



## DISTRICT OF SOOKE

### BYLAW No. 392

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A Bylaw to regulate, prohibit, and impose requirements in relation to animals in the District of Sooke.

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The Council, in open meeting assembled, enacts as follows:

#### **Title**

1. This Bylaw may be cited for all purposes as “Bylaw No. 392, *Animal Regulation and Impounding Bylaw, 2009*”.

#### **Interpretation**

2. In this Bylaw:
  - (a) “Aggressive Dog” means a dog that:
    - (i) has killed or seriously injured a person or animal;
    - (ii) has a known propensity, tendency or disposition to attack humans or animals without provocation;
    - (iii) has bitten or attacked, attempted to bite or attack, or aggressively pursued a person or animal without provocation; or
    - (iv) has been trained for or is owned for the purpose of fighting;
  - (b) “Animal” means any domestic animal;
  - (c) “Animal Control Officer” means any person appointed by Council as an animal control officer for the purposes of administering this Bylaw, and includes a bylaw enforcement officer and peace officer;
  - (d) “Breeding Kennel” means a place, building, or structure where dogs, cats or domestic animals are kept, trained, or bred;
  - (e) “Boarding Kennel” means a place, building, or structure where dogs, cats or domestic animals are kept, trained or boarded;
  - (f) “Cat” means a cat apparently over the age of four months;

- (g) “Council” means the Council of the District of Sooke;
- (h) “District” means the District of Sooke;
- (i) “Dog” means a dog apparently over the age of four months;
- (j) “Guide Dog” means a dog used by a person with a disability to avoid hazards or to otherwise compensate for a disability and includes a guide animal as defined in the *Guide Animal Act*;
- (k) “High Water Mark” means the visible high water mark of any lake or body of salt water where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the body of water a character distinct from that of its bank, in vegetation, as well as in the nature of the soil itself;
- (l) “Keep” includes own, possess, harbour, or have care and control;
- (m) “Livestock” means cattle, goats, horses, sheep, swine and game;
- (n) “Owner” means any person
  - (i) to whom a licence has been issued pursuant to this Bylaw;  
or
  - (ii) who owns, is in possession of, harbours or has the care and control of an animal;
- (o) “Police Dog” means any dog owned by an accredited police force and trained to assist police;
- (p) “Pound” means any building, enclosure or place established by Council from time to time to constitute the pound under this Bylaw;
- (q) “Poundkeeper” means any person appointed by Council to operate the pound;
- (r) “Running at large” means in or upon a highway or public place or 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.
- (s) “Wild or Exotic Animal” means those animals listed in Schedule “E”, attached to and forming part of this Bylaw, whether bred in the wild or in captivity, and includes hybrids with domestic species, which are tamed and/or kept in captivity for the use of man.

### **Kennel Licences**

3. No person shall keep more than four dogs on any parcel of land in the District at any one time except in the lawful operation of a boarding kennel or breeding kennel under this Bylaw, a veterinary facility, an animal supply store or commercial animal groomer service.
4. No person shall operate a boarding kennel or a breeding kennel in the District unless a valid and subsisting licence for the current year has first been obtained for that kennel under this Bylaw.
5. An application for a kennel licence under this Bylaw shall be in the form prescribed for that purpose by the District and shall be accompanied by the applicable licence fee set out in Schedule "A" of this Bylaw.
6. Every kennel licence issued under this Bylaw shall expire on the 31<sup>st</sup> day of December in the calendar year in which the licence is issued.
7. No owner or operator of a kennel shall keep or permit to be kept more dogs than the number of dogs permitted under the terms of the kennel licence issued under this Bylaw.
8. Breeding kennel licences shall only be issued to persons who are engaged in the breeding of a dog or dogs and whose dog or dogs are registered with a bona fide kennel club or associated with other bona fide dog clubs.
9. Every breeding kennel and boarding kennel shall consist of a fully enclosed building and facilities constructed, installed and maintained in accordance with the following provisions:
  - (a) there shall be an outdoor exercise area large enough to allow each dog being kept to break into a trot; and
  - (b) the building and facilities shall be constructed and maintained so as to prevent the escape of any dog being kept.

### **Dog Licences**

10. Every owner of a dog in the District shall obtain a licence for the current year for that dog under this Bylaw on or before March 31<sup>st</sup> in the calendar year.
11. An application for a dog licence under this Bylaw shall be in the form prescribed for that purpose by the District and shall be accompanied by the applicable licence fee set out in Schedule "A" of this Bylaw. Upon receipt of the application and payment of the prescribed fee, the Animal Control Officer shall issue a numbered dog licence and corresponding licence tag to the applicant.

12. Notwithstanding s. 11, the owner of a dog may obtain a dog licence under this Bylaw free of charge upon providing to the Animal Control Officer the licence application and a certificate from a qualified veterinarian that the dog has been neutered or spayed during the 12-month period immediately preceding the application for the licence, provided that not more than one free licence is issued for any one dog.
13. Notwithstanding s. 11, the owner of a police dog or guide dog, may obtain a dog licence under this Bylaw free of charge upon providing to the Animal Control Officer the licence application and proof satisfactory to the Animal Control Officer that the dog is a police dog or guide dog.
14. Every dog licence and corresponding licence tag issued under this Bylaw shall be for the current calendar year and shall expire on the 31<sup>st</sup> day of December in the calendar year in which the licence is issued.
15. The owner of a dog for which a licence and corresponding licence tag have been issued under this Bylaw shall affix, and keep affixed, the licence tag on the dog by a collar, harness, or other suitable device.
16. Every licence and corresponding licence tag issued under this Bylaw is valid only in respect of the dog for which it was issued, as described on the licence application, and is not transferable to another dog.
17. In the event of a change in ownership of a dog for which a licence and corresponding licence tag have been issued under this Bylaw, the licence and corresponding licence tag shall expire on the seventh day following the change in ownership of the dog, and the new owner of the dog shall obtain a new licence for the dog free of charge upon providing to the Animal Control Officer the licence application and the old licence and corresponding licence tag.
18. Any owner of a dog holding a valid and subsisting dog licence that has been obtained from another jurisdiction who takes up residence within the District shall obtain a new licence for the dog free of charge upon providing to the Animal Control Officer the licence application and the licence and corresponding licence tag issued by another jurisdiction. This section does not apply to an owner who has obtained a dog licence in another jurisdiction while residing in the District.
19. No person shall remove from a dog the licence tag issued for that dog under this Bylaw unless authorized to do so from the owner of the dog.
20. Where this Bylaw provides for a reduced licence fee for a dog that is neutered or spayed, the licence application for the dog shall be accompanied by a certificate from a qualified veterinarian indicating that the dog is in fact neutered or spayed.

21. The owner of a dog for which a licence and corresponding licence tag have been issued under this Bylaw may obtain a replacement licence tag upon satisfying the District that the original licence tag has been lost or stolen and upon payment of the replacement fee set out in Schedule "A".
22. Section 10 does not apply to a dog that is kept in the District for less than one month in a calendar year and for which a valid and subsisting dog licence has been obtained from another jurisdiction.
23. All fees payable under this Bylaw are non-refundable.

### **Seizure and Impoundment**

24. An Animal Control Officer may seize and impound:
  - (a) any dog that has not been licenced in accordance with this Bylaw;
  - (b) any animal unlawfully running at large; and
  - (c) any dog on unfenced land and not securely tethered or contained.
25. An Animal Control Officer shall immediately convey any animal seized and liable to impoundment under this Bylaw to the pound.
26. Where the owner of an animal which has been seized and impounded under this Bylaw is known to, or can be identified by the Animal Control Officer, the Animal Control Officer shall notify the owner, by telephone or by mail addressed to the last known address of the owner, of the fact that the animal has been seized and impounded under this Bylaw and that the animal will be sold, destroyed or otherwise disposed of by the District after the expiration of five (5) days from the date the notice was received by the owner unless, in the meantime, the animal is reclaimed. For the purpose of this Bylaw, notice by mail shall be deemed to be received by the owner after expiration of three (3) days from the date the notice was mailed and notice by telephone shall be deemed to be received by the owner the day notice is left on the voice mail of the owner's telephone.
27. Where the owner of an animal which has been seized and impounded under this Bylaw is not known to, and cannot be identified by, the Animal Control Officer, the Animal Control Officer shall cause notice of the seizure and impoundment to be posted on the public notice board at the District and the pound. Such notice shall set out particulars of the impounded animal, the date of seizure and impoundment of the animal, and that the animal will be sold, destroyed, or otherwise disposed of by the District after the expiration of five (5) days from the date of the notice unless, in the meantime, the animal is reclaimed.

28. An owner of an animal seized and impounded under this Bylaw, or any person authorized in writing on the owner's behalf, may redeem the impounded animal at any time prior to its sale, destruction, or disposal under this Bylaw upon:
  - (a) delivery to the poundkeeper of evidence satisfactory to the poundkeeper of ownership of the impounded animal;
  - (b) payment of the penalty and fees, costs, and charges incurred in respect of the seizure and impoundment of the animal as set out in Schedule "B" to this Bylaw; and
  - (c) payment of the current licence fee where the impounded animal is required to be licenced pursuant to this Bylaw and is not licenced.
29. Where an animal that has been seized and impounded under this Bylaw has not been redeemed, the poundkeeper may, after the expiration of the notice periods established under this Bylaw, offer the impounded animal for sale or adoption.
30. Where the poundkeeper is unable or considers it undesirable to effect the sale or adoption of an animal that has been seized and impounded under this Bylaw, or where an impounded animal has been offered for sale or adoption but has not been sold or adopted, the poundkeeper shall destroy or otherwise dispose of the animal.
31. An Animal Control Officer may seize any animal that he or she considers is suffering from an incurable disease or life threatening injury and destroy that animal upon certification of the animal's condition by a licenced veterinarian.

### **Compensation**

32. The District may pay compensation to the owner of an animal killed or injured by a dog, the owner of which is unknown and, after diligent inquiry, cannot be found in the amount of the lessor of
  - (a) Seventy-five percent (75%) of the decrease in the market value of the animal as a result of its death or injury, or
  - (b) Seven hundred and fifty dollars (\$750) for the animal killed or injured.
33. All claims pursuant to s. 32 of this Bylaw shall be filed with the Animal Control Officer.
34. No claim shall be authorized under s. 32 unless:

- (a) the District is satisfied that the owner of the animal submitting the claim has taken all reasonable precautions for protecting such animal; and
  - (b) the loss is reported to the Animal Control Officer within three (3) business days of the occurrence being discovered.
35. Applications for compensation under s. 32 shall be in the form attached to this Bylaw as Schedule "C".

### **Control of Dogs**

36. The owner of a dog shall, at all times when the dog is on the owner's property, keep the dog securely contained so as to prevent the dog escaping from the owner's property.
37. No owner of a dog shall permit the dog to be running at large in the District unless the dog is kept on a leash, tether or other suitable device, or is under the immediate care and control of a competent person.
38. The owner of a female dog in heat shall, at all times when the dog is in heat, keep the dog securely confined within a building or enclosure capable of preventing the dog's escape and the entry of other dogs.

### **Control of Aggressive Dogs**

39. The owner of an aggressive dog shall, at all times when the dog is on the owner's property, post a sign at each entrance to where the dog is kept warning in writing, as well as with a symbol, that there is an aggressive dog on the property. The sign must be posted so it cannot be removed and must be visible and capable of being read from the street or land abutting the owner's property.
40. No owner of an aggressive dog shall permit the dog to be running at large in the District unless the dog is kept on a leash, tether or other suitable device not exceeding two metres in length, is securely muzzled so as to prevent the dog from biting a person or animal, and is under the immediate care and control of a competent person.
41. The owner of an aggressive dog shall, at all times when the dog is on the owner's property, keep the dog securely confined within a building or enclosure capable of preventing the dog's escape and the entry of children under the age of 12 years old.

### **Control of Animals Generally**

42. No owner of an animal shall permit or cause the animal to cry, howl or bark in or on land in the District except land zoned agricultural if such

- crying, howling or barking disturbs or is liable to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of individuals or the public.
43. No person shall permit any livestock to be running at large in the District unless under the immediate care and control of a competent person.
44. Where an animal defecates on a highway, public place or lands of any person other than the owner of the animal, the person having care, custody, or control of the animal shall immediately remove the excrement and dispose of it in a sanitary manner.
45. No person shall keep an animal suffering from an infectious or contagious disease on any parcel of land in the District unless the animal is kept securely confined within a building or enclosure capable of preventing the animal's escape and the entry of other animals and is under veterinary care for that disease.
46. No person shall keep any animal in the District unless the animal is kept, housed and fed in a manner conducive to its good health and well being including provided with:
- (a) clean, potable drinking water and food in sufficient quantity and of a recognized nutritional quality to allow for the animal's normal growth and the maintenance of the animal's normal body weight;
  - (b) sanitary food and water receptacles;
  - (c) the opportunity for periodic exercise sufficient to maintain the animal's good health;
  - (d) clean bedding material, structures, pens or enclosures and an area maintained at a temperature warm and dry enough to prevent the animal from suffering discomfort; and
  - (e) the necessary veterinarian care when the animal exhibits signs of pain, suffering, or disease.
47. No person shall keep any animal outside for extended periods of time unless the animal is provided with shelter, of sufficient size to allow the animal to turn about freely, and stand, sit, and lie in a normal position, so as to:
- (a) ensure protection of the animal from heat, cold, and wetness appropriate to the animal's weight and type of coat; and
  - (b) provide sufficient shade to protect the animal from the direct rays of the sun.

48. No person shall keep any animal confined in an enclosed space, including a motor vehicle, without sufficient ventilation to prevent the animal from suffering discomfort or heat injury.
49. No person shall keep any animal hitched, tied or fastened to a fixed object where a choke collar or choke chain forms part of the securing apparatus, or where a rope or cord is tied directly around the animal's neck.
50. No person shall keep any animal hitched, tied or fastened to a fixed object as the primary means of confinement for an extended period of time.

### **Keeping of "Wild or Exotic Animals"**

51. No person shall keep a "wild or exotic animal" anywhere in the District.

### **Inspection**

52. An Animal Control Officer may enter on any property at any reasonable time for the purpose of ascertaining whether the regulations and requirements of this Bylaw are being observed.

### **No Interference**

53. No person shall obstruct or interfere with an Animal Control Officer in the performance of his or her duties under this Bylaw.

### **Offences and Penalties**

54. Any person who contravenes this Bylaw is liable upon summary conviction to a fine not exceeding \$10,000 and the cost of prosecution. Every day during which there is an infraction of this Bylaw shall constitute a separate offence.
55. This Bylaw may be enforced by means of a ticket in the form prescribed for the purpose of s. 264 of the *Community Charter*.
56. Animal Control Officers are designated to enforce this Bylaw pursuant to s. 264(1)(b) of the *Community Charter*.
57. The words or expressions set forth in Column 1 of Schedule "D" of this Bylaw are authorized pursuant to s. 264(1)(c) of the *Community Charter* to designate the offence committed under the bylaw section number appearing in Column 2 opposite the respective words or expressions.
58. The amounts appearing in Column 3 of Schedule "D" of this Bylaw are the fines established by Council pursuant to s. 265(1)(a) of the *Community Charter* for the corresponding offence designated in Column 1.

**Severability**

59. If any section or lesser portion of this Bylaw is held to be invalid by a Court, such invalidity shall not affect the remaining portions of the Bylaw.

**Repeal**

60. Bylaw No. 1465, the *Animal Regulation and Impounding Bylaw, No. 1, 1986* as amended is hereby repealed and replaced by this Bylaw.

Introduced and read a first time the 23<sup>rd</sup> day of February, 2009

Read a second time the 2<sup>nd</sup> day of March, 2009

Read a third time the 2<sup>nd</sup> day of March, 2009

Adopted on the 9<sup>th</sup> day of March, 2009

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Janet Evans  
Mayor

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Evan Parliament  
Chief Administrative Officer

## **SCHEDULE A**

### **LICENCE FEES**

1. The annual dog licence fees payable under this Bylaw are as follows and are due on or before March 31<sup>st</sup> of the calendar year for which the licence is required.

After March 31<sup>st</sup>, a late fee of \$10.00 will be added to the annual fee, except for newly acquired dogs:

- |   |          |
|---|----------|
| (a) For every spayed or neutered dog:     | \$20.00  |
| (b) For every unneutered or unspayed dog: | \$30.00  |
| (c) For every aggressive dog:             | \$100.00 |

2. The fee for a replacement licence tag under this Bylaw is \$5.00.

3. The annual kennel licence fees payable under this Bylaw are as follows:

- |   |          |
|---|----------|
| (a) For every breeding kennel having four or less dogs: | \$75.00  |
| (b) For every breeding kennel having five or more dogs: | \$150.00 |
| (c) For every boarding kennel:                          | \$200.00 |

## **SCHEDULE B**

### **IMPOUNDMENT FEES AND CHARGES**

1. The impoundment fees payable under this Bylaw are as follows:

(a) Dogs:

- |  |  |
|--|--|
| (i) for the first seizure and impoundment::  | \$35.00  |
| (ii) for the second seizure and impoundment:   | \$70.00  |
| (iii) for the third seizure and impoundment  | \$125.00   |
| (iv) for the fourth and every subsequent seizure and impoundment:  | \$125.00 + a \$50.00 incremental increase for each impoundment |
| (v) a penalty for unlicensed dogs  | \$35.00  |
| vi) maintenance and sustenance charge for each 24 hour period or part thereof that the dog remains in the pound: | \$12.00 for first day<br>\$15.00 for every subsequent day      |

(b) Cats:

- |   |         |
|---|---------|
| (i) seizure and impoundment:  | \$15.00 |
| (ii) maintenance and sustenance charge for each 24 hour period or part thereof that the cat remains in the pound: | \$7.50  |

(c) Livestock

- |   |         |
|---|---------|
| (i) seizure and impoundment:  | \$50.00 |
| (ii) maintenance and sustenance charge for each 24 hour period or part thereof that the livestock remains in the pound: | \$15.00 |

(d) Other Animals

- |  |        |
|--|--------|
| (i) seizure and impoundment:   | \$5.00 |
| (ii) maintenance and sustenance charge for each 24 hour period or part thereof that the animal remains in the pound: | \$2.00 |

(e) Wild or Exotic Animal

- |   |         |
|---|---------|
| (i) seizure and impoundment:  | \$50.00 |
| (ii) maintenance and sustenance charge for each 24 hour period or part thereof that the wild or exotic animal remains in the pound: | \$15.00 |

2. In addition to the impoundment fee above, the actual transportation costs from point of impound to pound and the actual costs for any special equipment or personnel used, if any, to effect the impoundment is payable under this Bylaw.
3. In addition to the impoundment fee above, the actual cost for any veterinary attention required to treat the impounded animal.

**SCHEDULE C**

**APPLICATION FOR COMPENSATION**

1. Name \_\_\_\_\_
2. Address \_\_\_\_\_ Postal Code \_\_\_\_\_
3. At \_\_\_\_\_ am/pm on \_\_\_\_\_, 20\_\_\_\_

The following domestic animals owned by me were killed or injured by dog(s):

	Number	Type	Age	Registered	Value
Poultry for the purpose of providing meat & eggs					
Goat					
Sheep					
Animals of the Bovine Species					
Domestic Rabbits					
Swine					
Horses					
Fur-Bearing Animals as defined in the Fur-Farm Act					

4. Within three (3) business days of the date stated above, I notified \_\_\_\_\_.
5. The owner of the dog(s) is/are unknown and after diligent inquiry cannot be found.
6. I understand that, if approved, payment of this claim may be made pursuant to section 32 of Bylaw No. 39, *Animal Regulation and Impounding Bylaw, 2009*.

\_\_\_\_\_  
 Witness

\_\_\_\_\_  
 Owner

**SCHEDULE D**

**MUNICIPAL TICKET INFORMATION DESIGNATIONS**

<b>Offence</b>	<b>Bylaw Section No.</b>	<b>Fine</b>
Excess dogs on property	3	\$50.00
No kennel licence	4	\$75.00
Dogs in excess of kennel licence	7	\$50.00
Failure to provide sufficient outdoor exercise area	9(a)	\$50.00
Failure to secure building	9(b)	\$75.00
No dog licence	10	\$100.00
No licence tag on dog	15	\$50.00
Unauthorized removal of licence tag	19	\$75.00
Failure to contain dog	36	\$100.00
Dog at large	37	\$100.00
Failure to confine female dog in heat	38	\$75.00
Failure to post aggressive dog sign	39	\$50.00
Aggressive dog at large	40	\$150.00
Failure to confine aggressive dog	41	\$150.00
Noisy animal	42	\$100.00
Livestock at large	43	\$100.00
Failure to remove animal excrement	44	\$100.00
Failure to confine diseased animal	45	\$100.00
Failure to provide animal well being	46	\$100.00
Failure to provide water and food	46(a)	\$100.00
Failure to provide sanitary receptacle	46(b)	\$100.00
Failure to provide sufficient exercise	46(c)	\$100.00
Failure to provide comfortable area	46(d)	\$100.00
Failure to provide veterinarian care	46(e)	\$100.00

<b>Offence</b>	<b>Bylaw Section No.</b>	<b>Fine</b>
Animal kept outside for extended period of time	47	\$100.00
Animal kept in confined space without ventilation	48	\$100.00
Animal tied to fixed object by neck	49	\$100.00
Animal tied to fixed object for extended period of time	50	\$100.00
Keeping of Wild or Exotic Animal	51	\$150.00
Interference with Animal Control Officer	53	\$150.00

## **SCHEDULE E WILD OR EXOTIC ANIMALS**

The following list of animals constitutes “wild or exotic animals” for the purposes of this Bylaw. The common or familiar names of animals preceding the words in parentheses are intended to act as examples only, and are not to be construed as limiting the generality of the group specified by the words in the parentheses.

1. alligators, caimans, crocodiles (Crocodylia);
2. apes, lemurs, gorillas and monkeys (Primates); excludes humans;
3. anteaters, armadillos, and sloths (Edentata);
4. badgers, polecats, otters, wolverines, weasels (Mustelidae); excludes de-scented skunks and domestic ferrets, minks and ermines;
5. bats (Chiroptera)
6. bears (Carnivora);
7. beavers, porcupines, squirrels, muskrat, marmots, and gophers (Rodentia); excludes domestic hamsters, guinea pigs, chinchillas, rats and mice;
8. cassowaries, ostriches, emus, rheas (Struthioniformes);
9. cats, including lions, jaguars, cheetah, tigers, hyenas, mountain lion, lynx, bobcat, ocelot and leopard (Feloidea); excludes domestic cats;
10. civets, genets, meerkat, mongooses (Viverrids);
11. camel, hippopotamus, tapir, rhinoceros or hyrax (Ungulata); excludes domestic goats, sheep, pigs, cattle, horses, llamas, alpacas, mules and donkeys;
12. dogs, including bush dogs, dingos, racoon dogs, African wild dogs, coyotes, jackals, and wolves; excludes domestic dogs;
13. dolphins, porpoises and whales (Cetaceans);
14. elephants, including Asian and African (Proboscidae);
15. falcons, peregrines, gyrfalcons, kestrels, hawk, condor, eagle, vultures (Falconiformes);
16. hares, pikas and rabbits; excludes domestic rabbits (Lagomorpha);
17. hedgehogs, moles and shrews (Insectivora); excludes African Pygmy Hedgehogs;
18. kangaroos, wombats, bandicoots, opossums (Marsupialia); excludes sugar gliders;
19. owls (Strigiformes);
20. raccoons and coatimundi (Procyonids);
21. seals and walrus (Pinnipedia);
22. venomous or poisonous frogs, toads and salamanders (Amphibia);
23. venomous or poisonous lizards (Sauria);
24. venomous or poisonous turtles, green and Hawksbill (Australia), tortoises and terrapins (Chelonia);
25. venomous or poisonous snakes, (Serpentia);
26. venomous or poisonous spiders, insects, fish and scorpions;
27. python (Pythonidae);
28. boas, boids (Boidae);
29. platypus (Ornithorhynchidae)