

THE CORPORATION OF THE DISTRICT OF SAANICH

BYLAW NO. 8556

TO PROVIDE FOR THE REGULATION OF ANIMALS
WITHIN THE MUNICIPALITY

The Municipal Council of The Corporation of the District of Saanich in open meeting assembled enacts as follows:

DEFINITIONS

1. In this bylaw:

AGGRESSIVE BEHAVIOUR includes hostile barking, lunging, snapping, aggressively chasing and pursuing;

AGGRESSIVE DOG means a dog which meets one or more of the following conditions:

- (a) a Pound Inspector has reasonable grounds to believe is likely to cause injury to a person or domestic animal based on repeated aggressive behaviour;
- (b) has, without provocation, caused a non-serious injury to a person or another domestic animal while on public property or while on private property other than property owned or occupied by the person responsible for the dog;

ANIMAL means any farm animal, dog, cat, rodent, fur-bearing animal or wild animal;

ARTERIAL HIGHWAY means any highway classified as an arterial highway under the *Highway Act*, R.S.B.C. 1996, c. 188;

BANTAM means any domestic fowl which is a miniature of a standard breed and which is raised primarily as a pet and not for food or egg production;

BEE means any insect of the species *Apis mellifera*;

BIRD means any bantam, ornamental bird, pigeon, show bird or poultry;

BUILDING means any structure used or intended for supporting or sheltering any use of occupancy;

CHICKEN means a domesticated fowl that is kept for egg or meat production or as a pet, but does not include a turkey, goose, duck, artificially reared grouse, partridge, quail, pheasant or ptarmigan;

COUNCIL means the Municipal Council of The Corporation of the District of Saanich;

COLLEGE GROUNDS means the lands held by a college as defined in the *College and Institute Act*, R.S.B.C. 1996, c. 52 but does not include areas within buildings;

COLLECTOR means the Manager of Collections of The Corporation of the District of Saanich or anyone designated to act on his/her behalf;

DANGEROUS DOG means a dog that:

- (a) has killed or caused a serious injury to a person;
- (b) an Animal Control Officer has reasonable grounds to believe is likely to kill or cause a serious injury to a person, or;
- (c) while in a public place or while on private property, other than property owned or occupied by the person responsible for the dog, has killed or caused a serious injury to a domestic animal;

DEER means a mammal of any species of the family Cervidae;

DIRECTOR OF FINANCE means the Director of Finance of The Corporation of the District of Saanich or anyone designated to act on his/her behalf;

DOMESTIC ANIMAL means an animal that is tame or kept, or that has been or is being sufficiently tamed or kept, to serve some purpose for the use of people;

FARM ANIMAL means any domesticated animal normally raised for food, milk or as a beast of burden and without limiting the generality of the foregoing includes: cattle, horses, swine, sheep, goats, mules, donkeys, asses and oxen; but does not include poultry;

FEED includes, without limiting the generality, leaving food in a location that a persons knows or ought to know will attract animals the feeding of which is prohibited under this bylaw;

FENCED BASEBALL FIELD means a field designed and developed for playing baseball or softball which is completely enclosed by a fence;

FERAL RABBIT means a rabbit that is not confined to a parcel of property;

FUR BEARING ANIMAL means any animal kept or raised for the purpose of commercial fur production and without limiting the generality of the foregoing includes: fox, mink, marten, nutria, skunk, chinchilla and fisher;

GRADE means the plane of elevation calculated in accordance with the provisions of Section 5.18 of Saanich Zoning Bylaw 8200;

HEIGHT means the vertical distance of a building measured from grade to the highest point of a building or structure having a flat roof or a roof with a pitch less than 3:12, including a mansard roof, and to the highest midpoint between the eaves and ridge of any gable, hip, gambrel or other sloping roof on the building. In the case of a structure without a roof, height will be measured from grade to the highest point of the structure.

Where a building or structure incorporates a roof exceeding a pitch of 12:12, height shall be measured to the highest point of the structure. Where buildings incorporate barrel vaulted roof structures, height shall also be measured to the highest point of the structure. The measurement of height shall exclude the projection of chimneys, vents, stacks, heating, ventilation, air conditioning equipment, stairwells, and elevator lifting devices which protrude above the surrounding roof line;

HEN means a domesticated female chicken;

HIGHWAY includes any street, road, lane, bridge, viaduct, and any other way open to the use of the public, but does not include a private right-of-way on private property;

MUNICIPAL POUND means the place designated as the Municipal Pound pursuant to Section 55 of this Bylaw;

MUNICIPALITY means The Corporation of the District of Saanich and the area within its corporate boundaries;

NON-EXTENDABLE LEASH means a fixed, non-extendable leash not more than 1.82m (6 feet) in length;

NON-SERIOUS INJURY means a cut, bruise or abrasion but does not include a serious injury;

ORNAMENTAL BIRD means any bird which is normally kept in a cage or aviary primarily as show or decorative bird and not for food or egg production and without limiting the generality of the foregoing includes: canaries, budgies, mina birds, parrots, cockatoos and ornamental pheasants;

PERSON includes any firm or corporation;

PIGEON means any bird of the family Columbidae;

PLAYGROUND EQUIPMENT means swings, slides, rides, climbing apparatus, water park equipment and any other equipment installed in a Municipal or Regional Park and designed to be played with or played on by children;

POULTRY means any bird normally raised for food or egg production, but does not include bantams and without limiting the generality of the foregoing includes: chickens, turkeys, geese, ducks, artificially reared grouse, partridge, quail, pheasant or ptarmigan;

POLICE CANINE DOG means a dog that is being used to assist one or more law enforcement officers in the performance of their official duties;

POUND INSPECTOR means any person appointed by the Council to carry out the duties assigned in this bylaw and any member of the Police Force of The Corporation of the District of Saanich;

POUND KEEPER means any person who has charge of a Municipal Pound;

PUBLIC BEACH means any beach adjacent to the ocean or a lake held by the Municipality, the Crown, the Capital Regional District or any other public body;

RABBIT means any of various long eared, short tailed, burrowing mammals of the family Leporidae;

REAR YARD means the area of a lot between the principal building and the rear lot line extending across the full width of the lot;

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: white mice, guinea pigs and hamsters;

ROYAL OAK BURIAL PARK means the lands described as:

P.I.D. 000-576-085	Lot A, Sections 48 and 110, Lake District, Plan 37912
P.I.D. 005-286-841	Lot 2, Section 108, Lake District, Plan 9374 Except Parts in Plans 2395RW and VIP67469
P.I.D. 000-988-316	Lot 3, Sections 26, 27, 48, 108 and 109, Lake District, Plan 38870;

RURAL ZONE means the A-1, A-1DF, A-1P, A-1RV, A-2, A-2C, A-3, A-4, A-5, A-6 and A-7 zones established in the Zoning Bylaw 2003 or any successor bylaw;

SCHOOL GROUNDS means lands held by a school district as defined in the *School Act*, R.S.B.C. 1996, c. 412 or by the municipality in trust for school purposes but does not include any areas within buildings;

SERVICE DOG means a dog that is trained to do work or perform tasks for the benefit of a person with a mental or physical disability which substantially limits a major life activity and includes a puppy being trained to become a service dog;

SERIOUS INJURY means any physical injury that results in puncture wounds, muscle tears, requires multiple sutures or corrective or cosmetic surgery;

SINGLE FAMILY RESIDENTIAL ZONE means the RS-1, RS-1GH, RS-2, RS-2CR, RS-4, RS-6, RS-6A, RS-8, RS-8A, RS-10, RS-10A, RS-10B, RS-10VC, RS-11, RS-12, RS-12A, RS-12B, RS12-SR, RS-13, RS-13B, RS-14, RS14A, RS-15, RS-16, RS-18, RS-CH1, RS-CH2, RS-CR, RS-EL, RS-MF, and RS-F zones established by the Zoning Bylaw 2003 or any successor bylaw;

WILD ANIMALS means any animal which is wild by nature and has the instinctive propensity to bite or attack human beings but does not include any rodent, bird or insect;

ZONE means a zone as contained in the "Zoning Bylaw, 2003, No. 8200" and amendments thereto, or in case it is repealed, its successor bylaw.

RUNNING AT LARGE

- 2.1 For the purpose of this bylaw a dog is deemed to be "running at large" if it is roaming on land which is not owned by the owner of the dog.
- 2.2 For the purposes of this bylaw a dog shall not be considered to be "running at large" if it is:
 - a) on the property of its owner or of another person who has the care and control of the dog, or
 - b) in direct and continuous charge of a person who is competent to control it, or
 - c) securely confined within an enclosure; or
 - d) securely fastened so that it is unable to roam.
3. No person shall keep or harbour any animals, birds or bees except in accordance with this bylaw.

PROHIBITION OF CRUELTY TO DOGS, CATS AND RODENTS

- 3.1 It shall be an offence for any person to keep a dog, cat or rodent which is not provided with:
- a) 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;
 - b) food and water receptacles kept clean and disinfected and located so as to avoid contamination by excreta;
 - c) the opportunity for periodic exercise sufficient to maintain good health;
 - d) necessary veterinary medical care when the animal exhibits signs of pain or suffering.
- 3.2 It shall be an offence for any person to keep a dog, cat or rodent which normally resides outside, or which is kept outside for short to extended periods of time, unless the animal is provided with outside shelter:
- a) to ensure protection from heat, cold and wet that is appropriate to the animal's weight and type of coat. Such shelters must provide sufficient space to allow any animal the ability to turn about freely and to easily stand, sit and lie in a normal position;
 - b) at least 12 times the length of the animal and at least the animal's length in width, and at least as high as the animal's height measured from the floor to the highest point of the animal when standing in a normal position plus 10 percent;
 - c) in an area providing sufficient shade to protect the animal from the direct rays of the sun at all times;
 - d) any pen and run area must be regularly cleaned and sanitized and all excreta removed at least once a day.
- 3.3 No person may cause a dog, cat or rodent to be hitched, tied or fastened by any rope, chain or cord that is directly tied around the animal's neck or to a choke collar.
- 3.4 No person may cause a dog, cat or rodent to be confined in an enclosed space, including a car, without adequate ventilation.

FARM ANIMALS

4. No person shall keep, harbour or slaughter any farm animal on any parcel of land:
- a) within any A Zone, unless the parcel has an area greater than .2 hectares (1/2 acre);
 - b) within any RS Zone unless the parcel has an area greater than .65 hectares (1.6 acres); and in any event shall not keep or harbour more than two farm animals on any parcel in such zones;
 - c) within Zones RD, RC, RT, RM, RA, C, M, RP, MFI, MFC and CD; or
 - d) within any area zoned or used for private or public schools.

Clearance Requirements

- 5.1 No person shall construct, place, enlarge, extend or rebuild any building or structure which is used or to be used for the keeping, housing or harbouring of farm animals unless the building or structure is:
- a) at least 15 metres (49.2 feet) from any property line of the parcel on which the building or structure is located, and
 - b) 7.5 metres (24.6 feet) from any building used for human habitation.
- 5.2 No person shall keep or harbour any farm animal in any building used for human habitation or in any building attached to it.

Control and Impounding

6. No person shall suffer or permit any farm animal owned, housed or harboured by him/her or in his/her charge:
- a) to run at large, stray or graze on any highway, boulevard, park or public place within the Municipality;
 - b) to trespass on any private property within the Municipality;
 - c) to be in any of the following areas during the months of May to August, inclusive:
 - 1) Cadboro Bay-Gyro Park and the public beach at Cadboro Bay lying between the easterly boundary of Gyro Park and the boundary of the Municipality of Oak Bay; and

2) Whitehead Park.

d) To be in the following area at any time:

That portion of Mount Douglas Park bounded by Cordova Bay Road, Ash Road, Douglas Creek, the natural boundary of the ocean and the northwesterly boundary of the park.

7. Where an animal is found:

- a) running at large;
- b) straying or grazing on any highway, boulevard, park or public place;
- c) trespassing on private property; or
- d) grazing on unfenced land without being securely tethered;

a Pound Inspector may take the farm animal and lead, drive or convey it to the Municipal Pound where he/she shall impound it.

DOGS

8.1 Subject to Section 8.2, no person shall keep more than five dogs over the age of four months on any parcel of land within the Municipality.

Exemption

8.2 Section 8.1 shall not apply to any person who operates a kennel as provided for under Sections 50.1 and 50.2 or who is engaged solely in the breeding of dogs and operates under a name currently registered with the Canadian Kennel Club.

Clearance

9. No person shall use any building or enclosure for the keeping, housing or harbouring of a dog or dogs unless the building:

- a) complies with the minimum clearance requirements from all property lines specified in the Zoning Bylaw;
- b) where it is located behind the front building line as defined in the Zoning Bylaw, is at least 1.5 metres (5 feet) from any side or rear property line.

Restrictions

10. Subject to Sections 11 and 12, no person shall suffer or permit any dog owned or harboured by him/her or in his/her charge to run at large or be on any public

place unless the dog is accompanied by and under the effective control of a competent person or is confined by a leash or chain.

Dangerous and Aggressive Dogs

- 11.1 No person shall cause, suffer or permit a dangerous dog owned or harboured by him/her to be on a highway or in any public place, or to be on any private lands and premises without the consent of the occupier of such lands and premises.
- 11.2 Section 11.1 shall not apply to a dangerous dog which is firmly held on a non-extendable leash by a person competent to restrain the dog and which is muzzled by a properly fitted device.
- 11.3 Every owner, possessor or harbourer of a dangerous 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 capable of preventing the entry of young children and adequately constructed to prevent the dog from escaping. The enclosed pen shall be at least 1.82 metres (6 feet) long, 1.22 metres (4 feet) wide and 1.82 metres (6 feet) high and shall be enclosed on all sides, top and bottom with secure fencing or other secure material. The enclosed pen shall be locked at all times it is occupied by a dangerous dog. Not more than one dangerous dog shall be held in the enclosed pen.
- 11.4 No person shall cause, permit or suffer an aggressive dog owned or harboured by him/her to be on a highway or in any public place or to be on any private lands and premises without the consent of the occupier of such land and premises unless the dog is firmly held on a non-extendable leash by a person competent to restrain the dog.
- 11.5 The owner of every aggressive dog shall, at all times when such dog is not on a non-extendable leash and under the control of a person who is competent to control the dog, keep such dog securely confined by keeping the dog indoors, within a fenced area sufficient to prevent the escape of the dog or securely tethered in such a manner as to prevent the dog from leaving the premises.
- 11.6 The Pound Keeper may impound any dangerous or aggressive dog found to be in a place or in circumstances prohibited by this section, and any person other than the Pound Keeper may take the animal to the Pound Keeper for impoundment; the Pound Keeper shall record the name and address of the person before receiving the animal; and the Pound Keeper may confine the dangerous or aggressive dog for a period of up to 14 days.
- 11.7 The owner of a dangerous dog shall display at each entrance to the property and building in or upon which the dog is kept a sign, in the form attached hereto

as Schedule “A” to this bylaw to be purchased from the Municipality, which sign shall be posted so that it cannot be removed easily by passers by and will be visible and capable of being read from the sidewalk, street or lane, if any.

11.8 The owner of a dangerous or aggressive dog shall:

- a) within two working days of selling or giving away the dog, provide the Pound Inspector with the name, address and telephone number of a new owner;
- b) advise the Pound Inspector within two working days of the death of the dog and provide a Veterinarian’s certificate of the death; and
- c) advise the Pound Inspector forthwith if the dog is loose or has bitten or attacked any person or farm animal.

11.9 No person shall deface or remove a sign required to be posted under this section.

11.10 Where any dog is impounded under this section, the dog shall not be given away or sold by the Pound Inspector or the Municipal Pound.

11.11 No person under the age of 19 shall own or keep a dangerous dog.

11.12 No person under the age of 19 shall have care and control of a dangerous dog in a public place.

11.13 (a) The owner of a dog designated as an aggressive dog under this bylaw may apply to the Chief Constable or his or her designate for the removal of the ‘aggressive dog’ designation once 6 months has elapsed from the date of the designation.

(b) The Chief Constable or his or her designate may remove the ‘aggressive dog’ designation upon being satisfied that the dog has successfully completed a dog behaviour training program conducted by a qualified professional and is no longer aggressive or a threat to other animals or humans.

(c) An aggressive dog designation may be removed from a dog only once.

Leash Restrictions

12. Subject to Section 13 and notwithstanding Section 10, no person shall suffer or permit any dog owned or harboured by him/her or in his/her charge to be in any of the following places unless the dog is confined by a leash or chain:

- a) a highway
- b) school grounds
- c) college grounds
- d) within a 10 metre (32.8 feet) radius of any playground equipment in a Municipal or Regional Park
- e) the Royal Oak Burial Park
- f) lands known as the Lochside Trail within the Blenkinsop Lake area as shown on the map attached hereto as Schedule "B"
- g) any lands within any C Zone or Zones M-4, M-5, MFI-CH and MFC-CH
- h) any trail located in Cedar Hill Park as shown on Schedule "G" attached hereto.

Prohibition

- 13.1 No person shall suffer or permit any dog owned or harboured by him/her or in his/her charge to be on lands known as **Swan Lake Christmas Hill Nature Sanctuary** lands, as shown outlined in heavy dark lines on the map attached hereto as Schedule "C", at any time.
- 13.2 No person shall suffer or permit any dog owned or harboured by him/her or in his/her charge to be on lands known as **Quick's Bottom** lands, as shown outlined in heavy dark lines on the map attached hereto as Schedule "D", at any time.
- 13.3 No person shall suffer or permit any dog owned or harboured by him/her or in his/her charge to be on lands known as **Rithet's Bog** lands, as shown outlined in heavy dark lines on the map attached hereto as Schedule "E", at any time, EXCEPT on the perimeter trail marked with a heavy dotted line on Schedule "E" provided the dog is confined by a leash or chain.
- 13.4 No person shall suffer or permit any dog owned or harboured by him/her or in his/her charge to be within a 50 metre (164 feet) radius of **Kings Pond** on lands known as **Cedar Hill Park** lands, as shown outlined in heavy dark lines on the map attached hereto as Schedule "F", at any time, provided however that dogs securely confined by a leash or chain are permitted on that part of the perimeter trail within 50 metres of **Kings Pond**.
- 13.5 No person shall suffer or permit any dog owned or harboured by him/her or in his/her charge to be in any of the following areas during the months of May to August, inclusive:
 - a) **Cadboro Bay-Gyro Park** and the **public beach at Cadboro Bay** lying between the easterly boundary of Gyro Park and the boundary of the Municipality of Oak Bay, EXCEPT before 9:00 a.m. on any day;

- b) **Whitehead Park;**
 - c) **Cordova Bay Beach** area lying between the southerly boundary of Cordova Bay Park and the northerly boundary of the Walema Avenue right-of-way, EXCEPT before 9:00 a.m. on any day;
 - d) **Mount Douglas Park Beach** and that part of **Mount Douglas Park** bounded by Cordova Bay Road, Ash Road, Douglas Creek, the natural boundary of the ocean and the northwesterly boundary of the park, EXCEPT the asphalt road surface lying to the northwest of the picnic area between the two gates.
- 13.6 No person shall suffer or permit any dog owned or harboured by him/her or in his/her charge to be in a fenced baseball field during the months of March to October inclusive.
- 13.7 Section deleted by Bylaw amendment No. 9124.
- 13.8 No person shall suffer or permit any dog owned or harboured by him/her or in his/her charge to be on an artificial turf field in any park.

Canine Faeces

- 14.1 It shall be an offence under this bylaw for any person having control of a dog to allow or suffer the dog to defecate:
- a) on a highway, public beach, park or other public property, or
 - b) on any private property other than the property of the dog owner or the person having control of the dog
- unless the person shall immediately remove the excrement.
- 14.2 The provisions of this section do not apply to a blind person accompanied by a service dog.

Dogs in Heat

15. No person shall suffer or permit a female dog in heat (estrus), owned or harboured by him/her or in his/her charge to be in any place other than a building, cage, fenced-in area or other place from which the dog cannot escape.

Licence

16. Any person who owns, harbours or has the charge of any dog over the age of four months shall obtain a dog licence on or before the first day of February in each year.

Terms of Valid Licence

17. Any dog licence issued under this bylaw is for the calendar year in which it was obtained.
- 18.1 Any applicant for a dog licence shall apply to the Collector and shall pay the fees set out in this bylaw.
- 18.2 Where the owner of any dog which is licenced under this bylaw ceases to be the owner of the dog, the licence is deemed to be cancelled.

Licence Fees

- 19.1 The fees for any dog licence shall be as follows:

For every dog over the age of four months:

- a) the sum of \$25.00 for each spayed female or castrated male dog;
 - b) the sum of \$35.00 for each female dog which is not spayed or male dog which is not castrated.
- 19.2 Notwithstanding Section 19.1 a licence shall be issued free of charge for a dog which has been castrated or spayed during the 12 month period immediately preceding the application for the licence, provided that not more than one free licence shall be issued for any dog.
- 19.3 A person applying for a licence under this section shall, upon request, produce reasonable proof that the dog was spayed or castrated during the preceding 12 month period.
- 19.4 Notwithstanding Section 19 a licence shall be issued free of charge for a Guide Dog for which a valid and subsisting certificate has been issued under the *Guide Animal Act*, R.S.B.C. 1996, c 177.
- 19.5 For a dog in respect of which a licence was issued in the previous year, the applicable fee set out in Section 19.1 shall be increased by the amount of \$5.00 if a new licence has not been taken out on or before the first day of February in each year.

- 19.6 Where any dog tag issued under this bylaw is lost or destroyed, the owner of the dog may apply for a replacement tag and shall pay a replacement fee of \$5.00 in respect of the tag.
- 19.7 Any person taking up residence in the Municipality and owning a dog bearing a valid current licence issued by another municipality shall be exempted from paying a licence fee in the current year. However, such owner shall notify the Municipality of the owner's name, address and licence number issued by another municipality for the current licencing year.
- 19.8 Notwithstanding Section 19.1 the fees for a dog licence for a dangerous dog or aggressive dog shall be as follows:
- (a) The sum of \$150.00 for every dangerous dog over the age of 4 months;
 - (b) The sum of \$75.00 for every aggressive dog over the age of 4 months.

Fee for Kennels

20. Notwithstanding Section 19, the total licence fees payable by any person who is engaged solely in the breeding of dogs and who operates under a name currently registered with the Canadian Kennel Club shall be \$50.00 for all dogs owned by him/her.

Dog Tag

- 21.1 With every dog licence issued, the Collector shall issue a metal tag impressed or stamped with a licence number and with figures denoting the licence year.

Duty to Affix Dog Tag

- 21.2 The owner of any dog licenced by the Municipality shall affix and keep affixed the metal dog tag issued by attaching it to a collar or harness on the dog.

Controlling and Impounding

22. Where any dog is found:
- a) without a valid dog tag attached to its collar or harness, or
 - b) running at large, or
 - c) on any highway or public place not confined by a leash or chain as required in this bylaw,

the Pound Inspector may seize the dog and deliver it to the Municipal Pound.

Pound Keeper Shall Impound

23. Where any dog has been delivered to the Municipal Pound, the Pound Keeper shall impound and detain the dog and shall furnish the dog with sufficient food, water, shelter and attendance.

Owner May Recover Seized Dog

24. The owner of any dog which has been seized may have the dog released upon proof of ownership and payment of any unpaid or overdue licence fees.

Owner May Redeem Impounded Dog

- 25.1 The owner of any dog which has been impounded may redeem the dog from the Municipal Pound during their normal business hours upon proof of ownership and payment of:

- a) any unpaid or overdue licence fees;
- b) the impoundment fee; and,
- c) maintenance fees of \$10.00 per day or portion of a day during which the dog remains impounded.

- 25.2 The impoundment fees for any dog shall be as follows:

- | | |
|---------------------------------------|----------|
| a) first impoundment | \$ 75.00 |
| b) second impoundment | \$100.00 |
| c) third impoundment | \$150.00 |
| d) fourth and subsequent impoundments | \$200.00 |

Notice to Owner

26. Where the Pound Inspector knows the name and address of the owner of any dog which has been impounded, he/she shall within 24 hours of the impoundment notify the owner by telephone or by written notice to the owner at his/her last known address.

Information on Redemption

27. Where any person applies to redeem any impounded dog, the Pound Keeper shall obtain the name and address of the person and shall enter this information in the Pound Book together with the date of impoundment and redemption of the dog.

Where Owner Does Not Redeem

28. Where any dog has not been redeemed within 96 hours after notice was given or sent to the owner under Section 26, or the owner of any dog cannot be ascertained within 96 hours of impoundment, the Pound Inspector may assign the dog to the Municipal Pound or a veterinarian for disposal.

No Obstruction

29. No person shall hinder, delay or obstruct the Pound Inspector or any person lawfully engaged in seizing or conveying any dog to the Municipal Pound.

Duty to Supply Requested Information

30. Any occupant of any premises in or upon which any dog is kept and any person who has the care and custody of any dog shall, upon the request of the Pound Inspector, supply the following information:
- a) the details of ownership of the dog;
 - b) the number of dogs owned or harboured by him/her;
 - c) the age, sex, breed and general description of any dogs owned or harboured by him/her; and,
 - d) the date on which a current licence fee was obtained for the dog.

CATS

31. Except where the area of the parcel of land exceeds 2.02 ha (5 acres) no person shall keep or harbour more than five cats over the age of four months on any parcel of land within the Municipality.

Exemption

32. Section 31 shall not apply to any person who carries on a kennel operation for cats as provided under Section 50.1.

RODENTS

33. Where any person keeps or harbours any rodent on a parcel of land, he/she shall ensure that:
- a) no rodent is allowed to run at large;
 - b) any rodent is confined to the parcel of land on which it is kept or harboured;
 - c) where any rodent is housed in any building or enclosure, the building or enclosure has met the minimum clearance from any property lines as required by the "Zoning Bylaw, 2003, No. 8200", any amendments thereto or any successor bylaws.

FUR-BEARING ANIMALS

34. No person shall keep or harbour any fur-bearing animal on any parcel of land within the Municipality.

WILD ANIMALS

35. No person shall keep or harbour any wild animal on any parcel of land within the Municipality unless he/she is the holder of a valid permit issued by the Chief Constable of the Saanich Police Department.

- 35.1 No person shall feed a deer within the Municipality.

RABBITS

- 35.2.1 No person shall feed a feral rabbit in a park, highway, university, school or other public space.

- 35.2.2 No person shall release or abandon a rabbit on any land within the Municipality.

- 35.2.3 No owner or occupier of property shall keep a rabbit on the property except in a secure, enclosed structure designed to prevent the rabbit from escaping, such structure to meet the minimum clearance from any property lines as required by the "Zoning Bylaw, 2003, No. 8200", any amendments thereto or any successor bylaws.

- 35.2.4 (a) no person shall sell or give away a live rabbit that has not been spayed or neutered.

- (b) subsection (a) of Section 35.2.4 shall not apply to

- i) the sale or giving away of a rabbit to a person who is engaged in the keeping of rabbits for food production, or

- ii) the sale or giving away of a rabbit to a person who is engaged in the breeding of rabbits and is the holder of a rabbit breeding permit issued under this bylaw.

35.2.5 Rabbit Breeding Permit

- (a) The Manager of Revenue Services shall prescribe a form for an application for a rabbit breeding permit.

- (b) There shall be a fee of \$25.00 imposed for the issuance of a

rabbit breeding permit.

- (c) Upon receipt of a completed application form and payment of the fee imposed under s.35.2.5(b) the Manager of Revenue Services shall issue a rabbit breeding permit which shall be valid for a period of three years.

Application Information

36. Where any person desires a Permit for the keeping of any wild animal he/she shall apply in writing to the Chief Constable and shall supply the following information:
- a) his/her name and address;
 - b) the street address of the parcel of land on which the wild animal is to be kept;
 - c) the type and number of animals to be kept;
 - d) the manner proposed to confine the wild animal on the property;
 - e) where required by the provisions of the *Wildlife Act*, R.S.B.C. 1996, c. 488, verification that the applicant is the holder of a valid Permit under the Act; and,
 - f) any other information the Chief Constable may request.
37. Before issuing a permit authorizing the keeping of a wild animal, the Chief Constable shall consider whether or not the wild animal or animals will pose a danger to public safety or cause a nuisance to the surrounding neighbourhood and he may in his discretion:
- a) grant or deny the permit requested;
 - b) impose restrictions in the permit on the number or type of wild animals to be kept; and
 - c) impose any other conditions in the permit he may consider necessary.

POULTRY

38.1 No person shall keep any poultry on any parcel of land having an area less than 1,114.8 square metres (12,000 sq. ft.).

38.2 No person shall keep or harbour any poultry on any parcel of land larger than 1,114.8 square metres (12,000 sq. ft.) in greater numbers than specified below:

<u>Parcel Area</u>	<u>Maximum No. of Poultry Permitted</u>
a) 1,114.8 m ² - 1,858 m ² (12,000 - 20,000 sq. ft.)	10

- b) over 1,858 m² - 0.4 ha (20,000 - 43,056 sq. ft.) 30
- c) over 0.4 ha (43,056 sq. ft.) no limit

38.3 Notwithstanding s.38.1, a maximum of five hens are permitted on any parcel in a single family residential zone or rural zone having an area less than 1,114.8 m² (12,000 sq. ft.) provided:

- (a) the area of the parcel is not less than 557 m² (6,000 sq. ft.),
- (b) the owner or occupier of the parcel registers the flock of hens with the Municipality in accordance with s.38.6, and
- (c) the owner of the hens resides on the parcel where the hens are to be kept.

38.4 No person shall keep a hen or hens on a parcel in a single family residential zone having an area less than 1,114.8 m² (12,000 sq. ft.) unless they are kept in a building and enclosure which

- (a) is located at least 3 m from the rear lot line and side lot lines of the parcel,
- (b) is located at least 3 m from any door or window of a residential building,
- (c) is located in the rear yard of the parcel,
- (d) is not more than 2 m in height,
- (e) provides each hen with at least .37 m² of coop floor area and at least .92 m² of roofed outdoor enclosure area, and,
- (f) occupies an area of land not exceeding 9.2 m² (99 sq. ft.).

38.5 Any person keeping hens on a parcel of land in a single family residential zone of less than 1,114.8 m² (12,000 sq. ft.) shall comply with the following requirements:

- (a) the building and enclosure keeping the hens shall be maintained in good repair and shall be kept free from vermin and obnoxious smells and substances,

- (b) not more than 3 cubic metres of chicken manure shall be stored on the parcel at one time and any manure shall be stored in a fully enclosed structure or container,
 - (c) unused manure shall be removed from the parcel in a timely manner,
 - (d) hens shall be kept for personal use only and the sale of eggs, manure, meat or other products derived from hens shall not be permitted on the parcel,
 - (e) the storage of food supply for the hens is to be kept in a pest and vermin proof container,
 - (f) no hens shall be slaughtered on the parcel, and,
 - (g) no hens shall be buried on the parcel.
- 38.6 No person may keep hens on parcels of land in a single family residential zone that are less than 1,114.8 m² (12,000 sq. ft.) in area unless that person has registered that flock of hens with the Municipality by completing and submitting a registration form issued by the Municipality containing the following information:
- 1. Date;
 - 2. Hen's owners name, address and postal code;
 - 3. Confirmation that the owner of the hens resides on the property where he or she will keep the hens; and,
 - 4. Confirmation that the owner of the hens has read and understood the requirements of this bylaw.
- 38.7 There shall be no fee payable by the owner to the Municipality for the registration of a flock of hens.

BANTAMS

- 39.1 Subject to Section 39.2 no person shall keep more than five bantams on any parcel of land within the Municipality.
- 39.2 A person may keep more than five bantams on a parcel of land having an area in excess of 0.4 ha in any A Zone.
40. No person shall keep or harbour any rooster or bantam rooster in any single family residential zone.

Clearance

- 41.1 No person shall use any building or enclosure for the keeping, housing or harbouring of:
- a) up to 10 poultry or bantams unless it is located at least 7.6 metres (25 feet) from any highway and at least 4.57 metres (15 feet) from any other property line;
 - b) 11 to 30 poultry or bantams unless it is located at least 15.2 metres (50 feet) from any highway and at least 7.6 metres (25 feet) from any property line;
 - c) subject to Section 41.2, more than 30 poultry or bantams unless it is located at least 45.7 metres (150 feet) from any property line.
- 41.2 Where the Minister of Transportation approval has been obtained, any building or enclosure to keep, house or harbour more than 30 poultry or bantams may be located at a minimum distance of 42.6 metres (140 feet) from any arterial highway.
- 41.3 Section 41.1 shall not apply to the keeping of not more than 5 hens on a parcel of land in a single family residential zone that is less than 1,114.8 m² (12,000 sq. ft.).

Duty to Control

42. No person shall suffer or permit any poultry or bantam owned or harboured by him/her or under his/her control:
- a) to run at large, stray or graze on any highway, park or public place; or
 - b) to trespass on any private property.

Pound Inspector

43. Where any poultry or bantam is found:
- a) running at large, straying or grazing on any highway, park or public place; or
 - b) trespassing on any private property;
- the Pound Inspector or any other person may seize the poultry or bantam and convey it to the Municipal Pound to be dealt with according to Section 63.

ORNAMENTAL BIRDS

44. Any person may keep any ornamental birds on any parcel of land within the Municipality.

PIGEONS

45. No person shall keep more than 25 pairs of pigeons on any parcel of land within the Municipality.

Clearance

46. No person shall use any building or enclosure for the keeping, housing or feeding of any pigeons unless the building or enclosure is located at least 7.6 metres (25 feet) from any highway and at least 4.57 metres (15 feet) from any property line.

Duty to Control

47. No person shall suffer or permit any pigeons owned or kept by him/her or under his/her control:
- a) to stray, feed or roost on any highway or public place; or
 - b) to trespass on any private property.

BEES

- 48.1 No person shall keep or harbour any bees on any parcel of land unless:

- a) the parcel is located within any A Zone.
- b) the parcel is located within any RS Zone and has an area greater than 465 m² (5,005 sq. ft.).

Limitation

- 48.2 No person shall keep more than four hives on any parcel of land in any RS Zone.

Placement of Hives

49. Except where any hive or other device for the housing of bees is contained within a greenhouse, no person shall place any hive or any other device for the housing of bees on any parcel of land within 6.05 metres (20 feet) of any property line.

KENNELS

- 50.1 Subject to Section 50.2, no person shall use any land or premises as a kennel for the keeping, training, care, breeding, hospitalization or boarding of any animals unless the land on which the operation is carried out has an area greater than 0.4 ha (one acre) and operation of a kennel is a permitted use under the Zoning Bylaw.
- 50.2 This Section shall not apply to any person who is engaged solely in the breeding of dogs and who operates under a name currently registered with the Canadian Kennel Club.

Clearance

51. No person shall use any building, enclosure, or exercise yard as part of a kennel operation unless the building, enclosure or exercise yard is located at least 15.2 metres (50 feet) from any property line.

Duty of Kennel Operator

52. Any person who operates a kennel shall ensure that any building, enclosure or exercise yard used to accommodate any animal:
- a) shall be maintained in a sanitary condition; and
 - b) shall be screened by fencing, trees or hedges or otherwise so that it is not visible from the adjacent parcel of land.

No Building Permit Required

53. **This Section deleted by Bylaw No. 9201.**

Health, Care and Sanitation

54. Any person who keeps, harbours, houses or feeds any animal, bee or bird shall ensure that:
- a) it is kept, housed and fed in a manner conducive to its good health and well being;
 - b) where it is injured or suffering from any disease it is promptly examined and treated by a qualified veterinarian;
 - c) any building or enclosure used to accommodate it shall be maintained in a clean and sanitary manner so that no nuisance or hazard to health arises.

MUNICIPAL POUND

55. The Municipal Pound is the place designated by resolution of Council for the impoundment of animals pursuant to this Bylaw.
56. No person shall take or release any animal or bird from the Municipal Pound without the consent of the Pound Inspector or Pound Keeper.

Security Bond

57. Where required by the Council, any Pound Keeper shall give a security bond of Five Hundred Dollars (\$500.00) to the Municipality.

Pound Book

58. The Director of Finance shall furnish each Pound Keeper with a Pound Book in which the Pound Keeper shall enter:
 - a) the description of any animal impounded by the Pound Keeper;
 - b) the name of any person who delivers or sends any animal for impoundment;
 - c) the date and manner in which any animal is redeemed, discharged or otherwise disposed;
 - d) the name of any person who redeems any animal and the amount paid for redemption; and
 - e) where any impounded animal is sold, the name of the purchaser, the amount paid and any expenses incurred in connection with the animal.

Duty to Report

- 59.1 At the end of each month, the Pound Keeper shall deliver, in writing, to the Director of Finance a report containing any information recorded pursuant to Section 58 and any other information he/she or the Director of Finance may deem necessary.
- 59.2 Where required by the Director of Finance, the Pound Keeper shall verify his/her report by a statutory declaration of its validity.

Duty to Pay Over Monies

60. At the end of each month, the Pound Keeper shall pay over to the Director of Finance all monies received by him/her during the month and where required by the Director of Finance shall produce his/her books for inspection.

Impoundment Fees

61. The impoundment fees for animals and birds, other than dogs shall be:

- | | |
|--------------------|---------|
| a) for each animal | \$20.00 |
| b) for each bird | \$ 6.00 |

Duty of Pound Keeper

62.1 The Pound Keeper shall furnish or cause to be furnished to any impounded animal or bird, other than dogs, good and sufficient food, water, shelter and attendance.

62.2 The Pound Keeper shall levy against the owner of any impounded animal or bird, other than dogs, the following maintenance charges for each day or portion of a day during which such animal or bird remains impounded:

- | | |
|--------------------|--------|
| a) for each animal | \$5.00 |
| b) for each bird | \$2.50 |

Redemption by Owner

63. The owner of any farm animal or bird which has been impounded may redeem the farm animal or bird from the Municipal Pound during their normal business hours, with proof of ownership and payment of:

- a) any impoundment fee;
- b) any maintenance charges; and
- c) any expenses incurred by the Pound Inspector or Pound Keeper in the process of impounding the farm animal or bird.

Information Required on Redemption

64. Where any person applies to redeem any impounded farm animal or bird, the Pound Keeper shall obtain the name and address of the person and shall enter this information in the Pound Book together with the date of impoundment and redemption of the farm animal or bird.

Where Animal is Not Redeemed

65. Where no person applies to redeem any impounded farm animal or bird within three days after impoundment or where any owner refuses or neglects to pay the impoundment fees, maintenance charges and any expenses incurred, the Pound Keeper shall give notice in the manner set out in Section 66 of the sale or destruction of any farm animal or bird.

Notice

66.1 The Notice required under Section 65 shall:

- a) be in writing;
- b) contain a general description of the farm animal or bird;
- c) indicate the date of the intended sale or destruction; and
- d) be posted in a conspicuous place at the Municipal Pound where the farm animal or bird is kept and at the Municipal Hall.

66.2 Where the impounded animal is a farm animal, the notice shall be published once in any newspaper circulating in the Municipality and publication of the notice shall occur no fewer than six days prior to sale or destruction.

Sale or Destruction

67.1 Where, at the expiration of the time specified in the notice, no person shall claim the farm animal or bird, or where the owner refuses or neglects to pay the impoundment fees, maintenance charges and any expenses incurred, the Pound Keeper shall sell the farm animal or bird to the highest bidder at a public auction.

67.2 Where there is no purchaser for any farm animal or bird, the Pound Keeper may dispose of or destroy the animal or bird.

Municipality May Reimburse Pound Keeper

68. Where:

- a) any farm animal or bird is disposed of or destroyed pursuant to Section 67; or
- b) the proceeds of any sale pursuant to Section 67 are insufficient to pay any reasonable expenses incurred by the Pound Keeper;

the Municipality shall reimburse the Pound Keeper for any reasonable expenses incurred by the Pound Keeper.

Destruction of Animals or Birds

69. The owner of any animal or bird may, upon payment of the required fee, deliver to the Municipal Pound, or request the Pound Inspector to pick up his/her animal or bird for the purpose of destroying it.

Right of Entry

70. A Pound Inspector may enter, at any reasonable time, upon any property in order to ascertain whether the provisions of this bylaw are being obeyed.

No Obstruction

71. No person shall prevent or obstruct, or attempt to prevent or obstruct a Pound Inspector in fulfillment of his/her duties under this bylaw.

Police Canine, Working Dog and Service Dog Exemptions

- 71.1 The provisions of this bylaw do not apply to police canine dogs.
- 71.2 The provisions contained in s.12 and s.13 of this bylaw shall not apply to a person using dogs in a park who is employed by or retained by the Municipality or to a service dog.

PENALTY

- 72.1 Any person who contravenes any provision of this bylaw is guilty of an offence and is liable, on summary conviction, to a fine of not less than \$100.00.
- 72.2 A separate offense shall be deemed to be committed during each day in which any contravention continues.
- 72.3 Notwithstanding Section 72.1, any person who contravenes Sections 11.1 or 11.3 of this bylaw is guilty of an offence and where the contravention results in a person or farm animal being injured or killed, he/she shall be liable to a fine of not less than \$1,000.00.
- 72.4 Notwithstanding Section 72.1, in any case where Section 11.1 of this bylaw is contravened but no person or farm animal is killed or injured, the minimum fine shall be \$500.00.
- 72.5 Notwithstanding Section 72.1, in any case where Section 11.3, 11.4 or 11.5 of this bylaw is contravened but no person or farm animal is killed or injured, the minimum fine shall be \$200.00.
- 72.6 Notwithstanding Section 72.1, in any case where Section 10 or 12 is contravened, the minimum fine shall be \$100.00.
- 72.7 Notwithstanding Section 72.1, the minimum fine for a second, third or subsequent contravention of Section 10 or 12 of this bylaw is \$200.00.
- 72.8 Notwithstanding Section 72.1, in any case where Section 16 is contravened, the minimum fine shall be \$150.00.

Notice After Conviction

- 73.1 Where any person is convicted of an offence for keeping any animal, bird or bees in contravention of this bylaw, the Council may, by registered letter, direct the person to conform with the provisions of this bylaw within 30 days of the service of the notice.

Power to Seize and Impound

- 73.2 Where any person fails to comply with any notice under this Section, the Council may direct the Pound Inspector to seize, impound and dispose of any animal, bird or bees.

REPEAL

74. The "Animals Bylaw, 2001, No. 8171", and amendments thereto are hereby repealed except insofar as they may repeal any other bylaw.

CITATION

75. This Bylaw may be cited for all purposes as the "**ANIMALS BYLAW, 2004, NO. 8556**".
- < **Note: [Schedules A – G](#) that are attached to and form part of this bylaw are available online or can be made available by contacting the Legislative Division at (250) 475-1775.**

Includes Bylaw Amendments No. 8636, 8815, 8845, 8973, 9002, 9037, 9122, 9124, 9131, 9173, 9201, 9320 and 9322.