

**REGIONAL DISTRICT OF COMOX-STRATHCONA**

**BY-LAW NO. 1073**

**A By-law of the Regional District of Comox-Strathcona  
to provide for the impounding and control of animals  
and for the licencing thereof, within  
Electoral Areas "D", "E", and "F".**

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WHEREAS the Regional District of Comox-Strathcona has been authorized to provide Animal Control" within Electoral Areas "D", "E" and "F" being the participating municipalities;

AND WHEREAS within the participating member municipalities, the Regional District is authorized to exercise the powers contained in Clause (a) of Section 524, and Section 525, Subsection (s) of Section 932 and Subsections (2) and (4) of Section 933 and Section 934 of the Municipal Act, and those powers which are granted under the Livestock Protection Act, R.S.B.C., 1979, Chapter 245;

THEREFORE, the Regional Board of the Regional District of Comox-Strathcona in open meeting assembled, enacts as follows:

1. This by-law may be cited for all purposes as **"REGIONAL DISTRICT ANIMAL CONTROL BY-LAW NO. 1073"**.

**INTERPRETATION**

2. In this by-law, unless the context otherwise requires:

"Animal"	means any dog or domestic animal
"Board"	means the Regional Board of the Regional District of Comox-Strathcona
"Collector"	means the Collector of the District of Campbell River
"Council"	means the Council of the District of Campbell River
"District"	means Electoral Areas "D", "E", and "F" of the Regional District of Comox-Strathcona
"Domestic Animal"	means any horse, mule, ass, swine, sheep, goat, rabbit, animal of the bovine species, turkey, goose, duck, fowl, dove, pigeon, fur-bearing animal under the Fur-Farm Act, R.S.B.C. 1979, Chapter 148, and any wild animal so tamed as to be considered a pet by the owner thereof.
"Dog"	means any animal of the canine species, irrespective of age or sex
"Pound"	means any facility established, maintained, or operated as a pound in accordance with this by-law

- "Poundkeeper" means the person appointed from time to time by resolution of the council of the District of Campbell River for the purpose of enforcing and carrying out the provisions of this by-law, and includes any assistant poundkeeper appointed pursuant to the provisions of this by-law
- "Regional District" means the Regional District of Comox-Strathcona
- "Run at Large or Running at Large" means being elsewhere than on the premises of a person owning or having the custody, care or control of any animal and not being under the direct and continuous charge of a person who is competent to control it.
- "Treasurer" means the Treasurer of the District of Campbell River
- "Unlicenced Dog" means any dog for which the licence for the current year has not been paid as provided in this by-law or to which the tag provided for by this by-law is not attached.

**ADMINISTRATION**

- 3. The Board may, by resolution, enter into an agreement with the District of Campbell River or with any other person or organization for the establishment, maintenance, operation and regulation of a pound and for carrying out the various provisions of this by-law.
- 4. The Council may, by resolution, enter into an agreement with the British Columbia Society for the Prevention of Cruelty to Animals (hereinafter called the S.P.C.A.) or with any other person or organization for the establishment, maintenance, operation and regulation of a pound.
- 5. The Council shall, by resolution, appoint a Poundkeeper and such assistant or assistants as it may determine.
- 6. The Poundkeeper shall keep a poundbook in a form prescribed by the Treasurer from time to time, showing therein every animal impounded, the length of time of such impoundment, and all funds received and disbursed in respect of the operation of the pound.
- 7. The Poundkeeper shall report on the operation and maintenance of any pound in his charge to Council or to any person or committee designated by Council, at such times as Council may direct.
- 8. Every Poundkeeper shall keep the pound to which he is appointed, clean and in good repair and shall supply the animals impounded therein with sufficient and wholesome food and water and with reasonable shelter, segregation and care, as circumstances may warrant.
- 9. The Poundkeeper shall pay to the Treasurer, all funds received by him pursuant to the authority of this By-law forthwith after receipt thereof and all such funds shall become the property of the District.

**LICENCING**

10. 1. No person shall keep any dog unless a valid and subsisting licence has been issued in respect of that dog under this by-law.
  2. An application for a licence under this by-law shall be made by paying the fee prescribed in Schedule "B" attached hereto and forming part of this by-law, and applying to the Collector in such form as the Collector may from time to time prescribe.
  3. Upon receipt of the prescribed fee and a completed application form signed by the owner of the dog, the Collector shall issue a licence and corresponding licence tag for the dog.
  4. A new resident of the Regional District who holds a valid and subsisting dog licence from another Municipality or Regional District shall be given credit for said licence by making application for a replacement licence and payment of the fee prescribed in Schedule "B".
  5. Upon receipt of proof that a dog has been neutered or has received an ovario-hysterectomy, the Collector shall pay to the owner, the difference between the licence fee in Section 2 and Section 1 in Schedule "B" provided, however, no refund will be considered unless application for same has been received prior to the animal reaching the age of 11 months.
  6. Where, in the opinion of the Poundkeeper, an animal having been adopted, proves to be unsuitable, the owner may return the animal and receive a refund of 75% of the fees paid to the District.
  7. Notwithstanding the above, the owner of a dog adopted from the Campbell River Animal Shelter after January 1, 1989, shall pay the licence fee set out in Schedule "B", Section 1, as if the dog has been neutered or has received an ovario-hysterectomy. If the owner fails to have the dog altered prior to the age of 11 months, the licence fee shall revert to that set out in Schedule "B", Section 2.
  8. Notwithstanding Section 9 hereof, the Poundkeeper is hereby authorized to retain the difference between the unaltered and altered adoption fees included in Schedule "A", Section 6. The Poundkeeper shall be accountable monthly to the Treasurer for the funds collected under this Section.
11. 1. Every licence and corresponding licence tag issued under this by-law:
    - 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.
  2. The person to whom a licence is issued under this by-law shall, while the licence is valid and subsisting, affix and keep affixed the corresponding licence tag to a collar or harness worn at all times by the dog for which the licence is issued.

3. Where a licence or licence tag is lost or destroyed, the person to whom the original licence was issued may, by paying the fee prescribed in Schedule "B", apply to the Collector, in a form and manner prescribed by him, for a replacement licence or licence tag.
  4. No person other than the owner of the dog shall remove from such dog a licence tag issued pursuant to this by-law, or a collar or harness to which a licence tag issued pursuant to this by-law is attached.
12. Where a dog has not been licenced for any calendar year:
- a) by the 28th day of February of that year; or
  - b) within one month of its acquisition by its owner; whichever date is the later, the fee for a dog licence shall be as prescribed in Schedule "B" to this By-law. Where a dog has been licenced before the later date as above, a five dollar (\$5.00) early payment discount shall be permitted.

### ANIMAL CONTROL

13. No person owning or having the custody, care or control of any animal shall suffer, permit or allow such animal to run at large within the District.
14. No person owning or having the custody, care or control of any dog shall suffer, permit or allow such dog to be in a street, lane, park, or other public place within the District, unless such dog is led on a leash or chain by a person who is competent to control it.
- 14a. For a person contravening Section 14 of this By-law, an infraction may be laid and a summons issued by means of a ticket in accordance with the procedure set out in Section 14(2) to (9) of the Offence Act (1979), R.S.B.C., Chapter 305.
15. No person shall keep, harbour, house or maintain within the District any habitually noisy dog and no person owning or having the custody, care or control of a vicious dog shall suffer, permit or allow it to be upon any street, lane, park or other public place within the District unless such dog is muzzled and led on a leash or chain by some person over the age of 15 years.
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  - a) The Board may designate all or any part of a park or parks or a public place or public places as an area in which no animals shall be permitted and such an area or areas may be marked by signs or other devices.
  - b) No person owning or having the custody, care or control of any animal shall suffer, permit or allow such animal to be in an area designated pursuant to Subsection (a).
17.
  - a) The Poundkeeper or any peace officer may immediately seize and impound:
    - i) any animal that is found in any place contrary to the provisions of Sections 13 to 17 inclusive; or
    - ii) any unlicenced dog.

- b) If any peace officer seizes an animal pursuant to Section 17, he shall as soon as practical notify the Poundkeeper of such seizure and cause such animal to be delivered to the Poundkeeper.
- c) The Poundkeeper shall receive and impound any animal delivered to him by a peace officer pursuant to Subsection (b).
- d) The Poundkeeper shall retain in a pound, any animal seized and impounded pursuant to this Section and shall not release any such animal except in accordance with the provisions of this by-law.

18. Where a dog is seized and impounded pursuant to Section 12, the Poundkeeper shall:

- a) if the dog is unlicensed retain it for twenty-four (24) hours; or
- b) if the dog is licensed, forthwith notify the owner thereof in person, by telephone or by mail addressed to the last known address of the owner in which case the notice shall be deemed to have been received by the owner twenty-four (24) hours after deposit thereof in any post box within the District, giving the following information:
  - i) date and time of impoundment;
  - ii) description of dog;
  - iii) name and address of the Poundkeeper to whom application may be made for release of the dog; and
  - iv) costs of seizure, expenses to the date of the notice and any continuing costs and expenses.

19. Where an animal other than a dog is seized and impounded pursuant to Section 17, the Poundkeeper shall, if the owner is known to the Poundkeeper, forthwith notify the owner in accordance with the provisions of Subsection (b) of Section 18.

20. a) If the owner or duly authorized agent of an impounded dog does not:
- i) in the case of an unlicensed dog within twenty-four (24) hours of impounding; or
  - ii) in the case of a licensed dog within forty-eight (48) hours of being notified pursuant to Subsection b) of Section 18

appear at the Pound and release the dog so impounded by payment of the fees and charges set out in Schedule "A" attached hereto and forming part of this by-law, plus the cost of a licence for the dog, if applicable, the Poundkeeper may dispose of such dog as hereinafter set out.

- b) If the owner or duly authorized agent of an impounded animal does within forty-eight (48) hours of being notified pursuant to Section 19 or within seventy-two (72) hours of impounding, whichever comes first, appear at the pound and release the animal so impounded by payment of the fees and charges set out in Schedule "A", plus the cost of a licence for the animal, if applicable, the Poundkeeper may dispose of such animal as hereinafter set out.

- c) After the expiration of the relevant period of time set out in Subsections (a) and (b), the Poundkeeper may cause the animal to be sold by auction or private sale for an amount not less than the amount of any fees and charges outstanding plus the cost of a licence for the animal, if applicable, or if in the Poundkeeper's opinion the animal cannot or should not be sold he may destroy the animal.
  - d) Where any animal is sold pursuant to subsection (c) all property therein shall pass to the purchaser and all rights of property in the animal that existed before the sale shall be extinguished.
21. Notwithstanding any other provision of this by-law if it is found that any impounded animal is suffering from any injury, disease or sickness, or from any other cause or is unduly vicious, the Poundkeeper may, in his discretion, immediately destroy such animal if he is of the opinion that such animal would not survive such injury, disease or sickness, or that such animal constitutes a hazard or that it would be an act of humanity to destroy such animal.
22. It shall be the duty of the Poundkeeper to remove the carcass of any dog killed on a public street in the District whenever the killing of such animal on such street comes to his knowledge, and for so doing he shall be entitled to demand and receive from the owner or possessor thereof (if known) the fee set out in Schedule "A".
23. a) The Poundkeeper may, where he has reason to believe that an unlicensed dog has taken refuge on any premises, request the occupant of such premises to satisfy him that such licence has been paid and to exhibit such tag, or to forthwith deliver to him such dog. And where any dog is found to be on any such premises as aforesaid, no person shall fail or refuse to exhibit such licence receipt or tag, or fail, neglect, or refuse to deliver such dog on request, or resist or interfere with such Poundkeeper in seizing such dog.
- b) The Poundkeeper may, where he has reason to believe that an unlicensed dog has taken refuge on any premises that he has reason to believe are not occupied, enter such premises in order to seize such dog.
24. No person shall obstruct or interfere with the Poundkeeper or any peace officer in the exercise of any of the powers granted to or duties imposed on them pursuant to this by-law.
25. No person shall rescue or attempt to rescue any animal lawfully in the custody of the Poundkeeper or of any other person as herein provided, or in a pound.

#### **VIOLATION OF BY-LAW**

26. 1. Every person who violates any of the provisions of this by-law or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this by-law, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this by-law, or who does any act which violates any of the provisions of this by-law, shall be deemed to be guilty of an offence against this by-law and liable to the penalties hereby imposed.

2. Every person who commits an offence against this by-law is liable upon summary conviction to a fine of not more than Two Hundred Dollars (\$200.00) and not less than Twenty-Five Dollars (\$25.00).
3. Every person who commits an offence of a continuing nature against this by-law is liable to a fine not exceeding Fifty Dollars (\$50.00) for each day such an offence is continued.

27. The following by-laws are hereby repealed:

By-law No. 448 being "Regional District Animal Control By-law No. 448"

By-law No. 634 being "Regional District Animal Control By-law No. 448, Amendment  
By-law No. 1, 1982"

By-law No. 660 being "Regional District Animal Control By-law No. 448, Amendment  
By-law No. 2, 1983"

By-law No. 715 being "Regional District Animal Control By-law No. 448, Amendment  
By-law No. 3, 1984"

28. This by-law shall come into force and take effect on and after the date of final passing hereof.

**READ A FIRST AND SECOND TIME THIS** 30th DAY OF January, 1989.

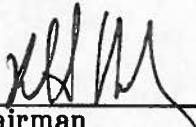
**READ A THIRD TIME THIS** 26th DAY OF February, 1990.

I hereby certify the foregoing to be a true and correct copy of "Regional District Animal Control By-law No. 1073" as read a third time by the Board of the Regional District of Comox-Strathcona on the 26th day of February, 1990.

  
Secretary

**APPROVED BY THE**  
**MINISTER OF MUNICIPAL AFFAIRS THIS** 26th DAY OF June 1990.

**RECONSIDERED,**  
**FINALLY PASSED AND ADOPTED THIS** 21st DAY OF July 1990.

  
Chairman

  
Secretary

I hereby certify the foregoing to be a true and correct copy of "Regional District Animal Control By-law No. 1073" as adopted by the Board of the Regional District of Comox-Strathcona on the 21st day of July , 1990.

  
Secretary

**REGIONAL DISTRICT OF COMOX-STRATHCONA**

**ANIMAL CONTROL BY-LAW NO. 1073**

**SCHEDULE "A"**

**Fees and Charges for Seizure and Impoundment  
feeding, pick-up, and destruction of animals**

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1. Fees for seizure and impoundment of any animal:

a) Licensed Dogs

- i) For the first seizure and impoundment  
in a calendar year \$25.00
- ii) For the second seizure and impoundment  
in a calendar year \$50.00
- iii) For the third and subsequent seizure and  
impoundment in a calendar year \$75.00

b) Unlicensed Dogs

- i) For failure to produce a valid licence \$25.00

c) Animals other than Dogs

- i) For the first seizure and impoundment  
in a calendar year \$25.00

and in addition thereto the actual costs incurred in  
capturing and transporting such animal to the pound.

- ii) For the second and each subsequent seizure and  
impoundment in a calendar year \$50.00

and in addition thereto the actual costs incurred in  
capturing and transporting such animal to the pound.

2. Feeding charges for each day or part thereof that an animal is  
in the pound:

- a) Dogs \$ 4.00
- b) Animals other than dogs, the actual cost of feeding.

3. For destruction of any animal seized or impounded or brought  
to the pound by the owner thereof for destruction:

- a) Dogs \$20.00
- b) Animals other than dogs, the actual cost of  
destruction and disposal.

- |    |   |         |
|----|---|---------|
| 4. | For the removal of the carcass, of a dog or cat from a public street in the District. | \$ 5.00 |
| 5. | For an animal at large, not impounded.  | \$35.00 |
| 6. | Adoption:   |         |
| a) | i) Unaltered Dog or Puppy   | \$70.00 |
|    | ii) Altered Dog or Puppy  | \$20.00 |

**REGIONAL DISTRICT OF COMOX-STRATHCONA**

**ANIMAL CONTROL BY-LAW NO. 1073**

**SCHEDULE "B"**

**Licence Fees**

1. For a
  - a) Neutered male in respect of which the applicant produces a certificate of neutering signed by a veterinarian or which is marked in a manner satisfactory to the Poundkeeper so as to indicate that it has had a neutering  
  
a fee of \$15.00
  - b) a female dog in respect of which the applicant produces a certificate of ovario-hysterectomy signed by a veterinarian of which is marked in a manner satisfactory to the Poundkeeper so as to indicate that it has had an ovario-hysterectomy,  
  
a fee of \$15.00
2. For a male or female dog other than one described in Section 1 above,  
  
a fee of \$45.00
3. For a replacement of licence tag,  
  
a fee of \$ 5.00
4. For an early payment discount under Section 12 \$5.00

Province of British Columbia



No. 900354

# Statutory Approval

*Under the provisions of section* 203  
*of the* Municipalities Enabling and Validating Act  
*I hereby approve Bylaw No.* 1073  
*of* the Regional District of Comox-  
Strathcona, *a copy*  
*of which is attached hereto.*

*Dated this* 26<sup>th</sup> *day*  
*of* June, 1990

A handwritten signature in blue ink, appearing to read "L. H. H. H.", written over a horizontal line.

Minister of Municipal Affairs, Recreation  
and Culture