

TOWN OF COMOX

DRAFT CONSOLIDATED BYLAW NO. 1322

(Consolidated to XX)

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Convenience only and is not a certified copy.

**A BYLAW TO PROVIDE FOR THE LICENSING AND CONTROL OF DOGS AND THE
ESTABLISHMENT AND OPERATION OF A POUND**

WHEREAS under the provisions of the Municipal Act, Council may provide for the licensing control and impounding of dogs within the Municipality;

NOW THEREFORE the Council of the Town of Comox in open meeting assembled enacts as follows:

SECTION 1 TITLE

This Bylaw may be cited as "Comox Dog Licence and Pound Bylaw 1999"

SECTION 2 INTERPRETATION

"ANIMAL" means any dog.

"ANIMAL CONTROL OFFICER" means the Bylaw Enforcement Officer, Corporate Officer, Deputy Corporate Administrator or Parks Superintendent for the Town of Comox, or any other person designated by Council. (*Amended Bylaw 1765, February 19, 2014*)

"AT LARGE" when used in reference to a dog means being elsewhere than on the lands and premises of the person owning or having the care, custody and control of any such dog and not being in the immediate charge and control of a responsible and competent person by means of a leash or chain not exceeding 2.5 metres in length.

"COUNCIL" means the Municipal Council of the Town of Comox.

"DOG" means any male or female animal of the canine species over the age of five months.

"IMPOUNDED" means seized, delivered, received or taken into the pound or into the custody of the poundkeeper or such other person, firm, society, or corporation appointed by Council.

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"MUNICIPALITY" means the Town of Comox.

"OWNER" means any person who owns, is in possession of or who has care, custody or control of a dog.

"PEACE OFFICER" means a Peace Officer of the Royal Canadian Mounted Police.

"POUND" means the premises designated by Council for the confinement of dogs pursuant to this Bylaw.

"POUND KEEPER" means such persons, firms or societies appointed by Council to carry out the duties of a Pound Keeper pursuant to this Bylaw and shall include his deputies, assistants or employees.

"POLICE WORK DOG" means a dog trained for and actually engaged in law enforcement for the Royal Canadian Mounted Police.

"TAG" means a tag made of metal, plastic, fiberglass or composition.

"UNLICENSED DOG" means any dog for which a licence for the current year, as provided for in the Bylaw, has not been purchased.

"VICIOUS DOG" means:

- (i) any dog which has killed or injured a person or domestic animal; or
- (ii) any dog with a known propensity, tendency or disposition to attack without provocation other domestic animals or humans, or otherwise threaten the safety or persons or domestic animals; or
- (iii) any dog which, when provoked, attacks, chases, or approaches a person(s) upon the street, sidewalk or any public grounds in a menacing fashion or apparent attitude of attack; or
- (iv) any dog owned or harboured primarily or in part for the purpose of dog fighting or any dog owned or trained for dog fighting.

Notwithstanding the above, a dog shall not be deemed to be a vicious dog if the bite, attack or threat of attack was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or was teasing, tormenting, abusing, or assaulting the dog or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the dog, or was committing or attempting to commit a crime.

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SECTION 3 POUND OPERATION

- 3.1 The Council is hereby empowered to appoint a Pound Keeper and to enter into agreement with such persons, firms or societies for the purpose of operating and maintaining a pound.
- 3.2 The Animal Control Officer may seize and impound any dog which is found to be at large and upon such seizure and impoundment immediately notify the owner of such dog that he has done so.
- 3.3 Any dog so impounded shall be kept and retained in the pound for a period of five (5) days and if such dog is not reclaimed by its owner within the said period, the Pound Keeper, may on the expiration of such a period of time sell or place such dog for adoption, or destroy such dog.
- 3.4 Subject to the provisions of this section the owner of an impounded dog may reclaim same on application to the Pound Keeper, upon providing proof of ownership and on payment of the following fees:
- (a) For the first impoundment in a calendar year \$30.00
 - (b) For the second impoundment in a calendar year \$40.00
 - (c) For the third impoundment in a calendar year \$60.00
 - (d) Deleted. (*Bylaw 1765, February 19, 2014*)
 - (e) Deleted. (*Bylaw 1765, February 19, 2014*)
 - (f) The amount of the current licence fee if such dog is unlicensed.
 - (g) For each impoundment of a vicious dog. \$300.00

SECTION 4 LICENSING

- 4.1 No person shall keep, harbour or have in his possession any dog over the age of five (5) months unless a licence has been first obtained.
- 4.2 The licensing year and fee shall be as follows:
- (a) The licensing year is from January 1 to December 31 and the following licence fees are payable regardless of the date within the year which application is made for a licence:

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Spayed female and neutered dogs	\$10.00
Unneutered male dog	\$30.00
Unspayed female dog	\$30.00

(The owners of spayed female dogs and/or neutered male dogs may be required to produce a certificate from a qualified veterinarian to prove that such dogs have been spayed.)

- (b) Notwithstanding the provisions of sub-paragraph (a) above:
- (i) A first time application for a licence on or after August 1 in a licensing year will be charged one-half of the fee;
 - (ii) The Council may by resolution waive or reduce the fee for the licensing of specially trained dogs owned by a handicapped person.

- 4.3 Where any owner possesses or harbours five (5) or more adult dogs the owner shall be deemed to own a kennel and, in addition to the licence fees payable for each dog, the owner may be liable for a business licence.
- 4.4 Issued with each dog licence will be a tag showing the number of the licence and the year in which the licence is valid. The tag shall be attached to the dog's collar or other device, at all times.
- 4.5 A duplicate tag for one misplaced or lost may be issued for the payment of ONE (\$1.00) DOLLAR.
- 4.6 Where the owner of a dog sells or otherwise ceases to be the owner of the dog the licence shall be cancelled. However, if such owner acquires another dog then a licence may be transferred for the remainder of the licence period upon surrender of the original tag and payment of a fee of ONE (\$1.00) DOLLAR.
- 4.7 A record showing the owner's name and address and licence number issued shall be kept by the Municipality.

SECTION 5 CONTROL OF DOGS

- 5.1 No owner shall permit a dog to be at large within the Municipality.
- 5.2 No owner of a dog shall permit, suffer or allow the dog to be on any street or in any public place unless it is under the full custody and control of a competent person by means of a leash not exceeding 2.5 metres in length.

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- 5.3 Every owner of a female dog in heat shall keep such dog effectively confined within a closed building on private property.
- 5.4 No owner shall keep within the Municipality any habitually noise dogs.
- 5.5 No owner, possessor or harbourer of a vicious dog shall permit, suffer or allow the dog to be on any street or in any public place or in any other place that is not owned or controlled by that person unless the dog is leashed and muzzled to prevent it from biting another animal or a human.
- 5.6 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.
- 5.7 Any enclosure or pen referred to in Section 5.6 shall:
 - 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; and
 - b) have sides which are either buried 60 centimeters into the ground or embedded in a concrete pad; and
 - c) have a secure top attached to all sides, and have a gate with is self-closing and has a lock; and
 - d) be capable of containing a dog in a secure and humane manner; and
 - e) be approved by the Animal Control Officer of the Town of Comox.
- 5.8 Every owner, possessor or harbourer of a vicious dog shall prominently display at the front and rear entrances to the property, a sign stating “Beware of Dog”
- 5.9 Every owner, possessor or harbourer of a vicious dog shall provide to the Town, proof that a policy of liability insurance is in force and provides third party liability coverage in a form satisfactory to the Town and in a minimum amount of \$1,000,000 for any injuries which may be caused by the dog, and must ensure that the insurance policy contains a provision requiring the insurer to immediately notify the Town in writing should the policy expire or be canceled or terminated.
- 5.10 If it is concluded that the dog declared “vicious” can be retrained and socialized and that the bite or injury from the attack was the result of improper or negligent training, handling or maintenance, the dog licence to the “owner” shall be reissued with conditions and restrictions imposed for the training, socialization,

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- handling and maintenance of the dog to protect the public. It must be properly concluded that the “owner” is able and willing to properly carry out these restrictions and conditions and that a similar incident is not likely to occur in the future. Prior to the reissuance of a permanent licence, the “owner” of the dog shall show proof that he/she and the dog have successfully completed a training course and show proof of an “enclosure” where the “vicious” dog must be kept is outside the residence when the “owner” or custodian is not physically present with the dog when the dog is on the “owner’s” property.
- 5.11 It shall be lawful for the Animal Control Officer or any Peace Officer to destroy any diseased dog found to be at large in the Municipality.
- 5.12 The Animal Control Officer or any Peace Officer may seize and impound any vicious dog found to be at large in the Municipality.
- 5.13 it shall be the duty of the Pound Keeper to receive any dog delivered to him by a Peace Officer which has been seized pursuant to this or any other bylaw of the municipality.
- 5.14 Any person attempting to take or who takes any dog which is in lawful custody of the Pound Keeper or the Animal Control Officer shall be guilty of an infraction of this bylaw.
- 5.15 It shall be an offence under this bylaw to allow or suffer any dog to leave or deposit solid excrement on any public place or private property other than the property of the owner unless the owner shall immediately take steps to remove such solid excrement and to dispose of same in a sanitary manner.
- 5.16 This bylaw shall not apply to a police work dog.

SECTION 6 GENERAL REQUIREMENTS

- 6.1 Because of the danger of infection from dog bites, the following applies:
- (a) A dog which bites any person, whether on private property or elsewhere shall be taken to the pound by the Animal Control Officer unless the owner forthwith delivers the same to the pound or to some place where dogs are kept under the personal supervision of a licenced veterinary surgeon.
- (b) Any dog so delivered will be kept at such place at the owner's expense for a period of 14 days.

- (c) The fee for such impoundment shall be \$7.50 per day for each day or part of a day if it is the first occasion that the dog has been impounded for biting a person, and \$15.00 per day for each day or part of a day for any subsequent such impoundments. The fee shall be paid by the owner before the dog can be removed. If the dog is not removed within two days after the 14 day period, the dog will be disposed of by the Pound Keeper.

SECTION 7 ENFORCEMENT

Updated, Bylaw 1765, February 19, 2014

7.1 Offences

- (a) Every person who contravenes any provision of this bylaw commits an offence and shall, upon summary conviction, be liable to a minimum fine of \$500.00 and a maximum fine of \$10,000.00 together with such other penalties that may be imposed by the court, including payment of the costs of prosecution and compensation for loss or damage suffered by the Town.
- (b) Each day that an offence continues shall constitute a separate offence against this bylaw.

7.2 Enforcement

- (a) This bylaw is designated under the provisions of Section 264 of the Community Charter as a bylaw that may be enforced by means of a ticket in the form prescribed, and in accordance with this bylaw.
- (b) Bylaw Enforcement Officers and members of the Royal Canadian Mounted Police are persons designated to enforce this Bylaw pursuant to Section 264(1)(b) of the Community Charter.

7.3 Penalties

- (a) Pursuant to Section 264(1)(c) of the *Community Charter*, the words or expressions set forth below in Column 1 designate the offence committed under the Bylaw section numbers appearing in Column 2 opposite the respective words or expressions.
- (b) Pursuant to Section 265(1)(a) of the *Community Charter*, the fine amount set forth below in Column 3 is the fine amount that corresponds to the section

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number and words or expressions set out in Columns 1 and 2 opposite the fine amount.

Column 1	Column 2	Column 3
Offence	Bylaw Section	Fine Amount
Unlicensed dog	4.1	\$50.00
Tag not attached to collar	4.4	\$25.00
Dog at large	5.1	\$90.00
Dog not on leash	5.2	\$90.00
Unconfined dog in heat	5.3	\$90.00
Habitually noisy dog	5.4	\$90.00
Unleashed or un-muzzled vicious dog	5.5	\$300.00
Unconfined vicious dog	5.6	\$300.00
Insufficient enclosure for vicious dog	5.7	\$90.00
Sign not prominently displayed	5.8	\$90.00
Inadequate proof of liability insurance	5.9	\$90.00
Unlawful removal of dog from pound	5.14	\$300.00
Failure to remove or dispose of excrement	5.15	\$90.00

SECTION 8 VIOLATION TICKETS AND WARNING NOTICES

Deleted. (*Bylaw 1765, February 19, 2014*)

SECTION 9 BYLAW REPEALMENT

Bylaw No. 897 and all amendments thereto is hereby repealed.

SECTION 10 SEVERABILITY

11.1 The provisions of this bylaw are severable and the invalidity of any part of this bylaw shall not affect the validity of the remainder of this bylaw.

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SECTION 11 ADOPTION

READ A FIRST AND SECOND time this 7th day of July, 1999

READ A THIRD time this 21st day of July, 1999

ADOPTED this 4th day of August, 1999

“John Marinus”

DEPUTY MAYOR

“Helen Dale”

MUNICIPAL CLERK