

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1066

(Consolidated for convenience only to include up to 1066.02)

A BYLAW TO REGULATE THE CONTROL OF DOGS IN ELECTORAL AREAS A, B, C AND D OF THE REGIONAL DISTRICT OF NANAIMO

WHEREAS the Regional District of Nanaimo Board established animal control as an extended service for Electoral Areas A, B, C and D;

AND WHEREAS under Section 789(2)(a) of the Municipal Act, the provisions under Section 524, 525, 932(9), 933(1)(d), (2) and (4) and 934 of the Municipal Act, apply to the regulation and enforcement by a Regional District to the animal control extended service;

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

1. Short Title

This bylaw may be cited for all purposes as "Animal Control Regulatory Bylaw No. 1066, 1996".

2. Definitions

"Animal Control Officer" means the animal control officer, and includes assistants as employed or appointed by the Board.

"At large" means being elsewhere than on lands or premises of the owner and not being under the immediate charge and control of a responsible person.

"Board" means the Board of Directors of the Regional District of Nanaimo.

"Dangerous Dog" means a dog that:

- (a) has killed or seriously injured a person;
- (b) has killed or seriously injured a domestic animal, while in a public place or while on private property, other than property owned or occupied by the person responsible for the dog; or
- (c) an Animal Control Officer has reasonable grounds to believe is likely to kill or seriously injure a person.

"District" means the Regional District of Nanaimo.

"Dog" means an animal of the species canine.

"Guide Dog"	means a dog trained by the Canadian National Institute for the Blind or a dog trained by the Western Canada Handi and Hearing Ear Dog Society.
"Enclosure"	means a fence or structure of at least six (6) feet in height forming or causing an enclosure suitable to prevent the entry of young children and suitable to confine a dangerous dog.
"Impounded"	means seized, delivered, received or taken into the Pound or in the custody of the Animal Control Officer.
"Keeps"	means possesses, harbours or brings on land for a period in excess of 24 hours or feeds on a regular basis on a parcel of land.
"Leash"	means a chain or other material of sufficient strength that does not exceed six(6) feet in length, that is suitable for a control of a dog.
"Owner"	means any person who possesses or harbours or keeps an animal.
"Pound"	means the District pound established by the Board or operated by the Animal Control Officer or any vehicle used by the Animal Control Officer or any other premises used to harbour and maintain animals pursuant to this bylaw.
"Unlicensed Dog"	means a dog which does not have affixed to a collar securely fastened about the dog's neck, or to a harness securely fastened about the dog, a license tag issued under a Bylaw of any Municipality or the "Livestock Protection Act", R.S.B.C 1979, c.245.

3. Animal Control Officer

- (1) The Board authorizes the appointment of a person to be an animal control officer.

4. Control

- (1) No person shall own, keep or harbour a dog and permit or cause the dog to persistently bark, yelp, howl, or make any other similar persistent sounds.
- (2) The owner of a dog shall not permit or allow their dog:
 - (a) to be at large.
 - (b) to harass or molest a person or an animal.
- (3) The owner of a dangerous dog shall not permit or allow their dangerous dog:

- (a) to be at large;
- (b) to be in a public place unless the dog is:
 - (i) firmly held on a leash,
 - (ii) firmly held by a person competent to restrain the dangerous dog, and
 - (iii) muzzled by a properly fitted humane muzzling device.
- (c) to be on private land, or in a private building or structure, except with the consent of the owner or occupier of that property, and:
 - (i) firmly held on a leash,
 - (ii) firmly held by a person competent to restrain the dangerous dog, and
 - (iii) muzzled by a properly fitted humane muzzling device.
- (4) The owner of a dangerous dog shall at all times, while the dog is on the premises owned or controlled by that owner, keep the dog securely confined either indoors or in an enclosed pen or enclosure.
- (5) The Animal Control Officer is authorized to exercise the authority of an Animal Control Officer under section 49 of the *Community Charter*.

5. Impounding Dogs

- (1) The impoundment fees and maintenance fees for dogs, shall be those listed in the attached Schedule 'A'.
- (2) The Animal Control Officer may seize and impound any dog which is found to be at large within the District.
- (3) Impounded dogs shall be kept in the pound for a minimum period of 72 hours.
- (4) If an impounded dog is not claimed within the 72 hour period, the Animal Control Officer may, on the expiration of this period, destroy the dog, or place the dog for adoption.
- (5) The Animal Control Officer, upon receiving a certificate from a veterinarian that an impounded dog is suffering from an infectious or contagious disease, may immediately destroy the impounded dog.
- (6) The Animal Control Officer or any member of the Royal Canadian Mounted Police is hereby authorized to destroy any animal unnecessarily suffering from injury.
- (7) The Animal Control Officer may, upon receipt of a dog delivered by a Peace Officer, Bylaw Enforcement Officer or member of the general public, deal with that dog in the same manner as other dogs received and retained under this bylaw.

- (8) The Animal Control Officer must maintain a log book, which must record the description of every dog impounded, the name of the person who impounded the dog, the time and occasion of the impoundment, the fees owing and the manner of disposal.

6. Ticketable Offences/Penalties

- (1) An information may be laid and a summons issued by means of a ticket in accordance with the procedure set out in the **Offence Act** and regulations.
- (2) Any person who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention of this bylaw, or who refuses, or omits or neglects to fulfill, observe, carry out or perform any duty or obligation imposed by this bylaw, shall be liable on summary conviction to a fine not exceeding two thousand dollars (\$2,000.00).

7. Inspection

The Animal Control Officer, Bylaw Enforcement Officer or Peace Officer may enter, at all reasonable times, upon any property subject to the regulations of this bylaw in order to ascertain whether such regulations or directions are being obeyed.

8. Severability

In the event that a provision of this bylaw is found to be invalid by a court of competent jurisdiction, the provision may be severed from this bylaw.

Introduced and read three times this 11th day of February, 1997.

Advertised in accordance with Section 817.1 of the Municipal Act this 6th day of March, 1997.

Adopted this 11th day of March, 1997.

Chairperson

Secretary

Chairperson

Secretary

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SCHEDULE 'A'

DOG IMPOUNDMENT/MAINTENANCE FEES

An owner may reclaim their impounded dog upon proving ownership to the satisfaction of the Animal Control Officer and paying to the Animal Control Officer the following impound fees and maintenance fees.

Impound Fee:		<u>"Dog at Large"</u>	<u>Dangerous Dog</u> <u>"At Large"</u>
(a)	first impounding	\$50.00	\$500.00
(b)	second and each successive impounding involving the same dog within a six (6) month period following the first impoundment	\$100.00	\$1000.00
Maintenance Fee:			
(c)	maintenance costs per day or part of a day for the time such dog is impounded	\$11.00	\$11.00