

## COMOX VALLEY REGIONAL DISTRICT

### BYLAW NO. 625

**A bylaw for the addition of an aggressive dog definition, specific requirements for securing dangerous dogs, omitting the noisy dog section and updating licence fees to be in-line with surrounding municipalities**

**WHEREAS** the Comox Valley Regional District Board adopted Bylaw No. 100 being “Electoral Areas Animal Control Regulations Bylaw No. 100, 2010” on April 27, 2010;

**AND WHEREAS** the Board wishes to update the bylaw with the addition of an aggressive dog definition, specific requirements for securing dangerous dogs, omitting the noisy dog section and updating licence fees to be in-line with surrounding municipalities;

**NOW THEREFORE** the Board of the Comox Valley Regional District in open meeting assembled hereby enacts as follows:

#### **Amendment**

1) Bylaw No. 100 being “Electoral Areas Animal Control Bylaw No. 100, 2010” is hereby amended as follows:

(a) Adding definitions to Section 2 “Interpretation” as follows:

“Aggressive Dog” means any dog which has:

- a. Caused minor injuries to a person or domestic animal, not including bite wounds;
- b. Attacked or bitten an agricultural animal, regardless of whether the attack or bite resulted in injury;
- c. Displayed aggressive behaviour including, but not limited to, growling, snarling, or lunging; or
- d. Without provocation, aggressively chased, stalked, pursued, harassed or attempted to attack or bite a person, agricultural animal or domestic animal while in a public place including a highway or on private property not owned or controlled by the owner.

“Secure Enclosure” means a structure which:

- a. Allows for the humane confinement of an animal;
- b. Allows the safe and unrestricted movement of an animal;
- c. Has self-closing gates;
- d. Is constructed and locked in a manner which prevents the escape of an animal and the unauthorized entry of a person;
- e. Has no side in common with a perimeter fence;
- f. Is approved by an Animal Control Officer for the specific animal it will house; and

- g. An Animal Control Officer may require to have any of the following additional characteristics because of the design of the structure and the nature of the animal it will house:
  - i. A height of at least 1.8m;
  - ii. A concrete or asphalt floor which is securely attached to the sides of the enclosure;
  - iii. Wire or steel mesh sides and roof;
  - iv. If there is no concrete or asphalt floor, sides which are embedded into the ground to a minimum depth of 30cm.

“Service Animal” means an animal trained by an accredited institution, and on duty:

- a. As a law enforcement animal; or
- b. To provide assistance to a hearing- or visually-impaired or physically- or developmentally-challenged person.’

(b) Removing definitions in Section 2 “Interpretation” as follows:

“At Large Other Animals” means any other animal being in public place including a highway, or upon the lands or premises of any person, other than the owner; without the express or implied consent of that person.

“Noise” means continuous barking, howling or yelping sound lasting more than 5 minutes or the sound of barking, howling or yelping sporadically or erratically for a cumulative duration of 5 minutes or longer in any 15 minute period which sounds are repeated again within 72 hours.

“Noisy” means making, or given to making a loud noise.

(c) Replacing the following definition in Section 2 “Interpretation”, which reads:

“At Large Dog” means a dog being in or upon the lands or premises of any person other than the owner of the dog without the expressed or implied consent of that person; in or upon a public place not prohibited to dogs including a highway, unless on a leash and under the control of a competent person; or in or upon a public place posted as being prohibited to dogs.

with the following:

“At Large Dog”

- a. A dog being in or upon:
  - i. The property of any person other than the owner of the dog without the expressed or implied consent of that person;
  - ii. Any public place posted as being prohibited to dogs;
  - iii. A public place not prohibited to dogs, including a highway, unless the dog is on a leash and under the control of a person who is at least 19 years of age;
- b. An agricultural animal being in or upon:

- i. A public place including a highway; or
- ii. The property of any person, other than the owner, without the express or implied consent of that person.’

(d) Replacing the following definition in “Interpretation” Section 2, which reads:

“Dangerous Dog” means the following:

- a. any dog which has killed or injured a person; or
- b. has killed or seriously injured a domestic animal, while in a public place or while on private property, other than the property owned or occupied by the person responsible for the dog; or
- c. if an animal control officer has reasonable grounds to believe that a dog is likely to kill or seriously injure a person such as any dog which, when unprovoked, attacks, chases or approaches a person(s) upon the street, sidewalk or any public place in a menacing fashion or apparent attitude of attack.

with the following:

“Dangerous Dog” means the following:

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

(e) Replacing the following definition in “Interpretation” Section 2, which reads:

“Unlicensed Dog” means any dog for which the license for the current year has not been paid as provided in this bylaw or to which the tag provided for by this bylaw is not attached.

with the following:

“Unlicensed Dog” means any dog for which a license is required for the current year but that license has not been paid for as required by this bylaw or to which the tag issued pursuant to this bylaw is not attached.

(f) Replacing “Licensing Process” Section 4, which reads:

- 4. A person must not keep any dog over the age of six (6) months unless a valid and subsisting licence has been issued in respect of that dog under this bylaw. An application for a licence under this bylaw shall be made by paying the fee prescribed in Schedule A attached hereto and forming part of this bylaw to the regional district.

Upon receipt of the prescribed fee and a completed application form, the CVRD officers or their delegates may issue a licence and corresponding licence tag for the dog.

with the following:

4. (1) A person must not keep any dog over the age of six (6) months unless a valid and subsisting licence has been issued in respect of that dog under this bylaw.
- (2) An application for a licence under this bylaw shall be made by paying the fee prescribed in Schedule A attached hereto and forming part of this bylaw to the Regional District. Upon receipt of the prescribed fee and a completed application form, the CVRD officers or their delegates may issue a licence and corresponding licence tag for the dog.
- (3) Upon proof satisfactory to the Animal Control Officer that a dog is a Service Animal, the Animal Control Officer may waive the requirement to pay the annual licensing fee prescribed in Schedule A.

(g) Replacing “Prohibition of At Large” Section 6, which reads:

6. Subject to the “Electoral Areas Parks Regulations Bylaw No. 103, 2010”, a person owning or having the custody, care or control of any animal or dog must not permit or allow the animal or dog to run at large within the service area.

with the following:

6. (1) A person owning or having the custody, care or control of any agricultural animal or dog shall not permit or allow the agricultural animal or dog to run at large within the service area.
  - (2) As an exception to the prohibition in Section 6(1), an owner may permit or allow a dog to be off leash in an area where dogs are permitted to be off leash pursuant to the *Electoral Areas Parks Regulations Bylaw No. 103, 2010*, if the owner complies with all requirements of that Bylaw respecting the presence of dogs in Regional District parks.
- (l) Adding Section 9 “Determinations” to follow Section 8 “Solid Excrement” as follows, and renumber the remaining sections accordingly:

### **Determinations**

9. (1) An Animal Control Officer may determine whether a dog meets the definition aggressive dog or a dangerous dog for the purposes of this bylaw.
  - (a) If an Animal Control Officer makes a determination under Subsection (1), the Animal Control Officer shall send written notice of the determination to the owner, including a brief description of the circumstances which gave rise to the determination, and notice of the applicable provisions of this bylaw for aggressive dogs and dangerous dogs.

(m) Replacing Section 10 “Noisy Dogs”, which reads:

**Noisy Dogs**

10. (1) A person must not keep, harbor, house or maintain any noisy dog within the service area.
- (2) If the level of noise disturbs, then persistent barking, calling, whining or other similar persistent sounds made by a domestic animal kept or used for a purpose other than agriculture are prohibited at all times.

with the following:

**Aggressive Dogs**

10. (1) A person must not own, keep, possess or harbour an aggressive dog except as provided in Sections (2) and (3) of this bylaw.
- (2) No owner may permit or allow the aggressive dog to be in a public place, including a highway, or in any other place not owned or controlled by that owner unless the dog is secured on a non-retractable leash not longer than 1.5m in length which is held by a person who is at least 19 years of age.
- (n) When an aggressive dog is on property owned or controlled by its owner, the owner must:
  - (a) Securely confine the dog within a building or enclosure; or
  - (b) Secure the dog on a non-retractable leash not longer than 1.5m in length which is securely held by a person who is at least 19 years of age.

(n) Replacing “Dangerous Dogs” Section 11, which reads:

11. (1) A person must not own or have custody of a dangerous dog except as provided in sections 10(2) and 10(3) of this bylaw.
- (2) An owner of a dangerous dog must not permit or allow the dangerous dog to be in a public place including a highway, or in any other place that is not owned or controlled by that owner unless the dog is muzzled to prevent it from biting a human or animal and is under the effective control of some person over the age of 16 years.
- (3) The owner of a dangerous dog must confine the dog in a building or secure enclosure and must keep the dog effectively muzzled, caged, or leashed on a fixed leash by an adult person whenever such dog is released from said building or secure enclosure.
- (4) If a person contravenes section 10(2), the dog which attacks or viciously pursues a person or domestic animal shall be subject to the impoundment provisions of

this bylaw and the owner must, upon written request of the poundkeeper, surrender the dog immediately.

- (5) At the discretion of the poundkeeper, any dog, which bites any person or an animal, whether on private or other property shall:
  - (a) be impounded by the poundkeeper unless the dog is placed under the supervision of licensed veterinary surgeon;
  - (b) be impounded for a period of fourteen (14) days and the daily fee charges for impoundment shall be that amount set out in Schedule B of this bylaw and shall be paid by the owner of the dog; and
  - (c) be disposed of if not claimed by the owner within two (2) days after the expiration of the fourteen (14) day period.

with the following:

11. (1) A person must not own, keep, possess or harbour a dangerous dog except as provided in Sections 11(2) through 11(5) of this bylaw.
- (2) No owner of a dangerous dog may permit or allow the dangerous dog to be in a public place, including a highway, or in any other place not owned or controlled by that owner unless:
  - a) The dog is secured on a non-retractable leash not longer than 1.5m in length which is held by a person who is at least 19 years of age; and,
  - b) The dog is securely muzzled to prevent it from biting a human or animal.
- (3) When a dangerous dog is on property owned or controlled by its owner, the owner must:
  - a) Securely confine the dog within a building or enclosure; or
  - b) Secure the dog on a non-retractable leash not longer than 1.5m in length which is held by a person who is at least 19 years of age.
- (4) The owner of a dangerous dog must post at the front and the back of any property on which the dangerous dog resides, a sign which is visible to the public (Sample attached to this bylaw as Schedule C).
- (5) The owner of a dangerous dog must:
  - a) License the dog annually in accordance with Section 4; and,
  - b) pay annually the dangerous dog service fee specified in Schedule B.

(o) Replacing “Impound Procedures” Section 13(7), which reads:

- (7) After the expiration of the relevant period of time set out in sections 12(4, 5 and 6), the poundkeeper may cause the animal to be sold by auction or private sale for the amount no less than the amount of any fees and charges outstanding plus the cost of a licence for the animal, if applicable, or if in the poundkeeper’s opinion,

the animal cannot or should not be sold, he may destroy the animal. Where any animal is sold all property therein shall pass to the purchaser and all rights of property in the animal that existed before the sale shall be extinguished.

with the following:

- (7) After the expiration of the relevant period of time set out in sections 13(4, 5 and 6), the poundkeeper may cause the animal to be sold by auction or private sale for the amount no less than the amount of any fees and charges outstanding plus the cost of a licence for the animal, if applicable, or if in the poundkeeper’s opinion, the animal cannot or should not be sold, the poundkeeper may destroy the animal. Where any animal is sold all property therein shall pass to the purchaser and all rights of property in the animal that existed before the sale shall be extinguished.

- (p) Replacing Schedule A “Licence Fees”, which reads:

<b>Type</b>	<b>Action</b>	<b>Fees</b>
Male Altered Dog	An altered male in respect of which the applicant produces a certificate of neutering signed by a veterinarian or which is marked in a manner satisfactory to the poundkeeper so as to indicate that it has made a neutering.	\$5.00
Female Altered Dog	An altered female dog in respect of which the applicant produces a certificate of ovario-hysterectomy signed by a veterinarian or which is marked in a manner satisfactory to the poundkeeper so as to indicate that it has had an ovario-hysterectomy.	\$5.00
Male Unaltered Dog	For a male dog that is not neutered	\$15.00
Female Unaltered Dog	For a female dog that has not had a ovario-hysterectomy above	\$15.00
Replacement	For a replacement licence or licence tag	\$2.00

with the following:

<b>Type</b>	<b>Action</b>	<b>Fees</b>
Male Altered Dog	An altered male in respect of which the applicant produces a certificate of neutering signed by a veterinarian or which is marked in a manner satisfactory to the poundkeeper so as to indicate that it has made a neutering.	\$10.00
Female Altered Dog	An altered female dog in respect of which the applicant produces a certificate of ovario-hysterectomy signed by a veterinarian or which is marked in a manner satisfactory to the poundkeeper so as to indicate that it has had an ovario-hysterectomy.	\$10.00

Male Unaltered Dog	For a male dog that is not neutered	\$25.00
Female Unaltered Dog	For a female dog that has not had a ovario-hysterectomy above	\$25.00
Replacement	For a replacement licence or licence tag	\$5.00

(q) Replacing Schedule B “Animal Control Fees”, which reads:

Type	Action	Fees
Licensed Dogs	Licensed dog first seizure and impoundment in a calendar year.	\$30.00
	Licensed dog second seizure and impoundment in a calendar year	\$60.00
	Licensed dog third and subsequent seizure and impoundment in a calendar year	\$100.00
Unlicensed Dogs	Unlicensed dog first seizure and impoundment in a calendar year.	\$60.00
	Unlicensed dog second seizure and impoundment in a calendar year	\$80.00
	Unlicensed dog third and subsequent seizure and impoundment in a calendar year	\$110.00
Animals (other than Dogs)	For the first impoundment in any calendar year and in addition thereto, the actual costs incurred in capturing and transporting such animal to the pound.	\$30.00 plus actual costs
	For the second and each subsequent impoundment in any calendar year and in addition thereto, the actual costs incurred in capturing and transporting such animal to the pound.	\$50.00 plus actual costs
Feeding Charges	Feeding charges for all animals, including dogs, each day or part thereof that an animal is in the pound	\$15.00

with the following:

Type	Action	Fees
Licensed Dogs	Licensed dog first seizure and impoundment in a calendar year.	\$50.00
	Licensed dog second seizure and impoundment in a calendar year	\$100.00
	Licensed dog third and subsequent seizure and impoundment in a calendar year	\$150.00



Unlicenced Dogs	Unlicenced dog first seizure and impoundment in a calendar year.	\$50.00
	Unlicenced dog second seizure and impoundment in a calendar year	\$200.00
	Unlicenced dog third and subsequent seizure and impoundment in a calendar year	\$300.00
Dangerous Dog	Dangerous dog first seizure and impoundment in a calendar year	\$500.00
	Dangerous dog second and subsequent seizure and impoundment in a calendar year	\$1,000.00
Animals (other than Dogs)	For the first impoundment in any calendar year and in addition thereto, the actual costs incurred in capturing and transporting such animal to the pound.	\$50.00 plus actual costs
	For the second and each subsequent impoundment in any calendar year and in addition thereto, the actual costs incurred in capturing and transporting such animal to the pound.	\$100.00 plus actual costs
Feeding Charges	Feeding charges for all animals, including dogs, each day or part thereof that an animal is in the pound	\$30.00
Dangerous Dog	Annual animal control service fee payable by owners of dangerous dogs	\$50.00

- (r) Add Schedule C “Dangerous Dog Warning Sign (SAMPLE)” as attached:

Schedule C  
Dangerous Dog Warning Sign (SAMPLE)

**WARNING**



**DANGEROUS  
DOG**

**Citation**

This Bylaw No. 625 may be cited as “Comox Valley Electoral Areas Animal Control Bylaw No. 100, 2010, Amendment No. 1.”

<b>Read a first and second time this</b>	<b>27<sup>th</sup></b>	<b>day of</b>	<b>October</b>	<b>2020.</b>
<b>Read a third time this</b>	<b>27<sup>th</sup></b>	<b>day of</b>	<b>October</b>	<b>2020.</b>
<b>Adopted this</b>		<b>day of</b>		<b>2020.</b>

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Deputy Corporate Legislative Officer

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 625, being “Comox Valley Electoral Areas Animal Control Bylaw No. 100, 2010, Amendment No. 1” as adopted by the board of the Comox Valley Regional District on the    day of        2020.

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Deputy Corporate Legislative Officer