

CITY OF PARKSVILLE

BYLAW NO. 1524

Consolidated for convenience only to include Bylaw No. 1524.1

A BYLAW TO PROVIDE FOR THE CONTROL OF ANIMALS

WHEREAS the Council of the City of Parksville deems it expedient to provide for a bylaw for the provision of services, the regulation, impoundment, display and protection of animals, and the licencing of dogs within the municipal boundaries of the City;

AND WHEREAS paragraph 8 (3)(k) of the *Community Charter* provides general authority to regulate, prohibit and impose requirements by bylaw in relation to animals;

AND WHEREAS Section 47 of the *Community Charter* provides that a bylaw passed under section 8 (3)(k) may establish different classes of animals on the basis of sex, age, size or breed;

AND WHEREAS Section 48 of the *Community Charter* provides authority for the seizure of animals and related powers;

AND WHEREAS Section 49 of the *Community Charter* provides special powers in relation to dangerous dogs;

NOW THEREFORE, the Council of the City of Parksville enacts as follows:

1. In this bylaw unless the context otherwise requires:

"ACCESSORY HOUSEHOLD HEN KEEPING" means a secondary use in accordance with Division 350 of the "City of Parksville Zoning and Development Bylaw, No. 2000, 1994" that permits the keeping of a maximum of four (4) hens for the purpose of egg harvesting for consumption exclusively by residents of the parcel on which the hens are kept.

"AGRICULTURAL LAND RESERVE" means land designated as being within the Reserve pursuant to the *Agricultural Land Commission Act*.

"ANIMAL" means a domestic animal as defined by the *Community Charter*, but does not include livestock or wildlife.

"AT LARGE" when used in reference to a dog, means being elsewhere than on the lands or premises of a person owning or having the care, custody or control of any such dog, and not being on a leash.

"CITY" means the City of Parksville and where applicable, current employees.

"COUNCIL" means the Municipal Council of the City of Parksville.

Bylaw 1524.1 adopted October 16, 2017, repealed the definition of "BEE" in its entirety.

~~"BEE" means any insect of the order *hymenoptera*.~~

"DANGEROUS OR AGGRESSIVE DOG" means

- (a) any dog with a known propensity, tendency or disposition to attack without provocation other domestic animals or humans; or
- (b) any dog which has bitten another domestic animal or human without provocation; or
- (c) a Pit Bull Terrier, American Pit Bull Terrier, Pit Bull, Staffordshire Bull Terrier, American Staffordshire Terrier or any dog of mixed breeding which includes any of the aforementioned breeds.

"DEER" means any member of the family *Cervidae*.

"DOG" means any member of the canine species, male or female, excluding juvenile dogs under 4 months of age.

"DOG LICENCE" means a licence issued by the City and paid for the current licensing year and consists of a tag issued upon payment which includes a unique licence number.

"FEED" means to deliberately lay out or leave food that attracts feral animals or wildlife.

"FOOD" means any substance which could reasonably be expected to attract deer, feral animals or wildlife or does attract deer, feral animals or wildlife including but not limited to vegetable products, pet food, feed, compost, grain or salt.

"IMPOUND" means to seize, capture and detain a dog.

"LEASH" means a line, rope, cord, strap or chain that does not exceed a length of 6 ft. (183 cm) that is of sufficient strength to restrain a dog without breaking and is designed to attach to a collar or harness in such a manner as to place the dog under control of an owner.

"LIVESTOCK" includes, but is not limited to: a horse, mule, ass, swine, emu, ostrich, llama, alpaca, sheep or goat; a domestically reared or kept reindeer, moose, elk or bison; farm bred fur bearing animals; bovine species; avian species including chickens, turkeys, ducks, geese or pheasants; and any animal kept for agricultural purposes or used for commercial profit or gain.

"MUZZLE" means a humane device for covering a dog's mouth designed to prevent the dog from biting or injuring a person or another animal.

"ON LEASH" means a dog is attached by a collar or harness to a leash and is under the control of an owner.

"OFF LEASH AREA" means those areas as designated and assigned by the City as an off leash area where dogs may be at large.

"OWNER" means any person who owns or is in possession of or who has the care, custody or control of any dog, or any person who harbours or allows a dog to remain about his house, land or premises, and "owned" includes possessed or harboured.

"PEACE OFFICER" means a constable or person having the powers of a constable.

"PET" means a domesticated animal which is not used for commercial gain or profit and does not include fish, livestock or wildlife.

"PERFORMANCE" includes circus, carnival, public show, exhibition, and travelling petting zoo, but excludes a Performance which only involves dogs and/or horses, or livestock on a farm, or only involves the display of animals or livestock in agricultural fairs or pet shows.

"POUND" means the pound of the City and any motor vehicle used by the Poundkeeper or any building, enclosure or lands established as a pound pursuant to this bylaw.

"POUNDKEEPER" means the person appointed from time to time by the Council under this bylaw or by resolution made pursuant hereto for the purpose of enforcing and carrying out the provisions of this bylaw and shall include a Bylaw Enforcement Officer and any person acting on behalf of or assisting such Poundkeeper.

"RABBIT" means a mammal which is a member of the Leporidae family and includes European cottontail, pika or hare.

"UNDER CONTROL" means, in respect of any dog in an off leash area, a circumstance where the dog immediately returns when called by the owner of the dog and is not displaying aggressive or vicious behaviour.

"WILDLIFE" means the same as in the *Community Charter*.

PART I – GENERAL PROVISIONS

2. The keeping of pets is permitted but no more than three (3) pets of any one species shall be kept on a parcel, except for the keeping of household hens which shall be subject to the provisions laid out in Division 350 of the "City of Parksville Zoning and Development Bylaw, No. 2000, 1994" or its successor.

3. Where a rabbit is kept as a pet, the owner shall ensure the rabbit is spayed or neutered and contained at all times so as to prevent escape.

Bylaw 1524.1 adopted October 16, 2017, repealed section 4, under Part I in its entirety and renumbered the ensuing sections accordingly.

- ~~4. Except for lands designated within the Provincial Agricultural Land Reserve, the keeping of bees is not permitted within the City of Parksville.~~
4. The owner of an animal shall not allow the animal to damage or destroy any structure, tree, shrub, plant or turf in a park or public space.
5. The owner of an animal shall not permit the animal to chase, harass, molest, attack, injure or kill a person or animal.
6. No person may conduct, operate or carry on a performance in which an animal performs tricks, fights, or otherwise participates for the amusement or entertainment of an audience.
7. A person shall not intentionally feed or leave food out for the purposes of feeding feral animals or wildlife, including but not limited to:
 - a) Deer
 - b) Raccoons
 - c) Squirrels
 - d) Feral Rabbits

PART II - POUND OPERATION

8. Council is hereby empowered to establish, maintain and operate facilities for the impounding of dogs at such place or places and upon such premises, as the Council may, by resolution from time to time determine.
9. Council is hereby empowered to appoint from time to time, by resolution, a Poundkeeper to maintain and operate the pound or pounds established pursuant to this bylaw.
10. Council is hereby empowered to enter into an agreement with such person, firms, societies or corporations as it may see fit for the purpose of maintaining and operating its pound, for regulating the conduct thereof and providing for the collection, distribution and payment of revenue and expenditures derived from the operation of the said pound.
11. Council is hereby empowered to enter into an agreement with such persons, firms, societies or corporations as it may see fit for the purpose of using a pound owned, maintained and operated by such persons, firms, societies or corporations.

12. The Poundkeeper may seize and impound any dog which is found by him to be at large, within the City, and upon such seizure and impoundment the Poundkeeper shall immediately inform the owner of such dog that he has done so.
13. Any dog so impounded shall be kept and retained in the pound for a period of 72 hours and if such dog is not reclaimed by its owner within the said period, the Poundkeeper may, on the expiration of such a period of time, destroy such dog or sell or place such dog for adoption.
14. It shall be the duty of the Poundkeeper to keep a record in which he shall enter with reference to each dog impounded, the date and hour of the impounding, a description of the dog and the manner in which such dog has been disposed of. In addition to the foregoing records the Poundkeeper shall maintain and keep proper records of all monies received by him pursuant to the provisions of this bylaw and such records shall be open for inspection by the City or any other person authorized by him to inspect same.

PART II – LICENCING

15. No person shall keep, harbour or have in his possession any dog over the age of six months unless a valid and subsisting licence has been issued in respect of that dog under this bylaw.
16. Every dog licence expires on December 31st of the calendar year for which the licence is issued.
17. The City, the Poundkeeper and such other persons, corporations or societies as Council may by resolution authorize shall have the duty to receive dog licences and the power to issue dog licences on behalf of the City.
18. There shall be issued with each dog licence a suitable tag which shall be impressed or stamped with a number corresponding to the number of the licence and with figures denoting the calendar year in which the licence is valid.
19. Every owner of a dog licenced under this bylaw shall provide and keep on the dog a suitable device to which shall be secured, at all times, the tag issued in connection with the licencing of such dog.
20. Every licence issued by the City shall be numbered and it shall be the duty of the City to keep a record of the issuance of such licence and the name and address of persons to whom issued.
21. The Poundkeeper may, where he has reason to believe a dog for which the licence for the current year has not been paid, or such dog not bearing the collar and tag as provided in this bylaw, has taken refuge on any premises, request the occupant of such premises to satisfy him that such licence has been paid and to exhibit such tag, or to forthwith deliver to him such dog; or where any dog is found to be on any such premises as aforesaid, any person who fails or refuses to exhibit such licence receipt or tag, or who fails, neglects or refuses to deliver such dog on request, or who resists or interferes with such Poundkeeper in seizing such dog,

shall be deemed to be guilty of an infraction of this bylaw, and shall be subject to the penalties herein provided.

22. No household shall keep or have in their possession more than three dogs over the age of four months.

PART III - CONTROL OF DOGS

23. No person who owns a dog shall permit or cause the dog to howl, cry or bark:
- a) continuously for ten minutes or more without significant periods of rest; or
 - b) sporadically for a cumulative total of 15 or more minutes within 1 hour.
24. No person who is the owner of a dog shall permit, suffer or allow such dog to be at large within the City with the following exceptions:
- a) the owner of the dog has entered into a valid contract with the City for the purpose of controlling wild birds, provided such dog shall at all times be under the supervision and control of their owner; or
 - b) the dog is within a designated off leash area, provided that such dog shall at all times be under the supervision and control of their owner.
25. In addition to the requirement of Section 24, no person who is the owner, possessor or harbourer of a dangerous or aggressive dog shall permit, suffer or allow the dog to be on any streets or in any public place or any other place that is not owned or controlled by that person unless the dog is muzzled to prevent it from biting another animal or human;
- a) Every owner, possessor or harbourer of a dangerous or aggressive dog shall, at all times while the dog is on the premises owned or controlled by such person, keep the dog securely confined either indoors or in an enclosed pen or other structure capable of preventing the entry of young children and adequately constructed to prevent the dog from escaping.
26. An owner whose dog defecates on another person's property or public lands shall forthwith remove the excrement and dispose of it in a sanitary and lawful manner. The provisions of this section do not apply to a blind person accompanied by a guide dog.
27. If any dog is found to be at large in the City the owner of such dog shall be deemed to have suffered, permitted or allowed it to be at large.
28. Every person who is the owner of a female dog in heat shall keep such dog effectively confined within a closed building on private property.

Bylaw 1524.1 adopted October 16, 2017, repealed section 30, under Part III in its entirety and replaced it with the following, renumbered to section 29.

- ~~30. It shall be unlawful to own any diseased or vicious dog unless such dog is kept sufficiently confined or secured so as to prevent it from endangering the safety of any person, dog or animal. The Provincial Judge before whom any person shall be convicted of an offence under this section may, in addition to any fine or costs imposed, order that such vicious or diseased dog be killed and further that the cost of disposing of such dog be paid by the person so convicted.~~
29. It shall be unlawful to own any diseased, dangerous or aggressive dog unless such dog is kept sufficiently confined or secured so as to prevent it from endangering the safety of any person, dog or animal. The Provincial Judge before whom any person shall be convicted of an offence under this section may, in addition to any fine or costs imposed, order that such diseased, dangerous or aggressive dog be humanely euthanized and further that the cost of disposing of such dog be paid by the person so convicted.
30. It shall be lawful for the Poundkeeper or any Peace Officer to destroy any diseased dog found to be at large.

Bylaw 1524.1 adopted October 16, 2017, replaced the term "vicious dog" with "dangerous or aggressive dog".

31. The Poundkeeper may seize and impound any dangerous or aggressive dog found to be at large or unlawfully on a street in the City.
32. It shall be the duty of the Poundkeeper to receive any dog delivered to him by a Peace Officer which has been seized or impounded pursuant to the provisions of this or any other relevant bylaw of the City and he shall retain such dog and deal with it in the same manner as other dogs received and retained by him pursuant to this bylaw.
33. Any person attempting to take or rescue or who takes or rescues any dog which is in the lawful custody of the Poundkeeper as herein provided for or who resists, obstructs or interferes with the Poundkeeper in the performance or course of his duties shall be deemed to be guilty of an infraction of this bylaw and shall be liable to the penalties provided for herein.

Bylaw 1524.1 adopted October 16, 2017, added the following section at the end of Part III and renumbered the ensuing sections accordingly.

34. "No person shall obstruct or interfere with any employee of the City in the performance of his duty."

PART IV - PENALTIES

35. Every person who violates any of the provisions of this bylaw shall, upon summary conviction thereof, be liable to a penalty as provided under the *Offence Act*.

PART V - REPEAL

36. "City of Parksville Dog Licence and Pound Bylaw, 1997, No. 1284"
"City of Parksville Animal Regulation Bylaw, 1990, No. 1009"
"Deer Feeding Prohibition Bylaw, 2012, No. 1476"
"City of Parksville Animal Performance Bylaw, 1992, No. 1114"
and all amendments thereto are hereby repealed.

PART VI - CITATION

37. This bylaw may be cited for all purposes as "City of Parksville Animal Control Bylaw, 2016, No. 1524".

READ A FIRST TIME this 4th day of April, 2016

READ A SECOND TIME this 4th day of April, 2016

READ A THIRD TIME this 4th day of April, 2016

RECONSIDERED AND ADOPTED this 18th day of April, 2016

Original signed by Marc Lefebvre

Mayor

Original signed by Keeva Kehler

Corporate Officer

Consolidated under the provisions of the *Community Charter* to include Bylaws 1524.1.
Printed under the authority of the Deputy Corporate Officer of the City of Parksville this
27th day of October, 2017.

Original signed by Amanda Weeks

Deputy Corporate Officer