

TOWN OF COMOX
CONSOLIDATED BYLAW NO. 1322

(as at February 5, 2025)

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

Please note: This is a consolidated bylaw prepared for
Convenience only and is not a certified copy.

Consolidated to include the following bylaws:

Bylaw No.	Adopted	Name	Purpose
1765	February 19, 2014	Comox Dog Licence and Pound Bylaw Amendment No. 1, 2014	To add enforcement provisions to the Dog Licence and Pound Bylaw
1322.02	February 5, 2025	Comox Dog Licence and Pound Bylaw Amendment No. 1322.02	To amend the Comox Dog Licence and Pound Bylaw 1999

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

(Definition added, Bylaw 1322.02, Feb 5, 2025)

"AGGRESSIVE DOG" means a dog that has:

- (a) caused minor injuries to a person or animal;
- (b) aggressively pursued or harassed a person or animal; or
- (c) displayed aggressive behaviour including, but not limited to growling, snarling or lunging.

Notwithstanding the above, a dog shall not be deemed to be an Aggressive 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.

"ANIMAL" means any dog.

(Animal Control Officer definition amended, Bylaw 1765, Feb 19, 2014)

"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.

"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.

(Definition added, Bylaw 1322.02, Feb 5, 2025)

"DANGEROUS DOG" has the same meaning as in the *Community Charter*.

"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.

"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.

(Definition deleted, Bylaw 1322.02, Feb 5, 2025)

"VICIOUS DOG"

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.

(Section 3.4 replaced, Bylaw 1322.02, Feb 5, 2025)

- 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 fees as set out in Schedule "C" of the Fees and Charges Bylaw No. 2016.

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.

(Section 4.2(a) replaced, Bylaw 1322.02, Feb 5, 2025)

- 4.2 The licensing year and fee shall be as follows:

- (a) The licensing year is from January 1 to December 31 and the fees as set out in Schedule "C" of the Fees and Charges Bylaw No. 2016 are payable regardless of the date within the year which application is made for a licence.

(Section 4.2(a.1) added, Bylaw 1322.02, Feb 5, 2025)

- (a.1) Owners of neutered and spayed dogs must produce a certificate from a qualified veterinarian in order for the neutered or spayed dog licence fee to apply.
- (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.

(Section 4.5 replaced, Bylaw 1322.02, Feb 5, 2025)

- 4.5 A replacement tag for one misplaced or lost may be issued on payment of the fee as set out in Schedule "C" of the Fees and Charges Bylaw No. 2016.

(Section 4.6 replaced, Bylaw 1322.02, Feb 5, 2025)

- 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 on payment of the fee as set out in Schedule "C" of the Fees and Charges Bylaw No. 2016.
- 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.
- 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.

(Section 5.5 replaced, Bylaw 1322.02, Feb 5, 2025)

- 5.5 No owner, possessor or harbourer of an Aggressive or Dangerous dog shall permit, suffer or allow the dog to be
- a) on school grounds, within 30 metres of any playground, or at any designated off-leash area, or park; and
 - b) on any street or in any other public place or in any other place that is not owned or controlled by that person unless the dog is muzzled, on a non-retractable leash not exceeding two metres in length, and under the control of a competent individual over 19 years of age.

(Section 5.6 updated, Bylaw 1322.02, Feb 5, 2025)

- 5.6 Every owner, possessor or harbourer of an Aggressive or Dangerous 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.

(Section 5.7 updated, Bylaw 1322.02, Feb 5, 2025)

- 5.7 For a Dangerous Dog, 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.

(Section 5.8 updated, Bylaw 1322.02, Feb 5, 2025)

- 5.8 Every owner, possessor or harbourer of a Dangerous dog shall prominently display at the front and rear entrances to the property, a sign stating "Beware of Dog"

(Section 5.9 updated, Bylaw 1322.02, Feb 5, 2025)

- 5.9 Every owner, possessor or harbourer of a Dangerous 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.

(Section 5.10 updated, Bylaw 1322.02, Feb 5, 2025)

- 5.10 If it is concluded that the dog declared Aggressive or Dangerous 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, 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 Aggressive or Dangerous 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.

(Section 5.12 updated, Bylaw 1322.02, Feb 5, 2025)

- 5.12 The Animal Control Officer or any Peace Officer may seize and impound any Aggressive or Dangerous 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 replaced in its entirety, Bylaw 1765, Feb 19, 2014)

SECTION 7 ENFORCEMENT

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

(Offence table updated, Bylaw 1322.02, Feb 5, 2025)

Column 1	Column 2	Column 3
Offence	Bylaw Section	Fine Amount
Unlicensed dog	4.1	\$90.00
Missing tag	4.4	\$50.00
Dog at large	5.1	\$90.00
Dog off leash	5.2	\$90.00
Unconfined dog in heat	5.3	\$90.00
Habitually noisy dog	5.4	\$90.00
Unleashed or un-muzzled Aggressive or Dangerous Dog	5.5	\$300.00
Unconfined Aggressive or Dangerous Dog	5.6	\$300.00
Insufficient enclosure for Dangerous Dog	5.7	\$500.00
Sign not prominently displayed	5.8	\$90.00
Inadequate proof of liability insurance	5.9	\$90.00
Unlawful removal of dog from Pound Keeper	5.14	\$300.00
Failure to remove or dispose of excrement	5.15	\$90.00

Section 8 deleted, Bylaw 1765, Feb 19, 2014)

SECTION 8 VIOLATION TICKETS AND WARNING NOTICES

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.

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

MAYOR

MUNICIPAL CLERK