

# TOWN OF QUALICUM BEACH

## BYLAW NO. 649, 2009

### **A Bylaw to regulate, prohibit, and impose requirements in relation to animals in the Town of Qualicum Beach**

WHEREAS Council of the Town of Qualicum Beach has the authority to regulate, prohibit, and impose requirements in relation to animals;

NOW THEREFORE, Council, in open meeting assembled, enacts as follows:

#### **Title**

1. This Bylaw may be cited for all purposes as the "Town of Qualicum Beach Animal Control Bylaw No. 649, 2009".

#### **Interpretation**

2. In this Bylaw:
  - (a) "Animal" means any domestic animal;
  - (b) "Animal Control Officer" means any municipal employee, officer, agent or contractor designated by Council to administer the provisions of this Bylaw, and includes a bylaw enforcement officer and a peace officer;
  - (c) "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;
  - (d) "Council" means the municipal Council of the Town;
  - (e) "Dog" means any member of the canine species, irrespective of age or sex and includes a hybrid with a domestic dog;
  - (f) "Dwelling Unit" means a self-contained set of habitable rooms in a building, including one set of cooking facilities;
  - (g) "Keep" includes own, possess, harbour, or have care and control of;
  - (h) "Kennel" means a place, building, or structure for the training, care, shelter, breeding or boarding of four or more dogs, or five or more other animals, but does not include a veterinary clinic;
  - (i) "Livestock" means cattle, goats, horses, sheep, and swine;
  - (j) "Off-Leash Area" means an area shown cross-hatched on the map attached as Schedule "A";
  - (k) "Owner" means any person

- (i) to whom a licence has been issued pursuant to this Bylaw; or
- (ii) who keeps an animal;
- (l) “Pound” means the facilities established by Council or the Poundkeeper from time to time as the facilities to constitute the pound under this Bylaw;
- (m) “Poundkeeper” means any person appointed by Council as the Poundkeeper or any agent or contractor who has entered into an agreement with the Town to assume the responsibilities of the Poundkeeper pursuant to this Bylaw, and includes the deputy, assistants and employees of the Poundkeeper;
- (n) “Public Beach” means that area between the high-water mark and the low-water mark running parallel to the Strait of Georgia from the most westerly boundary of the Town to the most easterly boundary of the Town;
- (o) “Town” means the Town of Qualicum Beach;
- (p) “Vicious Dog” means a dog that:
  - (i) has killed or seriously injured a person or animal;
  - (ii) has bitten, attacked or aggressively pursued a person or animal without provocation;
  - (iii) has a known propensity, tendency or disposition to attack animals or humans without provocation;
  - (iv) has been trained for, or is owned for the purpose of, dog fighting; or
  - (v) an Animal Control Officer has reasonable grounds to believe is likely to kill or seriously injure a person;
- (q) “Wild or Exotic Animal” means any animal listed in Schedule “B”, attached hereto and forming part of this Bylaw.

### **Dog Licences**

3. No person shall keep any dog over the age of 8 weeks in the Town unless a valid and subsisting licence tag for the current year has first been obtained for the dog under this Bylaw.
4. Section 3 of this Bylaw does not apply to a dog that is kept in the Town for less than one month in a calendar year and for which a valid and subsisting dog licence has been obtained from another jurisdiction.
5. An applicant for a licence under this Bylaw shall provide to the Town, or to the Town’s agent or contractor, the necessary information in the form required and shall pay the applicable licence fee set out in Schedule “C” of Miscellaneous Rates Bylaw No. 638, 2009, as amended from time to time. Subject to sections 29 and 30 of this Bylaw, upon provision of the required information and payment of the prescribed fee, a numbered dog licence tag shall be issued to the applicant.

6. Every dog licence tag 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. The owner of a dog for which a licence tag has been issued under this Bylaw shall affix, and keep affixed, the licence tag on the dog by a collar, harness, or other suitable device.
8. The owner of a dog for which a licence tag has been issued under this Bylaw may obtain a replacement licence tag upon satisfying the Town that the original licence tag has been lost or stolen and upon payment of the replacement fee set out in Schedule "C" of Miscellaneous Rates Bylaw No. 638, 2009, as amended from time to time.
9. 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.
10. In the event of a change in ownership of a dog for which a licence tag has 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 tag for the dog.
11. Any person applying for a dog licence under section 10 of this Bylaw shall provide the previous owner's licence tag, in addition to the fee set out in of Schedule "C" of Miscellaneous Rates Bylaw No. 638, 2009, as amended from time to time.
12. Where Miscellaneous Rates Bylaw No. 638, 2009, as amended from time to time, provides for a reduced licence fee for a dog that is a guide animal, the owner may be required to provide a certificate, issued in accordance with the *Guide Animal Act* (British Columbia), indicating that the dog is a guide animal.
13. Where Miscellaneous Rates Bylaw No. 638, 2009, as amended from time to time, provides for a reduced licence fee for a dog that is neutered or spayed, the owner may be required to provide a certificate from a qualified veterinarian indicating that the dog has been neutered or spayed.
14. Any dog owner who has paid the annual licence fee for an unneutered or unspayed dog shall, upon providing to the Town a certificate from a veterinarian that the dog has been spayed or neutered, be granted a rebate of part of the fee. If the certificate is provided to the Town before July 1 of the annual licence year, the rebate shall be \$20.00. If the certificate is provided after July 1 of the annual licence year, the rebate shall be \$12.50.
15. Other than the refund provided for under section 14, all fees payable under this Bylaw and Schedule "C" of Miscellaneous Rates Bylaw No. 638, 2009, as amended, are non-refundable.

### **Kennel Licences**

16. No person shall operate a kennel in the Town unless a valid and subsisting licence for the current year has first been obtained for the kennel under this Bylaw.
17. An application for a kennel licence under this Bylaw shall be in the form required by the Town and shall be accompanied by the licence fee set out in Schedule "C" of Miscellaneous Rates Bylaw No. 638, 2009, as amended from time to time.

18. 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.
19. No owner or operator of a kennel shall keep, or permit to be kept, more animals than the number of animals in respect of which a kennel licence fee has been paid.

### **Kennel Operations**

20. Every kennel shall consist of a fully-enclosed building and facilities constructed, installed and maintained in accordance with the following provisions:
  - (a) every cage or pen must be of sufficient size and height to allow each animal kept therein to turn about freely, stand, sit, and lie in a normal position;
  - (b) there shall be an outdoor exercise area large enough to allow each animal being kept to break into a trot;
  - (c) the building shall be constructed and maintained so as to allow natural light and ventilation to be introduced into the interior of the building by windows, skylights or a combination thereof;
  - (d) the building shall be equipped with a heating system capable of maintaining an indoor temperature between 18 C and 27 C;
  - (e) the building shall be equipped with a ventilation system capable of providing interior air changes with exterior air of not less than 10 changes per hour; and
  - (f) the building and facilities shall be constructed and maintained so as to prevent the escape of any animal being kept.
21. No owner or operator of a kennel shall cause or permit:
  - (a) more than one animal to be kept in a cage or pen unless the cage or pen is of sufficient size and height to permit each animal kept therein to move freely and easily;
  - (b) female animals in heat to be kept in cages or pens with male animals;
  - (c) animals exhibiting vicious behaviour or dominance aggression to be kept with other animals;
  - (d) animals under the age of 4 months of age to be kept with adult animals other than their dams; and
  - (e) animals under treatment for a communicable disease or suspected of harbouring a communicable disease to be kept with other animals.
22. Every owner or operator of a kennel shall at least once daily clean and sanitize the kennel of animal excrement.

### **Control of Dogs**

23. No owner of a dog shall permit the dog to be running at large in the Town unless the dog is kept on a leash, tether or other suitable device that is of sufficient strength to restrain a dog without breaking, and is under the immediate care and control of a competent person.
24. Section 23 does not apply if the dog is under the control of a competent person and is:
  - (a) actively involved in a dog show, dog trial or other similar activity;
  - (b) used in connection with police operations or security services; or
  - (c) within a designated off-leash area.
25. The owner of a dog shall, at all times when the dog is on the owner's property, keep the dog securely tethered or contained so as to prevent the dog escaping from the owner's property.
26. No owner of a dog shall permit the dog to howl or bark when such howling or barking disturbs or is liable to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of individuals or the public.
27. 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.
28. No owner of a dog shall permit the dog to be:
  - (a) within those portions of the Qualicum Beach Airport contained within the security fence/gate unless authorized by the Airport Manager;
  - (b) on playing fields in the Community Park;
  - (c) on a public beach between March 1 and April 30 in each year to coincide with the annual Brant migration.
29. No person shall keep, or permit the keeping of, more than three dogs apparently over the age of three months in a dwelling unit, or on the land surrounding a dwelling unit, in the Town at any one time, except in the lawful operation of a kennel or veterinary clinic.
30. Notwithstanding section 29, if, immediately prior to adoption of this bylaw, a person is keeping more than three licensed dogs over the age of three months in a dwelling unit, that person may, subject to the licensing requirements contained in this Bylaw, continue to keep such dogs for the duration of their lifetime, but such person may not keep or permit the keeping of any additional dogs in that dwelling unit.

### **Control of Other Animals**

31. No owner of an animal shall permit, suffer or allow such animal to be at large in the Town.
32. Section 31 does not apply to a horse being ridden or a horse that is on a harness, so long as that horse is under the immediate care and control of a competent person.

33. Notwithstanding the aforementioned, no owner of a horse shall permit the horse to be on a public beach between May 15 and September 30 of each year.

### **Control of Vicious Dogs**

34. No owner of a vicious dog shall permit the dog to be running at large in the Town 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.
35. The owner of a vicious dog shall, at all times when the dog is on the owner's property, keep the dog securely confined within a building or enclosure located no less than one metre from the property line and capable of preventing the dog's escape and the entry of children under the age of 12 years old.
36. The owner of a vicious dog shall, at all times when the dog is on the owner's property, post a sign at the entrance to where the dog is kept warning, in writing as well as with a symbol, that there is a vicious dog on the property.
37. The owner of a vicious dog shall:
- (a) within two working days of selling or giving away the dog, provide the Town with the name, address and telephone number of a new owner;
  - (b) advise the Town within two working days of the death of the dog and provide a veterinarian's certificate of death; and
  - (c) immediately advise the Town if the dog is loose or has bitten or attacked any person or farm animal.

### **Control of Cats**

38. No person shall keep or permit the keeping of more than four cats apparently over the age of four months in any dwelling unit, or on the land surrounding a dwelling unit, in the Town at any one time, except in the lawful operation of a kennel or veterinary clinic.
39. 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.

### **Control of Animals Generally**

40. No person shall permit any livestock to be running at large in the Town unless under the immediate care and control of a competent person.
41. 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.

42. Section 41 does not apply to a person with a disability accompanied by a guide animal, as defined in the *Guide Animal Act* (British Columbia), or to an on-duty police officer accompanied by a police dog.
43. No person shall keep an animal suffering from an infectious or contagious disease on any parcel of land in the Town 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.
44. No person other than the owner of an animal shall remove any form of identification on or affixed to the animal.
45. No person shall keep any Wild or Exotic Animal anywhere in the Town.

#### **Prohibition of Cruelty to Animals**

46. No person shall keep any animal in the Town 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.
47. 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; and
  - (b) is shaded.
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, heat stroke or 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.

### **Seizure and Impoundment**

51. 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 in the Town contrary to this Bylaw; and
  - (c) any dog on unfenced land and not securely tethered or contained.
52. An Animal Control Officer shall immediately convey any animal seized and liable to impoundment under this Bylaw to the Pound.
53. No person shall hinder, delay, or obstruct in any manner, directly or indirectly, an Animal Control Officer engaged in driving, loading or carrying to the Pound any animal liable to seizure and impoundment pursuant to this Bylaw.
54. The Poundkeeper may, upon delivery of an animal to the Pound by a member of the public, deal with that animal in the same manner as other animals delivered to the Pound pursuant to this Bylaw.
55. 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 Town 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 voicemail shall be deemed to be received by the owner the day notice is left on the owner's voicemail.
56. 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 Town Hall 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 Town after the expiration of 72 hours from the date of the notice unless, in the meantime, the animal is reclaimed.
57. 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 "C" of Miscellaneous Rates Bylaw No. 638, 2009, as amended from time to time;



- (c) payment of the requisite licence fee if the impounded animal is required to be licenced pursuant to this Bylaw and is not licenced, and provision of the necessary information for a dog licence application in the form required by the Town; and
  - (d) completion of an acknowledgement of animal redemption in the form required by the Town.
58. Any fines, impound fees, and other costs imposed by this Bylaw are payable by the owner of an animal, regardless of whether the animal is reclaimed by the owner.
59. 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.
60. 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 may humanely euthanize or otherwise dispose of the animal.
61. 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 licensed veterinarian.
62. No person shall break open or in any manner directly or indirectly aid or assist in breaking open the Pound.
63. No person shall enter the Pound without the permission of the Poundkeeper.
64. No person shall take or release any animal from the Pound without the consent of the Poundkeeper.

### **Duties of Poundkeeper**

65. The Poundkeeper shall maintain records which include:
- (a) a description of every animal seized and impounded under this Bylaw, including a dog's licence number, if any, 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 Poundkeeper;
  - (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; and
  - (f) the amount of impoundment and maintenance fees, costs, and charges connected with each impounded animal.

**Inspection**

66. 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**

67. No person shall hinder, delay, obstruct or interfere with in any manner, directly or indirectly, an Animal Control Officer in the performance of the duties and powers of an Animal Control Officer under this Bylaw.

**Offences and Penalties**

68. Any person who contravenes any provision of this Bylaw is guilty of an offence and liable upon summary conviction to a fine not exceeding \$10,000 and the cost of prosecution. Every day that a violation continues to exist is deemed to be a separate offence.
69. This Bylaw is enforceable by way of a Municipal Ticket Information pursuant to Town of Qualicum Beach Municipal Ticket Information Utilization Bylaw No. 626, 2004, as amended from time to time.

**Severability**

70. 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**

71. The Town of Qualicum Beach Animal Control and Dog Control, Licence and Pound Bylaw No. 407.06, 2002 is hereby repealed and replaced by this Bylaw.

READ A FIRST TIME this 7<sup>th</sup> day of December, 2009.  
READ A SECOND TIME this 27<sup>th</sup> day of January, 2010.  
READ A THIRD TIME this 8<sup>th</sup> day of February, 2010.


ADOPTED this 8<sup>th</sup> day of March, 2010.

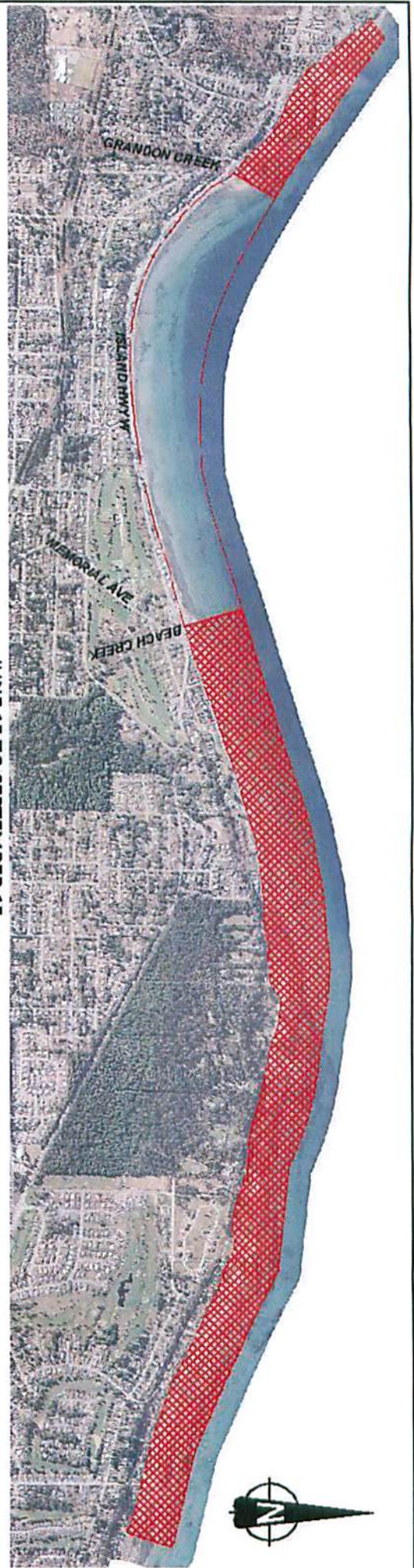
  
\_\_\_\_\_  
Trudy Coates, Corporate Administrator

  
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Teunis Westbroek, Mayor



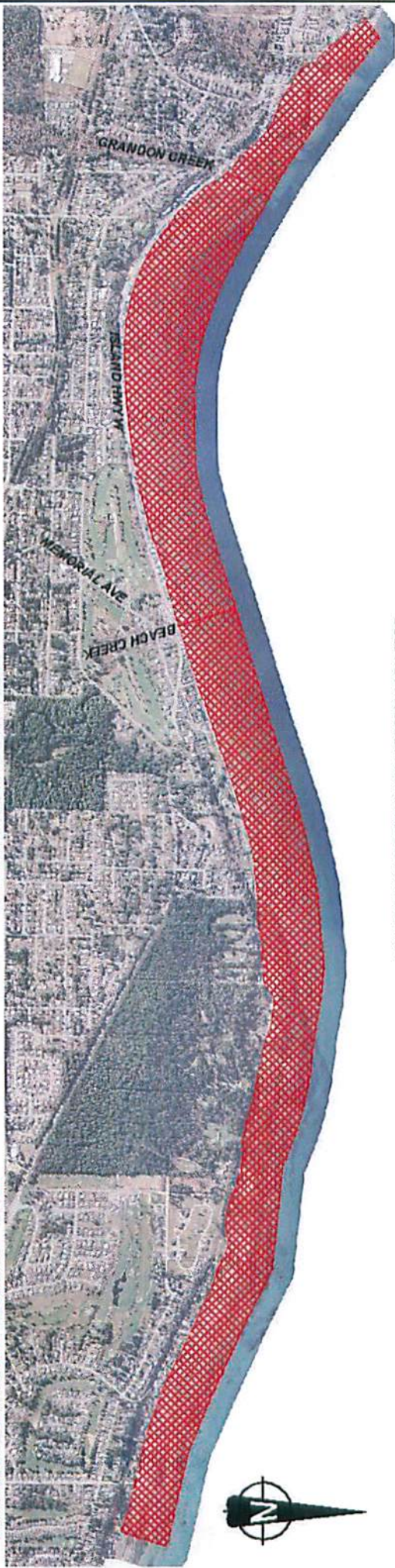
OFF-LEASH PERMITTED IN HATCHED AREA

241-680 PRENDRISE ST PO BOX 124 QUALICUM BEACH BC V9L 5S7  TOWN OF QUALICUM BEACH	CLIENT:	PROJECT: ANIMAL CONTROL BYLAW 649	DRAWN: cfs	DATE: 2010-01-05	PROJECT:	
	LOCATION:	DRAWING TITLE: SCHEDULE A 1 OF 2	DESIGNED:	DATE:	DRAWING NAME:	
			CHECKED:	DATE:	SHEET 1 OF: 2	REVISION: 1
			APPROVED:	DATE:	FILE NAME: ANIMALCONTROLBYLAW.DWG	
			HOR. SCALE: NTS	VERT. SCALE:		



**JUNE 15 TO SEPTEMBER 15**

OFF-LEASH PERMITTED IN HATCHED AREA  
 DOES NOT INCLUDE PRIVATE PROPERTY OR WALKWAYS



**SEPTEMBER 16 TO JUNE 14**

OFF-LEASH PERMITTED IN HATCHED AREA  
 DOES NOT INCLUDE PRIVATE PROPERTY OR WALKWAYS

**NOTE: NO DOGS ALLOWED OFF-LEASH OR  
 ON-LEASH ON BEACH IN MARCH  
 AND APRIL PER CLAUSE 28(C).**

201-466 FIVE HERONS, BY PO BOX 126 QUINCY, ILLINOIS 62450 618-291-1100 WWW.FIVEHERONS.COM		FIVE HERONS 11111 618-291-1100 WWW.FIVEHERONS.COM		CLIENT: LOCATION:		PROJECT: <b>ANIMAL CONTROL BYLAW 649</b>		DRAWING TITLE: <b>SCHEDULE A</b> 2 OF 2		DRAWN: CHECKED: APPROVED: HORIZ. SCALE:		DATE: 2010-01-05 DATE: DATE: DATE: VERT. SCALE:		PROJECT: DRAWING NAME: SHEET: 2 OF 2 REVISION: 2 FILE NAME: ANIMALCONTROLBYLAWDWG	
TOWN OF QUINCY, ILLINOIS															

SCHEDULE "B"  
Bylaw No. 649, 2009  
**WILD OR EXOTIC ANIMALS**

The following list of animals constitutes "wild or exotic animals" for the purposes of this Bylaw. The list includes all such animals whether bred in the wild or in captivity and also includes their hybrids with domestic species. The words in parentheses are intended to act as examples only and are not to be construed as limiting the generality of the group.

1. Non-human primates (such as gorillas and monkeys)
2. Felids, except the domestic cat
3. Canids, except the domestic dog
4. Ursidae (bears)
5. Elephants
6. Pinnipeds (such as seals and walruses)
7. Crocodylians (such as alligators and crocodiles)
8. Marsupials (such as kangaroos and opossums)
9. Snakes and Venomous reptiles, amphibians and Arachnids
10. Ungulates, except domestic goats, sheep, pigs, cattle, horse, mule and donkey
11. Hyaenas
12. Mustelidae (such as skunks, weasels, otters and badgers)
13. Procyonids (such as raccoons and coatis)
14. Edentates (such as anteaters, sloths and armadillos)
15. Viverrids (such as mongooses, civets and genets)
16. Cetaceans (such as whales, porpoises and dolphins)
17. Struthioniformes, Rhsiformes and Casauriformes (Ostriches, Rheas and Cassowaries)
18. Falconiformes (such as hawks, falcons and eagles)
19. Strigiformes (such as owls)
20. Rodentia, except the hamster, guinea pig, domestic rat and mouse
21. Chiroptera (bats)
22. Lagomorphs, except the domestic rabbit