

Attachment 6

“LICENCING AND CONTROL OF ANIMALS BYLAW 1995 NO. 4923”

Consolidated Version

2017-JAN-09

Includes Amendments: 4991, 5285, 5399, 5431, 5727, 4923.06, 4923.07, 4923.08, 4923.09,
4923.10, 4923.11

CITY OF NANAIMO

BYLAW NO. 4923

A BYLAW TO PROVIDE FOR THE LICENCING AND CONTROL OF ANIMALS
WITHIN THE CITY OF NANAIMO

WHEREAS the Council may, pursuant to Section 524 of the *Municipal Act*, provide for the licencing of dogs and for the establishment and collection of licence fees; and

WHEREAS the Council may, pursuant to Section 932(q)-(s) of the *Municipal Act* control animals, prohibit cruelty to animals and provide for the destruction of animals suffering from an incurable disease; and

WHEREAS the Council may, pursuant to Sections 933(1)(d)-(i), (2)-(4) and 934.1 of the *Municipal Act* regulate or prohibit, by area, the keeping of animals, bees and kennels; control, impound and detain animals unlawfully at large; establish, maintain and operate a pound facility; regulate and fix fines and fees; sell or destroy impounded animals; and provide for the laying of an information pursuant to the *Municipal Act* and the *Offence Act*.

THEREFORE BE IT RESOLVED that the Municipal Council of the City of Nanaimo in open meeting assembled, HEREBY ENACTS AS FOLLOWS:

Title

1. This Bylaw may be cited for all purposes as the "LICENCING AND CONTROL OF ANIMALS BYLAW 1995 NO. 4923".

Interpretation

2. In this Bylaw unless the context otherwise requires:

"Adequate Ventilation"
(*Bylaw No. 4923.10*) means fresh air ventilation by means of open windows or operating mechanical device that supplies fresh or cooled air.

"Animal Control
Officer"
(*Bylaw No. 4923.10*) means any person appointed from time to time by Council to administer and enforce the provisions of this Bylaw and includes Bylaw Enforcement Officers and Peace Officers

"Animal"
(*Bylaw 5727*) includes a Dog, Cat, Household Animal, Rabbit, Deer, Poultry, Bird and Livestock.

"At Large" means being elsewhere than on the lands or premises owned or occupied by the Dog Owner and not on a Leash.

"Bee"	means any of a various winged, hairy-bodied insects of the order Hymenoptera, characterized by specialized structures for gathering nectar and pollen from flowers.
"Bird"	means a member of the class Aves, which includes warm-blooded, egg-laying, feathered vertebrates having forelimbs modified to form wings.
"Cat"	means a carnivorous mammal, <i>Felis Catus</i> or <i>Felis Domesticus</i> , domesticated as a pet, or any other animals of the family Felidae.
"Choke Collar" (Bylaw No. 4923.10)	means a slip collar or chain that may constrict around the animal's neck as a result of pulling on one end of the collar or chain and includes pinch or prong collars but does not include a martingale collar
"City"	means the City of Nanaimo.
"Collector"	means the collector of the City.
"Council"	means the Municipal Council of the City.
"Deer"	means a hoofed ruminant mammal of the family Cervidae.
"Dog" (Bylaw 5727)	means a male or female animal of the species canine.
"Dog Licence"	means a licence for a Dog for the current licencing year that has been paid for and that has been issued by the City.
"Dog Owner"	means any person: <ul style="list-style-type: none"> (a) whose name appears on a Dog Licence; (b) who is in possession of a Dog; (c) who has the care, custody or control of a Dog; or (d) who possesses, harbours or allows a Dog to remain about a house, land or premises owned or occupied by that person.
"Enclosure"	means a fence or structure of at least six (6) feet in height forming an enclosure capable of preventing the entry of a child under the age of 10 years and adequately constructed to prevent a Dog from escaping.
"Feral Rabbit" (Bylaw 4923.07)	means a domestic rabbit that is not harboured and confined to the owner's property as a pet.
"Highway"	includes every highway within the meaning of the <i>Highways Act</i> and every road, street, lane or right-of-way designed or intended for or used by the general public for the passage of vehicles and every place or passage-way owned or operated by the City for the purpose of providing off-street parking or for the use of pedestrian or bicycle traffic.
"Household Animal" (Bylaw 4923.06)	means a domesticated animal kept by a household, which is used or the product of which is used primarily and directly by the household and not for sale or profit, and includes dogs and cats, but specifically excludes Poultry and Livestock.
"Impounded"	means seized and delivered into the Pound or in the custody of the Poundkeeper.

"Leash"	means a line, thong or chain that does not exceed a length of 6 feet or 183 centimetres that is of sufficient strength to restrain a Dog without breaking.								
"Licenced Dog"	means a Dog that is wearing, either on its collar or harness, a metal tag on which is stamped figures corresponding to a Dog Licence for that specific Dog.								
"Licencing Year"	shall mean January 1st to December 31st in any year.								
"Livestock" (Bylaw 5727)	means a domesticated animal normally raised or kept for food, milk or as a beast of burden and, without limiting the foregoing, includes: <table border="0" style="margin-left: 40px;"> <tr> <td>cattle</td> <td>mules</td> <td>donkeys</td> <td>oxen</td> </tr> <tr> <td>goats</td> <td>sheep</td> <td>horses</td> <td>swine</td> </tr> </table> <p style="margin-left: 40px;">but specifically excludes dogs or cats.</p>	cattle	mules	donkeys	oxen	goats	sheep	horses	swine
cattle	mules	donkeys	oxen						
goats	sheep	horses	swine						
"Peace Officer" (Bylaw 4923.07)	means a bylaw enforcement officer of person appointed from time to time by resolution of the City of Nanaimo or an RCMP officer.								
"Poultry"	means a domestic fowl, a duck, a goose, a turkey, a pigeon, etc.								
"Pound"	means premises used by the Poundkeeper to harbour and maintain Animals pursuant to this Bylaw or any vehicle used by the Poundkeeper.								
"Poundkeeper" (Bylaw No. 4923.10)	means the person appointed as Poundkeeper by Council and any person or persons appointed from time to time by Council for the purpose of administering, enforcing and carrying out the provisions of this Bylaw								
"Rabbit"	means a burrowing gregarious herbivorous mammal of the hare family.								
"Restricted Dog"	means: <ol style="list-style-type: none"> (a) a Pit Bull Terrier, an American Pit Bull Terrier, a Pit Bull, a Staffordshire Bull Terrier or an American Staffordshire Terrier; or (b) a dog of mixed breeding which breeding includes the blood line of the breeds referred to in (a). <p>A Dog is not a "Restricted Dog" if the Dog is registered with the Canadian Kennel Club, the burden or proof of which registration is on the Dog Owner or the Dog/Dog Owner has successfully completed the tests required to qualify for the Canine Good Citizen (CGC) Certification. (Bylaw 5399)</p>								
"Tether or Tethering" (Bylaw No. 4923.10)	means to be hitched, tied or fastened by a securing device.								
"Unlicenced Dog"	means a Dog which is not a Licenced Dog.								
"Vicious Dog"	means a Dog which <ol style="list-style-type: none"> (a) has bitten a human without provocation; (b) has bitten an Animal without provocation; or (c) has a known propensity, tendency or disposition to attack or aggressively pursue without provocation a human, or an Animal; or (d) a Restricted Dog. 								

3. General

- (1) The Council does hereby authorize:
 - (a) the establishment, maintenance and operation of facilities for the impounding of Animals at such place or places and upon such premises, as the Council may determine, by resolution.
 - (b) the appointment, by resolution, of a Poundkeeper to maintain and operate the Pound or Pounds established under this Bylaw.
 - (c) the making of an agreement with such persons, firms, societies or corporations as may be fit for the purpose of maintaining and operating a Pound, for regulating the conduct of the Pound, and providing for the collection, distribution and payment of revenue and expenditures derived from the operation of the Pound.
- (2) Any Poundkeeper in charge of the Pound shall impound and detain all Animals delivered to him and shall furnish them with reasonable food, water, shelter and care.
- (3) The raising or slaughter of household animals for meat or consumption is prohibited. (*Bylaw 5727*)

PART I - CONTROL, PROTECTION, LICENCING AND IMPOUNDING OF DOGS (*Bylaw 4923.10*)

4. Control of Dogs

Except as otherwise permitted by this Bylaw:

Offences

- (1) A Dog Owner shall not permit, suffer or allow a Dog to be At Large.
- (2) A Dog Owner of a Vicious Dog or a Restricted Dog shall at all times, while the dog is anywhere else than on lands or premises owned or occupied by the Dog Owner, keep the Dog muzzled to prevent it from biting another Animal or human. (*Bylaw 4991*)
- (3) A Dog Owner of a Vicious Dog or a Restricted Dog shall at all times, while the Dog is on land or premises owned or occupied by the Dog Owner, keep the Dog securely confined either indoors or in an Enclosure.
- (4) Notwithstanding Section 4(2) of this Bylaw, the Dog Owner of a Vicious Dog or Restricted Dog which is participating in dog training or dog trials held by or sanctioned by the Association of Island Obedience Clubs or the Canadian Kennel Club is exempt from Section 4(2) while participating in such events, the burden of proof of which participation is on the Dog Owner.
- (5) A Dog Owner shall not permit, suffer or allow a Dog to be in a City cemetery, more particularly 555 Bowen Road, 1598 Townsite Road (Chinese Cemetery) or 4700 Ledgerwood Road (Wellington Cemetery). (*Bylaw 5285*)
- (6) Any owner, harbourer, or possessor of a vicious dog shall advise the Poundkeeper within one (1) week of any change of address within the City of Nanaimo which involves the relocation of the dog. (*Bylaw 5399*)

5. Licencing of Dogs

Offences

- (1) No person shall own, possess or harbour an Unlicensed Dog within the boundaries of City.

Requirements

- (2) A person who owns, possesses or harbours any Dog before the first day of January in each year, shall obtain a Dog Licence in accordance with the provisions of this Bylaw.
- (3) A Dog Licence issued pursuant to this Bylaw is valid for the Licencing Year in which it is purchased and shall expire on the 31st day of December in that Licencing Year.
- (4) Applications for and the issuance of a Dog Licence shall be the responsibility of the Collector, the Poundkeeper and such other persons as may be appointed by Council.
- (5) Every person who obtains a Dog Licence shall be given a metal tag which shall be, at all times, fastened to a collar or harness worn by the Dog for which the Dog Licence was obtained.
- (6) The number on the Dog Licence shall correspond to the stamped number on the metal tag.
- (7) Any person holding a licence under the provisions of the *Livestock Protection Act* or under a Bylaw of any other municipality of the Province of British Columbia shall not be liable to pay any Dog Licence fee pursuant to this Bylaw with respect to the same Dog for the unexpired portion of the period for which such Dog Licence shall have been issued. This provision shall not apply to any person who has obtained such licence elsewhere than from the City while residing within the City.
- (8) Where a Dog Owner finds that the metal tag issued by the City has been lost, destroyed or mutilated, the Dog Owner shall acquire for the remainder of the current licencing year a replacement tag, upon producing proof of purchase of a valid Dog Licence and upon payment of a prescribed fee.
- (9) The Dog Licence fees pursuant to this Bylaw shall be those set out in Schedule 'A' attached to and forming part of this Bylaw.
- (10) Notwithstanding Section 5(1) and Section 5(2) of this Bylaw, the following Dogs need not have a Dog Licence:
- (a) a trained guide Dog owned or utilized by a blind person; and
 - (b) a Dog owned and utilized as an R.C.M.P. service dog.
 - (c) a Dog under the age of 12 weeks. (*Bylaw 5727*)

6. Care and Standards (*Bylaw No. 4923.10*)

No person shall cause, allow or permit a dog to be:

- (1) confined in a vehicle where there is no adequate ventilation or where the internal vehicle temperature exceeds twenty-three (23) degrees celsius.
- (2) tethered to a fixed object in such a way that the dog is able to leave the owner's property.
- (3) tethered to a fixed object or vehicle where:
 - (a) a choke collar forms part of the securing apparatus, or
 - (b) where a rope, cord or chain is tied directly around the dog's neck; or,
 - (c) the collar is not properly fitted or attached in a manner that will not injure the dog or enable the dog to injure itself by pulling on the tether.
- (4) tethered to a fixed object except with a tether of sufficient length to enable the full and unrestricted movement of the dog.
- (5) tethered to a fixed object for longer than nine (9) hours within a 24 hour period.
- (6) tethered to traffic control device or support thereof; any fire hydrant or fire protection equipment, handrails or any other object in such a way as to obstruct the public or create a nuisance.
- (7) tethered within three (3) metres of an entrance or exit from any public building
- (8) transported in a vehicle outside of the passenger compartment unless the dog is:
 - (a) confined in a pen or cage which is securely fastened to the vehicle, or,
 - (b) secured in a body harness or tethered pursuant to Section 6(3) of this Bylaw; or,
 - (c) within a closed vehicle canopy;to prevent it from jumping or falling off the vehicle or otherwise injuring itself.

7. Impounding (Bylaw No. 4920.10)

- (1) The Animal Control Officer may seize and impound any dog which is found by him to be at large within the City.
- (2) The Animal Control Officer, upon seizure and impoundment of a dog at large, shall make every effort to inform the dog owner, if known, that the dog has been seized and impounded.
- (3) The Animal Control Officer, where it is believed that a dog is subject to suffering, may impound the dog and:
 - (a) transport the dog to a veterinarian and where the veterinarian determines that the dog's suffering cannot be reasonably addressed the dog may be destroyed in a humane manner; or,
 - (b) where the veterinarian determines that the dog's suffering may be addressed, the dog may be treated and released to the owner upon payment of the impound fees.
- (4) If a dog is impounded pursuant to this section and not claimed by the owner within 72 hours of notification or attempted notification in any manner, the dog shall be destroyed or adopted for sale.

- (5) The Poundkeeper shall maintain a log book, in which will be recorded the description of every dog impounded; the name of the person who impounded the dog; the time and location of the impoundment; all fees and costs owing and the adoption information or manner of disposal of the impounded dog.
- (6) The impoundment and maintenance fees for dogs, shall be those set out in Schedule 'B', attached to and forming part of this bylaw.

PART II - CONTROL AND IMPOUNDING OF LIVESTOCK, POULTRY, AND RABBITS

8. (a) Control of Livestock

Offences

No person shall suffer or permit any Livestock owned by him or in his charge to:

- (1) stray or trespass on a Highway;
- (2) stray or trespass in a public place;
- (3) stray or trespass on private property;
- (4) graze on unfenced land, unless they are securely tethered.
- (5) be in any City cemetery, more particularly 555 Bowen Road, 1598 Townsite Road (Chinese Cemetery) or 4700 Ledgerwood Road (Wellington Cemetery). (*Bylaw 5285*)

(b) Control of Poultry/Rabbits

Offences

No person shall suffer or permit any Poultry or Rabbits owned by him or in his charge to:

- (1) stray or trespass on a Highway;
- (2) stray or trespass in a public place;
- (3) stray or trespass on private property;
- (4) graze on unfenced land;
- (5) be released or abandoned on land within the municipality. (*Bylaw 4923.07*)

(c) Control of Bees

Offences

- (1) No person shall keep or harbour Bees in excess of three (3) beehives on any parcel of land under one (1) acre.
- (2) On parcels of land greater than one (1) acre, no person shall keep or harbour Bees in excess of three (3) beehives per acre.
- (3) No restrictions shall apply to parcels of land zoned agriculturally (A-1, A-2 or A-3).

9. (a) No person shall keep or harbour any Livestock, Poultry or Rabbit on any parcel of land unless the said parcel has an area of not less than one (1) acre).

- (b) Notwithstanding Section 8(a) of this Bylaw, a person who is a member of a certified pigeon racing club may keep up to a maximum of fifty (50) racing pigeons, the burden of proof of which membership in a certified pigeon racing club is on such person.
- (4923.08)(c) Notwithstanding Section 8(a), a maximum of six (6) chickens or ducks may be kept on a lot less than 0.4 Hectares (1 acre) in size but where the lot is less than 450 m² (4843.75 ft²) no more than four (4) chickens or ducks may be kept, provided that:
 - (1) No roosters, cocks, or cockerels, or peacocks, and the like, are kept on the property;
 - (2) A minimum enclosure of 0.37 m² (4 ft²) must be provided per chicken or duck;
 - (3) Any structure containing chickens or ducks, whether portable or stationary is subject to the setback requirements of the zone;
 - (4) Structures housing chickens or ducks must be kept clean, dry, and free of odours;
 - (5) Areas within and around structures are kept free of vermin;
 - (6) Any diseased chicken or duck is killed and the carcass destroyed;
 - (7) No slaughtering of chickens or ducks occurs on the property;
 - (8) Chicken and duck manure and waste products are composted or disposed of to prevent odours; and,
 - (9) Chickens or ducks are not permitted within a dwelling unit.

10. Impounding of Livestock, Poultry, Rabbits and Bees

- (1) The Poundkeeper or any other designated person may seize and impound Livestock, Poultry, Rabbits or Bees found in contravention of Sections 7 and 8 of this Bylaw.
- (2) Impounded Livestock, Poultry or Rabbits may be reclaimed by their owner, upon proof of ownership and paying to the Poundkeeper the impoundment fees and maintenance fees for Livestock, Poultry or Rabbits as set out in Schedule 'C'.
- (3) The Poundkeeper shall inform the owner, if known, of the impoundment of their Livestock, Poultry or Rabbits.
- (4) If, after the expiration of not less than seventy-two (72) hours, the Impounded Livestock, Poultry or Rabbits have not been claimed and the impoundment fees and the maintenance fees not paid, the Poundkeeper may destroy or advertise for sale such Livestock, Poultry or Rabbits by public auction, for the best price that can be obtained provided such price exceeds the amount of the impoundment fees and the maintenance fees.
- (5) A sale shall be deemed to be duly advertised by publishing notice of the sale in at least one issue of a newspaper circulating in the City. There shall be at least three (3) business days between the date of the notice and the date of the sale.
- (6) The Poundkeeper shall maintain a log book in which he shall record the number and description of Impounded Livestock, Poultry or Rabbits; the date, time and location of the impoundment; and the impoundment fees and maintenance fees owing.

11. No person shall feed a deer or feral rabbit within the municipality.

PART IV - CATS

12. No person shall keep, harbour or have in his possession any Cat suffering from any infectious or contagious disease, unless such Cat is in isolation and under treatment for the cure of such disease.

PART V - ENFORCEMENT

13. The *Offence Act*, where applicable, shall apply to proceedings under this Bylaw.

14. Penalty

- (1) A person or property owner who contravenes, violates or fails to comply with any provision of this bylaw, or who suffers or permits any act of thing to be done in contravention or violation of this bylaw, or who fails to do anything required by this bylaw, commits an offence and shall be liable, upon conviction, to a fine of not more than \$10,000.00 and not less than the fines prescribed in Schedule "D" of this Bylaw, the cost of prosecution and any other penalty or order imposed pursuant to the *Community Charter* or *Offence Act*.

- (2) Each day that an offence against this bylaw continues or exists shall be deemed to be a separate and distinct offence

15. Inspection

The Poundkeeper may enter, at all reasonable times, upon any property subject to this Bylaw in order to ascertain whether this Bylaw is being obeyed.

16. Repeal

"LICENCING AND CONTROL OF ANIMALS BYLAW 1987 NO. 3230" and all amendments thereto is hereby repealed in its entirety.

SCHEDULE 'A'

CITY OF NANAIMO LICENCING AND CONTROL OF ANIMALS BYLAW

DOG LICENCE FEES

Dog Licence fees, pursuant to Section 5(9), shall be:

- (a) \$30.00 for each dog. An owner of a dog shall pay a Licence Fee for each year for which the dog owner had the dog and for which a licence was required. A licence fee shall be subject to a discount of \$5.00 if paid on or before the 28th day of February of the year in which the licence is effective. Each licence fee shall be payable for the licencing year in which the licence shall be applied for regardless of the date within that year when the application for the licence shall be made.
- (b) Notwithstanding (a) if a person becomes the owner of a dog after the 1st day of July in the licencing year, the fee shall be \$20.00.

(Bylaw 4923.09, 4923.11)

SCHEDULE 'B'
LICENCING AND CONTROL OF ANIMALS BYLAW
DOG IMPOUND FEES

A Dog Owner may reclaim their Impounded Dog upon proving ownership and upon paying to the Poundkeeper the following impound fees, maintenance fees and any overdue dog licence fees pursuant to Schedule 'A'.

- (a) An impoundment fee in respect of a Licenced Dog:
- First impoundment \$ 50.00
 - Second impoundment 100.00
 - Third and subsequent impoundments 200.00
- (b) An impoundment fee in respect of an Unlicenced Dog:
- First impoundment \$ 150.00
 - Second impoundment 200.00
 - Third and subsequent impoundments 300.00
- (c) A maintenance fee in respect of each day or part of a day of the impoundment period \$ 15.00
- (d) An impoundment fee for a Vicious Dog or Restricted Dog
- First impoundment \$ 500.00
 - Second impoundment 1000.00
- (e) An impoundment fee in respect of a Vicious or Restricted Dog which has caused injury to a person or animal \$ 1000.00
- (f) An impoundment fee in respect of a dog confined in a vehicle without adequate ventilation:
(Bylaw No. 4923.10)
- First Impoundment of a Dog \$ 200.00
 - Subsequent Impoundment \$ 300.00

(Bylaw 4923.09)

SCHEDULE 'C'

LICENCING AND CONTROL OF ANIMALS BYLAW

LIVESTOCK, POULTRY OR RABBITS IMPOUND FEES

An owner may reclaim their Impounded Livestock, Poultry or Rabbit upon proving ownership and paying to the Poundkeeper, the following impound fees and maintenance fees for each:

(a) An impoundment fee in respect of:

- (i) any Livestock \$50.00 per day per animal
- (ii) any Poultry \$10.00 per day per animal
- (iii) any Rabbit \$10.00 per day per animal

(b) A maintenance fee in respect of each day or part of a day of the impoundment period:

- (i) any Livestock \$10.00 per day per animal
- (ii) any Poultry \$5.00 per day per animal
- (iii) any Rabbit \$5.00 per day per animal

SCHEDULE 'D'
LICENCING AND CONTROL OF ANIMALS BYLAW
FINE SCHEDULE

<u>Description of Offence</u>	<u>Section #</u>	<u>Amount of Fine</u>
Slaughter of household animals for meat or consumption	3(3)	\$ 500.00
Dog at Large	4(1)	100.00
Restricted/vicious dog not muzzled	4(2)	500.00
Fail to enclose restricted/vicious dog	4(3)	500.00
Dog in a cemetery	4(5)	100.00
Fail to advise Poundkeeper of change of address within one week	4(6)	100.00
Fail to licence a dog	5(1)	50.00
Fail to display a dog licence	5(5)	50.00
Dog without adequate ventilation (Bylaw No. 4923.10)	6(1)	500.00
Dog able to leave property (Bylaw No. 4923.10)	6(2)	100.00
Dog tethered incorrectly (Bylaw No. 4923.10)	6(3)	100.00
Dog movement restricted (Bylaw No. 4923.10)	6(4)	100.00
Dog tethered over allowable time (Bylaw No. 4923.10)	6(5)	100.00
Dog tethered obstructing public (Bylaw No. 4923.10)	6(6)	100.00
Dog tethered within 3 metres (Bylaw No. 4923.10)	6(7)	100.00
Dog transported incorrectly (Bylaw No. 4923.10)	6(8)	200.00
Livestock running at large	7(a)	50.00
Livestock in a cemetery	7(a)(5)	100.00
Poultry/rabbits running at large	7(b)	50.00
Release or abandon a rabbit on land within the municipality (4923.07)	Sec. 7(b)(5)	100.00
Exceed maximum number of chickens or ducks	8(c)	100.00

Exceed 3 beehives under 1 acre	7(c)(1)	100.00
Exceed 3 beehives per acre	7(c)(2)	100.00
Keep livestock, poultry or rabbits	8(a)	100.00
Feed a deer or feral rabbit within the municipality (Bylaw 4923.07)	10	100.00
Keep cat suffering from infectious disease	11(1)	100.00