

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 939

(Consolidated for convenience only to include up to 939.04)

**A BYLAW TO REGULATE THE CONTROL AND LICENSE OF DOGS IN ELECTORAL AREAS 'E',
'G', AND 'H' OF THE REGIONAL DISTRICT OF NANAIMO**

WHEREAS the Regional District of Nanaimo Board established animal control as an extended service for Electoral Areas 'E', 'G' and 'H';

AND WHEREAS under Section 789(2)(a) of the Municipal Act, the provisions under Section 524, 525, 932(s), 933(1)(d), (2) and (4) 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 and Licensing Bylaw No. 939, 1994".

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.
"License"	mean a license that has been issued and paid, for the current licensing year.
"License Tag"	means a metal license tag issued for the current licensing year.
"Licensed Dog"	means a dog that is wearing either in its collar or harness, a license tag.
"Licensing Year"	means that time period between January 1st to December 31st, in any year.
"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 this Bylaw or a similar bylaw of any other Municipality or the "Livestock Protection Act", R.S.B.C 1979, c.245.

3. Animal Control Officer

- (1) The Board does hereby authorize 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. Licensing

- (1) No person shall own, keep or harbour a dog over the age of six (6) months in the District, unless he has obtained a current valid license for the dog.
- (2) Where two or more dogs are kept on the same premises, they shall, for the purposes of this Bylaw, be deemed to be owned by the same person.
- (3) The license fees under this bylaw shall be those listed in the attached Schedule 'A'.
- (4) The owner of a dog shall make application for a dog license on or before the first day of January in each calendar year.
- (5) The number on the dog license application forms shall correspond to the stamped number on the license tag.

- (6) (a) A person holding a license and license tag for a dog under the Livestock Protection Act or a bylaw of any other municipality shall not be liable to any license fee under this bylaw in respect of the same dog for the unexpired portion of the period for which the license for such dog shall have been issued.
- (b) This provision shall not apply to any person who has obtained such license elsewhere that from the District while residing within the District.
- (7) A license issued under this bylaw is not transferable from one dog to another.
- (8) The owner of a dog may, upon producing proof of purchase and upon payment of a fee set out in Schedule 'A', obtain a replacement license tag.

6. Impounding Dogs

- (1) The impoundment fees and maintenance fees for dogs, shall be those listed in the attached Schedule 'B'.
- (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.

7. 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).

8. 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.

9. 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 12th day of July, 1994.

Introduced and read three times, as amended, this 11th day of April, 1995.

Adopted this 9th day of May, 1995.

Chairperson

Secretary

REGIONAL DISTRICT OF NANAIMO

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SCHEDULE 'A'

DOG LICENSE FEES

January 1, 1995

1. Annual license fee for each dog over the age of six (6) months
 - a. for each spayed or neutered dog \$15.00
 - b. for each unspayed or unneutered dog \$25.00
 - c. each license fee shall be subject to a \$5.00 discount if paid within 30 days of the date upon which it becomes due.
2. Replacement License Tag \$5.00
3. Every person owning a guide dog, raised by the Canadian National Institute for the Blind or a dog trained by the Western Canada Handi and Hearing Ear Dog Society shall be exempt from the licensing provisions of this bylaw. Limited to one dog.

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SCHEDULE 'B'

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, maintenance fees and any overdue dog license fees pursuant to Schedule 'A'.

Impound Fee:	<u>"Dogs at Large"</u>	<u>Dangerous Dog "At Large"</u>
(a) first impounding		
licensed dog	\$30.00	\$500.00
unlicensed dog	\$50.00	\$500.00
(b) second and each successive impounding involving the same dog within a six (6) month period following the first impoundment	\$60.00	\$1000.00
(c) maintenance costs per day or part of a day for the time such dog is impounded	\$11.00	\$11.00