

**FILE:** 4020-01

**DATE:** September 23, 2020

**TO:** Chair and Directors  
Electoral Areas Services Committee

**FROM:** Russell Dyson  
Chief Administrative Officer

**RE: Animal Control Bylaw Amendment**

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Supported by Russell Dyson  
Chief Administrative Officer

*R. Dyson*

### **Purpose**

To amend the existing Comox Valley Regional District (CVRD) Electoral Areas Animal Control Bylaw No. 100 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 (Appendix A).

### **Recommendation from the Chief Administrative Officer:**

THAT the Board consider giving readings to Bylaw No. 625 being the “Comox Valley Electoral Areas Animal Control Bylaw No. 100, 2010, Amendment No. 1” as attached to the staff report dated September 23, 2020.

AND FURTHER THAT the Board consider giving readings to Bylaw No. 627 being “Municipal Ticket Information Bylaw No. 104, 2010” Amendment No. 19” to reflect the changes outlined in the staff report dated September 23, 2020

AND FINALLY THAT the proposed Dog Enforcement Policy and flow chart attached to the staff report dated September 23, 2020 be approved.

### **Executive Summary**

In 2020, Bylaw staff began a review of the current Electoral Areas Animal Control Bylaw with consultation with the Corps of Commissionaires Animal Control Officers (ACO), SPCA, and Bylaw Compliance Officers in an effort to provide a refined policy with better options, enforcement tools and guidance to investigate and deal with aggressive and dangerous dogs. This review followed concerns noted in investigations which identified the need for better and clearer guidance for staff.

A legal review was conducted in line with the consultations with ACO and the SPCA of the existing bylaw to study best practices of other regional districts and municipal governments. The CVRD Electoral Areas Animal Control Bylaw No. 100 was last updated in 2010.

Prepared by:

Concurrence:

Concurrence:

*M. Dinesen**A. Yasinski**S. Smith*


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 Michael Dinesen  
 Bylaw Enforcement Officer

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 Amanda Yasinski  
 Manager of Bylaw  
 Compliance

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 Scott Smith, RPP, MCIP  
 General Manager of Planning  
 and Development Services  
 Branch
**Background/Current Situation**

Following the legal review; proposals for amendments to the existing bylaw include:

- Addition of aggressive dog definition and requirements to clarify the differences and investigative steps required to deal with aggressive and/or dangerous dogs;
- Specific requirements for securing dangerous dogs, including a secure enclosure definition, approved signage, the addition of a dangerous dog service fee set at \$50 on top of standard licence fees and specific impound fees for dangerous dogs;
- Omitting the ‘noisy’ dog section entirely and applying the CVRD’s Noise Control Bylaw No. 102 to better address those complaints;
- Providing an exemption for licence fees for ‘service dogs’ by allowing for such identified animals licencing fees to be waived at the discretion of ACO and /or Bylaw staff; and
- An increase of licence fees to be in-line with the surrounding municipalities.

In addition, the review recommended a policy that would provide further guidance to staff and/or contractors that are authorized to enforce provisions of the CVRD’s Animal Control Bylaw. A Dog Enforcement Policy would be used in conjunction with the CVRD’s existing Bylaw Enforcement Policy to assist staff with determining when to elevate a dog to a dangerous dog classification. The policy is to assist with clarity, be user friendly, and provide additional guidance when applying the new bylaw provisions and how to select between enforcement options. The suggested policy is attached to this report (Appendix B).

When investigating a complaint regarding a possible aggressive or dangerous dog ACOs will be able to follow the steps within the Dog Enforcement Policy, to consider all the evidence before making a decision on whether or not to pursue further action. When a complaint addresses concerns for a dangerous dog, the Dangerous Dog Procedure flow chart provides step-by-step guidance working from the point of the attack to enforcement and court proceedings (Appendix C).

Other changes addressed through the review were the at large provisions being changed to reflect concerns about dogs and agricultural animals only; not cats. As a result, the definition of “At Large” was changed to better reflect this fact.

Licensing fees are increased to \$10 for altered dogs and \$25 for un-altered dogs. The fee increases would take place in January 2021 so any 2021 licences purchased from November to December 31, 2020 would still be the existing fee of \$5 or \$15. The annual licensing campaign will capture the changes and upcoming increases for dog licences in 2021 and hopefully act as an incentive for early purchase at the reduced rate. In addition, we would now charge \$30 a day for dogs impounded to match current SPCA boarding fees.

The benefit of the amendments to the Bylaw is that it will allow enforcement staff to utilize better defined policies and enforcement steps when dealing with aggressive and dangerous dogs. The Municipal Ticket Information Bylaw No. 104, 2010 will need to be amended to remove reference to

‘harbouring a noisy dog’, and to include a ticket provision to address new language around aggressive dogs. No fine increases are proposed.

**Options**

1. To implement the changes as outlined;
2. To not change the existing Animal Control Bylaw.

Staff recommends Option 1.

**Financial Factors**

The cost to administer the Comox Valley Animal Control Service, Function 291, is \$164,000 and is contained in the 2020 budget. The requisition for this service is based on a rate of \$0.0214 of assessed value, which results in a cost of \$10.70 for a property assessed at \$500,000.

The 2020 budget includes \$5000 to complete the legal review and update of the Animal Control Bylaw.

**Legal Factors**

The ability to enforce animal control regulations requires periodic legal review to ensure we are in line with best practices.

**Regional Growth Strategy Implications**

Changes to the Bylaw will ensure that procedures and objectives are in line with the Regional Growth Strategy. Specifically, public health and safety supporting a high quality of life through the protection and enhancement of community health, safety and well-being.

**Intergovernmental Factors**

The CVRD’s Bylaw staff have a close working relationship with the SPCA, RCMP, other regional district and municipal bylaw staff as well as ACOs. The bylaw amendments will be communicated with these partners.

**Interdepartmental Involvement**

There are no specific interdepartmental considerations.

**Citizen/Public Relations**

ACO and Bylaw staff attend animal control complaints on properties throughout the CVRD. An improved bylaw will assist staff in communicating, providing guidance and seeking compliance within the communities we serve.

Attachments: Appendix A – “Draft Comox Valley Regional District (CVRD) Electoral Areas  
Animal Control Bylaw No. 100 – Lidstone & Company”  
Appendix B – “Dog Enforcement Policy”  
Appendix C – “Dangerous Dog Procedure Flow Chart”

**COMOX VALLEY REGIONAL DISTRICT**

**BYLAW NO. 100**

**A bylaw to provide for the impounding and licensing of animals**

**WHEREAS** the Comox Valley Regional District has the authority to exercise the regulation of animals function in accordance with sections 703, 707, and 707.1 of the *Local Government Act* and section 49 of the *Community Charter*;

**AND WHEREAS** by supplementary letters patent dated the 3<sup>rd</sup> day of September 1981 the Regional District of Comox-Strathcona was granted the function of animal control with Electoral Areas B and C and that portion of Electoral Area A located on Vancouver Island being the participating areas;

**AND WHEREAS** Bylaw No. 2266 being “Comox Valley Animal Control Extended Service Conversion Bylaw No. 2266, 2000”, adopted on the 28<sup>th</sup> day of August 2000 converted the function to animal control to an extended service of the regional district;

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

**Title**

1. This Bylaw No. 100 may be cited for all purposes as “Electoral Areas Animal Control Bylaw No. 100, 2010”.

**Interpretation**

2. In this bylaw, unless the context otherwise requires:

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“Aggressive Dog” means any dog which has:

- a. Caused minor injuries to a person or domestic animal, not including bite wounds; or
- b. Attacked or bitten an agricultural animal, regardless of whether the attack or bite resulted in injury; or
- c. Displayed aggressive behaviour including, but not limited to, growling, snarling, or lunging; or
- d. Without provocation, aggressively chased, stalked, pursued, harassedharassed 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.

“Agricultural Animal” includes livestock animals such as cattle, horse, mule, ass, swine, sheep, goat, rabbit, other animals of the bovine species and poultry or domesticated birds including but not limited to chicken, ducks, geese, turkeys and game birds.

“Animal” means any domestic animal or agricultural animal.

“Animal Control Officer “	means an employee, officer or agent designated by the <del>board</del> <u>Board</u> for purposes of this bylaw such as the <del>poundkeeper</del> <u>poundkeeper</u> , peace officer and the <del>bylaw</del> <u>Bylaw</u> <del>Ceompliance</del> <u>Officers</u> .
<del>“At Large” Dog”</del>	means: <ul style="list-style-type: none"> <li><del>a. a dog being in or upon:</del> <ul style="list-style-type: none"> <li><del>i. in or upon the lands or premises</del> <u>property</u> of any person other than the owner of the dog without the expressed or implied consent of that person;</li> <li><del>ii. any public place posted as being prohibited to dogs;</del></li> <li><del>iii. in or upon a public place not prohibited to dogs, including a highway, unless the dog is on a leash and under the control of a competent person who is at least 19 years of age</del> <u>competent to control the dog;</u></li> </ul> </li> <li><del>b. or in or upon a public place posted as being prohibited to dogs:</del> <u>an agricultural animal being in or upon:</u> <ul style="list-style-type: none"> <li><del>i. a public place including a highway; or</del></li> <li><del>ii. the property of any person, other than the owner, without the express or implied consent of that person.</del></li> </ul> </li> </ul>
<del>“At Large Other Animals”</del>	<del>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.</del>
“Board”	means the Board of the Comox Valley Regional District.
“Dangerous Dog”	means the following: <ul style="list-style-type: none"> <li>a. any dog which has killed or <u>seriously</u> injured a person; or</li> <li>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</li> <li>c. if an animal control officer has reasonable grounds to believe that a dog is likely to kill or seriously injure a person, <del>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.</del></li> </ul>
“Dog”	means any animal of the canine species.
“Domestic Animal”	means any dog, cat and other species kept as a pet by its owner and does not include agricultural animals.
<del>“Noise”</del>	<del>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.</del>
<del>“Noisy”</del>	<del>means making, or given to making a loud noise.</del>

“Owner”	means a person: <ol style="list-style-type: none"> <li>a. <del>over the age of 196 years and includes a person whose name appears on a dog license;</del></li> <li>b. <del>who possesses or harbours an animal; or-</del></li> <li>c. <del>who has the care, custody, or control of an animal.</del></li> </ol>
“Pound”	means any facility or vehicle established, maintained, or operated as a pound in accordance with this bylaw.
“ <del>Poundkeeper</del> <u>Po</u> <del>undkeeper</del> ”	means the person or persons appointed from time to time by the <del>board</del> <u>Board</u> as a <del>poundkeeper</del> <u>poundkeeper</u> and his or her designate, and may include a contractor with whom the regional district has contracted to act as <del>poundkeeper</del> <u>poundkeeper</u> .
“Regional District”	means the Comox Valley Regional District.
<u>“Secure Enclosure”</u>	<p><u>Means a structure which:</u></p> <ol style="list-style-type: none"> <li>a. <u>allows for the humane confinement of an animal;</u></li> <li>b. <u>allows the safe and unrestricted movement of an animal;</u></li> <li>c. <u>has self-closing gates;</u></li> <li>d. <u>is constructed and locked in a manner which prevents the escape of an animal and the unauthorized entry of a person;</u></li> <li>e. <u>has no side in common with a perimeter fence;</u></li> <li>f. <u>is approved by an Animal Control Officer for the specific animal it will house; and</u></li> <li>g. <u>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:</u> <ol style="list-style-type: none"> <li>i. <u>a height of at least 1.8 m;</u></li> <li>ii. <u>a concrete or asphalt floor which is securely attached to the sides of the enclosure;</u></li> <li>iii. <u>wire or steel mesh sides and roof;</u></li> <li>iv. <u>if there is no concrete or asphalt floor, sides which are embedded into the ground to a minimum depth of 30cm.</u></li> </ol> </li> </ol>
<u>“Service Animal”</u>	<p><u>means an animal trained by an accredited institution; and on duty:</u></p> <ol style="list-style-type: none"> <li>a. <u>as a law enforcement animal; or</u></li> <li>b. <u><del>To</del> provide assistance to a hearing- or visually-impaired or physically- or developmentally-challenged person.</u></li> </ol>
“Service Area”	means <del>E</del> <u>E</u> lectoral <del>A</del> <u>A</u> reas “B” and “C” and that portion of <del>e</del> <u>e</u> lectoral <del>A</del> <u>A</u> rea “A” located on Vancouver Island.
“Unlicensed Dog”	means any dog for which <del>the a license is required -for the current year but that license has not been paid for as provided inrequired by</del> this bylaw or to which the tag <del>provided for</del> <u>issued pursuant to -by</u> this bylaw is not attached.

### Jurisdiction

3. This bylaw is applicable to and enforceable within Electoral Areas ~~‘B’~~, and ~~‘C’~~ and that portion of Electoral Area ~~‘A’~~ located on Vancouver Island.

### Licensing Process

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 ~~S~~chedule ~~‘A’~~ attached hereto and forming part of this bylaw to the ~~R~~egional ~~D~~istrict. 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’~~.~~

~~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.~~

### License Responsibility

5. (1) Every licence and corresponding tag issued under this bylaw expires on the 31<sup>st</sup> day ~~of~~ December of the year in which it is issued, is valid only in respect of the dog for which it was issued.
- (2) The person to whom a licence is issued under this bylaw must pay the licence fee as outlined in ~~S~~chedule A and while the licence is valid and subsisting, affix and keep affixed the corresponding licence tag to a collar or harness worn at all times by the dog for which the licence was issued.
- (3) Where a licence or licence tag is lost or destroyed, the person to which the original licence was issued may, by paying the fee prescribed in ~~S~~chedule A, apply to the ~~R~~egional ~~D~~istrict for a replacement licence or licence tag.
- (4) A person other than the owner of the dog must not remove from such a dog a licence tag issued pursuant to this bylaw.

### Prohibition of At Large

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.~~

~~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.~~

### Prohibition in Designated Areas

7. (1) The ~~board~~ Board may designate all or any part of a park(s) or public place(s) as an area in which no animals shall be permitted and such an area(s) may be marked by signs or other design.

(2) A person owning or having the custody, care or control of any animal must not suffer, permit or allow such animal to be in a designated area pursuant section 7(1).

### Solid Excrement

8. A person must not allow or suffer any dog to leave or deposit solid excrement on any public place or private property other than the property of the owner, unless the person owning or having the custody, care and control of such dog, shall immediately take steps to remove such solid excrement and to dispose of it in a sanitary manner.

### Determinations

~~9.8.1~~ (1) ~~An Animal Control Officer may determine whether a dog meets the definition of an aggressive dog or a dangerous dog for the purposes of this b~~Bylaw.

~~(2) 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 b~~Bylaw for aggressive dogs and dangerous dogs.



**Aggressive Dogs**~~Noisy Dogs~~

~~109.~~ (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 1.5 m in length which is held by a person who is at least 19 years of age.~~ at least 19 years of age.

~~(3) 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 secure enclosure; or~~

~~(b) secure the dog on a non-retractable leash not longer than 1.5 m in length which is securely held by a person who is at least 19 years of age.~~ is at least 19 years of age.

~~9. (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.~~

**Dangerous Dogs**

~~11.~~ 11.

~~11.~~ (1) A person must not ~~own or have custody~~ own, keep, possess or harbour of a dangerous dog except as provided in sections 10(2) ~~through~~ and 10(5~~3~~) 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:~~ 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

a. the dog is secured on a non-retractable leash not longer than 1.5 m in length which is held by a person who is at least 19 years of age is at least 19 years of age; and

~~(2)~~ b. the dog is securely 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) When a dangerous dog is on property owned or controlled by its owner, the owner must:~~

a. The owner of a dangerous dog must securely confine the dog in a building or secure enclosure and within a building or secure enclosure; or

~~b. 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~~  
secure the dog on a non-retractable leash not longer than 1.5 m 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 the sign attached to this bylaw as Schedule C<sup>2</sup> in a manner which is visible to the public.~~

~~The owner of a dangerous dog must:~~

~~(5)~~  
~~a. license the dog annually in accordance with section 4; and~~  
~~(3)b. pay annually the dangerous dog service fee specified in Schedule B<sup>2</sup>.~~

~~(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.~~

### Seize or Impound

~~12.~~ 12. (1) The poundkeeper or any peace officer is authorized as animal control officers to seize or impound any animal that is found at large or an unlicensed dog.

(2) If a peace officer seizes an animal pursuant to section 11(1), they must, as soon as practical, notify the poundkeeper of such seizure and cause such animal to be delivered to the poundkeeper.

(3) The poundkeeper must receive and impound any animal delivered to them by a peace officer pursuant to section 11(2). The poundkeeper must retain in a pound any animal seized and impounded pursuant to this section and shall not release any such animal except in accordance with the provisions of this bylaw.

### Impound Procedures

~~132.~~ (1) Where a dog is seized and impounded pursuant to section 11(1), and if the dog is unlicensed, then the poundkeeper must retain it for a minimum of seventy-two (72) hours.

- (2) Where a dog is seized and impounded pursuant to section 11(1), and if the dog is licensed, then, the poundkeeper must immediately notify the owner in person, by telephone or by any other communication means. ~~The~~ notice will provide the following information:
  - (a) date and time of impoundment;
  - (b) description of dog;
  - (c) name and address of the poundkeeper to whom application may be made for release of the dog; and
  - (d) costs of seizure, expenses to the date of the notice, and any continuing costs and expenses.
- (3) Where an animal other than a dog is seized and impounded pursuant to section 11(1), then the poundkeeper must, if the owner is known to the poundkeeper, immediately notify the owner in accordance with section 12(2).
- (4) In the case of an unlicensed dog that has been impounded, if the owner does not appear at the pound, release the dog, and pay the required fees set out in ~~schedule~~ Schedule B of this bylaw, plus the cost of a licence for the dog if applicable within seventy-two (72) hours of impounding then the poundkeeper may dispose of such dog as provided in this bylaw.
- (5) In the case of a licensed dog that has been impounded, if the owner does not within forty-eight (48) hours of being notified pursuant to section 12(2) or within seventy-two (72) hours of impounding, whichever comes first, appear at the pound, release the dog, and pay the required fees set out in ~~S~~Schedule ~~“B”~~ of this bylaw, plus the cost of a licence for the dog if applicable, then the poundkeeper may dispose of such dog as provided in this bylaw.
- (6) In the case of an impounded animal, if the owner or duly authorized agent does not within forty-eight (48) hours of being notified pursuant to section 12(3) or within seventy-two (72) hours of impounding, whichever comes first, appear at the pound and release the animal so impounded by payment of the fees and charges set out in ~~S~~Schedule ~~“B”~~ plus the cost of a licence for the animal, if applicable, then the poundkeeper may dispose of such an animal.
- (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, ~~the poundkeeper~~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.

### Rescue

~~13.14.~~ 14. A person must not rescue or attempt to rescue any animal in the custody of the poundkeeper or any other person, or when the animal is in a pound.

**Enforcement**

~~44.~~ 15. Notwithstanding the provisions of the *Offence Act*, for a contravention of any of the provisions of the bylaw, a notice of such contravention may be given by the animal control officer by means of a ticket of the amount in accordance with the fees outlined in the CVRD ticketing bylaw.

**Penalty**

- ~~45.~~ 16. (1) \_\_\_\_\_—Any person who contravenes a provision in this bylaw, or who suffers or permits any act or thing to be done in contravention of this bylaw, or who refuses, omits, or neglects to fulfill, observe, carry out or perform any duty or obligation imposed in this bylaw is guilty of an offence and:
  - (a) on summary conviction is liable to a fine of not less than \$500 and not more than \$10,000; or
  - (b) on conviction of a ticket offence under the ticket information bylaw, is liable for the fine imposed under that bylaw.
- (2) In the case of a continuing violation, each day that a violation continues to occur shall constitute a separate offence.

**Severability**

~~16.~~17. If any provision of this bylaw is held to be beyond the power of the ~~regional~~ Regional ~~district~~ District or otherwise invalid by any court of competent jurisdiction, then the provision may be severed from the bylaw without affecting the validity of the remainder of the bylaw.

**Repeal**

~~17.~~18. Bylaw No. 2053 being “Regional District Animal Control Bylaw No. 2053” and amendments thereto are hereby repealed.

<b>Read a first and second time this</b>	<b>30<sup>th</sup></b>	<b>day of</b>	<b>March</b>	<b>2010.</b>
<b>Read a third time this</b>	<b>30<sup>th</sup></b>	<b>day of</b>	<b>March</b>	<b>2010.</b>
<b>Adopted this</b>	<b>27<sup>th</sup></b>	<b>day of</b>	<b>April</b>	<b>2010.</b>

G. T. Phelps  
Chair

D. Oakman  
D/Corporate Legislative Officer

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 100 being “Electoral Areas Animal Control Regulations Bylaw No. 100, 2010” as adopted by the board of the Comox Valley Regional District this 27<sup>th</sup> day of April 2010.

D. Oakman  
D/Corporate Legislative Officer

**Schedule “A”  
Licence Fees**

Type	Action	Fees
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.	\$ <del>105</del> .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.	\$ <del>510</del> .00
Male Unaltered Dog	For a male dog that is not neutered	\$ <del>2545</del> .00
Female Unaltered Dog	For a female dog that has not had a ovario-hysterectomy above	\$ <del>2545</del> .00
Replacement	For a replacement licence or licence tag	\$ <del>52</del> .00

**Schedule <sup>4</sup>B<sup>2</sup>**  
**Animal Control Fees**

Type	Action	Fees
Licenced Dogs	Licenced dog first seizure and impoundment in a calendar year.	<del>\$5030.00</del>
	Licenced dog second seizure and impoundment in a calendar year	<del>\$10060.00</del>
	Licenced dog third and subsequent seizure and impoundment in a calendar year	<del>\$150400.00</del>
Unlicenced Dogs	Unlicenced dog first seizure and impoundment in a calendar year.	<del>\$5060.00</del>
	Unlicenced dog second seizure and impoundment in a calendar year	<del>\$20080.00</del>
	Unlicenced dog third and subsequent seizure and impoundment in a calendar year	<del>\$300440.00</del>
<u>Dangerous Dog</u>	<u>Dangerous dog first seizure and impoundment in a calendar year</u>	<u>\$500.00</u>
	<u>Dangerous dog second and subsequent seizure and impoundment in a calendar year</u>	<u>\$1,000.00</u>
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.	<del>\$5030.00</del> 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.	<del>\$10050.00</del> plus actual costs
Feeding Charges	Feeding charges for all animals, including dogs, each day or part thereof that an animal is in the pound	<del>\$3045.00</del>
<u>Dangerous Dog</u>	<u>Annual animal control service fee payable by owners of dangerous dogs</u>	<u>\$50.00</u>

Schedule ‘C’  
Dangerous Dog Warning Sign

**WARNING**

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**DANGEROUS**

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**DOG**

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**Dog Enforcement Policy**

**Policy Statement**

This policy is intended to provide further guidance to persons authorized to enforce the provisions of the Comox Valley Regional District’s (CVRD’s) *Electoral Areas Animal Control Bylaw No. 100, 2010*, as they apply to dogs.

This policy is intended to be used in conjunction with the CVRD’s Bylaw Enforcement Policy and should be used as a complement to “Section 4 – Enforcement” in that policy document.

**Dangerous Dog Policy**

Complaint and Investigation

After receiving a complaint regarding a possible aggressive or dangerous dog, Animal Control Officers (“ACOs”) shall investigate the complaint and consider all of the evidence obtained before making a decision on whether or not to pursue further action.

<b>DECISION</b>	
<p><u>No Further Action</u></p> <p>After investigating a complaint of an aggressive dog or dangerous dog, ACOs may elect to take no further action if:</p> <ul style="list-style-type: none"> <li>• The owner can provide evidence satisfactory to the CVRD that they have already put the dog down or it has been permanently re-homed outside of the CVRD’s animal control jurisdiction;</li> <li>• There is insufficient evidence to support a bylaw violation or an aggressive dog or dangerous dog declaration; or</li> <li>• There are mitigating circumstances that explain the events, which may include, but are not limited to:                             <ul style="list-style-type: none"> <li>○ The animal was responding to:                                     <ul style="list-style-type: none"> <li>○ An attack by a person or aggressive animal;</li> <li>○ An attack against its offspring by a person or aggressive animal;</li> <li>○ Teasing, provocation or torment;</li> </ul> </li> </ul> </li> </ul>	<p><u>Further Action</u></p> <p>After investigating a complaint of an aggressive dog or dangerous dog, if further action is appropriate, the following options may be appropriate for dealing with dangerous or aggressive dogs:</p> <ol style="list-style-type: none"> <li>1. Declare the dog to be a dangerous dog or an aggressive dog under the Bylaw (a “Bylaw Declaration”);</li> <li>2. Issue a Municipal Ticket Information (MTI) to the owner;</li> <li>3. Negotiate a consent agreement with the dog’s owner to have conditions placed upon the dog;</li> <li>4. Prosecute the owner for a bylaw violation under the <i>Offence Act</i>;</li> <li>5. Make an application to Provincial Court to have the dog declared dangerous and humanely euthanized.</li> </ol>



<ul style="list-style-type: none"> <li>• The animal was:             <ul style="list-style-type: none"> <li>○ Protecting its owner from physical harm;</li> <li>○ Defending the owner’s real or personal property from trespass, damage, or theft;</li> <li>○ Attempting to prevent a person from committing an unlawful act; or</li> </ul> </li> <li>• The animal was performing law enforcement work.</li> </ul>	
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If Taking Further Action:

- ACOs should select the least restrictive, least expensive option which appropriately protects the public safety.
- If an option is not successful in achieving compliance and there are further complaints regarding a particular dog or owner, ACOs may consider escalating to a more serious or restrictive option.
- In selecting the appropriate option in the circumstances, the following factors may be considered when selecting the appropriate action to take:

Factor	Information Which May Be Relevant to Evaluating Factor
<p>Future Risk of Harm to the Public</p>	<ul style="list-style-type: none"> <li>• History of animal             <ul style="list-style-type: none"> <li>○ Previous attacks in this or another jurisdiction?</li> <li>○ Previous complaints of aggressive behaviour?</li> <li>○ Do behaviours/attacks seem to be escalating?</li> <li>○ Are the complaints/attacks increasing in frequency?</li> <li>○ Owner’s compliance history with bylaw provisions or conditions (if any)?</li> <li>○ Owner’s ability and willingness to comply with conditions.</li> <li>○ Age of dog.</li> <li>○ Likelihood of rehabilitation of dog.</li> </ul> </li> <li>• Victims             <ul style="list-style-type: none"> <li>○ Number of victims to date.</li> <li>○ Type of victims (domestic animal, dog, human (child vs adult)).</li> </ul> </li> <li>• Injuries sustained by victims             <ul style="list-style-type: none"> <li>○ Seriousness of the injury:                 <ul style="list-style-type: none"> <li>▪ Medical treatment required?</li> <li>▪ Long term effects of injuries?</li> </ul> </li> </ul> </li> </ul>

Results of Previous Compliance Action	<ul style="list-style-type: none"> <li>• What actions have previously been undertaken? <ul style="list-style-type: none"> <li>○ Have multiple actions been tried</li> </ul> </li> <li>• What was the result of that action? <ul style="list-style-type: none"> <li>○ Has there been repeated non-compliance?</li> </ul> </li> </ul>
Likelihood of a Successful Outcome	<ul style="list-style-type: none"> <li>• The evidence obtained <ul style="list-style-type: none"> <li>○ What type of evidence is it? <ul style="list-style-type: none"> <li>▪ Documentary</li> <li>▪ Witnesses</li> <li>▪ Expert</li> </ul> </li> <li>○ Does the evidence support a bylaw breach?</li> <li>○ Strength of the evidence.</li> <li>○ Is there evidence to support each essential element?</li> </ul> </li> <li>• Are there alternate explanations/mitigating circumstances for the events?</li> <li>• Are owners receptive to concerns of ACOs and willing to voluntarily comply with conditions?</li> </ul>
Availability of Resources to Pursue the Option	<ul style="list-style-type: none"> <li>• Estimated cost of the option?</li> <li>• Availability of staff resources?</li> <li>• Availability of financial resources?</li> </ul>

Additional Guiding Principles:

- In considering whether to pursue Option 1 (a Bylaw Declaration), ACOs should consider whether, on the evidence available, the dog meets the bylaw definition of dangerous dog.
  - If the answer is yes, ACOs may make a Bylaw Declaration of dangerous dog.
  - If the answer is no, ACOs should consider whether the dog meets the bylaw definition of aggressive dog.
    - If the answer is yes, ACOs may make a Bylaw Declaration of aggressive dog.
- Generally, Option 5 (an application to Provincial Court) should be selected in circumstances where the future risk of harm to the public cannot be mitigated by any other means.
- In considering whether Option 2 Municipal Ticket Information (MTI) or Option 4 (prosecution) are appropriate, likelihood of a successful outcome is a particularly important factor.
  - If choosing between Option 2 (MTI) and Option 4 (prosecution), results of previous compliance action and availability of resources to pursue the option will be

particularly important factors. Where option 2 (MTI) has previously been ineffective, Option 4 (prosecution) may be appropriate if sufficient resources are available.

- When evaluating whether Option 3 (consent agreement) is appropriate, likelihood of a successful outcome is a particularly important factor.

## **Noisy Dog Policy**

### Compliance Options

The following enforcement options may be appropriate for enforcing contraventions of the CVRD's dog-related noise bylaw provisions:

1. Voluntary Compliance;
2. Municipal Ticket Informations (MTIs); and
3. Long Form Information (LFI) Prosecutions in Provincial Court.

### Escalating Enforcement

When dealing with contraventions of the CVRD's noisy dog provisions, ACOs should follow a process of escalating enforcement.

1. For first offences, ACOs should focus on education and achieving voluntary compliance.
2. If voluntary compliance cannot be achieved or if there are subsequent violations, ACOs may issue an MTI if there is sufficient evidence to prove each element beyond a reasonable doubt.
3. If convictions have been achieved previously on tickets and there are multiple violations, ACOs may consider escalating the matter and retaining a prosecutor to commence a prosecution by LFI to seek injunctive orders or restitution in addition to fines. ACOs should consider the following factors when determining whether to escalate the matter:
  - a. The quality and sufficiency of the evidence;
  - b. The version of events of the alleged offenders;
  - c. The number of complainants being affected;
  - d. How long the offences have been ongoing;
  - e. Whether compliance can be achieved by other means; and
  - f. The financial resources available to proceed with a prosecution.

# Dangerous Dog Procedure Flow Chart

