

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

ANIMAL MANAGEMENT BYLAW, 2015, No. 2841

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# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

## BYLAW NO. 2841

A Bylaw to regulate animal nuisances and the welfare and keeping of animals, and to provide for dog licensing and animal pounds within the Township of Esquimalt

The Municipal Council of the Corporation of the Township of Esquimalt, in open meeting assembled, enacts as follows:

### PART 1 – INTRODUCTION

#### Title

1. This Bylaw may be cited as the "*Animal Management Bylaw, 2015, No. 2841*".

#### Definitions

2. In this Bylaw, unless the context otherwise requires,

"animal" means any member of the animal kingdom.

"animal control officer" means a person designated as an animal control officer for the Township, including for the purposes of section 49 of the *Community Charter [dangerous dogs]*, and includes all bylaw enforcement officers and police officers of the Township.

"at large" means in a public place unless the animal is under the effective control of the owner, or on private property without the consent and knowledge of the owner or occupier of the private property.

"bird" includes ornamental bird, pigeon and poultry.

"body-gripping trap" means a trap or device that is designed or used to capture an animal by its body or body parts, including but not limited to, leg-hold traps, conibear traps, and snares except cage traps, box traps, nets, suitcase type traps and mouse and rat traps.

"dangerous dog", means a dog that has been designated as a dangerous dog under section 42.

"dog-prohibited area" means all lands described in Schedule "B" as "No Dogs Allowed" attached to and forming part of this Bylaw.

"effective control" means that the person can see the animal and when the person calls, the animal returns to the person within three calls.

"farm animal" means any domesticated animal normally raised for food, milk or as a beast of burden and includes cattle, horses, swine, sheep, goats, mules, donkeys, asses and oxen, but does not include poultry or bees.

"guide dog" means a dog used by a blind or otherwise disabled person to assist them to avoid hazards and for which a certificate has been issued under the *Guide Animal Act*.

"impound" means to seize, deliver, receive or take into the Pound or into the custody of the poundkeeper; and "impounded" means seized, delivered, received or taken into the Pound or into the custody of the poundkeeper.

"kennel" means any property in which 5 or more dogs over the age of 4 months are kept or harboured, not including the Pound, veterinary medical clinics, pet care establishments and pet stores.

"leash" means a chain, harness, line or rope that is of sufficient strength to restrain the animal without breaking.

"licence" means a licence that has been paid for by the owner of a dog and issued by the Township for the dog for the current licensing year.

"licensing year" means from January 1 to December 31 in any year.

"off-leash area" means all lands described in Schedule "B" as "Dogs Off Leash" attached to and forming part of this Bylaw.

"ornamental bird" means any bird which is normally kept in a cage or aviary, primarily as a show or decorative bird, and without limiting the generality of the foregoing includes budgerigar, canary, cockatoo, myna bird, ornamental pheasant, parakeet, parrot and pigeon.

"other animal" means any animal, including any mammal, bird, reptile or amphibian, except a dog or domestic cat.

"owner" means any person who is in possession of or who has the care, custody or control of an animal, or any person who possesses, harbours or allows an animal to remain about his or her residence, land or premises, and, in the case of a dog, any person whose name appears on the dog licence.

"police dog" means any dog owned by a municipal police force or the Royal Canadian Mounted Police and which is trained to assist police on investigations.

"pound" means the Pound established pursuant to this Bylaw.

"poundkeeper" means the person appointed by Council as poundkeeper for the Township, or the person under contract with the Township to act as a poundkeeper, and includes persons acting under the direction of the poundkeeper.

"public place" includes all highways, boulevards, municipal parks or other real property owned, held, operated or administered by the Township or by a school district within the Municipality.

"rodent" means any animal of the order *Rodentia* or any other small mammal kept as a pet and without limiting the generality of the foregoing includes ferret, gerbil, guinea pig, hamster, rat and mouse.



"Township" means the Corporation of the Township of Esquimalt.

"Urban Hen" means a domesticated female chicken or duck that is at least 4 months old.

"Zoning Bylaw" means the *Zoning Bylaw, 1992, No. 2050* and amendments thereto, or in the case that it is repealed, its successor bylaw.

### **Application**

3. With the exception of Part 3 hereof, this Bylaw does not apply to:
  - (1) a person with a disability with respect to a guide animal certified under the *Guide Animal Act*;
  - (2) a police officer with respect to a police dog;
  - (3) a person with respect to animals participating in a show, exhibition, performance, circus or other commercial event at a municipal park or municipal facility provided the event is being conducted in accordance with a permit issued by the Director of Parks & Recreation Services; or
  - (4) the exhibition or use of animals at a community event, parade or pet show.

## **PART 2 – POUND AND POUNDKEEPER**

### **Establishment of a Pound**

4. Council hereby authorizes the establishment, maintenance and operation of or contracting for facilities for the impounding of animals at such place or places and upon such premises as the Council may, from time to time, determine, and designates the person in charge of the pound as the poundkeeper.

### **Duties of the Poundkeeper**

5. The poundkeeper must impound and detain all animals delivered to him or her pursuant to the provisions of this Bylaw and must furnish them with sufficient food, water, shelter and attendance.
6. The poundkeeper must, upon receipt of an animal delivered to the Pound by an animal control officer, bylaw enforcement officer, police officer or a member of the public other than the owner of the animal, deal with that animal in the same manner as other animals seized and impounded pursuant to this Bylaw.

### **Keeping of records**

7. The poundkeeper must maintain the following records for each impounded animal:
  - (1) the date, time and location where the animal was impounded;
  - (2) description of the animal;

- (3) name and address of the person who brought the animal to the Pound;
- (4) name and address of the person who redeems the animal, and, if the person who redeems the animal is not the owner, the name and address of the owner of the animal;
- (5) the date when the animal was redeemed or otherwise disposed of;
- (6) a description of the method of and reason for the disposition; and
- (7) the amount of money, if any, recovered in respect of the animal.

### **PART 3 – ANIMAL WELFARE**

#### **Animal abandonment**

8. No owner of an animal shall abandon the animal.

#### **Basic animal care requirements**

9. The owner of an animal must ensure that the animal is provided with:
  - (1) clean, potable drinking water at all times and suitable food of sufficient quantity and quality to allow for normal growth and the maintenance of normal body weight;
  - (2) clean and disinfected food and water receptacles that are located so as to avoid contamination by excrement;
  - (3) the opportunity for regular exercise sufficient to maintain good health; and
  - (4) necessary veterinary care when the animal exhibits signs of pain, injury, illness or suffering.

#### **Outdoor shelter requirements**

10. No person may keep an animal outside, unless the animal is provided with a shelter that provides:
  - (1) protection from heat, cold and wet that is appropriate to the animal's weight and type of coat;
  - (2) sufficient space to allow the animal the ability to turn about freely and to easily stand, sit and lie in a normal position; and
  - (3) sufficient shade to protect the animal from the direct rays of the sun at all times.

**Sanitation requirements**

11. No person shall keep an animal in a shelter, pen, cage or run area unless the shelter, pen, cage or run area is clean, sanitary and free from wild vermin.
12. No person shall allow animal excrement to accumulate on or about the land or premises where an animal is kept.

**Tying animals**

13. No person shall cause an animal to be hitched, tied or fastened to a fixed object by a rope, chain or cord that is directly tied around the animal's neck or to a choke collar, for an extended period of time, and in any event for not more than 30 minutes.

**Animals in an enclosed space**

14. No person shall confine an animal in an enclosed space, vehicle or vessel without providing adequate ventilation and water so as to prevent the animal from suffering distress and without providing sufficient shade to protect the enclosed space, vehicle, vessel and animal from the direct rays of the sun at all times.

**Transport of animals in motor vehicles**

15. No person shall transport an animal in a motor vehicle outside the passenger compartment or in an uncovered passenger compartment unless the animal is adequately confined or secured in a body harness or other manner of fastening that is adequate to prevent the animal from jumping or falling off the vehicle or otherwise injuring itself.

**Exercising Dogs from motor vehicle or bicycle**

16.
  - (1) No person shall exercise a dog by allowing it to run next to a moving motor vehicle.
  - (2) No person shall exercise a dog by allowing it to run next to a bicycle unless the dog is attached to the bicycle by an apparatus that allows the person to retain two-handed control of the bicycle at all times.
  - (3) Subsection (2) does not apply to a person exercising a dog in an off-leash area if:
    - a) the dog is not being held; and
    - b) bicycle riding is permitted in the area.

**Traps**

17.
  - (1) No Person shall use or suffer or permit to be used a body-gripping trap within the Township of Esquimalt.
  - (2) Subsection (1) shall not apply to the use of body-gripping traps by the Township and the Government of British Columbia or their employees, agents, or officers or to a conservation officer acting within his or her duties, or other person acting within the authority of a valid Provincial permit.

**Infectious or contagious disease**

18. No person shall own, possess or harbour any animal suffering from any infectious or contagious disease unless such animal is in isolation and under veterinary care and treatment for such disease.

**Deliberately injuring animals**

19. No person shall deliberately harass, chase, attack or injure any animal.

**PART 4 – ANIMAL CONTROL****Animals on private property**

20. The owner of an animal must not allow the animal to be on any private lands or premises without the consent of the owner or occupier of the lands or premises.

**Dogs in public places**

21. (1) The owner of a dog must not allow the dog to be in a public place unless the dog is firmly held on:
- a) a leash not exceeding 2.4 m in length; or
  - b) a retractable lead not exceeding 8 m in length when fully extended;
- by a person competent to restrain and keep the dog under his or her physical control.
- (2) Despite subsection (1), the owner of a dog may allow the dog to be in an off-leash area without being firmly held if:
- a) the dog is under the effective control of a competent person;
  - b) the off-leash area is not being used under a permit issued by the Director of Parks & Recreation Services; and
  - c) the off-leash area has not been closed by the Director of Parks & Recreation Services.
- (3) Despite subsection (1), the owner of a dog must not allow the dog to be in a dog-prohibited area at any time.

**Other animals in public places**

22. (1) The owner of a snake or other reptile must not allow it to be in a public place unless it is securely confined in a cage or other container.
- (2) The owner of an animal other than a dog, snake or other reptile must not allow the animal to be in any public place unless the animal is under the effective control of a competent person.
- (3) An owner of a cat or rabbit must not allow the animal to be in an off-leash area at any time.



**Control of cats**

23. No person shall own, possess or harbour more than 5 cats over the age of 4 months on any property within the Township.
24. The owner of a cat must not allow their cat to be at large.

**Animals damaging public property**

25. The owner of an animal must not allow the animal to damage or destroy any public or private property including any building, structure, tree, shrub, plant, turf, equipment or apparatus.

**Animals chasing or harassing**

26. The owner of an animal must not allow the animal to chase, harass, molest or attack a person or animal.

**Limit on the number of dogs**

27. (1) No person shall keep more than 4 dogs over the age of 4 months on one property, unless the dogs are kept only during business hours on premises where a registered veterinarian practices veterinary medicine.
- (2) No person being the owner or occupier of any residential property within the Township shall permit such property to be used as or for a kennel.

**Dogs in heat**

28. Except as permitted by section 29, the owner of a female dog in heat must confine the dog within a building or kennel until the dog is no longer in heat.
29. The owner of a female dog in heat may allow the dog to leave the building or kennel in order to urinate or defecate on the person's private lands if the person:
- (1) firmly holds the dog on a leash, and
- (2) immediately returns the dog to the building or kennel upon completion of the urination or defecation.

**Farm animals**

30. (1) No person shall keep a farm animal, rooster, or peafowl.
- (2) Subsection (1) does not apply to a person who brings a farm animal into the Township for an event conducted in accordance with a permit issued by the Director of Parks & Recreation Services.

**Poultry**

31. Subject to section 32, no person shall keep any poultry on any parcel of land in the Municipality.
32. Despite section 31, no more than 7 Urban Hens may be kept on any parcel zoned for Single Family Residential or Two Family Residential Use (in this section referred to as "the property"), provided that:
- (1) no roosters, cocks, or cockerels are kept on the property;
  - (2) a minimum enclosed area of 0.4 sq m is provided per Urban Hen;
  - (3) any structure containing Urban Hens, whether portable or stationary, shall be located at least 1.5 m from any property line;
  - (4) only one structure containing Urban Hens is permitted on any property;
  - (5) the ground underneath any structure housing Urban Hens shall be kept clean and dry and the structure shall be placed on a solid surface during prolonged periods of wet weather;
  - (6) Urban Hens are not permitted to run at large;
  - (7) every structure housing Urban Hens and the grounds surrounding it shall be kept clean and free of odours and wild vermin;
  - (8) any diseased Urban Hen shall be delivered to a veterinarian or other facility that has the ability to dispose of hens lawfully;
  - (9) no slaughtering or euthanizing of Urban Hens shall be permitted on any property;
  - (10) manure and waste products shall be composted or disposed of regularly so as to prevent odours;
  - (11) any structure containing Urban Hens, whether that structure is portable or stationary, shall not be located within the front yard setback unless such structure is screened by vegetation of a sufficient height and width to prevent the structure from being visible from the street or from any adjacent residence;
  - (12) biosecurity procedures as recommended by the Canadian Food Inspection Agency for backyard flocks are followed; and
  - (13) Urban Hens may be kept for personal use only and no sale of eggs, manure, meat or other products delivered from hens is permitted.

**Birds**

33. No person shall keep more than 10 ornamental birds on any parcel of land in the Township provided that they are housed and enclosed at all times on the parcel on which they are kept.

34. Where any bird is housed in any building or enclosure, the building or enclosure must meet the minimum clearances from any property lines as required by the Zoning Bylaw.

#### **Rabbits and rodents**

35. No person shall own, possess or harbour more than 10 rabbits or rodents over the age of 12 weeks on any parcel of land.
36. No owner of any rabbit or rodent shall allow their rabbit or rodent to be at large.
37. Where any rabbit or rodent is housed in any building or enclosure, the building or enclosure must meet the minimum clearances from any property lines as required by the Zoning Bylaw.
38. (1) No person shall keep rabbits in an outdoor pen, cage or run, unless the pen, cage or run is securely enclosed to prevent escape.
- (2) Every owner of a rabbit or rodent shall keep the rabbit or rodent at all times when it is away from the parcel of land on which it is normally kept or harboured secured on a leash or confined in a suitable cage or pet carrier so as to prevent its escape.

#### **Bees**

39. Bees may be kept on any parcel of land in any residential zone as established by the Zoning Bylaw, subject to the consent of the owner of the land.
40. A maximum of 3 beehives may be kept on any parcel of land.
41. Beehives must:
- (1) be set back a minimum of 1.5 m from any property line,
  - (2) have a vertical screen in front of the entrance to the hive measuring at least 1.8 m high within 0.6 m of the entrance to the hive,
  - (3) be placed so that flight paths do not cross publicly frequented areas; and
  - (4) be maintained in accordance with good beekeeping practices including providing an adequate source of fresh clean water.

## PART 5 – DANGEROUS DOGS

### Designating dangerous dogs

42. (1) An animal control officer may designate a dog as a dangerous dog if the dog:
- a) has injured, bitten or killed a person or animal or has aggressively pursued, threatened or harassed a person or animal without provocation,
  - b) has a known propensity, tendency or disposition to attack a person or animal without provocation, or
  - c) has previously been designated as a dangerous dog and endangers the safety of a person or animal.
- (2) A designation under subsection (1) may be for any time period that an animal control officer considers appropriate, considering the circumstances of the incident, the severity of the incident, and any previous incidents.
- (3) After designating a dog as a dangerous dog, an animal control officer must inform the owner of the dog in writing of:
- a) the designation and its length, and
  - b) the responsibilities of the owner of a dangerous dog.

### Control of dangerous dogs

43. (1) Except as allowed under subsection (2), the owner of a dangerous dog must not allow the dangerous dog to be in a public place or on any private lands and premises unless the dog is
- a) firmly held by a person competent to restrain the dog on a leash not exceeding 2.4 m in length, and
  - b) muzzled by a properly fitted humane basket muzzle.
- (2) A person may allow a dangerous dog to be in areas of private lands or premises that are exclusively owned or occupied by that person without a muzzle or leash so long as the dog is securely confined:
- a) indoors,
  - b) on a deck that is no less than 3 m above ground level; or
  - c) in a rear yard and inside a pen, enclosure or fenced area that:
    - (i) is adequately constructed to prevent the dog from escaping,
    - (ii) is locked to prevent casual entry by another person, and
    - (iii) has been inspected and approved by an animal control officer.

### Signage

44. (1) The owner of a dangerous dog must:
- a) pay the fee prescribed in Schedule "A" and obtain from the Township a sign in the form prescribed in Schedule "C"; and
  - b) display the sign at each entrance to:
    - (i) the property and building in or upon which the dog is kept, and
    - (ii) any deck, pen, enclosure or fenced area used to securely confine the dog.



- (2) A sign displayed in accordance with subsection (1) must be:
  - a) attached so that it cannot be removed easily by passersby, and
  - b) visible and capable of being read from any adjacent sidewalk, street or lane.
- (3) No person shall deface or remove a sign that is required to be displayed under subsection (1).

#### **Duties of a dangerous dog owner**

**45.** The owner of a dangerous dog must:

- (1) immediately advise an animal control officer if the dog is at large or if it has bitten or attacked any person or animal,
- (2) allow an animal control officer to photograph the dog, on demand,
- (3) within two working days of moving to a new residence, provide an animal control officer with the owner's new address,
- (4) within two working days of selling or giving away the dog, provide an animal control officer with the name, address and telephone number of the new owner, and
- (5) within two working days of the death of the dog, provide an animal control officer with a veterinarian's certificate of the death.

### **PART 6 – LICENSING OF DOGS**

#### **Obtaining licences**

- 46.**
- (1) No person shall keep a dog over the age of 4 months unless a licence has been obtained from the Township for the dog.
  - (2) Every licence expires on December 31 of the calendar year for which the licence is issued.
  - (3) A person may obtain a licence for a dog by:
    - a) applying to the Township for a licence, and
    - b) paying the fee prescribed in Schedule "A".
  - (4) Despite subsection (3)(b), a person may obtain a licence for a dog without paying the prescribed fee if:
    - a) the dog has been sterilized within the 12 months prior to the application for a licence, the person provides proof of sterilization, and a free licence has not previously been issued for that dog under this subsection, or
    - b) the person holds a valid licence for the dog issued in another jurisdiction and surrenders the licence tag from the other jurisdiction.



- (5) A person who obtains a licence on or after February 1<sup>st</sup> must pay the late purchase fee prescribed in Schedule "A" in addition to the licence fee.
- (6) The late purchase fee provided for in subsection (5) does not apply to a person who obtains a licence for a dog that was purchased or acquired in the calendar year for which the licence is issued.
- (7) An owner may obtain a replacement licence tag if a valid licence tag is lost or destroyed by paying the fee prescribed in Schedule "A".

### **Licence tags**

47. (1) A licence consists of a written receipt and a licence tag designed to be attached to a dog collar or harness.
- (2) The owner of a dog over the age of 4 months must not allow the dog to be anywhere except on premises normally occupied by the owner unless a valid licence tag is attached to the dog's collar or harness.
- (3) If a dog does not wear a collar or harness to which the licence tag is attached in a conspicuous place, it shall be presumed that the dog is not licensed.
- (4) No person shall remove a licence tag from a dog, unless that person is:
  - a) the owner,
  - b) a person authorized by the owner,
  - c) the poundkeeper, or
  - d) an animal control officer.

### **Exemption for visiting dogs**

48. No licence is required for a dog owned by a non-resident of the Township who is temporarily residing in or visiting the Township, for a period not exceeding 30 consecutive days, provided that the dog is licensed for the current year in the jurisdiction in which the owner of the dog ordinarily resides.

### **Exemption for Police and Guide Dogs**

49. No dog licence fee, late licensing penalty or replacement dog licence tag fee shall be charged for guide dogs and police dogs.

## **PART 7 – ANIMAL NUISANCES**

### **Noisy dogs**

50. In addition to the requirements of the *Maintenance of Property and Nuisance Regulation Bylaw, 2014, No. 2826*, the owner of a dog must not allow the dog to bark, howl or cry continuously for 10 minutes or more without significant periods of rest, sporadically for a cumulative total of 15 or more minutes within one hour, or otherwise in such a manner as to cause a nuisance.

**Animal waste**

51. (1) The owner of a dog must not allow the dog to defecate:
- a) in a public place, or
  - b) on any private property other than the property of the owner;
- unless the owner immediately removes the excrement and lawfully disposes of it.
- (2) A person who grooms an animal in a public place must remove and lawfully dispose of any hair or other debris that results from the grooming process.

**Feeding wildlife**

52. (1) No person shall intentionally feed or leave food out for the purpose of feeding wildlife in particular deer, raccoons, eastern grey squirrels or Canada geese.
- (2) Subsection (1) does not apply to a person who is engaging in hunting or trapping wildlife in accordance with the *Wildlife Act* and its regulations.

**PART 8 – PET STORES****Sale of rabbits**

53. A pet store operator must not sell or give away a rabbit unless the rabbit has been spayed or neutered.

**Pet store register**

54. A pet store operator must:
- (1) keep and maintain a pet store register in the pet store containing a record of each transaction in which the operator acquires or disposes of a rabbit, cat or dog, including the following information:
    - a) the name and address of the person from whom the operator acquired the animal;
    - b) the date of the acquisition;
    - c) the animal's date of birth;
    - d) a description of the sex and colouring of the animal, and of any tattoo, microchip number, or other identifying marking;
    - e) the date the operator disposed of the animal; and
    - f) if the disposition is other than by sale, the method of and reason for the disposition;
  - (2) produce the pet store register for inspection by an animal control officer or bylaw officer,
  - (3) provide copies of any entries required by an animal control officer or bylaw officer, and
  - (4) retain each transaction recorded in the pet store register for at least 12 months from the date of the transaction.

**Record of sale**

55. At the time of the sale of an animal, a pet store operator must:
- (1) provide the purchaser with a written record of sale including the following information:
    - a) the date of sale;
    - b) the name and address of the pet store;
    - c) a description of the animal;
    - d) a description of any tattoo, microchip number, or other identifying marking;
    - e) the breed or cross breed, if applicable; and
  - (2) if the animal is a dog or cat, provide the purchaser with:
    - a) a health certificate from a registered veterinarian, and
    - b) a record of medical treatment, vaccinations and de-worming.

**PART 9 – SEIZING AND IMPOUNDING ANIMALS****Authority to seize and impound**

56. (1) An animal control officer may seize:
- a) a dog if the owner does not hold a valid licence for the dog as required by section 46(1),
  - b) an animal that is at large in a public place in contravention of sections 21, 22, 24, 36 or 43,
  - c) an animal that is on any private lands or premises without the consent of the occupier or owner of the lands or premises,
  - d) an animal that is on unfenced land and not securely tethered or contained,
  - e) a dangerous dog that is found to be in a place under circumstances prohibited by this Bylaw, or
  - f) any animal where in the opinion of the animal control officer any of the provisions of Part 3 hereof have been contravened.
- (2) The poundkeeper shall impound any animal seized under subsection (1) and delivered to the pound by an animal control officer and may impound any animal brought to the pound by any other person.

**Releasing an animal before its arrival at the Pound**

57. (1) If the owner or the agent of the owner appears and claims an animal that has been seized at any time before the animal has been taken to the pound, an animal control officer must release the animal to the owner or agent if the person:
- a) proves ownership of the animal to the satisfaction of the animal control officer or, in the case of an agent, satisfies the animal control officer of the agent's authority to redeem the animal,
  - b) pays any applicable licence fees, and
  - c) pays to the animal control officer half of the applicable impoundment fee set out in Schedule "A".

- (2) Subsection (1) does not apply if the animal that has been seized is a dangerous dog.

### **Informing the owner of impoundment**

58. (1) If the poundkeeper knows the name and address of the owner of an animal which has been impounded, the poundkeeper will provide notice to the owner verbally or by mail within 24 hours of the impoundment.
- (2) The notice to the owner must inform the owner of the impoundment costs, boarding fees and other costs and fees payable, that all such applicable fees and costs must be paid in full prior to release of the animal to the owner, and that the animal will be disposed of if not claimed by the owner by a specified date.

### **Redeeming an animal from the Pound**

59. (1) The owner of an impounded animal or the owner's agent may redeem the animal from the pound by:
  - a) proving ownership of the animal to the satisfaction of the poundkeeper or, in the case of an agent, satisfying the poundkeeper of the agent's authority to redeem the animal, and
  - b) paying to the poundkeeper
    - (i) any applicable licence fees,
    - (ii) the applicable impoundment fees prescribed in Schedule "A",
    - (iii) the applicable maintenance fees prescribed in Schedule "A" for each day or part of a day that the animal was impounded,
    - (iv) the costs of any special equipment, resources or boarding facilities required to seize, impound or maintain the animal,
    - (v) any veterinary costs incurred in respect of the animal during the impoundment period; and
    - (vi) any outstanding undisputed municipal tickets or bylaw notices owing to the Township relating to the animal.
- (2) Despite subsection (1), the poundkeeper may detain a dangerous dog for a period of up to 14 days before allowing the owner or the owner's agent to redeem the animal.

### **No liability for injury to animal or damage to property**

60. No provision of this Bylaw shall be construed as making the poundkeeper, an animal control officer or the Township liable to the owner of any animal:
  - (1) for injury to, sickness or death of the animal while such animal is in the custody of the poundkeeper or at any time thereafter, or
  - (2) for any damage to property that may occur as a result of the animal control officer seizing the animal pursuant to section 56.



**Disposition of unredeemed animals**

61. (1) An animal becomes the property of the Township if it is not redeemed within 96 hours after:
- a) its impoundment, or
  - b) the expiration of an impoundment period set under section 59(2).
- (2) If an animal becomes the property of the Township under subsection (1), the poundkeeper may:
- a) sell it on behalf of the Township,
  - b) give it away, or
  - c) destroy it in a humane manner.

**Euthanization of impounded animals**

62. The poundkeeper may have an impounded animal humanely euthanized at any time if:
- (1) a registered veterinarian certifies that the animal is suffering from an infectious or contagious disease, or
  - (2) the poundkeeper is satisfied that the animal has been so seriously injured that its death is imminent;

where in the case of subsection (1) or (2) it would be impractical to provide the necessary veterinary care to return the animal to health.

**Prohibition against breaking into Pound**

63. No person shall:
- (1) break open or in any manner directly or indirectly aid or assist in breaking open the pound,
  - (2) enter the pound without the permission of the poundkeeper, or
  - (3) take or release any animal from the pound without the consent of the poundkeeper.

**PART 10 – ENFORCEMENT AND PENALTIES****Right of entry**

64. An animal control officer may enter, at all reasonable times, upon any property in order to ascertain whether the provisions, regulations or directions contained in this Bylaw are being contravened.

**Prohibition against hindering the Animal Control Officer**

65. (1) No person shall prevent, hinder, delay or obstruct an animal control officer in the performance of his or her duties under this Bylaw.



- (2) Without limiting the generality of subsection (1), no person shall:
  - a) release an animal from a trap set by an animal control officer, or
  - b) tamper with, damage, move or remove a trap set by an animal control officer.

### Provision of information

66. (1) If a person occupies premises where an animal is kept or found, the person must provide the following information when requested by an animal control officer, bylaw officer or police officer:
- a) the person's name, address and telephone number;
  - b) if the person is not the animal's owner, the owner's name, address and telephone number;
  - c) the number of animals kept on the property,
  - d) the breed, sex, age, name and general description of each animal kept on the property; and
  - e) whether each dog kept on the property is licensed.
- (2) If a person has apparent custody of an animal, the person must provide the following information when requested by an animal control officer, bylaw officer or police officer:
- a) the person's name, address and telephone number;
  - b) if the person is not the animal's owner, the owner's name, address and telephone number;
  - c) the place where the animal is kept;
  - d) the breed, sex, age, name and general description of each animal owned or in the custody of the person; and
  - e) whether each dog owned or in the custody of the person is licensed.

### Offences

67. (1) A person commits an offence and is subject to the penalties imposed by this Bylaw and the *Offence Act* if that person:
- a) contravenes a provision of this Bylaw,
  - b) consents to, allows, or permits an act or thing to be done contrary to this Bylaw, or
  - c) neglects or refrains from doing anything required to be done by a provision of this Bylaw.
- (2) Each day that a contravention of a provision of this Bylaw continues is a separate offence.

## PART 11 – GENERAL PROVISIONS

### Severability

68. Each section of this Bylaw shall be severable, and if any provision of this Bylaw is held to be illegal or invalid by a Court of competent jurisdiction, the provision may be severed and the illegality or invalidity shall not affect the validity of the remainder of this Bylaw.

**Schedules**

69. The following Schedules attached hereto form part of this Bylaw:

Schedule "A" – Fees

Schedule "B" – Dogs-Prohibited Areas / Off-Leash Areas

Schedule "C" – Dangerous Dog Sign

**Repeal**

70. The Animal Bylaw, 2002, No. 2495, together with all amendments thereto being Bylaw Nos. 2577, 2605, 2692 and 2788, are hereby repealed.

READ A FIRST TIME the 16<sup>th</sup> day of March, 2015.

READ A SECOND TIME the 16<sup>th</sup> day of March, 2015.

READ A THIRD TIME the 16<sup>th</sup> day of March, 2015.

ADOPTED on the 13<sup>th</sup> day of April, 2015.



BARBARA DESJARDINS  
MAYOR



ANJA NURVO  
CORPORATE OFFICER

**SCHEDULE "A"****FEES****Dog Licence Fees (Section 46)**

<b>Description</b>	<b>Fee</b>
1. Sterilized Dog licence	\$30.00
2. Unsterilized Dog licence	\$40.00
3. Late purchase	\$20.00
4. Replacement licence tag	\$5.00

**Dangerous Dog Sign (Section 44)**

<b>Description</b>	<b>Fee</b>
1. Dangerous Dog Sign (including GST and PST)	\$25.00

**Impoundment Fees (Part 9)**

<b>Description</b>	<b>Fee</b>
1. Call out fee for all impounds conducted between 5:00 p.m. and 9:00 a.m.	\$50.00
2. Licensed dog	
(i) First impound	\$50.00
(ii) Second impound	\$100.00
(iii) Third and subsequent impound	\$150.00
3. Unlicensed dog	
(i) First impound	\$100.00
(ii) Second impound	\$200.00

<b>Description</b>	<b>Fee</b>
(iii) Third and subsequent impound	\$300.00
4. Cat	\$25.00
5. Bird, rabbit, rodent or other animal	\$10.00

**Maintenance fees (Section 59)**

<b>Description</b>	<b>Fee</b>
1. Dog	\$15.00
2. Cat	\$10.00
3. Bird, rabbit, rodent or other animal	\$5.00

**SCHEDULE "B"****DOGS-PROHIBITED AREAS / OFF-LEASH AREAS**

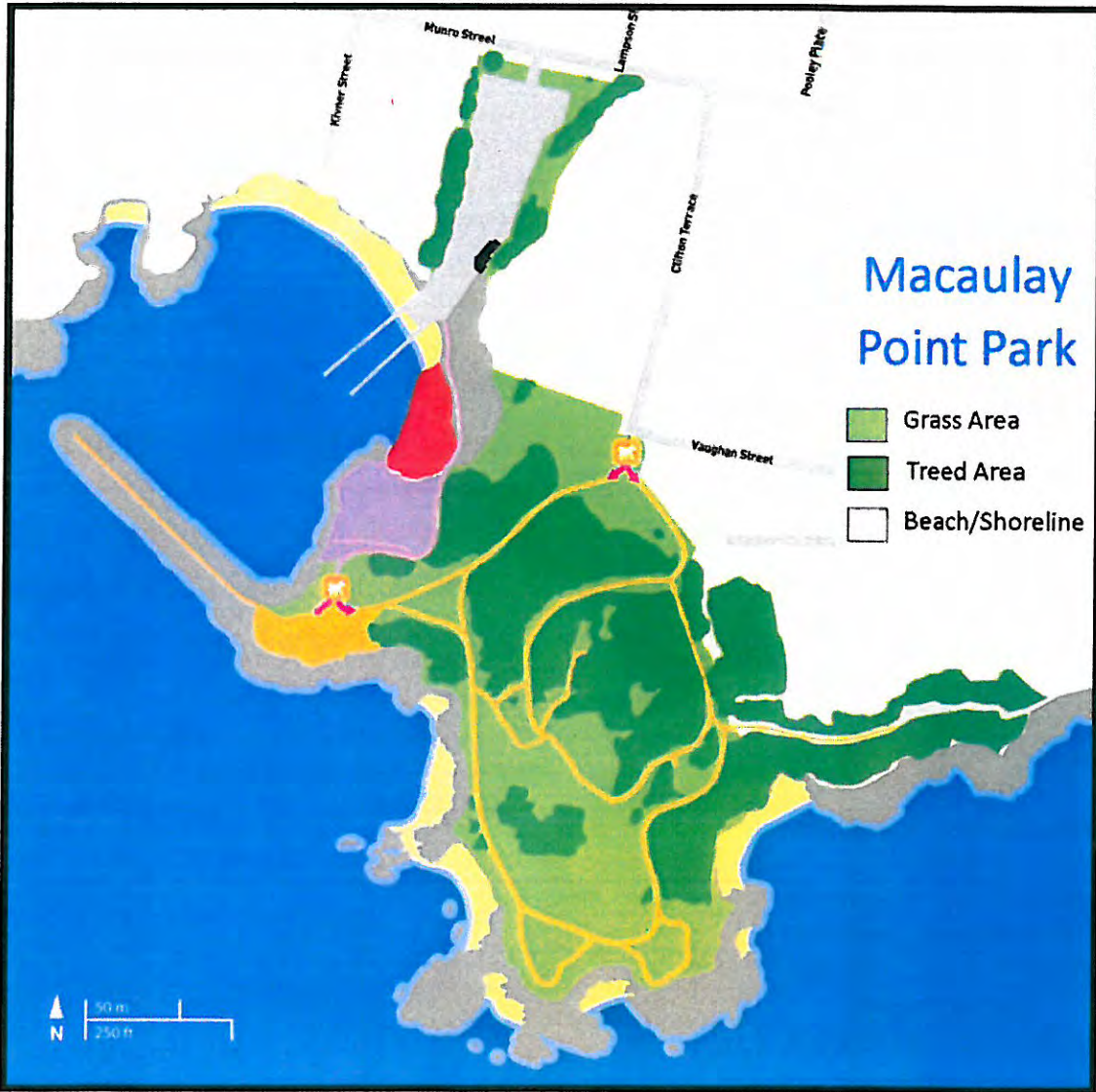
<b>Dogs on Leash</b>	<b>Dogs Off Leash</b>	<b>No Dogs Allowed</b> Dogs not permitted in lacrosse box, sports fields, playgrounds, splash park, skate parks or gardens.
Arm Street Park (Beach Access)	Captain Jacobsen Park	Anderson Park
Colville Park	Esquimalt's Gorge Park – In designated area (see map)	Brodeur Field
Denniston Park	Fleming Beach at Macaulay Point Park November 1 <sup>st</sup> to May 1 <sup>st</sup> only.	Bullen Park
Esquimalt's Gorge Park	Highrock Park	Hither Green
Esquimalt's Town Square	Macaulay Point Park – on trails from top of hill at breakwater to park entrance off Clifton Terrance AND designated area (see map)	Lampson Park
Forshaw Park (Beach Access)	Saxe Point Park westerly side (see map)	Lugrin Tot Lot
Foster Park (Beach Access)		Macaulay Point Park in fenced protected species areas.
Freeman Ken Hill Park		Paradise Tot Lot
Garthland Park (Beach Access)		Saxe Point Park wedding area and grass area on easterly side (see map)
Glenvale Park (Beach Access)		
Kinver Park (Beach Access)		
McNaughton Park (Beach Access)		
Macaulay Point Park – from parking lot to top of hill before breakwater (see map)		
Memorial Park		
Nelson Park (Beach Access)		
Phil Ross Park		
Rockcrest Park - On leash on trails		
Saxe Point Park - On leash on trails easterly side (see map)		
Sturdee Park (Beach Access)		
Westbay Walkway		
Wurtele Place Park – on leash on pathway		
Yarrow Pathway (Beach Access)		





Reference Maps:

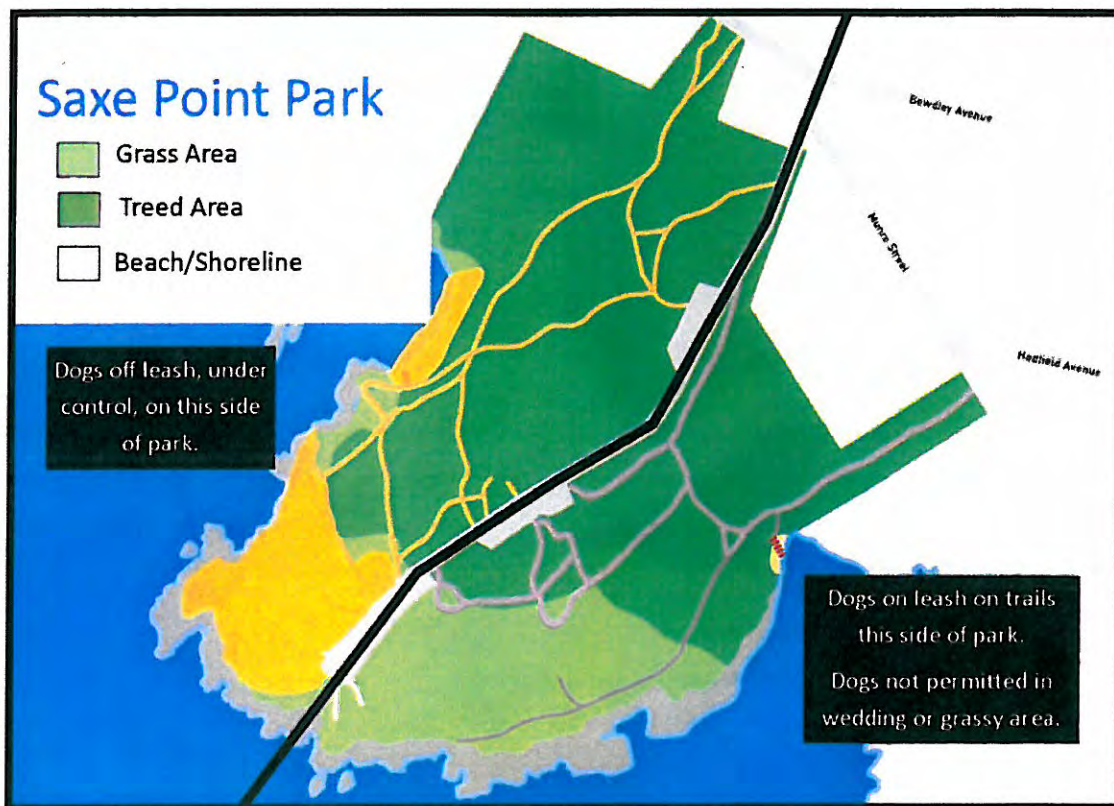
Macaulay Point Park

- Dogs on leash
- Dogs off leash, under control. Dogs not permitted in species at risk protected areas.
- Dogs off leash - Seasonal: November 1st to May 1st




### Saxe Point Park

-  Dogs off leash, under control, on trails
-  Dogs on leash on trails



### Esquimalt's Gorge Park

Dogs on leash throughout park

 Dogs off leash, under control, area





SCHEDULE "C"

DANGEROUS DOG SIGN (SECTION 44(1))

Actual Size of Sign: 30.5 cm x 23.5 cm [12 inches x 9.25 inches]  
Red lettering. Black graphic of dog's head

**WARNING**  
**DANGEROUS DOG ON PREMISES**



