

# CONSOLIDATED VERSION

## THE CORPORATION OF THE CITY OF COURTENAY

### BYLAW NO. 1897

#### **A bylaw to provide for the regulation and impounding of animals within the municipal boundaries of the City of Courtenay**

WHEREAS it is deemed expedient by the Council of The Corporation of the City of Courtenay to provide for the regulation and impounding of animals within the municipal boundaries of the City;

AND WHEREAS the Council of The Corporation of the City of Courtenay is empowered by the Municipal Act to provide by bylaw for the regulation and impounding of animals, the licencing of dogs and the regulation of the use of parks;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF COURTENAY IN OPEN MEETING ASSEMBLED ENACTS AS FOLLOWS:

1. This bylaw is divided into the following parts:

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## PART I - INTERPRETATION

1. In this bylaw:

"Agricultural Use" means growing, rearing, producing or harvesting agricultural crops or livestock and includes processing on a parcel the agricultural products harvested, reared or produced on that parcel primarily for the use of residents of that parcel, and the storage of farm machinery, implements and agricultural supplies, but excludes wholesale distribution of farm products.

"Animal" includes a cat, a dog and any other animal.

"Animal Control Officer" means an official, employed by the City as an Animal Control Officer or any contractor who has entered into an agreement with the City to assume the responsibilities of an Animal Control Officer pursuant to this bylaw and includes the deputy, assistants and employees of an Animal Control Officer.

"Cat" means any animal of the feline species.

"City" means The Corporation of the City of Courtenay and the territorial area within the City, as the context requires.

"Council" means the elected Council of the City.

"Dog" means an animal of the canine species.

"Livestock" includes cattle, sheep, goats and swine.

"Municipal Ticket Information" means a ticket issued under the terms of the "City of Courtenay Ticket Information Bylaw No. 1790, 1994".

"Owner" means a person having any right of custody, control or possession of an animal.

"Pound" means the premises designated by the Council from time to time for the confinement and impoundment of animals pursuant to this bylaw.

BL2298 "Wild or Exotic Animal" means any animal listed in Schedule B, attached hereto and forming part of this bylaw.

## **PART II - ADMINISTRATION**

2. The Council may by resolution provide for the appointment of one or more Animal Control Officers, for the establishment of a Pound and for other requisite services pursuant to this bylaw.
3. The Council may contract with any person for services and facilities required for the administration of this bylaw and may contract for performance of all or parts of the duties and obligations of the Animal Control Officer.

## **PART III - DOG LICENCING**

4. No person shall keep any dog over the age of six months within the City unless a valid licence has been obtained and is held for the dog under this bylaw.
5. A person shall obtain a licence under this bylaw by making an application in the form provided by the City and by paying the fees set out in Schedule "A" to this bylaw.
6. Every licence issued shall bear a number and the name of the owner to whom the licence is issued, and shall be accompanied by a metal tag bearing the same number as the licence to which it applies.
7. The person to whom a licence is issued shall, while the licence is valid and subsisting, keep the corresponding tag affixed to a collar or harness worn at all times by the dog for which the licence is issued.
8. No person other than the owner shall remove any collar, badge or tag from any licenced dog.
9. A new licence shall be obtained on any change of ownership of a dog.
10. Every licence issued under this bylaw shall expire on the thirty-first day of December following the date on which the licence is issued and is valid only in respect of the dog for which it is issued.

## **PART IV - ANIMAL CONTROL AND PROHIBITIONS**

11. No person shall keep any animal except a dog or cat outdoors on any property within the City, other than on property zoned for agricultural use by the City's zoning bylaw. Except as otherwise provided in this bylaw, every animal shall be kept under the control of its owner or the owner's agent at all times.

12. No person shall keep any livestock, horse, donkey or poultry on any property within the City, other than on property zoned for agricultural use by the City's zoning bylaw.

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13. No person shall sell, display, house or keep any *wild or exotic animal* within the boundaries of the City of Courtenay. In this regard:
- (a) No person shall operate or carry on a circus, public show, exhibition, carnival or other display or performance (the “show”), whether temporary or permanent, in which *wild or exotic animals* are traveling with or otherwise accompanying the show.
  - (b) No person shall operate or carry on a circus, public show, exhibition, carnival or other display or performance where *wild or exotic animals* are required to perform tricks, fight or participate in performances by the show for the amusement or entertainment of an audience.

Nothing in this bylaw shall prohibit or restrict the following:

- (c) performances or shows in which a person or persons rides a horse or pony;
  - (d) displays or showings of animals, save and except *wild or exotic animals*, in agricultural fairs, pet shows or other animal shows or exhibits;
  - (e) horse races and dog races
  - (f) rodeos and any activities associated with rodeos, excluding the use of *wild or exotic animals*; or
  - (g) the use of animals, other than *wild or exotic animals*, in magic acts.
14. No more than three dogs over the age of six months shall be kept on any parcel of land in the City at one time.

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15. No person shall permit, suffer or allow their dog to be in a restricted area of any park, except:
  - (a) during events in which dogs are permitted to participate, as authorized by the City in advance;
  - (b) certified and/or City approved service/working dogs which include but not limited to:
    - RCMP
    - Search & Rescue
    - Seeing Eye
    - Hearing Impaired
    - Mobility Impaired
16. No owner shall permit any dog to be on a highway, City park or other public place within the City unless the dog is accompanied by a person competent to control the dog and is led by that person on a leash or chain that does not exceed 1.83 metres (6 feet) in length.
17. No person who owns a dog or who has control of a dog shall allow the dog to leave or deposit excrement on any public place or on private property other than the property of the owner, unless the owner immediately takes steps to remove such excrement and to dispose of it in a sanitary manner.
18. No person shall keep within the City any dog:
  - (a) which has killed or injured a person or domestic animal;
  - (b) which by its barks, cries or other noises disturbs the neighbourhood or persons in the vicinity;
  - (c) any dog which, when unprovoked, has attacked, chased or approached a person or persons upon a street, sidewalk or any public place in a menacing fashion or apparent attitude of attack; or
  - (d) any dog owned or harboured primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.
19. The owner of a dog which is known by the owner to have a propensity to attack or viciously pursue a person or domestic animal shall confine the dog in a building or secure enclosure and shall keep the dog effectively muzzled, caged, or otherwise under the effective control of an adult person whenever such dog is released from the building or secure enclosure.
20. The owner of any animal shall compensate the City for any and all damage done by that animal to City property.

- 20A. The Animal Control Officer is authorized to make applications to the Provincial Court for the destruction of dogs pursuant to the Livestock Protection Act, in any circumstances where that Act may be applicable.

## **PART V - IMPOUNDMENT**

21. Any animal which is found running at large contrary to this bylaw shall be liable to seizure and impoundment by an Animal Control Officer.
22. Any dog which has not been licenced in accordance with Part III of this bylaw shall be liable to seizure and impoundment by an Animal Control Officer.
23. The Animal Control Officer shall forthwith convey all animals seized in pursuance of this bylaw to the Pound.
24. No person shall hinder, delay or obstruct in any manner, directly or indirectly, any person engaged in driving, loading or carrying to the Pound any animal liable to impoundment under this bylaw.
25. The Animal Control Officer shall ensure that all animals seized and impounded pursuant to this bylaw shall receive sufficient food, water, shelter and attendance and that they are not mistreated while under seizure or impoundment.
26. The Animal Control Officer shall within 24 hours after seizure of any animal pursuant to this bylaw, where the owner of the impounded animal can be identified, notify the owner in person by telephone or by mail addressed to the last known address of the owner, setting out the particulars of the impounded animal and advising that the animal will be sold or destroyed after the expiration of 5 days from the date of the notice, unless in the meantime the animal is redeemed.
27. An owner of an impounded animal, or any person on the owner's behalf and with the owner's authority in writing, may redeem the impounded animal at any time prior to its sale, destruction or disposal pursuant to this bylaw upon:
- (a) delivery to an Animal Control Officer of evidence satisfactory to the Animal Control Officer of ownership of the impounded animal;
  - (b) payment of the fees, costs and charges incurred in respect of the seizure and impoundment of the animal; and
  - (c) payment of the current requisite licence fee where the impounded animal is required to be licenced pursuant to this bylaw, and is not licenced.

28. No person shall break open or in any manner, directly or indirectly, aid or assist in breaking open the Pound, or take or release any animal therein without the consent of an Animal Control Officer.
29. The Animal Control Officer may, after the expiration of the time specified within the notice referred to in Section 26 and where the animal has not been redeemed, or after an animal whose owner cannot be identified has been impounded for 5 days, offer the impounded animal for sale.
30. Where the Animal Control Officer is unable or considers it undesirable to effect a sale of an animal pursuant to Section 29, or where an animal has been offered for sale but has not been sold, the Animal Control Officer shall destroy or otherwise dispose of the impounded animal.
31. Notwithstanding any other provisions of this bylaw if it is found that any impounded animal is suffering from any injury, disease, or sickness the Animal Control Officer may, in their discretion, immediately destroy such animal if in their opinion such animal would not survive such injury, disease or sickness, and that it would be an act of humanity to destroy such animal.

#### **PART VI - ENFORCEMENT**

32. Any person who contravenes any provision of this bylaw commits an offence and is liable to a fine not exceeding \$2,000.00, with a minimum fine of \$50.00.
33. Upon an alleged contravention of any provision of this bylaw, a notice of such contravention may be given by the Animal Control Officer or a Peace Officer by means of a Municipal Ticket Information ("MTI"), in the form prescribed by the regulations adopted pursuant to Section 934.3(c) of the Municipal Act.
34. An Animal Control Officer may, instead of issuing a MTI ticket for contravention of any of the provisions of this bylaw, issue a notice warning of such contravention.

#### **PART VII - ANIMAL CONTROL OFFICERS**

35. The Animal Control Officer shall carry out the provisions of this bylaw together with such other regulations and requirements as shall from time to time be required by the Council.
36. The Animal Control Officer shall maintain records which include:
  - (a) a description of every animal impounded and the date and hour each animal was received;
  - (b) the name of the person or persons taking or sending any animal to be impounded;

- (c) the day and hour each animal impounded was redeemed, sold, destroyed or otherwise disposed of;
  - (d) the name of every person redeeming any animal and the amount paid by such person;
  - (e) the name of every person purchasing any impounded animal and the amount paid by such person;
  - (f) the amount of impounding fees and allowances and charges connected with each impounded animal;
  - (g) particulars of any damage done to City property prior to or while under impoundment, together with the amount payable in respect of such damage; and
  - (h) particulars of notices given, licences sold, and such other matters as Council may from time to time require.
37. A monthly report in writing shall be made by the Animal Control Officer to the Council setting out the information and particulars recorded pursuant to Section 34.
38. The Animal Control Officer shall make to the City a monthly remittance of all monies received by the Animal Control Officer for the account of the City during the preceding month, within 7 days of the end of each month.
39. Every Animal Control Officer is authorized to enter at all reasonable times upon any lands within the City for the purpose of ascertaining whether the requirements of this bylaw are being observed.
40. Every Animal Control Officer is authorized to employ such assistance as is deemed necessary or advisable to seize and impound any animal in pursuance of this bylaw, and the expense of such employment shall be added to the fees chargeable by the Animal Control Officer under Section 1(a) of Schedule "A".
41. No person shall, hinder, delay or obstruct in any manner, directly or indirectly, an Animal Control Officer or any person employed by the Animal Control Officer, carrying out duties in accordance with this bylaw.

## **PART VIII - MISCELLANEOUS**

42. Schedule "A" attached to this bylaw forms a part of this bylaw.
43. The "Animal Control Bylaw No. 1517, 1989", and amendments thereto are repealed.



44. This bylaw may be cited as the "Animal Control Bylaw No. 1897, 1996".

Read a first time this 7th day of October, 1996

Read a second time this 7th day of October 1996

Read third time this 7th day of October, 1996

Finally passed and adopted this 21st day of October, 1996

## BYLAW NO. 1897

### SCHEDULE "A" - FEES AND CHARGES

1. The impoundment fees chargeable by the Animal Control Officer under this bylaw shall be as follows:
  - (a) For seizing and impounding any animal, for the first impoundment in a calendar year: \$50.00
  - (b) For the second seizure and impoundment of the same animal in a calendar year: \$90.00
  - (c) For the third seizure and impoundment of the same animal in a calendar year: \$130.00
  - (d) for the fourth and each subsequent seizure and impoundment of the same animal in a calendar year: \$175.00
  
2. In addition to the impound fees as outlined in Section 1 above, the following charges shall be paid before an animal can be redeemed:
  - (a) For providing food, water, shelter and attendance for any animal, the sum of \$7.50 for every day or part of every day during which those are provided.
  - (b) The full amount of any cost incurred by the City for examination and treatment by a licenced veterinarian if the animal is injured or sick.
  - (c) The owner of any dog unlicensed at the time of impoundment shall pay an additional amount of \$50.00 in addition to the applicable licence fee as outlined in Section 3 below.
  
3. The annual licence fees payable under this bylaw shall be as follows:
  - (a) For every unneutered male dog: \$25.00
  - (b) For every neutered male dog, proven to be such by the production of a certificate of a qualified veterinarian: \$5.00
  - (c) For every unspayed female dog: \$25.00
  - (d) For every spayed female dog, proven to be such by the production of a certificate of a qualified veterinarian: \$5.00

- (e) For a replacement licence or dog tag: \$2.00
- (f) A new resident of the City who holds a valid and subsisting dog licence from another municipality shall be given on application a replacement licence for the unexpired period of the City's current licence year on payment of \$1.00.
- (g) The owner of an unlicensed dog brought into the City on or after August 1st of any year shall pay, upon satisfactory proof that a licence has been purchased elsewhere for the current year, one-half of the annual licence fee.

### **SCHEDULE “B” – WILD OR EXOTIC ANIMAL**

The following list of animals constitutes “wild or exotic animals” for the purposes of this bylaw. The list includes all such animals whether bred in the wild or in captivity and also includes their hybrids with domestic species. The works in parentheses are intended to act as examples only and are not to be construed as limiting the generality of the group.

1. Non-human primates (such as gorillas and monkeys)
2. Felids, except the domestic cat
3. Canids, except the domestic dog
4. Ursidae (bears)
5. Elephants
6. Pinnipeds (such as seals and walruses)
7. Crocodylians (such as alligators and crocodiles)
8. Marsupials (such as kangaroos and opossums)
9. Snakes and Venomous reptiles, amphibians and Arachnids
10. Ungulates, except domestic goats, sheep, pigs, cattle, horse, mule and donkey
11. Hyaenas
12. Mustelidae (such as skunks, weasels, otters and badgers)
13. Procyonids (such as raccoons and coatis)
14. Edentates (such as anteaters, sloths and armadillos)
15. Viverrids (such as mongooses, civets and genets)
16. Cetaceans (such as whales, porpoises and dolphins)
17. Struthioniformes, Rhsiformes, and Casauriformes (Ostriches, Rheas and Cassowaries)
18. Falconiformes (such as hawks, falcons, and eagles)
19. Strigiformes (such as owls)
20. Rodentia, except the hamster, guinea pig, domestic rat and mouse
21. Chiroptera (bats)
22. Lagomorphs, excpet the domestic rabbit