CITY OF NANAIMO

BYLAW NO. 7316

ANIMAL RESPONSIBILITY BYLAW

A Bylaw to Establish Provisions for Animal Welfare, Control, Licensing, Duties of Animal Owners, Penalties, and Enforcement in the City of Nanaimo

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WHEREAS section 8(3)(k) of the *Community Charter* provides municipalities with fundamental powers to regulate, prohibit, and impose requirements in relation to Animals;

AND WHEREAS section 47 of the *Community Charter* permits municipalities to establish different classes of Animals on the basis of sex, age, size, or breed;

AND WHEREAS section 48 of the *Community Charter* provides seizure and related powers in respect of Animals;

AND WHEREAS section 49 of the *Community Charter* provides municipalities with special powers in relation to Dangerous Dogs;

THEREFORE BE IT RESOLVED that the City of Nanaimo, in open meeting assembled, pursuant to powers vested in it by Part 2, Division 1, and Part 3, Division 6 of the *Community Charter*, SBC 2003, c.26, as amended, ENACT AS FOLLOWS:

PART 1 – INTRODUCTION

Title:

1. This Bylaw may be cited as "ANIMAL RESPONSIBILITY BYLAW 2020 NO. 7316."

Definitions:

2. In this Bylaw unless the context otherwise requires:

"Aggressive Dog"	means any Dog that meets any one of the following criteria: (a) has attacked, bitten or caused injury to a Person or has demonstrated a propensity, tendency or disposition to do so; (b) has bitten, killed or caused injury to a Companion Animal or to Livestock; (c) has aggressively pursued or harassed a Person or Companion Animal or Livestock; (d) has a known propensity to attack or injure a Person without provocation; (e) is owned or kept primarily, or in part, for the purpose of dog fighting or is trained for dog fighting; or is a Dangerous Dog as defined by Section 49 of the *Community Charter*.
"Animal Control Officer"	means any Person who is designated by the City to administer and enforce this Bylaw, and includes: a) A Peace Officer; b) A Bylaw Enforcement Officer; c) A Poundkeeper; or d) A Person appointed by the City as an Animal Control Officer.
"Animal"	Includes any living member of the Kingdom Animalia excluding humans and bees.
"Apiary"	means a place where bees or beehive or beekeeping equipment is kept.
"At Large"	means an Animal: a) in or upon a Public Place, or b) in or upon the lands or premises of any Person other than the Owner of the Animal without the express or implied consent of that Person while not under the direct and continuous control of the Owner or a Competent Person.
"Bee"	means any of a various winged, hairy-bodied insects of the order *Hymenoptera*, characterized by specialized structures for gathering nectar and pollen from flowers, except wasps.
"Bird"	means a member of the class *Aves*, which includes warm-blooded, egg-laying, feathered vertebrates having forelimbs modified to form wings.
"Biting"	means the breaking, puncturing or bruising of the skin by an Animal with its teeth.
"Bylaw Enforcement	means a Person appointed by the City to the position of Bylaw

Officer”	Enforcement Officer or who otherwise, by virtue of that Person’s appointment or position with the City, is authorized to enforce this Bylaw.
“Cat”	means a male or female of the species *Felis catus.*
“Choke Collar”	means a slip collar or chain that may constrict around the animal’s neck as a result of pulling on one end of the collar or chain and includes pinch or prong collars, but does not include a martingale collar.
"City"	means the City of Nanaimo.
“Companion Animal”	means a domesticated Animal kept as a pet for companionship to a Person rather than other forms of utility or profit and which may lawfully be kept on residential Property in accordance with this Bylaw and the City’s zoning regulations, but does not include Livestock, Poultry, or Small Animals.
“Competent Person”	means a Person of sufficient age, capacity, height and weight to ensure an Animal under their control will be obedient to their commands or to physically restrain the Animal if required.
"Council"	means the Council of the City of Nanaimo.
“Distress”	Includes, but is not limited to, an Animal which is exhibiting any of the following signs of heat distress: (a) Excessively panting or drooling; (b) Dark purple or grey tongue; (c) Loss of bowel control; or (d) Lethargic and unresponsive behaviour.
"Dog"	means any Animal of the *Canis familiarise* species, irrespective of age or sex.
"Dog Licence"	means a licence for a Dog for the current licensing year that is paid for and that has been issued by the City under this Bylaw.
“Dwelling Unit”	means a detached building, or self-contained unit within a detached building, which is used or intended to be used as a residence for only one family, and which contains a separate entrance, and contains separate eating, living, sleeping, and sanitary facilities and not more than one kitchen, but excludes a Bed and Breakfast and a hotel / motel room.
“Ear tipping”	means the removal of the ¼ inch tip of a Feral Cat’s ear (usually left), performed while the Cat is under anesthesia under the supervision of a licensed veterinarian.
“Enclosure”	means a structure forming a pen suitable to confine the Animal being, or intended to be, confined within the structure, and which meets any dimensions required of a specific enclosure under this Bylaw.
“Feral Cat”	means a cat that is unsocialized to humans and has a temperament of extreme fear and resistance to contact with humans.
“Feral Rabbit”	means any Rabbit that is found in a public place or found trespassing on private lands, that bears no form of Identification.
“Identification”	means: (a) a collar or tag worn by an Animal which includes the name, current

	address, and telephone number of the Owner; (b) A tattoo or traceable microchip that leads to the name, current address, and telephone number of the Owner; or (c) A valid licence tag issued by a local government in Canada.
"Leash"	means a line or chain that does not exceed 6 feet (1.83 meters) in length and is of sufficient strength to restrain a Dog without breaking.
"Licensed Dog"	means a Dog for which a Dog Licence has been issued, and that is wearing on its collar or harness, a tag corresponding to a Dog Licence for that specific Dog.
"Licensing Year"	means January 1st to December 31st in any year.
“Livestock”	means an Animal normally raised or kept for food, milk or for wool or fiber, or a beast of burden, and includes, but is not limited to, alpaca, cows, donkeys, emus, goats, horses, llamas, mules, ostriches, sheep, or swine, including miniature pigs, and all other animals that are solely used for agricultural purposes.
“Muzzle” “Muzzled”	means a humane basket-style fastening or covering device that is strong enough and well-fitted enough to prevent a Dog from Biting, without interfering with its breathing, panting, vision, or its ability to drink.
“Nuisance”	includes, without limiting its general meaning, an intimidating, aggravating, upsetting or harassing situation, or a situation that prohibits a Person or group of Persons from entering a building or area because of an Animal’s behaviour.
“Off-Leash Area”	means any area designated by resolution of Council as a place where a Dog need not necessarily be on a Leash but must still be under the care and control of a Competent Person such that it will obey verbal or hand commands to come when directed to do so.
“Owner”	means, any Person (a) to whom a licence for a Dog has been issued pursuant to this Bylaw; (b) who owns, is in possession of, or has the care or control of any Animal; or (c) who harbours, shelters, permits or allows any Animal to remain on or about the Owner’s land or premises.
“Person”	means a natural or legal Person.
“Prohibited Animal”	means: (a) controlled alien species as defined by the Controlled Alien Species Regulation, BC Reg. 94/2009; and (b) wildlife species identified in Schedule “B” or “C” to the Designation and Exemption Regulation, BC Reg. 168/90, except Feral Rabbits.
"Poultry"	means any bird normally raised for food or egg production, and without limiting the generality of the foregoing includes: hens or pullets, rooster or cockerels, ducks, geese, turkeys, artificially reared grouse, partridge, quail, pigeons, pheasant, rock doves, quail or ptarmigan.
"Pound"	means premises used by the Poundkeeper to harbour and maintain Animals pursuant to this Bylaw.

"Poundkeeper"	means the Person appointed as Poundkeeper by Council and any Person or Persons appointed from time to time by Council for the purpose of administering, enforcing and carrying out the provisions of this Bylaw including employees of the Poundkeeper and Animal Control Officers.
“Property”	means real property as defined in the *Community Charter.*
“Public Beach”	means any beach area adjacent to a lake or ocean located within a park.
“Public Place”	means all land owned, held, operated or administered by any level of government, including a school district.
"Rabbit"	means a burrowing gregarious herbivorous mammal of the *Leporidae* family.
“Reptile”	means a vertebrate Animal of the class *Reptilia* that includes snakes, lizards, crocodiles, turtles and tortoises.
“Small Animal”	means chinchillas, domestic ferrets, domestic mice, domestic rats, Rabbits, gerbils, guinea pigs, hamsters, hedgehogs, sugar gliders and small Birds including budgies, canaries, cockatiels, and lovebirds.
“Sterilized”	means an Animal that is spayed or neutered or otherwise rendered incapable of reproducing by a method approved by the Canadian Veterinary Medical Association.
"Unlicensed Dog"	means a Dog, which is not a Licensed Dog and which is over the age of 16 weeks.

PART 2 – ESTABLISHMENT OF A POUND FACILITY

Appointing a Poundkeeper

3. Council may establish one or more Pounds for the keeping and impounding of Dogs and other Animals, and the Poundkeeper may make rules and regulations not inconsistent with this Bylaw pertaining to the administration of the Pound(s).

4. Council may enter into an agreement with any Person or organization to act as a Poundkeeper, for the establishment, maintenance, operation, and regulation of a Pound, and the enforcement of any of the provisions of this Bylaw.

5. Every Poundkeeper must keep the Pound clean and in good repair, and must supply the Animals impounded therein with sufficient and wholesome food and water, and with reasonable shelter, segregation and care as circumstances may warrant.

PART 3 - APPLICATION

Limits on Pets

6. No Person shall keep, on any Property:
   (a) more than 4 Small Animals; and
   (b) more than 6 Companion Animals.
   (c) Notwithstanding Section 6(b) no Person shall keep on any Property:

(i) More than 4 Dogs over the age of 16 weeks; or
(ii) More than 5 Cats over the age 12 weeks.

7. Despite the limit on Dogs and Cats in Section 6, a Person may temporarily care for more than 4 Dogs over the age of 16 weeks, or more than 5 Cats over the age of 12 weeks on any Property as part of an Animal rescue organization operated by a society registered under the *Societies Act*, (SBC 2015) c.18, as amended, subject to notifying the Poundkeeper of the number and species of the Dogs or Cats, the reason for, and estimated length of time they will be providing care.

8. Notwithstanding Section 6 of this Bylaw, a Person who is a member of a certified pigeon racing club may keep up to a maximum of fifty (50) racing pigeons on any parcel of land over .4 hectares.

Boarding Kennels

9. Despite Section 6, a Person may keep or maintain more than 4 Dogs, or board Dogs for purposes of utility or profit, if that Person meets the Boarding Kennel requirements as outlined in the City of Nanaimo's Zoning Bylaw and has obtained a valid Business Licence and paid the applicable fee as prescribed in the Business Licence Bylaw.

Prohibited Animals

10. No Person may, breed, possess, ship, release, sell, exhibit for entertainment, or display in public any Prohibited Animal.

11. No Person may keep or possess, sell or transport to or from any place within the City, any poisonous or venomous Reptile, whether or not that Reptile has venom glands.

12. Sections 10 and 11 do not apply to:
(a) the premises of a local government facility used for keeping impounded Animals;
(b) the premises operated by the BC Society for the Prevention of Cruelty to Animals;
(c) the premises of a veterinarian licensed by the College of Veterinarians of BC, providing the veterinarian is providing temporary care for a prohibited Animal;

Store Sales

13. No Person owning, operating, or in direct control of a retail or wholesale store or business, shall offer for sale or sell, or display to the public any Dog, Cat, or Rabbit.

14. Notwithstanding Section 13, a Dog, Cat or Rabbit that has been Sterilized may be offered for adoption through the Poundkeeper, the SPCA or a rescue organization that is registered under the *Societies Act*.

15. At the time of adoption, the Poundkeeper, SPCA or rescue organization must provide:
(a) the adopting Person with a written record of adoption, including proof of Sterilization; and
(b) the record of adoption must contain the date of adoption, the description of the Animal, and a description of any Identification or other markings on the Animal.

PART 4 – LICENSING

Licence Requirement

16. No Person shall own, possess or harbour an Unlicensed Dog within the boundaries of the City.

17. A Person who owns, possesses or harbours any Dog over the age of 16 weeks shall obtain a Dog Licence before the first day of January each year, in accordance with the provisions of this Bylaw.

18. Every Dog Licence and corresponding licence tag issued under this Bylaw:
    (a) expires on the 31st day of December of the year in which it is issued; and
    (b) is valid only in respect of the Dog for which it is issued.

19. Every Owner must ensure that a valid licence tag is affixed and displayed on a collar, harness or other suitable device that is worn at all times by the Dog for which the licence is issued.

20. Where a licence tag is lost or destroyed, the Owner must promptly make application to the City to replace the licence tag and pay the fee prescribed in the City's Fees and Charges Bylaw.

21. No Person other than the licensed Owner of the Dog, or the Poundkeeper, may remove a licence tag issued pursuant to this Bylaw from the subject Dog.

22. Where the Owner of a Dog in respect of which a licence has been issued under this Bylaw sells or otherwise ceases to be the Owner of the Dog, the licence is automatically invalid upon the expiry of 14 days from the change in ownership.

23. If the licensed Owner of a Dog transfers the ownership of the Dog to another Person, that Person must obtain a new licence for that Dog by paying the licence transfer fee as prescribed in the City's Fees and Charges Bylaw and surrendering the licence tag previously held by that Dog to the Municipality, on or before the expiry of 14 days from the date of change of ownership.

24. Where a Dog has been duly licensed in another municipality or regional district, that Dog may be licensed in the City upon registration of the dog with the City and payment of the licence transfer fee prescribed in the City's Fees and Charges Bylaw.

25. Where a City bylaw provides for a reduced licence fee for a Dog that is Sterilized, the application shall be accompanied by a certificate signed by a veterinarian indicating that the Dog has been Sterilized, or other evidence that satisfies the Poundkeeper that the Dog has been Sterilized.

Licensing of an Aggressive Dog

26. An Owner must apply for an Aggressive Dog licence within 14 days of receiving a notice under Section 74.

27. No Person may own or keep any Aggressive Dog unless the Dog is licensed as an Aggressive Dog with the City by an Owner who is over 19 years of age, who has paid the applicable fee as outlined in the City's Fees and Charges Bylaw, and who keeps the Dog in compliance with Sections 78 through 81 of this Bylaw.

28. An Owner of an Aggressive Dog shall supply the following documentation to the City when first applying for a licence for an Aggressive Dog:
    (a) A complete licence application for the Dog;
    (b) Written confirmation from a licenced veterinarian that the Dog has been Sterilized; and
    (c) Proof that the Dog has permanent Identification, in the form of a traceable tattoo or microchip that leads to the name, current address, and telephone number of the Owner.

29. In addition, the Owner of an Aggressive Dog shall supply the following documentation to the City each calendar year by no later than January 30th:
    (a) Proof that a policy of liability insurance is in force that provides third party liability coverage in the form satisfactory to the City, and that names the City as an additional insured, in the minimum amount of $1,000,000, for any injuries which may be caused by the Dog;
    (b) A side view, full body colour photo of the Dog; and
    (c) Payment of the Aggressive Dog licence fee as outlined in the Fees and Charges Bylaw.

30. If the Owner of an Aggressive Dog does not comply with Sections 78 through 81 of this Bylaw, the Aggressive Dog's Licence is subject to immediate cancellation and the Dog may be seized or otherwise dealt with as an Unlicensed Dog.
    (a) If a licence is cancelled under Section 30 of this Bylaw, the Owner of the Dog may appeal the cancellation in writing to the Manager, Bylaw Services within 7 days of such cancellation, by providing written submissions setting out why the Owner believes the Aggressive Dog's licence should not be cancelled.
    (b) After considering the submission, the Manager, Bylaw Services may confirm, reverse, or amend the decision to cancel the Aggressive Dog Licence.

PART 5 – ANIMAL WELFARE

Animal Cruelty

31. Notwithstanding any other provision of this Bylaw, no Person shall:
    (a) abandon any Animal;
    (b) in any way use poison, air pellet guns, bows and arrows, firearms, sling shots, or similar on any Animal, except as exempted under the City's Firearms Regulation Bylaw or the *Wildlife Act* ;
    (c) tease, torment, beat, kick, punch, choke, or provoke an Animal;
    (d) cause, permit or allow an Animal to suffer; or
    (e) train or allow any Animal to fight.

Basic Animal Care Requirements

32. The Owner of an Animal must ensure that the Animal is provided with:
    (a) sufficient clean, potable drinking water at all times;
    (b) suitable food of sufficient quantity and quality to allow for normal growth and the maintenance of normal body weight;
    (c) clean and disinfected food and water receptacles that are located so as to avoid contamination by excreta;
    (d) the opportunity for regular exercise sufficient to maintain good health; and
    (e) necessary veterinary care to maintain the health and comfort of the Animal or when the Animal exhibits signs of pain, injury, illness or suffering.

Outdoor Shelter Requirements

33. An Owner of an Animal must ensure that the Animal has protection from all elements and must not allow the Animal to suffer from hyperthermia, hypothermia, dehydration, discomfort, or exertion causing pain, suffering, or injury.

34. A Person must not keep an Animal outside, unless the Animal is provided with a shelter that provides:
    (a) protection from heat, cold and wet that is appropriate to the Animal's weight and type of coat;
    (b) sufficient space to allow the Animal the ability to turn about freely and to easily stand, sit and lie in a normal position; at least two times the length of the Animal in all directions, and at least as high as the Animal's height measured from the floor to the highest point of the Animal when standing in a normal position, plus 10%;
    (c) protection from the direct rays of the sun at all times; and
    (d) bedding that will assist with maintaining normal body temperature.

35. A Person must not confine a Dog to an Enclosure for a period in excess of 10 hours within any 24 hour period.

Sanitation Requirements

36. A Person must not keep an Animal in an Enclosure, pen, shelter, cage, or run unless the shelter, Enclosure, pen, cage or run is regularly cleaned and sanitized with all excreta removed and properly disposed of at least once a day and is kept free from wild vermin.

Tethering Animals

37. A Person must not cause, allow or permit an Animal to be:

    (a) tethered to a fixed object or vehicle where:
        (i) a Choke Collar forms part of the securing apparatus, or
        (ii) a rope, cord or chain is tied directly around the Animal's neck, or
        (iii) the Animal's collar or harness is not properly fitted, or is attached in a manner that could injure the Animal or enable the Animal to injure itself by pulling on the tether;
    (b) tethered to a fixed object, except with a tether of sufficient length to enable the Animal to sit, stand, and lie normally;
    (c) tethered to a fixed object for longer than 2 hours within a 24 hour period;
    (d) tethered to a traffic control device or support thereof, any fire hydrant or fire protection equipment, handrails or any other object in such a way as to obstruct the public or create a Nuisance; or
    (e) tethered within 3 metres of an entrance or exit from any public building.

Transport of Animals in Motor Vehicles

38. No Person shall:

    (a) transport any Animals in a motor vehicle outside the passenger compartment or in an uncovered passenger compartment unless the Animal is adequately confined in a cage which is securely fastened to the vehicle, or secured in a body harness or other manner of fastening adequate to prevent the Animal from jumping or falling off the vehicle or otherwise injuring itself; or

(b) keep an Animal confined in an Enclosure, including a motor vehicle, without sufficient ventilation to prevent the Animal from suffering discomfort or heat or cold-related injury. Such enclosed space or vehicle, if stationary, shall be in an area providing sufficient shade to protect the Animal from the direct rays of the sun at all times, and shall, by means of open windows or operating mechanical device, supply fresh or cooled air to prevent the Animal from suffering Distress, discomfort or heat related injury.

Exercising Dogs from a Motor Vehicle or Bicycle

39. A Person must not:
(a) exercise a Dog by allowing it to walk or run next to a moving motor vehicle; or
(b) exercise a Dog by allowing it to walk or run next to a bicycle, unless the Dog is attached to the bicycle by an apparatus that allows the Person to retain two-handed control of the bicycle at all times.

40. Section 39(b) does not apply to a Person exercising a Dog in a Designated Off-Leash Area if the Dog is not tethered and bicycle riding is allowed in the area.

PART 6 – ANIMAL CONTROL

Animals on Private Property

41. The Owner of an Animal must not allow the Animal to trespass on any private property without the consent of the occupier or Owner of the lands or premises.

Animals at Large

42. A Person who finds and takes possession of an Animal At Large in the City shall immediately notify the Poundkeeper with a description and photo of the Animal, where possible, provide that Person's name and address for contact purposes, and surrender the Animal to the Poundkeeper on demand.

Dogs in Public Places

43. The Owner of a Dog must not allow the Dog to be in a Public Place unless the Dog is on a Leash with one end securely affixed to a collar or harness securely attached to the Dog, and the other end held by a Competent Person.

44. Every Owner of a Dog must ensure that any Person who has care, custody or control of their Dog is a Competent Person.

45. Despite Section 43, the Owner of a Dog may allow the Dog to be Off-Leash in the areas listed in Schedule "B" to this Bylaw, so long as the Dog is under the effective control of a Competent Person such that it will obey verbal or hand commands to come when directed to do so.

46. No Person may permit a Dog in their care or custody to obstruct other users of a pathway or City sidewalk.

Other Animals in Public Places

47. The Owner of an Animal, other than a Dog, must not allow the Animal to be in any Public Place unless the Animal is under the direct control of a Competent Person.

48. Despite any other provision of this Bylaw, no Owner may permit any Animal to:
    (a) be on a Public Beach during the months of May through September inclusive; or
    (b) be on the deck of a wading pool or a spray pool.

Animal Performances

49. No Person shall operate or carry on a public show, exhibition, carnival or performance, in which Animals are required to perform tricks, fight, participate in, or otherwise accompany exhibitions or performances for the entertainment of an audience; however, nothing in this Section shall prohibit or restrict the following:
    (a) exhibitions, parades or performances involving horses or ponies or in which individuals ride horses or ponies;
    (b) exhibitions involving Dogs;
    (c) displays or showings of animals in agricultural fairs or pet shows; or
    (d) magic acts

    provided that the exhibition, parade or performance in no way causes an Animal to be treated in an inhumane manner.

Animals Damaging Public Property

50. The Owner of an Animal must not allow the Animal to damage or destroy any building, structure, playground equipment, tree, shrub, plant, or turf in a Public Place.

51. The Owner of any Animal must reimburse the City for any and all damage done by that Animal to City property in contravention of Section 50.

Animals Chasing or Harassing

52. Every Person must ensure an Animal in their care or custody does not chase, harass, molest, attack, injure or kill a Person or Animal.

53. Despite Section 52, Dogs may be used to carry out wildlife management activities as permitted by the General Manager of Development Services or their designate.

Dogs in Heat

54. Every Owner of a female Dog in heat must ensure that the Dog remains within an enclosed building, Enclosure, or pen until she is no longer in heat.

55. Despite Section 54, the Owner of a female Dog in heat may allow the Dog to leave the building or Enclosure in order to urinate or defecate on the Owner's lands, or go for a walk, if a Competent Person:
    (a) firmly holds the Dog on a Leash; and
    (b) immediately returns the Dog to the building or Enclosure upon completion of the urination, defecation, or walk.

Keeping of Bees

56. No Person shall keep or harbour bees in excess of 1 beehive, consisting of no more than 1 hive box and 2 nucs on top, on any parcel of land under .4 hectares.

57. On parcels of land greater than .4 hectares, no Person shall keep or harbour Bees in excess of 3 beehives, consisting of no more than 1 hive box and 2 nucs per hive, per .4 hectares.

58. A person who keeps Bees must comply with the following:
    (a) Apiaries shall not be located within 7.5 meters of an adjacent property line unless:
        (i) the hives are behind a solid fence, or a hedge that is at least 1.83 meters in height located parallel to an adjacent property line and extending a minimum of 6.0 meters horizontally beyond the hive in either direction; and
        (ii) the entrance to the hive faces away from adjacent property dwellings, entrances and walkways.
    (b) Every Person who keeps Bees must have sufficient clean water within 1 metre of the Apiary to prevent the Bees from seeking water from other sources, such as neighbourhood swimming pools, birdbaths, ponds, or other bodies of water.
    (c) Every Person who keeps Bees on their property must maintain the bees in a condition that will reasonably prevent swarming behaviour by the bees.
    (d) Every Person keeping Bees must be registered under the *Bee Act*, RSBC 1996, Chapter 29 and amendments thereto.

59. Notwithstanding Section 58, Bee uses on land zoned agriculturally (AR1 and AR2) shall follow the setback requirements as outlined in the City of Nanaimo's Zoning Bylaw.

Keeping of Cats

60. Every Owner of a Cat over the age of 12 weeks shall affix and keep affixed sufficient Identification on the Cat by means of a collar, harness, traceable tattoo, microchip or other suitable device.

61. Every Owner of a Cat over the age of 12 weeks shall immediately, or as soon as practicable, upon request by the Animal Control Officer, provide evidence to the Animal Control Officer's satisfaction, that such Cat has Identification in accordance with Section 60 of this Bylaw.

62. No Person shall own, keep, possess or harbour any Cat apparently over the age of 6 months in the City unless:
    (a) the Cat has been Sterilized by a veterinarian; or
    (b) the Person has a valid and subsisting business licence to breed Cats.

63. A Person must not intentionally feed or leave food out for any Feral Cat.

64. Despite Section 63, any Person may feed Feral Cats subject to the following:
    (a) the Person must be registered with a City-approved organization with a Trap Neuter Release program;
    (b) the Person must maintain a plan for the care, feeding and mandatory Sterilization, tattooing or Eartipping, and vaccination of each Feral Cat;
    (c) the plan must be in writing and registered with a City-approved organization with a Trap Neuter Release program, the City's Poundkeeper, and the local office of the Society for the Prevention of Cruelty to Animals (SPCA);
    (d) outdoor feeding stations must be located on private Property and may only contain food and be available for feeding for up to 45 minutes maximum, once per day; and
    (e) outdoor shelter must be provided for any Feral Cat on the Property where the feeding station is located.

Keeping of Poultry

65. No Person shall keep or harbour any Poultry on any parcel of land unless that parcel of land has an area greater than .4 hectares.

66. Notwithstanding Section 65, a Person may keep:
    (a) a maximum of 6 hens or ducks, or combination thereof, on a parcel of land less than .4 hectares in size but greater than .045 hectares in size; or
    (b) if the parcel of land is smaller than .045 hectares in size, a maximum of 4 hens or ducks, or combination thereof;

    provided that in any case:

    (c) no roosters, cocks, cockerels, or peafowl are kept on the Property;
    (d) a minimum Enclosure of .37m2 must be provided per hen or duck;
    (e) any Enclosure containing hens or ducks, whether portable or stationary, must comply with the setback requirements of the zone;
    (f) Enclosures housing hens or ducks and the areas around them must be kept clean, dry, and free of odours and vermin;
    (g) any diseased hen or duck is euthanized and its carcass destroyed;
    (h) no butchering or euthanizing of hens or ducks occurs on the Property; and
    (i) hen and duck manure and waste products are composted, in an enclosed bin, or otherwise disposed of to prevent odours.

67. No Person shall keep any Poultry:
    (a) within any Dwelling Unit, or on a balcony or deck; or
    (b) in a cage, carry-cage, or portable cage other than for the purpose of transport of the Poultry.

68. No Person who has possession or control of Poultry shall allow Poultry to:
    (a) stray or trespass or graze in any highway or Public Place;
    (b) stray or trespass or graze on private Property, except with the consent of the Owner of that private Property;
    (c) stray or trespass or graze on unfenced land; or
    (d) be released or abandoned anywhere within the City.

Keeping of Livestock

69. No Person shall keep any Livestock on any property, within the City, other than property zoned for such uses in the City's Zoning Bylaw.
70. No Person shall permit any Livestock to graze on unfenced land, unless securely tethered.
71. No Person shall keep any Livestock within any Dwelling Unit.

Keeping of Rabbits

72. A Person must not keep Rabbits in an outdoor Enclosure, pen, cage or run unless the Enclosure, pen, cage or run is:
    (a) securely enclosed to prevent escape and to ensure the safety of the Rabbits from predators; and
    (b) situated at least 3 metres away from each Property line.

73. A Person must not keep any Rabbit which is not Sterilized.

PART 7 – AGGRESSIVE DOGS

Aggressive Dog

74. Where the Poundkeeper determines that a Dog meets the definition of an Aggressive Dog, the Poundkeeper will issue a written notice to the Owner of that Dog, with a copy provided to the property owner, if applicable, advising of the determination and advising the Owner of the requirements of this Bylaw with respect to Aggressive Dogs.

75. The notice set out in Section 74 may be served on the Owner in one or more of the following ways:
    (a) personally, by handing the notice to the Owner;
    (b) by handing the notice to a Person on the Owner's Property who appears to be over the age of 16 years;
    (c) by posting the notice upon some part of the Owner's Property and by sending a copy to the Owner by regular mail, in which case the notice is deemed to have been received by the Owner 5 days after the notice was mailed;
    (d) by emailing a copy to the Owner, in which case the notice is deemed to have been received by the Owner 48 hours after the notice was emailed; or
    (e) by mailing a copy by prepaid registered mail to the last known address of the Owner, in which case the notice is deemed to have been received by the Owner 72 hours after the notice was mailed.

76. A Dangerous Dog may also be dealt with by the City in accordance with Section 49 of the *Community Charter*.

77. All Animal Control Officers are designated as animal control officers for the purpose of Section 49 of the *Community Charter.*

Duties of an Aggressive Dog Owner

78. Every Owner of an Aggressive Dog must:
    (a) secure the Dog by a collar or harness and a Leash that is a maximum length of 1.83 metres or 6 feet when not on the Owner's property;
    (b) keep the Dog Muzzled when not on the Owner's property;
    (c) prominently display at each entrance to the property and building in, or upon which the Dog is kept, a sign similar to the one shown on Schedule "A" to this Bylaw, which must be posted so that it cannot be removed and which will be visible and capable of being read from the sidewalk, street or lane abutting the entrances to the property or building.
    (d) at all times when the Dog is on the Owner's property, keep the Dog securely confined either indoors or, if outdoors:
        (i) behind a secure fence at least 6 feet in height capable or preventing the entry of a child under the age of 10 years and adequately constructed to prevent a Dog from escaping; or
        (ii) in an Enclosure that is located in a rear yard, locked to prevent casual entry by another Person, and has been inspected and approved by the Poundkeeper.

79. An Enclosure referred to in Section 78(d) must:
    (a) be of sufficient height and strength and stability to contain the Dog and form a confined area with no side in common with a perimeter fence;
    (b) be located in a rear yard; and
    (c) have a secure top attached to all sides, and have a single entrance which is self-closing and has a lock.

80. An Owner of an Aggressive Dog must not allow the Aggressive Dog to be:
    (a) on any school grounds, which means any portion of the Property of the School as defined in the *School Act* and *Independent School Act;*
    (b) within 30m of any playground apparatus;
    (c) in the areas listed in Schedule B to this Bylaw; or
    (d) in a park.

81. The Owner of an Aggressive Dog must:
    (a) Allow an Animal Control Officer to photograph the Dog, on demand.
    (b) Within two (2) days of moving the Dog to a new place of residence, provide the Poundkeeper with the new address where the Aggressive Dog is kept.
    (c) Within two (2) days of selling or giving away the Dog, provide the Poundkeeper with the name, address and telephone number of the Person to whom the Dog was sold or given.
    (d) Within two (2) days of the death of the Dog, provide the Poundkeeper with a veterinarian's certificate of death.
    (e) Advise an Animal Control Officer immediately if the Aggressive Dog is At Large.
    (f) Advise an Animal Control Officer immediately if the Aggressive Dog has bitten or attacked any Person, Companion Animal or Livestock.

82. If the Poundkeeper considers that an Aggressive Dog can be retrained and socialized, or that the bite or injury from any attack was the result of improper or negligent training, handling, or maintenance, the Poundkeeper may impose, as a condition of licensing, conditions and restrictions in respect of the training, socialization, handling and maintenance of the Aggressive Dog.

83. Where the Owner of an Aggressive Dog requests that the Aggressive Dog be destroyed, the Poundkeeper may arrange to have the Aggressive Dog humanely destroyed. In such cases, the Owner must sign a form for the release of the Aggressive Dog to the City or Poundkeeper for the purposes of humane destruction.

Application for Relief from Aggressive Dog Designation

84. An Owner, following a period of at least 2 years from the date stated on the written notice under Section 74, may apply to the Manager, Bylaw Services for relief from the requirements of Section 29, and Sections 78 through 81 provided that:
    (a) The City has received no further complaints regarding the Dog's aggressive behaviour during the two-year period; and
    (b) The Owner provides satisfactory proof that the Owner and the Dog have successfully completed a course designed and delivered by a qualified dog behaviour professional to address the Dog's aggressive behaviour.

85. If a Dog displays aggressive behaviour again after relief has been granted pursuant to Section 84, the requirements of Section 29 and Sections 78 through 81 shall apply in perpetuity.

PART 8 – ANIMAL NUISANCES

Animal Waste

86. Every Person must immediately remove and lawfully dispose of any excrement deposited by a Dog in their care and custody on any Public Place, Public Beach, or private property not owned or occupied by the Owner.

87. No Person who has removed Dog excrement may deposit same into a public litter receptacle except where the excrement is securely contained in an impermeable bag or other impermeable container so as not to ooze, leak or fall out in the public litter receptacles.

Noisy Dogs

88. The Owner of a Dog must not allow or permit a Dog to bark, howl, yelp, cry or make other noises:
    (a) sporadically for a cumulative total of 15 or more minutes within any 60 minute period;
    (b) in a manner that that unduly disturbs the peace, quiet, rest, comfort or tranquility of the surrounding neighbourhood or vicinity, or of Persons in the neighbourhood or vicinity; or
    (c) otherwise in such a manner as to cause a Nuisance.

Feeding Wildlife

89. A Person must not intentionally feed or leave food out for the purposes of feeding:
    (a) *Cervidae* (deer)
    (b) *Procyon lotor* (racoons);
    (c) *Sciurus* (squirrels);
    (d) Feral Rabbits; or
    (e) bears, coyotes, cougars, wolves, or other Animals designated as dangerous wildlife under the *Wildlife Act*, RSBC 1996, c. 488.

PART 9 – SEIZING AND IMPOUNDING ANIMALS

Authority to Seize and Impound

90. The Poundkeeper may immediately seize and impound:
    (a) a Dog that is At Large in contravention of this Bylaw;
    (b) any Unlicensed Dog;
    (c) any Animal that is straying or trespassing on private Property;
    (d) any Animal that is on unfenced land and not securely tethered or contained; and
    (e) any Animal that exhibits signs of pain, injury, illness, or suffering that Council or the Poundkeeper considers cannot be otherwise reasonably addressed.

91. The Poundkeeper may impound any Animal brought to the Pound by any other Person.

92. The Poundkeeper may, where they have reason to believe that an Unlicensed Dog has taken refuge on a premises:
    (a) require the occupant of such premises to provide proof that the Dog is the subject of a current and valid licence and is wearing the associated licence tag, or to surrender the Dog to the Poundkeeper;
    (b) enter and search any place, including a place that is occupied as a private dwelling, subject to the requirements of Section 16 of the *Community Charter*.

93. The Poundkeeper is authorized to employ such assistance as is deemed necessary or advisable to seize and impound any Animal pursuant to this Bylaw, and the expense shall be added to the fees chargeable by the Animal Control Officer as outlined in the Fees and Charges Bylaw.

Care of Impounded Animal

94. If the Poundkeeper considers that an impounded Animal requires one or more of:
    (a) a vaccination;
    (b) flea treatment;
    (c) worm treatment;
    (d) examination by a veterinarian; or
    (e) urgent veterinary care to alleviate any pain or suffering as recommended by a veterinarian;

    then the Poundkeeper may cause such care to be provided at the sole cost and expense of the Animal's Owner.

Informing the Owner of Impoundment

95. Where an Animal is impounded pursuant to this Bylaw, within 24 hours, or in cases where the Pound is closed, on the next business day, the Poundkeeper must make reasonable effort to:
    (a) contact the Owner of an impounded Animal if known to the Poundkeeper or the Animal is wearing Identification, by calling the telephone number in the Identification;
    (b) contact the Owner of an impounded Dog if the Dog is wearing a licence tag, by calling the telephone number in the licence information;
    (c) ascertain the Owner of the Animal, other than a Dog wearing a licence tag, by posting a notice on the Pound's website and social media site, including a photograph, when possible, and/or description of the Animal and the contact information for the Poundkeeper.

96. Where the Poundkeeper is unable to reach the identified Owner of an impounded Animal by telephone, a notice of impoundment may be delivered by mail and shall be sent to the last known address of the Owner, in which case the notice shall be deemed to have been received by the Owner 72 hours after being deposited in any post box within the City.

97. Notices of impoundment shall include the following information:
    (a) date and time of the impoundment;
    (b) description of the Animal;
    (c) how application may be made for release of the Animal;
    (d) costs of seizure, expenses to the date of the notice and any continuing costs and expenses; and
    (e) that the Animal will become the property of the City and may be put up for adoption or destroyed after the expiration of 96 hours from the date and time the notice of impoundment is given, or deemed to be given, to the Owner, unless redeemed.

Redeeming an Animal from the Pound

98. The Owner of an impounded Animal or the Owner's authorized agent may redeem the Animal from the Pound by:

    (a) proving Ownership of the Animal to the satisfaction of the Poundkeeper and, in the case of an Owner's agent, satisfying the Poundkeeper of the agent's authority to act on the Owner's behalf;
    (b) paying to the Poundkeeper:
        (i) any applicable licence fees as outlined in the Fees and Charges Bylaw;
        (ii) the applicable impoundment fees as outlined in the Fees and Charges Bylaw;

(iii) the applicable maintenance fees as outlined in the Fees and Charges Bylaw;
(iv) the City's actual incurred costs and expenses in respect of any and all damage done by the Animal to City Property in accordance with Section 50;
(v) any veterinary costs incurred in respect of the Animal during the impoundment period; and
(c) satisfying the Poundkeeper that the Owner is in compliance with Part 5 of this Bylaw.

99. The Poundkeeper may refuse to release the impounded Animal to the Owner or the Owner's agent in accordance with Section 112.

100. The Owner of an Impounded Animal is liable to pay the seizure and impoundment fee and boarding and maintenance fees, including costs of veterinary treatment and the cost of transport to the nearest available veterinary practitioner, whether or not the Owner redeems the Animal.

No Liability for Injury to Animal

101. No provision of this Bylaw shall be construed as making the Poundkeeper, the City, or their agents liable to any Person for injury to, sickness or death of an Animal, whether or not incurred while the Animal is in the custody of the Poundkeeper.

Disposition of Unredeemed Animals

102. An Animal becomes the property of the City if it is not redeemed within 72 hours after:
(a) it is impounded; or
(b) in the case of a licensed Dog, within 96 hours of the Owner being notified of the impoundment pursuant to Section 95 and 96 of this Bylaw.

103. If an Animal becomes the property of the City, the Poundkeeper may:
(a) put the Animal up for adoption;
(b) cause the Animal to be surrendered to the British Columbia Society for the Prevention of Cruelty to Animals or any other organization or Person for the purpose of adoption;
(c) deal with the Animal in accordance with the requirements of applicable federal or provincial legislation; or
(d) cause the Animal to be humanely destroyed.

104. Where any Animal is adopted out pursuant to Section 103 above, all property and interest any previous Owner had in that Animal will pass to the purchaser, and all rights of property in the Animal that existed before the adoption shall be extinguished.

105. Where an impounded Animal is adopted out pursuant to this Bylaw, any monies received by the Poundkeeper for the Animal will be applied against the fees and costs of outstanding licences, veterinary care and adopting out the Animal.

Euthanization of Impounded Animals

106. Notwithstanding any other provisions of this Bylaw, if an impounded Animal is suffering from an injury, sickness or incurable disease or from any other cause, the Poundkeeper may euthanize, by lethal injection of a barbiturate approved by the College of Veterinarians of British Columbia, any Animal deemed to be seriously ill or injured, for humane reasons and in prior consultation with a veterinarian, if all reasonable efforts to contact the Owner of the Animal have failed.

Adoption of Animals

107. Every Person wishing to adopt an Animal from the Pound must:
   (a) make an application to the Poundkeeper on the form prescribed by the Poundkeeper and pay the fees set out in the Fees and Charges Bylaw; and
   (b) if the Animal is a Dog, licence the Dog pursuant to this Bylaw, where applicable.

PART 10 – PENALTIES AND ENFORCEMENT

Enforcement

108. This Bylaw may be enforced by a Poundkeeper, and any other Person or class of Persons designated by Council to enforce City bylaws.

Provision of Information

109. If a Person occupies premises where a Dog is kept or found, the Person must provide the following information when requested by the Poundkeeper:
   (a) the Person's name, address and telephone number;
   (b) if the Person is not the Dog's Owner, the Owner's name, address and telephone number;
   (c) the number of Dogs kept on the premises;
   (d) the breed, sex, age, name and general description of each Dog kept on the premises;
   (e) whether each Dog kept on the premises is licensed, and if so, the licence number(s).

110. If a Person has care or custody of a Dog, the Person must provide the following information when requested by an Animal Control Officer:
   (a) the Person's name, address and telephone number;
   (b) if the Person is not the Dog's Owner, the Owner's name, address and telephone number;
   (c) the breed, sex, age, name and general description of each Dog owned by or in the custody of the Person;
   (d) whether each Dog owned or in the custody of the Person is licensed, and if so, the licence number(s).

Entering Property for Inspection

111. In accordance with Section 16 of the *Community Charter*, an Animal Control Officer at reasonable times may enter onto and into real Property to inspect and determine whether the requirements and prohibitions of this Bylaw are being complied with.

Right of Refusal to Release from Impoundment

112. The Poundkeeper may refuse to release an Animal to any Person, including its Owner, where:
   (a) the Animal has been seized by the Poundkeeper under Section 49 of the *Community Charter* less than 21 days prior, or is the subject of an application under Section 49 of the *Community Charter*;
   (b) authorized or required under applicable federal or provincial legislation;
   (c) the Poundkeeper has determined under Section 106 of this Bylaw that the Animal is subject to suffering that cannot be reasonably addressed other than by the Animal's humane destruction; or
   (d) if any fees under this Bylaw remain owing.

Offences

113. No Person shall hinder, delay, or obstruct in any manner, directly or indirectly, the Poundkeeper from carrying out their duties and powers under this Bylaw, including, without limitation by:
   (a) providing false information;
   (b) unlocking or unlatching or otherwise opening a vehicle or Enclosure in which an impounded Animal has been placed;
   (c) removing or attempting to remove any Animal from the possession of the Poundkeeper; or
   (d) removing, or attempting to remove, an Animal from the Pound except in accordance with this Bylaw.

114. Any Person who causes, permits or allows anything to be done in contravention or violation of this Bylaw, or who neglects or fails to do anything required to be done pursuant to this Bylaw, commits an offence against this Bylaw and is liable upon summary conviction to pay a fine of not more than $50,000, plus the costs of prosecution, and any other penalty or remedy available under the *Community Charter* and *Offence Act.*

115. Where an offence under this Bylaw is of a continuing nature, each day that an offence continues, or is permitted to exist, constitutes a separate offence.

116. Section 114 shall not prevent the City, or an authorized Person on behalf of the City, issuing and enforcing a bylaw notice under the City's Bylaw Notice Enforcement Bylaw.

PART 11 – GENERAL PROVISIONS

Severability

117. If any part, section, sub-section, sentence, clause or sub-clause of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid section shall be severed and the severance shall not affect the validity of the remaining portions of this Bylaw.

Repeal

118. "Licencing and Control of Animals Bylaw 1995 No. 4923" and all amendments thereto, are hereby repealed.
"Animal Performance Bylaw 1992 No. 4504" and all amendments thereto, are hereby repealed.
"Faeces Removal Bylaw 1980 No. 2190" and all amendments thereto, are hereby repealed.

PASSED FIRST READING
PASSED SECOND READING
PASSED THIRD READING
Approved by the Minister of Forests, Lands and Natural Resource Operations _____
ADOPTED

_____
MAYOR

_____
CORPORATE OFFICER

SCHEDULE "A" to Animal Responsibility Bylaw No. 7316

Actual Size of Sign: 30.5 cm x 23.5 cm [12 inches x 9.25 inches]
Red lettering. Black graphic of Dog's head.

WARNING

AGGRESSIVE DOG ON PREMISES



SCHEDULE “B” to Animal Responsibility Bylaw No. 7316

Designated Off-Leash Dog Areas

PARK NAME	PARK ADDRESS	SPECIAL CONDITIONS
Beaufort Park	69 Lorne Place	Only areas as designated by signage in park
Beban Park	2300 Bowen Road	Fenced area only
Cable Bay Trail	ROW Cable Bay, Lot 114	Entire park
Colliery Dam Park	635 Wakesiah Avenue	Only areas as designated by signage in park
Diver Lake Park	2430 Black Frank Drive	Only areas as designated by signage in park
Gallows Point	208 Colville Ton Trail	Only areas as designated by signage in park
Invermere Beach Park	6420 Invermere Road	Entire park
May Richards Bennett Pioneer Park	6780 Dover Road	Only areas as designated by signage in park
Northfield Rotary Lookout Park	2450 Northfield Road	Fenced area only
St. George Ravine Park	1060 St. George Street	Only areas as designated by signage in park
Wardropper Park	2957 Departure Bay Road	Fenced area only
Westwood Lake Park	231 Westwood Road	Only areas as designated by signage in park