

A BYLAW OF THE CITY OF VICTORIA

to revise and consolidate the provisions of the Animal Control Bylaw.

Under its statutory powers, including those in paragraphs 932(s) and 933 (1)(d) of the Municipal Act, the Municipal Council of the Corporation of the City of Victoria enacts the following provisions:

1. This Bylaw may be cited as the "ANIMAL CONTROL BYLAW."

2. In this Bylaw

"animal" includes a dog, horse, mule, ass, donkey, cattle, sheep, goat, swine, rabbit, cat, deer, fowl and other members of the poultry genus;

"dangerous means any dog over four months dog"

(a) which according to the records of the Poundkeeper has bitten another animal or human without provocation on public or private property;

(b) which has a known propensity, tendency or disposition to attack without provocation any human or animal; or

(c) which according to the records of the Poundkeeper has been found previously to be dangerous and whose owner has received notice of that fact, and the dog again aggressively bites, attacks or endangers the safety of any human or animal.

"dog kennel" includes any building, structure or place in which a dog is kept;

"farm animal" means any domesticated animal normally raised for food, milk or as a beast of burden and includes cattle, horses, swine, sheep, goats, mules, donkeys, asses and oxen;

"owner" in respect of any animal includes a person possessing or harbouring the animal, and "owns" has a corresponding meaning;

"Poundkeeper" means a poundkeeper appointed pursuant to Section 4, and includes his assistants or employees;

"rooster" means a male fowl over the age of six months.

3. For the purpose of this Bylaw, a pound is designated and established at 3150 Napier Lane, Victoria, British Columbia.

4. Council appoint, by resolution, a Poundkeeper and any assistants as Council deems expedient as employees of the City or Council may enter into an agreement with a branch of the British Columbia Society for the Prevention of Cruelty to Animals to act as agent of the City, with all the powers and duties of a Poundkeeper.

5. The Poundkeeper shall keep a book in which the Poundkeeper promptly enters a description of every animal impounded, the date and place where the animal was impounded, the date when the animal was redeemed or otherwise disposed of, the disposition of the animal and the amount of money, if any, recovered in respect of the animal.

6. (1) At the end of every month the Poundkeeper shall make a report in writing to the Director of Finance, containing

(a) the information referred to in section 5;

(b) a complete record of any dog bites which have occurred in that month, including

information concerning the severity of the bite, the breed of the dog, the name and address of the owner of the dog, if known, the name of the person bitten and the details of any charges under the Bylaw; and

- (c) any other information required by Council.
- (2) If required by the Director of Finance, the report referred to in subsection (1) shall be verified by a statutory declaration by or on behalf of the Poundkeeper.
- (3) The Director of Finance shall provide to Council a monthly report of any fines collected under this Bylaw and a copy of the report of the Poundkeeper provided under subsection (1).

7. The Poundkeeper, if not employed by the City, shall once every month pay over to the City all money received, and, on demand at any time during business hours, shall produce his books of account and records for inspection by the Director of Finance.

8. All monies received by the Poundkeeper pursuant to this Bylaw are the property of the City.

9. (1) Unless the dog is firmly held on a leash not exceeding 2.4 m in length or a retractable lead of not more than 8 m in length, fully extended, and held by a person competent to restrain the dog, no person shall at any time cause or allow a dog owned by that person to be in any street, lane or other public place or in any public park.

(2) This provision does not apply to a public place which is used for a dog show or performance trials and the dogs are participants in the show or performance trial.

10. No person may cause or allow a dog owned by him or her to be in the area commonly known as Gonzales Beach

- (a) at any time from the 1st day of June to the 31st day of August in any year; and
- (b) at any time from the 1st day of September to the 31st day of December or from the 1st day of January to the 31st day of May in any year, unless the dog is firmly held on a leash not exceeding 2.4 m in length or a retractable lead of not more than 8 m in length, fully extended, and held by a person competent to restrain the dog.

11. No person may cause or allow any animal owned by him or her to be on any private lands and premises without the consent of the occupier or owner of the lands and premises.

12. No person may cause or allow a dog over the age of 4 months to be anywhere except on premises normally occupied by the person unless the dog wears a collar with the current year's metal licence tag referred to in section 28, attached to the collar.

13. The Poundkeeper may impound any animal found to be in a place or in circumstances prohibited by the four preceding sections, and any person other than the Poundkeeper may take any animal to the Poundkeeper for impoundment, and the Poundkeeper shall record the name and address of that person before receiving the animal.

14. The owner of each animal impounded is liable to pay the Poundkeeper and the Poundkeeper, before releasing any animal, shall collect from the owner the following:

- (a) an impoundment fee in respect of
 - (i) a rabbit, rodent, or animal, other than a dog, cat, poultry or bird
\$ 5.00
 - (ii) a fowl or other poultry 6.00
 - (iii) a cat 15.00
 - (iv) a dog

for the 1st impoundment	25.00
for the 2nd impoundment	30.00
for the 3rd impoundment	60.00
for the 4th impoundment	60.00
for the 5th impoundment	60.00
for the 6th impoundment	72.00

- (b) a maintenance fee in respect of each day or part of a day of the period of impoundment
 - (i) for a rabbit, rodent or animal, other than a dog, cat or poultry \$ 2.00
 - (ii) for a fowl or other poultry 2.50
 - (iii) for a cat 5.00
 - (iv) for a dog 7.00

15. The Poundkeeper shall furnish all impounded animals with all necessary and proper food and water and shall take reasonable care of them, but no provision of this Bylaw shall be construed as making the Poundkeeper or the City liable to the owner of any animal for injury to, sickness or death of the animal.

16. If the Poundkeeper knows the name and address of the owner of the animal which is impounded the Poundkeeper, within 24 hours after the impoundment, shall inform the owner verbally or by mail.

17. If the owner or the agent of the owner of any animal which is about to be impounded appears and claims the animal at any time before the animal has been taken to the pound, the Poundkeeper shall release the animal to the person upon receiving satisfactory proof of ownership and on payment by the person of half of the impoundment fee fixed by Section 14.

18. (1) The owner of any impounded animal or his agent may redeem the animal from the pound

- (a) upon payment of all impoundment and

maintenance fees, payable by virtue of section 14, up to the date of redemption;

- (b) upon proving ownership to the satisfaction of the Poundkeeper; and
- (c) in the case of an agent, upon satisfying the Poundkeeper of his authority to redeem the animal.

- (2) When the impounded animal is a dog, the Poundkeeper shall be satisfied that all licence fees payable in respect of the dog by virtue of this Bylaw have been duly paid, and that all necessary tags have been obtained, before releasing the dog under this section or under section 17.

19. Before delivering any redeemed animal pursuant to section 18, the Poundkeeper shall obtain from the person claiming the animal the full name and address of the owner, and shall record the information in the books referred to in Section 5.

20. Any animal which has not been redeemed within 96 hours after its impoundment shall become the property of the City, and the Poundkeeper may sell it on behalf of the City, give it away or kill it in a humane manner.

21. No person to whom a dog has been sold or given pursuant to the preceding section shall remove the dog from the pound until he or she has obtained a licence and tags for the dog.

22. The Poundkeeper may at any time cause any animal that has been impounded to be killed upon receiving a certificate of a qualified veterinary surgeon to the effect that the animal is suffering from an infectious or contagious disease, or upon being satisfied that the animal has been so seriously injured that its death is imminent.

23. No person may break open or in any manner directly or indirectly aid or assist in breaking open the Pound or enter the Pound without the permission of the

Poundkeeper or take or release any animal from the Pound without the consent of the Poundkeeper.

24. No person shall hinder, delay or obstruct the Poundkeeper or any person lawfully engaged in impounding an animal or in taking an animal to the Pound for impoundment.

25. The owner of every dog over the age of 4 months shall forthwith apply to the City for, take out, and hold an annual licence in respect of any dog, and pay the following licence fees:

- (a) in respect of a neutered male dog or spayed female dog, a licence fee of \$10.00 each year;
- (b) in respect of a male dog which is not neutered or a female dog which is not spayed, a licence fee of \$20.00 each year.

26. Every blind person who owns a dog trained as a guide dog at a training school recognised by the Canadian National Institute for the Blind shall apply for, take out and hold an annual licence in respect of the dog without payment of a licence fee.

27. (1) Every annual licence expires on the 31st day of December of the year during which it is issued.
- (2) The owner of every dog in respect of which a licence fee is due on the 1st day of January in any year pursuant to Section 25 and who fails to take out and pay for the licence on or before the 1st day of March in that year shall pay an additional sum of \$2.00 in respect of the licence for the year.
- (3) Where any dog licence is lost or destroyed, the owner of the dog may apply for a replacement licence and shall pay a replacement fee of \$2.00 in respect of the licence.
- (4) The additional fee provided for in subsection (2) does not apply to any dog licence fees for any

dog purchased or acquired in the calendar year for which the licence is issued.

28. Every licence shall consist of a written receipt and a metal tag designed to be attached to a dog collar.

29. If a dog does not wear a collar to which the metal licence tag is attached in a conspicuous place, it shall be presumed not to be licensed until the contrary is proved.

30. (1) No person shall keep more than 4 dogs, whether over or below the age of 4 months on one parcel of land, except within the M-2 Zone, Light Industrial District and the M-3 Zone, Heavy Industrial District as defined in the Zoning Regulation Bylaw.

(2) For the purpose of subsection (1) a parcel of land subdivided pursuant to the Condominium Act remains a single parcel of land.

(3) Notwithstanding subsections (1) and (2) the occupier of each apartment in an apartment building under whatever form of land title, may keep one dog.

31. No person may construct or maintain one or more kennels in which in the aggregate 5 or more dogs, whether above or below the age of 4 months, are kept, except within the M-2 and M-3 Zones mentioned in section 30, provided that this prohibition shall not apply to a licensed veterinary surgeon in respect of premises on which he is lawfully practising his profession.

32. No person other than the owner or a person authorized by the owner may remove any collar or tag from any dog, whether or not the dog is licensed.

33. Every occupier of premises where any dog is kept or found and every person having the apparent custody of a dog, shall forthwith, truthfully and fully supply the following information upon demand made by the Poundkeeper or Licence Inspector:

- (a) the name of that person;
 - (b) the number of dogs owned or kept by him or her, their breed, sex and general description;
 - (c) the place where the dogs are kept; and
 - (d) whether the dogs are currently licensed.
34. (1) No person shall keep an habitually noisy dog.
- (2) No person may cause or allow any dangerous dog owned by him to be on a highway or in any public place, or to be on any private lands and premises without the consent of the occupier of the lands and premises.
- (3) Subject to section 10(a) and notwithstanding the provisions of subsection (2), any dangerous dog which is firmly held on a leash not exceeding 2.4 m in length and held by a person competent to restrain the dog and which dog is muzzled by a properly fitted humane device may be on a highway or public place.
- (4) The permissive provisions of sections 9, 10 and 11 do not apply to any dangerous dog.
- (5) The Poundkeeper may impound any dangerous dog found to be in a place or in circumstances prohibited by the preceding subsections, and any person other than the Poundkeeper may take the animal to the Poundkeeper for impoundment; the Poundkeeper shall record the name and address of the person before receiving the animal; and the Poundkeeper may confine the dangerous dog for a period of up to 14 days.
- (6) The owner of any dog which is dangerous dog shall
- (a) display at each entrance to the property and building in or upon which the dog is

kept a sign, in the form attached as Schedule "B" to this Bylaw, to be purchased from the Director of Finance, which sign shall be posted so that it cannot be removed easily by passersby and will be visible and capable of being read from the sidewalk, street or lane, if any;

- (b) within two working days of selling or giving away any dangerous dog, provide the Poundkeeper with the name, address and telephone number of the new owner;
 - (c) advise the Poundkeeper within two working days of the death of a dangerous dog and provide a veterinarian's certificate of the death; and
 - (d) advise the Poundkeeper forthwith if a dangerous dog is loose or has bitten or attacked any person or animal.
- (7) No person shall deface or remove a sign required to be posted under this section.
- (8) Where any dog is impounded under this section, the provisions of section 17 do not apply nor do the provisions of section 20 apply insofar as they permit the sale or giving away of the impounded dog.

35. The owner of a female dog in heat shall confine her within a building or kennel until she is no longer in heat, and shall not cause or allow her during that time to leave the building or kennel.

36. (1) No person shall cause or allow any dog owned by him or under his control to defecate
- (a) on any street, lane, park or other public place; or
 - (b) on any private property other than the

property of the dog owner or the person having control of the dog,

unless that person immediately removes the excrement.

- (2) This section does not apply to a blind person accompanied by a guide dog.

37. No person shall own, harbour or keep any farm animal or rooster within the City of Victoria.

38. Notwithstanding section 37, a person who lawfully operates a horse drawn sightseeing vehicle pursuant to the Sightseeing Vehicles and Tours Bylaw, may bring that horse into the City, and may keep and use it for the purpose of the operation.

39. (1) Subject to subsection 2, no person shall operate or carry on a public show, exhibition, carnival or performance in which animals are required to perform tricks, fight or participate in exhibitions or performances for the amusement or entertainment of an audience.

(2) Nothing contained in this section shall prohibit or restrict the following:

(a) exhibitions or performances involving horses or in which individuals ride horses or ponies;

(b) exhibitions involving dogs;

(c) displays or showings of animals in agricultural fairs or pet shows;

provided that the public show, exhibition, carnival or performance in no way exploits an animal such that it is being used or treated in an inhumane manner for profit or advantage.

(3) The definition of "animal" as set out in section 2 of this Bylaw does not apply to this section.

- (4) Subsection 1 does not apply to anyone who entered into an agreement with the City prior to November 8, 1991 for use of the City's facilities for a public show, exhibition, carnival or performance involving animals.
- 40.
- (1) Any person who contravenes any provision of this Bylaw is guilty of an offence and liable to the penalties prescribed by the Offence Act and to the minimum penalties prescribed in this section.
 - (2) The minimum penalty for the contravention of section 34(2) and (3) where any injury is inflicted on a human or another animal shall be a fine of \$1,000.00.
 - (3) The minimum penalty for any other contravention of section 34(2) and (3) is
 - (a) for the first contravention, a fine of \$500;
 - (b) for the second contravention, a fine of \$600; and
 - (c) for any subsequent offence, a fine of \$1,000.
 - (4) The minimum penalty for a contravention of sections 9, 10, 34(1), (6) and (7) and 35 is a fine of \$50.00.
 - (5) The minimum penalty for a contravention of any other section is a fine of \$40.00.
- 41.
- (1) If he or she has reason to believe that an offence against this Bylaw has been committed, the Poundkeeper or any person authorized by the Poundkeeper or by the City Manager may complete and leave with the alleged offender or at the address of the alleged offender an offence notice in the form attached as Schedule "A" to this Bylaw which may indicate the alleged

offence and the amount of the voluntary penalty which may be paid to the City in respect of it.

- (2) Where a voluntary penalty is paid pursuant to the offence notice in the amount and within the applicable time period set out in section 38 before an information has been sworn and a summons has been issued, no prosecution shall be instituted in respect of the offence described in the offence notice.

42. (1) The voluntary penalty for a contravention of section 35 shall be

- (a) \$35.00 if paid within 14 days from the date of the offence notice;
- (b) \$40.00 if paid after 14 days but within 45 days from the date of the offence notice;
- (c) \$50.00 if paid after 45 days from the date of the offence notice.

(2) The voluntary penalty for a contravention of section 34(2) and (3) shall be

- (a) \$285.00 if paid within 10 days from the date of the offence notice;
- (b) \$500.00 if paid after 10 days from the date of the offence notice;
- (c) for any subsequent offence the amounts in each paragraph shall be increased by \$100.00.

(3) The voluntary penalty for a contravention of any other section shall be

- (a) \$25.00 if paid within 14 days from the date of the offence notice;
- (b) \$30.00 if paid after 14 days but within 45

days from the date of the offence notice;

- (c) \$40.00 if paid after 45 days from the date of the offence notice.

43. Any dog that is validly licensed under the provisions of Bylaw No. 90-165, the "Animal Control Bylaw", at the time when this Bylaw comes into effect shall be deemed to be validly licensed under the provisions of this Bylaw until the licence expires.

SCHEDULE A

SCHEDULE B
(subsection 34(6))