



# CORPORATION OF THE DISTRICT OF TOFINO

## Animal Control Bylaw No. 866, 2000

### **Consolidated for Convenience Only**

This is a consolidated version of the parent bylaw that incorporates changes made pursuant to the following amendment bylaws:

<b>Amendment Bylaw</b>	<b>Effective Date</b>
Bylaw No. 1108, 2010	February 9, 2010

This consolidation is for convenience and reference purposes only. Persons making use of this consolidated version of Bylaw No. 866 are advised that it is not a legal document. For the purposes of interpreting and applying the law, the original Bylaw No. 866 and all amending bylaws must be consulted.

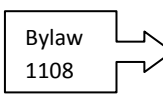
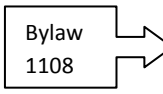
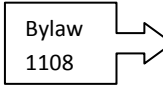
Bylaw numbers appearing in the margin of this consolidated version refer to the applicable amendment bylaw.

# District of Tofino

## ANIMAL CONTROL AND LICENSING REGULATION BYLAW

### BYLAW NO. 866, 2001

#### TABLE OF CONTENTS

<b>Section</b>	<b>Description</b>	<b>Page Number</b>
1.	Title	2
2.	Definitions	2 - 4
3.	Animal Shelter	4
4.	Animal Control Officer	4
5.	Authority	4
6.	Animals Permitted	4
7.	Licences	4 - 6
8.	Control of Animals	6
 9.	Noise or Disturbance Complaints	6
10.	Vicious or Diseased Animals	7
11.	Bitch in Heat/Unweaned Animals	7
12.	Kennels	7 - 8
 13.	Penalties	8
14.	Impoundment	8
15.	Records	9
 16.	Offences	9
17.	Severance	9
18.	Bylaws Repealed	9
Schedule "A"	Schedule of License and Permit Fees	10
Schedule "B"	Schedule of Impound Fees	11
Schedule "C"	Schedule of Spaying or Neutering	12
Schedule "D"	Schedule of Warning Notice	13

# DISTRICT OF TOFINO

## BYLAW NO. 866, 2001

### ANIMAL CONTROL AND LICENSING REGULATION BYLAW

A Bylaw to Regulate Animal Control and Licensing for the Protection To and From Domestic Animals within the District of Tofino.

**WHEREAS** the Council of the District of Tofino is empowered and authorized pursuant to the Local Government Act to regulate the control and licensing of domestic animals; and

**WHEREAS** the Council deems it desirable and expedient to provide for such legislation and its enforcement.

**NOW THEREFORE** the Council of the District of Tofino in open meeting assembled, **Hereby Enacts As Follows:**

#### 1. Title

This bylaw may be known and cited for all purposes as the “District of Tofino Animal Control and Licensing Regulation Bylaw No. 866, 2001”.

#### 2. Definitions

In this bylaw:

“**Animal**” includes cats, dogs, horses, mules, donkeys, swine, sheep, goats, turkeys, geese, ducks or other poultry, pigeons, as well as any cattle or fur-bearing animal or other animal by whatever technical or familiar name known.

“**Animal Control Officer**” means a person appointed to such position by the District Council to administer the provisions of this Bylaw or a Peace Officer.

“**Animal Shelter**” means the place or places as designated by Council to provide for the care, control and destruction of animals.

“**Cattle**” includes bulls, cows, oxen, heifers and calves.

“**Council**” means the Council of the District of Tofino.

“**Companion Animal**” includes domestic animals that are not currently listed in BC Reg 545/82, Livestock Protection Regulation (e.g. dogs and cats).

“**Dangerous Dog**” includes a dog that has, or is likely to kill or seriously injure a person. A dog is also dangerous if it has killed or seriously injured a domestic/companion animal in a public place or while on private property other than the dog owner's property.

“**District**” means the District of Tofino.

“**Dog**” means an animal of the canine species apparently or actually over the age of four (4) months.

“**Dog Kennel**” means a building, structure, compound, group of pens or cages, or property in which three or more dogs are or are intended to be trained, cared for, boarded or kept for any purpose whatsoever, including breeding. Dog Kennels shall be classified as follows:

- a) **Commercial Dog Kennel** means a Dog Kennel in which no more than five dogs are trained, cared for, boarded, groomed or kept for other owners.

b) **Hobby Dog Kennel** means a Dog Kennel in which the owner keeps and/or owns between two and five dogs for the purpose of breeding, show or other hobby purposes.

**“Domestic Animal”** means an animal, tame or kept, or that has been or is being sufficiently tamed or kept, to serve some purpose for the use of people; and that is listed by the Livestock Protection Act to be a domestic animal.

**“Guard Dog”** means a dog kept for the purpose of discouraging trespassers upon the owner's or harbourer's property.

**“Harbourer”** means a person who has in his care or control, or has been entrusted with the care and control of an animal.

**“Highway”** includes all the meanings of that word as specified in the Motor Vehicle Act, and any street, lane, right-of-way designed or intended for or used by the general public for the passage of vehicles, and every private place or passageway to which the public, for the purpose of parking or servicing vehicles, has access or is invited.

**“In Heat”** means the condition of a female dog in its ovulatory period.

**“License”** means a license for a dog or kennel issued by the District of Tofino.

**“Livestock Animals (Large)”** means dairy and beef cattle, bulls, goats, pigs, sheep, donkeys, mules and horses.

**“Livestock Animals (Small)”** means domestic fowls, pigeons, chickens, roosters, rabbits, ducks, geese, honey bees, and other game birds.

**“Medical Health Officer”** means the Medical Health Officer for the West Coast of Vancouver Island.

**“Noisy Dog”** means a dog that disturbs the quiet enjoyment of persons occupying neighboring property by barking loudly and/or repeatedly.

**“Open Air Run”** means an area used for exercising or airing dogs or cats.

**“Owner”** means any person who owns or has in his custody or under his control, or harbors any animal within the municipality, and/or any person in whose name a license is issued pursuant to this Bylaw, or who has made application for a license for a dog.

**“Person”** means a person, family, household, corporation, firm, partnership or society.

**“Police Dog”** means a dog used by police in the performance of their duties.

**“Residential Area”** means those areas within the District zoned as residential.

**“Running at Large”** means any animal not:

- a) on the property of its Owner or other person who has the care and control of the animal; or
- b) attached directly to a person who is competent and of sufficient strength to ensure that the animal cannot break free from the leash, or other device used to restrain and/or guide the animal; or
- c) securely confined within an enclosure; or
- d) securely fastened so that it is unable to roam beyond the confines of the owner's or harbourer's property.

**“Seeing Eye Dog”** means a dog trained and used for the purpose of guiding sight impaired individuals.

**“Unlicensed Dog”** means any dog for which the license fee for the current year has not been paid to the District, or which does not have attached to its collar or harness, not being worn, a current metal tag issued pursuant to this Bylaw.

**“Under Control”** means in direct and continuous charge of a competent person who is directly exercising control over it by ensuring that the dog(s) is/are leashed or harnessed at all times.

**“Vicious 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 a human without provocation.

**“Whelping Area”** means an area where a cat or dog gives birth to its young.

### **3. Animal Shelter**

The District shall provide such building, yards, corrals and enclosures or motor vehicles as may be deemed necessary for the care, keeping and transportation of animals.

### **4. Animal Control Officer**

- a) The Council shall appoint from time to time an Animal Control Officer to enforce the regulations of this Bylaw and to administer the Animal Shelter. The Animal Control Officer may designate someone to act on his behalf as required.
- b) For the purpose of this Bylaw the designated Animal Control Officer means any of the following:

Clerk/Administrator of the District of Tofino

Bylaw Enforcement Officer of the District of Tofino

Superintendent of Public Works of the District of Tofino

Foreman of Public Works of the District of Tofino

RCMP Officers or RCMP Auxiliary Officers

Peace Officers

Or their duly appointed designates

### **5. Authority**

- a) An Animal Control Officer is authorized and empowered to inspect, compel and require that all the regulations and provisions prescribed in this bylaw be carried out.
- b) No person shall unreasonably obstruct or prevent an Animal Control Officer from carrying out his duties as prescribed in this bylaw.

### **6. Animals Permitted**

- a) No animals other than domesticated dogs and cats or other small-domesticated animals may be housed within their owner's or harbourer's dwelling unit.
- b) All other animals will be permitted in accordance with the District of Tofino Zoning bylaw.

## 7. Licenses

- a) **Valid License** – No person shall own, possess or harbour any dog over the age of four (4) months within the boundaries of the District unless a valid and subsisting dog license and dog tag has been issued for such dog.
- b) **Spayed or Neutered Dog** – Prior to issuance of a license for a spayed female dog or a neutered male dog, the Animal Control Officer shall require the owner to furnish proof that the dog has been spayed or neutered. Proof that a dog has been spayed or neutered shall be by a certificate from a registered Veterinarian Surgeon or if unable to produce a certificate complete of Schedule “C” attached to and forming part of this bylaw.
- c) **Age of Licensee** – No license shall be issued under this bylaw in respect of any animal, to any person under the age of nineteen (19) years, unless and until such person provides the Animal Control Officer with written consent of his parent or guardian; and any parent or guardian providing written consent under this section, shall be for the purposes of this bylaw deemed to be the owner of the animal in respect of whom the License was issued.
- c) **Period of License** – All Dog Licenses shall be for the period from January 1<sup>st</sup> to December 31<sup>st</sup> of the year issued, or the remaining portion thereof as specified in Schedule “A” attached to and forming part of this bylaw.
- d) **Dog License Displayed** – Every person who is issued a Dog License under this bylaw shall receive a numbered Dog Tag which shall be fastened to a collar or harness which is to be worn by the dog for which the Dog License was issued, except where a registered Veterinary Surgeon certifies that a dog cannot, due to sickness, injury or disease, comfortably wear a collar or harness.
- e) **Dog License and Tag Specific** – Every dog license and dog tag issued under this bylaw shall be for the specific animal for which the dog license and tag was issued and no person shall place, affix or use a dog tag issued in respect of that animal on or for a different dog.
- f) **Replacement Dog Tags** – A replacement dog tag may be issued, upon providing reasonable proof that the original dog tag has been lost, and upon payment of the fee shown on Schedule “A”, attached hereto and forming part of this bylaw.
- g) **Cancellation/Transference of Dog License** – Where the owner or harbourer of the licensed dog sells or otherwise ceases to own the dog, the dog license shall become cancelled, and the owner shall notify the District within seven (7) days of the dog's disposition. If the owner acquires another dog, then the license may be transferred to the second dog for the remainder of the license period, by; applying for a replacement dog license and dog tag; upon surrender of the original dog tag issued to the previous dog; and payment of the transfer fee indicated on Schedule “A” attached to and forming part of this bylaw.
- h) **Form of License** - all Dog Licenses shall include: civic address of the owner's residence; civic address of the usual location where the dog is kept if different from the owner's residence; a contact telephone number; and a description of the dog, including name, breed, coloring and whether or not spayed or neutered
- i) **Fee** – The fees as set forth in Schedule “A” attached to and forming part of this bylaw are hereby imposed for the issuance of a dog or kennel license and dog tag and shall be payable at the District Administration Office.
- j) **Exemptions** – No license fee shall be payable for a dog which is trained for and used in assisting:
  - (i) law enforcement agencies in the carrying out of their duties; or
  - (ii) persons suffering from a disability which necessitates such assistance.

Dogs, which are exempt from license fees under this section, shall nevertheless be registered and shall wear a collar or harness with a metal license tag attached thereto pursuant to this bylaw.

## 8. Control of Animals

- a) All Dogs entering and within the Corporation of the District of Tofino shall be under the control of the owner or harbourer and be leashed, tethered or contained within a vehicle.
- b) The owner of every animal, at all times when such animal is off the premises of the owner, immediately remove or cause to be removed any feces deposited by such animal in a public or private area and dispose of the feces in a sanitary manner.
- c) Large livestock are not allowed in or on any portion of the following areas:
  - (i) Parks and school yards, and
  - (ii) Sidewalks, multi-use paths or any pathway intended for pedestrian use only.
- d) Every person riding or leading any large livestock animal on a highway shall yield the right-of-way to pedestrians.
- e) No person shall ride or lead a large livestock animal on any highway between one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise,
- f) No person shall ride or lead a large livestock animal on the traveled portion of a highway or in the downtown area, at any time except while in a parade.

## 9. Noise or Disturbance Complaints

- a) No person keeping, possessing or harbouring any animal shall allow or permit such animal to make noise or sounds which disturb or tend to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighborhood or of persons in the vicinity.
- b) A complaint concerning an animal alleging a disturbance contrary to Section 9 a) of this bylaw shall be made in writing to the District Office attention: Animal Control Officer.
- c) Upon receipt of a complaint in writing that an animal has caused a disturbance and the owner of the animal can be ascertained, the Animal Control Officer or Authorized Representative of the District shall notify the owner of the animal, in person, of the complaint. If the owner of the animal cannot be ascertained, the Animal Control Officer or Authorized Representative shall impound the animal as set forth in Section 14 of this bylaw.
- d) Upon receipt of a complaint in writing of a second offence by the same animal the Animal Control Officer or Authorized Representative shall notify the owner of the animal with a written warning using Schedule "D" attached to and forming part of this bylaw. A repeat offence following the warning will be considered a violation of this bylaw.
- e) Every person keeping an animal shall keep such animal in a clean and sanitary environment and shall not allow or cause any foul odors to create a nuisance or disturb the enjoyment of the neighbourhood or of property in the vicinity.
- f) No owner or harbourer of an animal shall allow it to disturb, molest, frighten, injure or catch any bird or wild animal within the District.

Bylaw  
1108



## 10. Vicious or Diseased Animals

- a) The owner of a vicious dog shall ensure that such dog is not on a highway or any public place unless effectively muzzled so as to prevent it from endangering the safety of any person or other animal, including a person lawfully entering upon premises where the animal is located. When such dog is not effectively muzzled, on a leash and under the control of a person who is competent to control the dog, such dog shall be kept indoors or within a securely closed and locked enclosure.
- b) An Animal Control Officer or Authorized Representative can, if he/she believes it necessary, apply for a provincial court order, under the Local Government Act or under s. 8 of the Livestock Protection Act, for the destruction of a dangerous dog

before or after the dog is seized, impounded and detained. Once a dangerous dog is seized and impounded, an application for a provincial order for destruction must be commenced within 21 days in order for the impoundment of the dog to continue; otherwise the dog is returned to the owner.

- c) If a dog bites a person, or companion animal, and the dog has not been immunized against rabies, the dog shall be impounded under quarantine for ten (10) days for observation by the Animal Control Officer.
- d) No person shall keep, harbour or have in his possession any animal suffering from any infectious or communicable disease, unless such animal is in isolation and is undergoing treatment for the cure of such disease.

#### **11. Bitch in Heat/Unweaned Animals**

- a) No owner or harbourer shall allow a female dog, not spayed, to leave their premises, during its ovulatory period EXCEPT to convey it directly to a veterinarian or boarding kennel.
- b) No owner or harbourer shall allow a female dog, that has not been spayed, to be unattended in a yard that is not fenced to keep out other dogs, during its ovulatory period.
- c) All unweaned offspring of an animal together with the female parent shall be deemed to constitute a single animal for the purpose of this bylaw.

#### **12. Kennels**

- a) Every owner of more than two dogs shall possess a valid and subsisting kennel license.
- b) Every owner of more than five (5) dogs shall possess an additional valid and subsisting kennel license for each dog over and above the first five (5) dogs.
- c) A kennel license shall be obtained by applying to the District and paying the prescribed kennel license fee set out in Schedule "A" attached hereto.
- d) No kennel shall be permitted unless:
  - (i) 24 square feet of floor space is provided for each dog; and
  - (ii) The kennel complies with all laws and regulations in force in the Province of British Columbia and all bylaws.
- e) A kennel license issued may be suspended or revoked at any time by the Animal Control Officer or the Authorized Representative of the District if the licensee does not observe the provisions of the bylaw.
- f) Every licensee shall, at all reasonable times, permit the Animal Control Officer or the Authorized Representative of the District to enter and inspect any kennel for the purposes of ascertaining whether the provisions of this bylaw are being observed.
- g) The operator of a commercial or hobby kennel shall take effective precautions to ensure that animals under their care are properly controlled and restrained from barking, yelping or howling continuously.

#### **13. Penalties**

- a) Any person who violates any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw or neglects to do, or refrains from doing anything required to be done by any of the provisions of this bylaw, shall be deemed to be guilty of an infraction thereof, and liable to the penalty hereinafter provided.
- b) In addition to any other fines or penalties imposed under the provisions of this bylaw, any person violating any provision of this bylaw shall be deemed to have committed



an offence; violations are punishable in accordance with the Offence Act and each violation shall be considered a separate offence.

#### 14. Impoundment

- a) **Running at Large** – No owner or harbourer of a dog or animal shall allow the dog or animal to run at large.
- b) **Impounding** – Any animal violating any portion of this bylaw may be impounded when in the opinion of the Animal Control Officer, as defined by Section 4 of this bylaw, such action is warranted.
- c) **Release** – No animal shall be released from impoundment until all provisions of this Bylaw are met and all fines, fees and penalties are paid.
- d) **Time** – All impounded animals shall be retained for a period of seventy-two (72) hours, excluding Sundays and Statutory Holidays, from time of impoundment or until released to the owner, whichever is the shorter time.
- e) **Maximum Time in Shelter** – No animal shall remain in the animal shelter longer than five hundred four (504) hours from the time of impoundment.
- f) **Notice of Impoundment** – The Animal Control Officer shall attempt to notify the owner of the impoundment by telephone or mail, whichever is most practical.
- g) **Unclaimed Animal** – After expiry of seventy-two (72) hours, the Animal Control Officer is empowered to transfer the animal to the nearest S.P.C.A. facility capable of receiving the animal.
- h) **Diseased, Suffering or Vicious Animal** – Notwithstanding Section 10 of this bylaw, an animal may be destroyed immediately upon receipt if it is verified by a licensed veterinarian to be diseased, suffering or vicious, or the destruction is requested by the owner upon signing a waiver.
- i) **Sale of Impounded Animals** – All impounded animals are eligible for sale after seventy-two (72) hours of impoundment. The sale price realized will be put towards any outstanding fees, fines and penalties.
- j) **Responsibility for Uncollected Fees or Costs** – The owner shall be responsible for all uncollected fees, fines or penalties in respect of an impounded animal, whether or not he or she effects the release of the animal.

**Fees and Penalties** – All fees and penalties as set forth in Schedule “B”, attached to and forming part of this bylaw are hereby imposed and shall be payable at the District Administration Office.

#### 15. Records

The Animal Control Officer shall keep detailed records of warning notices delivered; complaints received; a description of the animal; any dog tag number if found on the dog; the owner's name and address; the date and hour of impounding; the reasons for issuing any notice or for impounding the animal; all monies invoiced and or received; and any further actions taken. Such records shall be kept open for inspection.

#### 16. Offenses

Every person who contravenes any provision of this bylaw, or who suffers or permits any act or thing to be done in contravention of this bylaw, or who refuses, omits, or neglects to fulfil, observe, carry out, or perform a duty or obligation imposed by this bylaw, shall be deemed to have committed an offence against this bylaw and:

- a) shall be liable to a fine set out in the District of Tofino Municipal Ticket Information System Bylaw No. 1088, 2009 as amended from time to time; or

- b) shall be liable to a penalty set out in the District of Tofino Bylaw Notice Enforcement and Dispute Adjudication System Bylaw No. 1107, 2009 as amended from time to time; or
- c) shall be liable, upon summary conviction, to the penalties provided under the Offence Act and amendments thereto; or
- d) any combination of 16 a), b), and c).

## 17. Severance

If any portion of this bylaw is declared ultra vires by any Court of Competent Jurisdiction, that portion shall be deemed to be severed from the bylaw to the intent that the remainder of the bylaw shall continue in full force and effect.

## 18. Bylaws Repealed

- a) This bylaw hereby repeals the Corporation of the Village of Tofino “Animal Control and Licensing Bylaw No. 595, 1992” and amendments thereto in their entirety.
- b) This bylaw may be cited for all purposes as the “District of Tofino Animal Control and Licensing Bylaw No. 866, 2001”.

**READ A FIRST TIME** this 15<sup>th</sup> day of January, 2001.

**READ A SECOND TIME** this 29<sup>th</sup> day of January, 2001.

**READ A THIRD TIME** this 29<sup>th</sup> day of January, 2001.

**RECONSIDERED** and **FINALLY ADOPTED** this 12<sup>th</sup> day of February, 2001.

---

Barbara Bryant, Mayor

---

Ian Howat, Clerk/Administrator

**I Hereby Certify** the foregoing to be a true and correct copy of Bylaw No. 866, 2001, cited as the “District of Tofino Animal Control and Licensing Bylaw No. 866, 2001”, as adopted by Council this 12<sup>th</sup> day of February, 2001.

---

Ian Howat, Clerk/Administrator

## Schedule "A"

### License and Permit Fees

<b>License Fees</b>	
Spayed female or Neutered male dogs	\$15.00
Non-Spayed or Non-Neutered	\$40.00
Dogs belonging to Seniors	\$5.00
Replacement Tags	\$5.00
Transfer of License	\$5.00
Kennel License	\$100.00
<b>Licenses Purchased after August 31st</b>	
Spayed female or Neutered male dogs	\$7.50
Non-Spayed or Non-Neutered	\$20.00
Dogs belonging to Seniors	\$2.50
Kennel License	\$50.00
Replacement Tags	\$2.50
Transfer of License	\$2.50

**Schedule "B"**

**Schedule of Pound Fees**

First Impounding	\$50.00 ( <i>plus \$15.00 per day</i> )
Second Impounding	\$100.00 ( <i>plus \$15.00 per day</i> )
Third Impounding	\$200.00 ( <i>plus \$15.00 per day</i> )
Subsequent Impounding	\$300.00
Daily Maintenance Fee	\$15.00
Euthenized Animals	Established by S.P.C.A.

**Schedule "C"**

**I Hereby Certify That:**

1. I, \_\_\_\_\_, am the owner of a \_\_\_\_\_ dog.

( Description )

2. That the dog is a  Neutered Male

Spayed Female

3. That the dog was spayed or neutered by \_\_\_\_\_

( Name )

at \_\_\_\_\_, on or about \_\_\_\_\_

( Place )

( Date )

4. That I am unable to enclose a Veterinarian's certificate because:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature

\_\_\_\_\_

\_\_\_\_\_

( Date )

( Address )

**Received at Tofino, B.C. on \_\_\_\_\_**

**Date**

\_\_\_\_\_

**Collector**

**Note: Any person giving inaccurate information or statement may be liable to a fine not exceeding \$100.00**

**Schedule "D"**

**Warning Notice**

DATE \_\_\_\_\_ TIME \_\_\_\_\_

TO \_\_\_\_\_

Name of Owner or Harbournr of Dog

\_\_\_\_\_

Address

RE: Dog Tag No. \_\_\_\_\_ Dog Name \_\_\_\_\_

Breed of Dog \_\_\_\_\_ Sex \_\_\_\_\_

Colouring of Dog \_\_\_\_\_ Age \_\_\_\_\_

Spayed or Neutered \_\_\_\_\_(Y/N)

**TAKE NOTICE THAT** you are not conforming with the provisions of the "District of Tofino Animal Control and Licensing Regulation Bylaw No. 866, 2001" as indicated below:

- \_\_\_\_\_ 1. Owing, possessing or harbouring an unlicensed dog.
- \_\_\_\_\_ 2. Allowing an animal to run at large.
- \_\_\_\_\_ 3 Failure to confine a female dog (bitch) in heat.
- \_\_\_\_\_ 4 Allowing a dog on School Property when Prohibited.
- \_\_\_\_\_ 5. Allowing a dog to Disturb Wildlife.
- \_\_\_\_\_ 6. Other \_\_\_\_\_
- \_\_\_\_\_ 7. Other \_\_\_\_\_

**YOU ARE REQUESTED TO REMEDY THE ABOVE SITUATION IMMEDIATELY.**

CONTINUATION OF THIS OFFENCE WILL RESULT IN TICKETING, FINES OR IMPOUNDMENT OF THE ANIMAL.

SHOULD YOU WISH TO DISPUTE THIS WARNING, OR HAVE ANY QUESTIONS PLEASE CONTACT THE ANIMAL CONTROL OFFICER AT 725-3229

\_\_\_\_\_

Animal Control Officer, District of Tofino