



## COWICHAN VALLEY REGIONAL DISTRICT

### BYLAW NO. 3032

#### A Bylaw to Regulate the Keeping of Dogs within the Electoral Areas of the Cowichan Valley Regional District

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**WHEREAS** the Board of the Cowichan Valley Regional District converted its *Animal Control* function to a service under the provisions of CVRD Bylaw No. 3031, cited as "CVRD Bylaw No. 3031 - Animal Control Service Establishment Bylaw, 2007", with all of the electoral areas in the Cowichan Valley Regional District participating in the service;

**AND WHEREAS** pursuant to Part 22, Division 1, Section 703 of the *Local Government Act*, the Board may, by bylaw, regulate or prohibit the keeping of dogs, horses, cattle, sheep, goats, swine, rabbits or other animals and define areas in which they may be kept or may not be kept;

**AND WHEREAS** it is deemed expedient to regulate the keeping of dogs within the Cowichan Valley Regional District and to provide for the fixing, imposing and collecting of licence fees from the issuance of licences to any person who owns, possesses or harbours any dog;

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

#### **CITATION**

1. This Bylaw shall be cited as "**CVRD Bylaw No. 3032 - Dog Regulation and Impounding Bylaw, 2007**".

#### **DEFINITION**

2. In the construction and for the purposes of this Bylaw, the following words and terms shall have the meaning hereby assigned:
  - a) "**Regional District**" shall mean the nine (9) Electoral Areas within the Cowichan Valley Regional District.
  - b) "**Regional Board**" means the Board of Directors of the Cowichan Valley Regional District holding office from time to time.
  - c) "**Treasurer**" shall mean the Treasurer of the Cowichan Valley Regional District.

- d) **"Dog"** shall mean both male and female of the canine species apparently over the age of four (4) months.
  - e) **"Impounded"** shall mean seized, delivered, received, or taken into the Pound, or in the custody of the Domestic Animal Protection Officer, as provided for herein.
  - f) **"Owner"** in respect of any dog, includes possessor or harbourer, and **"Owned"** includes possessed or harboured.
  - g) **"Domestic Animal Protection Officer"** shall mean the person appointed from time to time by the Regional Board for the purpose of enforcing and carrying out the provisions of this Bylaw, and shall include any assistant or any person appointed by the Regional Board to assist in carrying out the provisions of this Bylaw.
  - h) **"Pound"** shall mean any building or enclosure or place established for the impoundment of dogs by the Regional District under the provisions of this Bylaw.
  - i) **"Person"** shall mean and includes any individual, corporation, partnership or party and the heirs, executors, administrators or other legal representatives of the same, to whom the context can apply according to law.
  - j) **"Run at Large"** when used with reference to a dog or dogs shall mean being elsewhere than on the lands and premises of a person owning or having the custody, care or control of any dog, and not being under the immediate charge and effective control of a responsible and competent person.
  - k) **"Unlicenced Dog"** means any dog for which the licence for the current year has not been paid as provided herein, or to any dog to which the tag provided for herein is not attached.
  - l) **"Transient"** shall mean any person who is resident of the Regional District for a short duration and who has not taken up permanent residency.
  - m) **"Kennel"** means a house, or building or range of building in which dogs are kept for the purpose of commercially boarding or breeding.
  - n) **"Vicious Dog"** means:
    - i) any dog with a known propensity, tendency or disposition to attack without provocation other domestic animals or humans; or
    - ii) any dog which has bitten another domestic animal or human without provocation.
3. Before a dog attains the age of four (4) months and seven (7) days, or within seven (7) days from the purchase of a dog, whichever is the later, and annually thereafter, the owner of every dog shall cause the same to be registered, numbered, described and licenced, as set out in Schedule "A" of this Bylaw, in the office of the Regional District and shall cause the dog to wear a neck collar or harness, except where a qualified veterinary surgeon certifies that a dog

cannot, due to sickness, injury or disease, comfortably wear a collar or harness, to which shall be attached the metal tag referred to in Section 8 of this Bylaw.

4. The licence shall be issued by the Treasurer or such other person appointed from time to time and applications for licences shall be made by the Treasurer or to any other person duly authorized to receive same. Every licence shall be distinguished by a number and a record shall be kept by the Treasurer of all licences issued, and for the purpose of identification, a general description of the dog in respect of which such licence was issued.
5. A transient, who is the owner of a dog shall at the expiry of thirty (30) days residency within the Regional District cause the said dog to be registered, numbered, described and licenced as outlined in Section 3, herein.
6. All kennels must secure a Kennel Licence in accordance with Schedule "A" and shall be in conformance with the restrictions of the applicable Regional District and Islands Trust Zoning Bylaw. A kennel operator shall be responsible for all dogs within their care and shall provide securely fenced runs so that no dogs are permitted to run at large. Such a kennel shall be open to inspection by the Domestic Animal Protection Officer.

A Kennel operator who abides by this section shall not be required to purchase individual licences for dogs under his care and control.

7. Every application for a licence shall be accompanied by a licence fee payable to the Regional District as set out in Schedule "A" of this Bylaw.
8. Every licence issued under this Bylaw shall be for the calendar year in which the license is issued. The licence fees shall be payable in accordance with Schedule "A" of this Bylaw.

There shall be issued with each licence a metal tag which shall be impressed or stamped with a number corresponding to the number of the licence and with figures denoting the year in which the licence expires.

9. Where the owner of a dog in respect of which a licence is issued under this Bylaw sells or otherwise ceases to be the owner of the dog, the licence shall, in respect of that dog, ipso facto, become cancelled.
10. Any person holding a licence for any dog under a bylaw of any other municipality or regional district of the Province of British Columbia shall not be liable to pay any licence fee pursuant to this Bylaw in respect of the same dog for the unexpired portion of the period for which such licence for such dog shall have been issued. This provision shall not apply to any person who has obtained the licence in another municipality or regional district while residing within the Regional District.
11. No person shall keep, harbour or have in his possession within the Regional District for longer than seven (7) days, any dog over four (4) months of age unless a licence therefore pursuant to the provisions of this Bylaw has been obtained.

12. No person, without the authority of the person owning, or having the custody, care or control of any dog, shall remove from any dog, any collar to which is attached the metal tag provided for herein, or remove such tag from any dog.

**ESTABLISHMENT OF POUND**

13. The Regional Board may acquire a pound, or from time to time enter into an agreement with any person or persons for the provision of a Regional District dog pound on private or public property.
14. The Regional Board shall from time to time as may be required, appoint a "Domestic Animal Protection Officer" and hire an assistant or assistants as deemed necessary, and the Regional Board may enter into a contract or agreement with any person or persons to provide for such pound keeping services.

**IMPOUNDING DOGS**

15. It shall be lawful for the Domestic Animal Protection Officer, a police officer, or any duly authorized person to enter at all reasonable times upon property, subject to the regulations of this Bylaw, in order to ascertain whether the regulations are being met and seize any dog found running at large, unlawfully on a street or any uncontrolled vicious dog in any place or any unlicensed dog, and such Domestic Animal Protection Officer, police officer or duly authorized person shall, within forty-eight (48) hours after making such a seizure cause such dogs to be impounded into the custody of a Domestic Animal Protection Officer who shall retain such dog for five (5) days and if the same is not reclaimed within the said five (5) days the Domestic Animal Protection Officer may cause such dog to be sold or destroyed provided, however, that when any such dog has been impounded and it is found that such dog is suffering from any injury, disease or sickness or from any other cause, the Domestic Animal Protection Officer may in their discretion, and after consultation with a veterinarian and reasonable attempts to contact the owner of the dog, destroy such dog, if it is in their opinion that such dog would not survive such injury, disease or sickness, or that it would be an act of humanity so to destroy such dog, or that such dog is a danger to persons or other animals.
16. It shall be the duty of the Domestic Animal Protection Officer to receive any dog delivered to them by any police officer or duly authorized person which has been seized or impounded pursuant to the provisions of this Bylaw.
17. The owner of any dog impounded pursuant to the provisions of this Bylaw may reclaim such dog on application to the Domestic Animal Protection Officer at any time prior to its sale or destruction on proof of ownership and on payment of the fees prescribed in Schedule "A" of this Bylaw.

18. The Domestic Animal Protection Officer, may, where there is reasonable and probable grounds to believe that a dog, for which the licence for the current year has not been paid, or that a dog not bearing the collar or harness and metal tag as provided in Section 3 and Section 8 of this Bylaw, has taken refuge on any premises, request the occupant of such premises to satisfy them that such licence has been paid and to exhibit such metal tag, or to forthwith deliver to them such dog; and where any dog is found to be on any such premises as aforesaid, any person, who fails or refuses to exhibit such licence receipt or metal tag, or who fails, neglects, or refuses to deliver such dog on request, or who resists or interferes with such Domestic Animal Protection Officer in seizing such dog, shall be deemed to be guilty of an infraction of this Bylaw, and shall be subject upon conviction, to the penalties herein provided.
19. It shall be unlawful for any person to suffer or permit any dog owned by them to run at large or unlawfully on a street within the boundaries of the Regional District.
20. It shall be unlawful for any person to intervene or otherwise interfere with the Domestic Animal Protection Officer in the lawful exercise of their duties.
21. It shall be the duty of anyone impounding a dog under the provisions of the bylaw to provide and supply proper shelter and to give sufficient food and water daily to all dogs detained.

**NOTICE OF IMPOUNDING**

22. If the owner of any impounded dog is known to the Domestic Animal Protection Officer, the Domestic Animal Protection Officer shall forthwith notify the owner by mail or telephone in accordance with the form set out in Schedule "B" of this Bylaw.
23. In case the owner is not known or the owner so notified does not within five (5) days of notification referred to in Section 22 hereof, appear at the pound and release the dog so impounded by the payment of the lawful fees as outlined in the Bylaw, the Domestic Animal Protection Officer may sell or destroy the dog or dogs as provided for in this Bylaw.

**SALE OF IMPOUNDED DOGS**

24. a) Every owner or other person entitled to the possession of a dog which has been impounded as aforesaid shall forthwith upon being notified or becoming aware of such impounding, redeem the dog in accordance with the provision of this Bylaw, or should the dog be released illegally and get back to the possession or custody of the owner or any person caring for the said dog, the owner or said person shall still be liable for the payment of the fees and expenses chargeable and recoverable under Section 17 of this Bylaw.

- b) When selling a dog to a person other than the previous owner, the Domestic Animal Protection Officer shall ensure that the dog is neutered or spayed, and if neutering or spaying is required, shall charge the veterinary fee to the purchaser.
- 25. The Domestic Animal Protection Officer shall neither in person nor by his agent purchase any dog impounded and sold at the pound or have any interest of any kind in any dog so purchased, nor shall such dog be knowingly sold or donated for medical research purposes.
- 26. The Domestic Animal Protection Officer shall at least once each month, or more often as may be required by the Treasurer, send to the Treasurer a description of the dog or dogs sold, the name of the purchaser, the date of sale, the amount realized, and the disposition thereof.

**PROCEEDS OF SALE - HOW DISPOSED OF**

- 27. The Domestic Animal Protection Officer shall maintain proper records of all monies received pursuant to the provisions of this Bylaw and shall, at least once in every month or more often as may be required by the Treasurer, pay over to the Treasurer the monies so received pursuant to the provisions of this Bylaw.
- 28. As an alternative to impoundment, the Domestic Animal Protection Officer may deliver a dog to its owner, if known, and release the dog to its owner, provided the owner forthwith pays the licence fee and late licence fee, as may be applicable. If licenced or unlicenced, and impounded, further pays the impoundment fee(s) as set out in Schedule A of this Bylaw.
- 29. If the owner fails to pay the fees required by this alternative, the animal will be impounded in accordance with this Bylaw.

**COMPENSATION**

- 30. The owner of livestock, as defined by the Livestock Act, or fur bearing animal under the Fur Farm Act that is killed by a dog that is not owned or kept by them may make application to the Domestic Animal Protection Officer pursuant to the provisions of this bylaw within three (3) business days of the occurrence being discovered, for compensation.
- 31. No claim shall be authorized under this bylaw by the Domestic Animal Protection Officer unless it has been determined that the owner of the livestock submitting the claim has taken all reasonable precautions for protecting such livestock.
- 32. Subject to the provisions of this part, the treasurer shall pay compensation based on the formula set out below, to the owner of livestock killed by any dog, the owner of which is unknown and after diligent inquiry cannot be found.

Formula: The amount of compensation payable shall be an amount equal to three-quarters (3/4) of the decrease in the market value of the animal as a result of its death; and for the purpose of this subsection, the Domestic Animal Protection Officer may make the determination of the market value.

33. The Domestic Animal Protection Officer shall investigate and verify all claims and is approved to authorize any claim up to the amount of Two Hundred and Fifty Dollars (\$250.00) per attack and any claims greater must be referred to the Regional Board for authorization of payment. The maximum compensation payable for any claim shall not exceed Seven Hundred and Fifty Dollars (\$750.00) per attack.
34. All claims under this bylaw shall be filed according to the form attached hereto as Schedule "C".

### **OFFENCES AND PENALTIES**

35. A person who contravenes or fails to comply with any provision of this Bylaw commits an offence and is liable on summary conviction to the penalties provided for in the Offence Act RSC 1996, c.338.

Each day a new contravention of or failure to comply with any provision of this Bylaw continues to exist shall constitute a separate offence.

### **VICIOUS DOG**

36. a) In addition to the other requirements of this Bylaw no owner, possessor or harbourer of a vicious dog shall permit, suffer or allow the dog to be on any streets or in any public place or any other place that is not owned or controlled by that person unless the dog is muzzled to prevent it from biting another animal or a human.
- b) Every owner, possessor or harbourer of a vicious dog shall, at all times while the dog is on the premises owned or controlled by such person, keep the dog securely confined either indoors or in an enclosed pen or other structure capable of preventing the entry of young children and adequately constructed to prevent the dog from escaping.
- c) If a person is in contravention of sub-section (a) herein, such dog which attacks or viciously pursues a person shall be subject to the impoundment provisions and fees as set out in Schedule "A" of this Bylaw, and a Judge of the Provincial Court of British Columbia may, upon application and upon being satisfied that a dog has killed or injured, or is likely to kill or injure, a person or a domestic animal, order that the dog be killed in a manner prescribed in the order.

- d) If a dog bites a person and the dog has not be immunized against rabies, the dog shall be quarantined for sixty (60) days and kept under observation by the Domestic Animal Protection Officer at the cost of the owner.

**REPEAL**

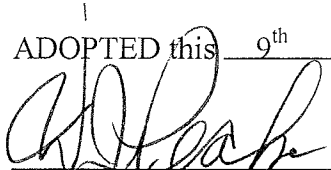
37. Cowichan Valley Regional District Bylaw No. 637, Dog Regulation and Impounding Bylaw No. 637, 1982, and all amendments thereto, is hereby repealed.

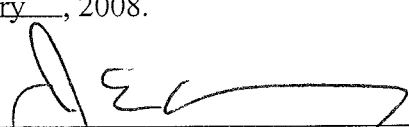
READ A FIRST TIME this      14<sup>th</sup> day of November, 2007.

READ A SECOND TIME this   14<sup>th</sup> day of November, 2007.

READ A THIRD TIME this     14<sup>th</sup> day of November, 2007.

ADOPTED this 9<sup>th</sup>                   day of January, 2008.

  
\_\_\_\_\_  
Chairperson

  
\_\_\_\_\_  
Corporate Secretary



**SCHEDULE "A" TO  
COWICHAN VALLEY REGIONAL DISTRICT  
DOG REGULATION AND IMPOUNDING  
(ANNUAL FEES) AMENDMENT BYLAW NO. 3329, 2009**

**LICENCE FEES**

- a) For each dog, a fee of \$25 before the month of February.
- b) For each dog, a fee of \$35 during the remainder of the calendar year.
- c) Replacement tag fee of \$5
- d) For each kennel licence as defined in Section 6 of this bylaw and subject to the restrictions of the respective Regional District electoral area zoning bylaw, a fee of:
  - i) \$175 before the month of February.
  - ii) \$200 during the remainder of the calendar year.

**IMPOUNDMENT FEES**

- a) For a licenced dog other than a vicious dog
  - i) first impoundment in any 12 month period \$50
  - ii) second impoundment and subsequent in any 12 month period \$75
- b) For an unlicenced dog other than a vicious dog
  - i) first impoundment in any 12 month period \$75
  - ii) second impoundment and subsequent in any 12 month period \$100
- c) For a vicious dog whether licenced or unlicenced
  - i) first impoundment in any 12 month period \$250
  - ii) second impoundment and subsequent in any 12 month period \$500
- d) The per diem rate or part thereof for impounded dogs shall be \$15



**SCHEDULE "B" TO  
COWICHAN VALLEY REGIONAL DISTRICT  
DOG REGULATION AND IMPOUNDING BYLAW NO. 3032, 2007**

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TO:

Take notice that, pursuant to the provisions of the Cowichan Valley Regional District Dog Regulation and Impounding Bylaw No. 3032, 2007,

(Description of Dog or Dogs Impounded)

was (or were) impounded in the Pound kept by the undersigned at \_\_\_\_\_  
\_\_\_\_\_, the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

And further take notice that unless, within five (5) days after the date of this notice, you appear at the pound and release the dog(s) so impounded by the payment of the lawful fees and charges, the same will be destroyed or sold as provided in the said Bylaw.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Domestic Animal Protection Officer



C.V.R.D.

SCHEDULE "C" TO  
COWICHAN VALLEY REGIONAL DISTRICT  
DOG REGULATION AND IMPOUNDING BYLAW NO. 3032, 2007

APPLICATION FOR COMPENSATION UNDER THE COWICHAN VALLEY REGIONAL DISTRICT DOG  
REGULATION AND IMPOUNDING BYLAW NO. 3032, 2007.

1. NAME: \_\_\_\_\_
2. ADDRESS: \_\_\_\_\_
3. AT: \_\_\_\_\_ A.M./P.M., ON \_\_\_\_\_ 20\_\_\_\_,

*The following were killed by dogs:*

ANIMAL	NUMBER	TYPE	AGE	REGISTERED	VALUE
POULTRY					
GOATS					
SHEEP					
ANIMALS OF THE BOVINE SPECIES					
SWINE					
HORSES					
OTHER					

4. Within three (3) business days, I notified \_\_\_\_\_.
5. The dog(s) are owned by \_\_\_\_\_ or  
the owner(s) are unknown and by diligent inquiry cannot be found.
6. I understand that, if approved, payment of this claim will be made pursuant  
to Section 30 to 34 (inclusive) of Bylaw No. 3032, 2007.

I solemnly declare that this is a true and correct statement.

DECLARED AT \_\_\_\_\_ }  
 \_\_\_\_\_ BC, this \_\_\_\_\_ }  
 day of \_\_\_\_\_ 20 \_\_\_\_\_ }

Treasurer

Owner