amounts shall be levied and collected by the Poundkeeper for each animal impounded:

	Section	Fine
<u>TICKETED FINES</u>		
No dog license	6.2	35.00
License tag not affixed	6.6	25.00
Dog at Large	7.1	75.00
<u>VICIOUS DOGS</u>		
Vicious dog not securely confined	9.3	150.00
Vicious dog not securely muzzled	9.4	150.00
Barking dog - Disturbance of peace by a dog	10.1	25.00
Failure to dispense of dog excrement	10.2	25.00
Hindering duties of Animal Control Officer or Poundkeeper	10.3	200.00
Possession of animal with infectious disease	10.5	100.00
Unlawful keeping of Restricted Animal	11.1	100.00
Restricted Animal at large	11.2	100.00

