



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY



ANIMAL CONTROL AND LICENCING BYLAW NO. 461, 2014

Office Consolidation

This document is an office consolidation of Animal Control and Licencing Bylaw No. 461, 2014 with subsequent amendments adopted by the Village of Lions Bay.

All persons making use of this consolidation are reminded that it has no Council sanction that amendments have been incorporated only for convenience of reference, and that for all purposes of interpretation and application, the original bylaws should be consulted. The Village of Lions Bay will, in no event, be liable or responsible for damages of any kind arising out of the use of this consolidation.

This is not the official version of Animal Control and Licencing Bylaw No. 461, 2014, nor is it admissible in a court of law. For such purposes, official certified copies of the original bylaws can be obtained from the Village Office or by contacting us at: admin@lionsbay.ca

List of Amending Bylaws

Bylaw No.	Section	Description	Adopted or In Force
481	6.6.3	Amending section reference	October 7, 2014
497	5, 11, 12	All references to Bylaw 462 deleted and replaced with Bylaw 497.	December 20, 2016 / January 1, 2017

Bylaw No. 461 2014

Animal Control and Licencing Bylaw 2014

WHEREAS the Council of the Village of Lions Bay, under the provisions of the Community Charter, deems it expedient to provide, by bylaw, regulation, impoundment and protection of animals and the licencing of dogs within the Village;

NOW THEREFORE, the Council of the Village of Lions Bay enacts as follows:

PART 1 - CITATION

1.1 This Bylaw may be cited as “Animal Control and Licencing Bylaw No 461, 2014”

PART 2- SEVERABILITY

2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsequent, paragraph subparagraph, clause or phrase.

PART 3 - PREVIOUS BYLAW REPEALED

3.1 Dog Licencing, Registration and Impoundment Bylaw 376, 2006, as amended

3.2 Bylaw to Prohibit the Keeping of Animals, Bylaw 140, 1985, as amended

PART 4 - DEFINITIONS

4.1 In this bylaw:-

“Aggressive dog” means:

- (a) a dog that has attacked, bitten or caused injury to a person or has demonstrated a propensity, tendency or disposition to do so;
- (b) a dog that has bitten, killed or caused injury to a domestic animal;
- (c) a dog that has aggressively pursued or harassed a person or domestic animal;
- (d) a dog with a known propensity to attack or injure a person without provocation;

(e) a dog owned or harboured primarily, or in part, for the purpose of dog fighting, or a dog trained for dog fighting;

“Animal” means any domestic animal, but is not limited to, a pet, livestock or poultry;

“Animal Control Officer” means any person appointed by Council as an animal control officer, and includes a bylaw enforcement officer and peace officer;

“At large” means an animal or animals, except a cat, which are not under the control of a person responsible by means of a leash, 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;

“Enforcement Officer” means a member of the Royal Canadian Mounted Police, a peace officer, a person appointed by Council as a Bylaw Enforcement Officer, an Animal Control Officer or a Licence Inspector;

“Client dog” means a dog that a Dog Walking Business or a Commercial Dog Walker walks for a fee;

“Commercial Dog Walker” means a person who owns or is employed by a Dog Walking Business, who walks client dogs

“Council” means the Council of the Village of Lions Bay;

“Dangerous Dog” as defined by the Community Charter;

“Dog” includes any male or female dog, of any age and includes hybrids with domestic dogs;

“Guard dog” means a dog that is specifically trained for or used primarily for the purposes of guarding property, including residential, commercial and industrial property and is registered as a guard dog in accordance with this Bylaw;

“Keep” includes own, possess, harbour, or have care and control;

“Kennel” means a place, building, or structure for the training, breeding, or boarding of three or more animals;

“**Livestock**” means cattle, goats, horses, sheep, and swine;

“**Owner**” means any person

- (a) to whom a licence has been issued pursuant to this Bylaw; or
- (b) who owns, is in possession of, harbours or has the care and control of an animal;
or
- (c) who harbours, shelters, permits or allows an animal to remain on or about that person’s land or premises; or
- (d) who is the custodial parent or legal guardian of a child under the age of 18 years who owns, is in possession of, or has the care or control of an animal.

“**Pet**” means a domesticated dog cat, rabbit, ferret, hamster, guinea pig, gerbil, or bird, and includes reptiles and other animals if they are kept inside a dwelling unit, but does not include livestock, poultry or wildlife as defined by the *Wildlife Act*;

“**Pound**” means the facilities established by Council from time to time as the facilities to constitute the pound under this Bylaw;

“**Pound Keeper**” means any person appointed by Council to operate the pound;

“**Public place**” includes but is not limited to any highway, boulevard or park, or other real property owned, held, operated or administered by the Municipality or by a school district located in the Municipality;

“**Unaltered dog**” means a dog that has not been spayed or neutered;

“**Village**” means the Municipality of the Village of Lions Bay;

PART 5 – LICENSING REQUIREMENTS

- 5.1 No person shall keep any dog over the age of 24 weeks in the Village unless a valid and subsisting licence for the current year has first been obtained for the dog under this Bylaw.
- 5.2 Section 5 does not apply to a dog that is kept in the Village for less than one month in a calendar year and for which a valid dog licence has been obtained from another jurisdiction.
- 5.3 An application for a licence under this shall be accompanied by a licence fee in the amount set out in the Village of Lions Bay Fees & Charges Bylaw No. 497, 2016. Upon

- receipt of the application and payment of the prescribed fee, the Village shall issue a numbered licence tag to the applicant.
- 5.4. Every dog licence issued under this Bylaw shall expire on the 31st day of December in the calendar year in which the licence is issued.
 - 5.5. The owner of a dog for which a 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.
 - 5.6. The owner of a dog for which a licence tag have been issued under this Bylaw may obtain a replacement licence tag upon satisfying the Village that the original licence tag has been lost or stolen and upon payment of the replacement fee set out in the Village of Lions Bay Fees & Charges Bylaw No. 497, 2016.
 - 5.7. Every 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.
 - 5.8. In the event of a change in ownership of a dog for which a licence tag have been issued under this Bylaw, the 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.
 - 5.9. Any person applying for a dog licence under section 5.8 of this Bylaw shall provide the previous owner's licence tag, in addition to the fee set out in the Village of Lions Bay Fees & Charges Bylaw No. 497, 2016.
 - 5.10. Where this Bylaw provides for a 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.
 - 5.11. Any dog owner who has paid the annual licence fee for an unneutered or unspayed dog shall upon providing to the Village a certificate from a veterinarian that the dog has been spayed or neutered, be granted a rebate of part of the fee, as defined in the Village of Lions Bay Fees & Charges Bylaw No. 497, 2016.
 - 5.12. All fees payable are non-refundable.

PART 6 – CONTROL OF ANIMALS

- 6.1 No person shall operate a kennel in the Village.
- 6.2 No person shall permit any livestock to be running at large in the Village.
- 6.3 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.
- 6.4 No person shall keep an animal suffering from an infectious or contagious disease on any parcel of land in the Village 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.
- 6.5 No person other than the owner of an animal shall remove any form of identification on or affixed to the animal.
- 6.6 **Control of Dogs**
- 6.6.1 No owner of a dog shall permit the dog to be running at large in the Village. Dogs must be kept on a leash, tether or other suitable device, and be under the immediate care and control of a competent person
- 6.6.2 Dog owners will maintain sight of their dog at all times while utilizing off-leash areas of the Village as designated under Section 6.7 of this Bylaw.
- 6.6.3 Section 6.6.1 does not apply if the dog is under the control of a competent person and is: [Bylaw No. 481, 2014]
- a) actively involved in a dog show, dog trial or other similar activity OR;
 - b) used in connection with police operations or security services.
- 6.6.4 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.
- 6.6.5 No owner of a dog shall permit the dog to howl or bark when such howling or barking disturbs the quiet, peace, rest, enjoyment, comfort, or convenience of individuals or the public.

6.6.6 No person shall keep more than three dogs apparently over the age of four months on any parcel of land in the Village at any one time.

6.6.7 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.

6.7 Designated Areas

6.7.1 Dogs are prohibited at all times from the following areas in the Village:

- Brunswick Beach
- Lions Bay Beach

6.7.2 Subject to Section 6.7.1, dogs are required to be on-leash at all times within the Village except when utilizing the following areas, in accordance with the provisions of Section 6.7.3 of this Bylaw:

- Centennial Trail
- Crystal Falls Trail
- Harrison Trail
- Lions Trail
- Loggers Lane
- Marjorie's Meadows
- Soundview Trail
- Sunset Trail
- Tidewater / Kelvin Trail
- Totally Unnecessary Trail
- Trudi's Trail
- Upper Harrison Trail

6.7.3 The first 50 metres of all trails noted in Section 6.7.2 are designated as on-leash areas.

6.8 Control of Cats

6.8.1 No person shall keep more than four cats apparently over the age of four months on any parcel of land in the Village at any one time.

6.8.2 The owner of a female cat in heat shall, at all times when the cat is in heat, keep the cat securely confined within a building or enclosure capable of preventing the cat's escape and the entry of other cats.

PART 7 – PROHIBITION OF CRUELTY TO ANIMALS

- 7.1 No person shall keep any animal in the Village unless the animal is 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 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.
- 7.2 No person shall keep any animal outside for more than 3 hours in any day unless the animal is provided with a shelter that allows the animal to move freely, and stand, sit or lie in a position that:
- a) protects the animal from heat, cold and wetness;
 - b) and is shaded.
- 7.3 No person shall keep any animal confined in an enclosed space, including a motor vehicle, without sufficient ventilation and water to prevent the animal from suffering discomfort, heat stroke or injury.
- 7.4 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.
- 7.5 Every owner of an animal shelter, pen, cage or run must ensure that the area is clean, sanitized, free from vermin and that all excrement is removed at least once a day.

PART 8- DANGEROUS ANIMALS

- 8.1 Every owner of an aggressive or dangerous dog or other dangerous animal must at all times keep the animal:
- a) securely confined indoors such that the animal cannot escape; or
 - b) in an enclosed pen or cage that prevents the entry of young children and prevents the animal from escaping, if the animal is not a dog; or
 - c) in an enclosure as defined by this Bylaw if the animal is a dog or enclosed in accordance with section 9.2 of this Bylaw if the dog is a registered guard dog; or
 - d) on a leash or tether no more than 1.5 metres (4.9 feet) in length held by and under the immediate control of a competent adult skilled in animal control. Furthermore, the leash or tether must be of sturdy material and not attached to a retracting mechanism.
- 8.2 In addition to section 8.1:
- a) Every owner of an animal that has bitten a person or other pet must keep the animal muzzled while in a public place.
 - b) Every owner of an aggressive dog must ensure that the dog can be identified by way of a numeric or alphanumeric tattoo or other permanent identification device.
 - c) Every owner of an aggressive dog or a dangerous animal must post warning signs which give clear notice of the dog's or animal's presence to anyone visiting the property as follows:
 - i. with lettering stating that an "aggressive dog on premises" or "dangerous animal on premises", as the case may be;
 - ii. the lettering on the signs must be clearly visible from the lesser of the curb line or 15 metres (49.2 feet) away;

- iii. the signs must be posted in each driveway or entrance to the property and, if other than a single family property, at all exterior doors of the building;
- iv. and the signs must not be larger than 1.5 square meters (4.9 square feet), nor smaller than .75 square meters (2.5 square feet);

PART 9 – GUARD DOGS

9.1 Every owner of a guard dog, which is not confined within a locked building on the property, must ensure that:

- a) the outdoor area where the dog is kept is completely fenced by means of a secure fence, constructed in a manner that will keep the dog from escaping, with a minimum height of 1.8 metres, and with gates in the fence secured against unauthorized entry, or
- b) the dog is securely confined in a fully enclosed pen or cage which will prevent unauthorized entry and prevent the dog from escaping

9.2 Every owner of a guard dog must post warning signs which give clear notice of the dog's presence to anyone visiting the property as follows:

- a) the lettering on the signs must be clearly visible from the lesser of the curb line or fifty feet away; and
- b) the signs must be posted in each driveway or entrance to the property and, if other than a single family property, at all exterior doors of the building.

9.3 Before bringing a guard dog into or using a guard dog in the Village, every owner of a guard dog must register the dog with the Office as a guard dog and record with the Village:

- a) the address where the dog is usually kept and the address of each parcel that the dog will be guarding;
- b) the approximate hours during which the dog will be performing guard duties;

- c) the age, sex, breed and dog licence number of the dog; and
 - d) the full name, address and telephone number of the owner and any other individual who will be responsible for the dog while it is on guard duty.
- 9.4 Should any of the information provided under section 9.3 need to be changed, the owner must communicate the change in writing to the Village Office at least 24 hours before the change occurs.

PART 10 – PROHIBITED ANIMALS

10.1 No person may keep an animal in the Municipality:

- a) other than a pet unless permitted under sections 10.2 of this Bylaw;
- b) that is the product of breeding with a wolf, including a wolf/dog cross.

10.2 The prohibition in section 10.1 does not include:

- a) an animal participating in or forming part of any lawful parade, circus, show or other public demonstration; or
- b) an animal being driven or conveyed through and beyond the Village.

PART 11 – EXEMPT ANIMALS

11.1 An animal:

- a) used by government law enforcement agencies is exempt from this Bylaw;
- b) used as a guide animal pursuant to the *BC Guide Animal Act* is exempt from the licensing fees set out in the Village of Lions Bay Fees & Charges Bylaw No. 497, 2016.

PART 12 - SEIZURE AND IMPOUNDMENT

- 12.1 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 at large; and
 - c) any dog on unfenced land and not securely tethered or contained.
- 12.2 An Animal Control Officer may immediately convey any animal seized and liable to impoundment under this Bylaw to any jurisdiction providing pound services to the Village.
- 12.3 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 pound after the expiration of 72 hours 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 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.
- 12.4 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 boards at the Village Post Office and the Village Office. 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 after the expiration of 72 hours from the date of the notice unless, in the meantime, the animal is reclaimed.
- 12.5 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 Pound Keeper of evidence satisfactory to the Pound Keeper 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 the Village of Lions Bay Fees & Charges Bylaw No. 497, 2016.
 - c) where the impounded animal is required to be licenced pursuant to this Bylaw and is not licenced, payment of the fee as set out in the Village of Lions Bay Fees & Charges Bylaw, No 497, 2016.
- 12.6 Where an animal that has been seized and impounded under this Bylaw has not been redeemed, the Pound Keeper may, after the expiration of the notice periods established under this Bylaw, offer the impounded animal for sale or adoption.
- 12.7 Where the Pound Keeper 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 Pound Keeper shall destroy or otherwise dispose of the animal.

[Amended by Fees Bylaw No. 497, 2016]

PART 13 – POUND OPERATION

- 13.1 The Council may establish, maintain and operate facilities for the impounding of animals at any place and upon any premises as the Council may, by resolution, determine.
- 13.2 The Council may appoint a person as Pound Keeper to operate such Pound, or may enter into an agreement with any person, corporation or society to operate a Pound and to act as Pound Keeper.

PART 14 – DUTIES OF POUND KEEPER

- 14.1 The Pound Keeper shall maintain records which include:
- a) a description of every animal seized and impounded under this Bylaw and the date and time each animal was received by the pound;
 - b) the name of the person or persons taking or sending any animal to be impounded;

- c) the date and time each animal impounded was redeemed, sold, destroyed, or otherwise disposed of by the Pound Keeper;
- d) the name of every person redeeming any animal and the amount paid by such person;
- e) the name of every person purchasing any impounded animal and the amount paid by such person;
- f) the amount of impoundment and maintenance fees, costs, and charges connected with each impounded animal; and
- g) inspection.

PART 15 – POWERS OF THE ANIMAL CONTROL OFFICER

- 15.1 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.
- 15.2 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, or cause to destroy, that animal upon certification of the animal's condition by a licenced veterinarian.

PART 16 – NO INTERFERENCE

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

PART 17 – OFFENCES AND PENALTIES

- 17.1 This bylaw is designated under section 264(1)(a) of the Community Charter as a bylaw that may be enforced by means of a municipal ticket information under the Community Charter, and is also designated under section 4 of the Local Government Bylaw Notice Enforcement Act as a bylaw that may be enforced by means of a bylaw notice.

READ A FIRST TIME	March 4, 2014
READ A SECOND TIME	June 17, 2014
READ A THIRD TIME	July 22, 2014
ADOPTED	September 2, 2014

Mayor

Corporate Officer

**Certified a true copy of
Bylaw No. 461, 2014 as adopted.**

Corporate Officer