



DISTRICT OF SOOKE ANIMAL REGULATION AND IMPOUNDING BYLAW No. 392

CONSOLIDATED FOR REFERENCE JANUARY 23, 2024

BYLAW No. 392, *ANIMAL REGULATION AND IMPOUNDING BYLAW, 2009*
ADOPTED MARCH 9, 2009

BYLAW No. 580, ANIMAL REGULATION AND IMPOUNDING AMENDMENT BYLAW (392-1)
ADOPTED NOVEMBER 25, 2013

BYLAW No. 617, ANIMAL REGULATION AND IMPOUNDING AMENDMENT BYLAW (392-2)
ADOPTED MAY 25, 2015

ANIMAL REGULATION AND IMPOUNDING AMENDMENT BYLAW No. 754 (392-3), 2019

ANIMAL REGULATION AND IMPOUNDING AMENDMENT BYLAW No. 847 (392-4), 2022

ANIMAL REGULATION AND IMPOUNDING AMENDMENT BYLAW No. 899 (392-5), 2024

THIS BYLAW IS PROVIDED FOR REFERENCE PURPOSES ONLY AND IS NOT TO BE RELIED UPON IN MAKING FINANCIAL OR OTHER COMMITMENTS. COPIES OF THE ORIGINAL BYLAW AND AMENDMENTS BY BE VIEWED AT THE DISTRICT OF SOOKE MUNICIPAL HALL.

A bylaw to regulate, prohibit, and impose requirements in
relation to animals in the District of Sooke.

The Council, in open meeting assembled, enacts as follows:

Title

1. This Bylaw may be cited for all purposes as Bylaw No. 392, *Animal Regulation and Impounding Bylaw, 2009*.

Interpretation

2. In this Bylaw:
 - a) Deleted [*deleted by Bylaw No. 617 May 25, 2015*]
 - b) "Animal" means any domestic animal that has been tamed and kept by humans as a work animal, food source, or pet, especially a member of those species that have, through selective breeding, become notably different from their wild ancestors.
 - c) "Animal Control Officer" means any person appointed by Council as an animal control officer, or any person who holds a position designated

by Council in the Municipal Ticketing Information Bylaw, authorized to enforce the provisions of this bylaw.

- d) "Breeding Kennel" means a place, building, or structure where dogs, cats or domestic animals are kept, trained, or bred;
- e) "Boarding Kennel" means a place, building, or structure where dogs, cats or domestic animals are kept, trained or boarded;
- f) "Cat" means a cat apparently over the age of four months;
- g) "Council" means the Council of the District of Sooke;
- h) "District" means the District of Sooke;
- i) "Dangerous Dog" means a dog which meets one or more of the following conditions:
 - i) has killed or seriously injured a person,
 - ii) has killed or seriously injured a domestic animal while in a public place or while on private property, other than property owned by the person responsible for the dog, or
 - iii) which an Animal Control Officer has reasonable grounds to believe is likely to kill or seriously injure a person."
- j) "Dog" means a dog apparently over the age of four months;
- k) "Guide Dog" means a dog used by a person with a disability to avoid hazards or to otherwise compensate for a disability and includes a guide animal as defined in the *Guide Animal Act*;
- l) Deleted [*deleted by Bylaw No. 617 May 25, 2015*]
- m) "Keep" includes own, possess, harbour, or have care and control;
- n) "Owner" means any person
 - (i) to whom a licence has been issued pursuant to this Bylaw; or
 - (ii) who owns, is in possession of, harbours or has the care and control of an animal;
- o) "Police Dog" means any dog owned by an accredited police force and trained to assist police;
- p) "Pound" means any building, enclosure or place established by Council from time to time to constitute the pound under this Bylaw;

- q) "Poundkeeper" means any person appointed by Council to operate the pound;
- r) "Running at large" means in or upon a highway or public place or in or upon the lands or premises of any person other than the owner of the animal without the express or implied consent of that person and not in the custody and control of a competent person. *(amended by Bylaw No. 617 May 25, 2015)*
- s) "Wild or Exotic Animal" is as defined in the provincial *Wildlife Act* or *Controlled Alien Species Regulation*. *[amended by Bylaw No. 617 May 25, 2015]*
- t) "Wildlife" is as defined in the provincial *Wildlife Act*. *[added by Bylaw No. 617 May 25, 2015]*

Kennel Licences

- 3. No person shall keep more than four dogs on any parcel of land in the District at any one time except in the lawful operation of a boarding kennel or breeding kennel under this Bylaw, a veterinary facility, an animal supply store or commercial animal groomer service.
- 4. No person shall operate a boarding kennel or a breeding kennel in the District unless a valid and subsisting licence for the current year has first been obtained for that kennel under this Bylaw.
- 5. An application for a kennel licence under this Bylaw shall be in the form prescribed for that purpose by the District and shall be accompanied by the applicable licence fee set out in the District's *Fees and Charges Bylaw*. *[amended by Bylaw No. 754 (392-3), 2019]*
- 6. Every kennel licence issued under this Bylaw shall expire on the 31st day of December in the calendar year in which the licence is issued.
- 7. No owner or operator of a kennel shall keep or permit to be kept more dogs than the number of dogs permitted under the terms of the kennel licence issued under this Bylaw.
- 8. Breeding kennel licences shall only be issued to persons who are engaged in the breeding of a dog or dogs and whose dog or dogs are registered with a bona fide kennel club or associated with other bona fide dog clubs.
- 9. Every breeding kennel and boarding kennel shall consist of a fully enclosed building and facilities constructed, installed and maintained in accordance with the following provisions:

- a) there shall be an outdoor exercise area large enough to allow each dog being kept to break into a trot; and
- b) the building and facilities shall be constructed and maintained so as to prevent the escape of any dog being kept.

Dog Licences

- 10. Every owner of a dog in the District shall obtain a licence for the current year for that dog under this Bylaw on or before March 31st in the calendar year.
- 11. An application for a dog licence under this Bylaw shall be in the form prescribed for that purpose by the District and shall be accompanied by the applicable licence fee set out in the District's *Fees and Charges Bylaw*. [amended by Bylaw No. 754 (392-3), 2019] Upon receipt of the application and payment of the prescribed fee, the Animal Control Officer shall issue a numbered dog licence and corresponding licence tag to the applicant.
- 12. Notwithstanding s. 11, the owner of a dog may obtain a dog licence under this Bylaw free of charge upon providing to the Animal Control Officer the licence application and a certificate from a qualified veterinarian that the dog has been neutered or spayed during the 12-month period immediately preceding the application for the licence, provided that not more than one free licence is issued for any one dog.
- 13. Notwithstanding s. 11, the owner of a police dog or guide dog, may obtain a dog licence under this Bylaw free of charge upon providing to the Animal Control Officer the licence application and proof satisfactory to the Animal Control Officer that the dog is a police dog or guide dog.
- 14. Every dog licence and corresponding licence tag issued under this Bylaw shall be for the current calendar year and shall expire on the 31st day of December in the calendar year in which the licence is issued.
- 15. The owner of a dog for which a licence and corresponding licence tag have been issued under this Bylaw shall affix, and keep affixed, the licence tag on the dog by a collar, harness, or other suitable device.
- 16. Every licence and corresponding licence tag issued under this Bylaw is valid only in respect of the dog for which it was issued, as described on the licence application, and is not transferable to another dog.
- 17. In the event of a change in ownership of a dog for which a licence and corresponding licence tag have been issued under this Bylaw, the licence and corresponding licence tag shall expire on the seventh day following the change in ownership of the dog, and the new owner of the dog shall

- obtain a new licence for the dog free of charge upon providing to the Animal Control Officer the licence application and the old licence and corresponding licence tag.
18. Any owner of a dog holding a valid and subsisting dog licence that has been obtained from another jurisdiction who takes up residence within the District shall obtain a new licence for the dog free of charge upon providing to the Animal Control Officer the licence application and the licence and corresponding licence tag issued by another jurisdiction. This section does not apply to an owner who has obtained a dog licence in another jurisdiction while residing in the District.
 19. No person shall remove from a dog the licence tag issued for that dog under this Bylaw unless authorized to do so from the owner of the dog.
 20. Where this Bylaw provides for a reduced licence fee for a dog that is neutered or spayed, the licence application for the dog shall be accompanied by a certificate from a qualified veterinarian indicating that the dog is in fact neutered or spayed.
 21. The owner of a dog for which a licence and corresponding licence tag have been issued under this Bylaw may obtain a replacement licence tag upon satisfying the District that the original licence tag has been lost or stolen and upon payment of the replacement fee set out in the District's *Fees and Charges Bylaw*. [amended by Bylaw No. 754 (392-3), 2019]
 22. Section 10 does not apply to a dog that is kept in the District for less than one month in a calendar year and for which a valid and subsisting dog licence has been obtained from another jurisdiction.
 23. All fees payable under this Bylaw are non-refundable.

Seizure and Impoundment

24. An Animal Control Officer may seize and impound:
 - a) any dog that has not been licenced in accordance with this Bylaw;
 - b) any animal unlawfully running at large; and
 - c) any dog on unfenced land and not securely tethered or contained.
25. An Animal Control Officer shall immediately convey any animal seized and liable to impoundment under this Bylaw to the pound.
26. Where the owner of an animal which has been seized and impounded under this Bylaw is known to, or can be identified by the Animal Control

- Officer, the Animal Control Officer shall notify the owner, by telephone or by mail addressed to the last known address of the owner, of the fact that the animal has been seized and impounded under this Bylaw and that the animal will be sold, destroyed or otherwise disposed of by the District after the expiration of five (5) days from the date the notice was received by the owner unless, in the meantime, the animal is reclaimed. For the purpose of this Bylaw, notice by mail shall be deemed to be received by the owner after expiration of three (3) days from the date the notice was mailed and notice by telephone shall be deemed to be received by the owner the day notice is left on the voice mail of the owner's telephone.
27. Where the owner of an animal which has been seized and impounded under this Bylaw is not known to, and cannot be identified by, the Animal Control Officer, the Animal Control Officer shall cause notice of the seizure and impoundment to be posted on the public notice board at the District and the pound. Such notice shall set out particulars of the impounded animal, the date of seizure and impoundment of the animal, and that the animal will be sold, destroyed, or otherwise disposed of by the District after the expiration of five (5) days from the date of the notice unless, in the meantime, the animal is reclaimed.
28. An owner of an animal seized and impounded under this Bylaw, or any person authorized in writing on the owner's behalf, may redeem the impounded animal at any time prior to its sale, destruction, or disposal under this Bylaw upon:
- a) delivery to the poundkeeper of evidence satisfactory to the poundkeeper of ownership of the impounded animal;
 - b) payment of the penalty and fees, costs, and charges incurred in respect of the seizure and impoundment of the animal as set out in District's *Fees and Charges Bylaw*. [amended by Bylaw No. 754 (392-3), 2019]; and
 - c) payment of the current licence fee where the impounded animal is required to be licenced pursuant to this Bylaw and is not licenced.
29. Where an animal that has been seized and impounded under this Bylaw has not been redeemed, the poundkeeper may, after the expiration of the notice periods established under this Bylaw, offer the impounded animal for sale or adoption.
30. Where the poundkeeper is unable or considers it undesirable to effect the sale or adoption of an animal that has been seized and impounded under this Bylaw, or where an impounded animal has been offered for sale or adoption but has not been sold or adopted, the poundkeeper shall destroy or otherwise dispose of the animal.

31. An Animal Control Officer may seize any animal that he or she considers is suffering from an incurable disease or life threatening injury and destroy that animal upon certification of the animal's condition by a licenced veterinarian.

Compensation

32. The District may pay compensation to the owner of an animal killed or injured by a dog, the owner of which is unknown and, after diligent inquiry, cannot be found in the amount of the lesser of
- a) Seventy-five percent (75%) of the decrease in the market value of the animal as a result of its death or injury, or
 - b) Seven hundred and fifty dollars (\$750) for the animal killed or injured.
33. All claims pursuant to s. 32 of this Bylaw shall be filed with the Animal Control Officer.
34. No claim shall be authorized under s. 32 unless:
- a) the District is satisfied that the owner of the animal submitting the claim has taken all reasonable precautions for protecting such animal; and
 - b) the loss is reported to the Animal Control Officer within three (3) business days of the occurrence being discovered.
35. Applications for compensation under s. 32 shall be in the form attached to this Bylaw as Schedule "A". *[amended by Bylaw No. 754 (392-3), 2019]*

Control of Dogs

36. The owner of a dog shall, at all times when the dog is on the owner's property, keep the dog securely contained so as to prevent the dog escaping from the owner's property.
37. No owner of a dog shall permit the dog to be running at large in the District unless the dog is kept on a leash, tether or other suitable device, or is under the immediate care and control of a competent person.
38. The owner of a female dog in heat shall, at all times when the dog is in heat, keep the dog securely confined within a building or enclosure capable of preventing the dog's escape and the entry of other dogs.

Control of Dangerous Dogs

39. The owner of an dangerous dog shall, at all times when the dog is on the owner's property, post a sign at each entrance to where the dog is kept warning in writing, as well as with a symbol, that there is an dangerous dog on the property. The sign must be posted so it cannot be removed and must be visible and capable of being read from the street or land abutting the owner's property. *[amended by Bylaw No. 617 May 25, 2015]*
40. No owner of an dangerous dog shall permit the dog to be running at large in the District unless the dog is kept on a leash, tether or other suitable device not exceeding two metres in length, is securely muzzled so as to prevent the dog from biting a person or animal, and is under the immediate care and control of a competent person. *[amended by Bylaw No. 617 May 25, 2015]*
41. The owner of an dangerous dog shall, at all times when the dog is on the owner's property, keep the dog securely confined within a building or enclosure capable of preventing the dog's escape and the entry of children under the age of 12 years old. *[amended by Bylaw No. 617 May 25, 2015]*

Control of Animals Generally

42. No owner of an animal shall permit or cause the animal to cry, howl or bark in or on land in the District except land zoned agricultural if such crying, howling or barking disturbs or is liable to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of individuals or the public.
43. No person shall permit any animal to be running at large in the District unless under the immediate care and control of a competent person.
44. Where an animal defecates on a highway, public place or lands of any person other than the owner of the animal, the person having care, custody, or control of the animal shall immediately remove the excrement and dispose of it in a sanitary manner.
45. No person shall keep an animal suffering from an infectious or contagious disease on any parcel of land in the District unless the animal is kept securely confined within a building or enclosure capable of preventing the animal's escape and the entry of other animals and is under veterinary care for that disease.
46. No person shall keep any animal in the District unless the animal is kept, housed and fed in a manner conducive to its good health and well being including provided with:

- a) clean, potable drinking water and food in sufficient quantity and of a recognized nutritional quality to allow for the animal's normal growth and the maintenance of the animal's normal body weight;
 - b) sanitary food and water receptacles;
 - c) the opportunity for periodic exercise sufficient to maintain the animal's good health;
 - d) clean bedding material, structures, pens or enclosures and an area maintained at a reasonable temperature and dry enough to prevent the animal from suffering discomfort; *[amended by Bylaw No. 617 May 25, 2015]* and
 - e) the necessary veterinarian care when the animal exhibits signs of pain, suffering, or disease.
47. No person shall keep any animal outside for extended periods of time unless the animal is provided with shelter, of sufficient size to allow the animal to turn about freely, and stand, sit, and lie in a normal position, so as to:
- a) ensure protection of the animal from heat, cold, and wetness appropriate to the animal's weight and type of coat; and
 - b) provide sufficient shade to protect the animal from the direct rays of the sun.
48. No person shall keep any animal confined in an enclosed space, including a motor vehicle, without sufficient ventilation to prevent the animal from suffering discomfort or heat injury.
49. No person shall keep any animal hitched, tied or fastened to a fixed object where a choke collar or choke chain forms part of the securing apparatus, or where a rope or cord is tied directly around the animal's neck.
50. No person shall keep any animal hitched, tied or fastened to a fixed object as the primary means of confinement for an extended period of time.

Keeping of "Wild or Exotic Animals"

51. No person shall keep or harbour any wild or exotic animal anywhere in the District except as permitted under the *British Columbia Wildlife Act* and *Controlled Alien Species Regulation*. *[amended by Bylaw No. 617 May 25, 2015]*

Feeding Wildlife

- 51.1 Except for bird feeders, no person shall provide any wildlife with food either directly or by leaving or placing in, on or about land or premises any food, food waste, or other material that is or is likely to be attractive to wildlife, other than a Conservation Officer acting in the performance of his or her duties, or a person acting under the direction of or with the permission of a Conservation Officer. *[added by Bylaw No. 617 May 25, 2015, amended by Bylaw 899 January 22, 2024]*
- 51.2 For certainty, the prohibition in section 51.1 does not apply in relation to hunting and trapping activities carried out in accordance with the *Wildlife Act* and its regulations. *[added by Bylaw No. 617 May 25, 2015]*

Inspection

52. An Animal Control Officer may enter on any property at any reasonable time for the purpose of ascertaining whether the regulations and requirements of this Bylaw are being observed.

No Interference

53. No person shall obstruct or interfere with an Animal Control Officer in the performance of his or her duties under this Bylaw.

Offences and Penalties

54. Enforcement Officers, offences, and fines are as designated by the Municipal Ticketing Information Bylaw.
55. This bylaw may be enforced by means of a ticket in the form prescribed for the purpose of s. 264 of the Community Charter.
56. Any person who contravenes this bylaw commits an offence and on summary conviction by a court of competent jurisdiction, is subject to a fine of not more than \$50,000.00, in addition to the costs of prosecution. Each day during which a violation, contravention, or breach of this bylaw continues is deemed to be a separate offence.

Severability

57. If any section or lesser portion of this Bylaw is held to be invalid by a Court, such invalidity shall not affect the remaining portions of the Bylaw.

Repeal

58. Bylaw No. 1465, the *Animal Regulation and Impounding Bylaw, No. 1*, 1986 as amended is hereby repealed and replaced by this Bylaw.

Introduced and read a first time the 23rd day of February, 2009

Read a second time the 2nd day of March, 2009

Read a third time the 2nd day of March, 2009

Adopted on the 9th day of March, 2009

“original signed by:”

Janet Evans
Mayor

“original signed by:”

Evan Parliament
Chief Administrative Officer

LICENCE FEES SCHEDULE

*[Amendment Bylaw No. 580 November 25, 2013]
[Deleted by Bylaw No. 754 (392-3), 2019]*

IMPOUNDMENT FEES AND CHARGES SCHEDULE

*[Amendment Bylaw No. 580 November 25, 2013]
[Deleted by Bylaw No. 754 (392-3), 2019]*

SCHEDULE "A"

APPLICATION FOR COMPENSATION

[Amended by Bylaw No. 754 (392-3), 2019]

1. Name _____
2. Address _____ Postal Code _____
3. At _____ am/pm on _____, 20____

The following domestic animals owned by me were killed or injured by dog(s):

	Number	Type	Age	Registered	Value
Poultry for the purpose of providing meat & eggs					
Goat					
Sheep					
Animals of the Bovine Species					
Domestic Rabbits					
Swine					
Horses					
Fur-Bearing Animals as defined in the Fur-Farm Act					

4. Within three (3) business days of the date stated above, I notified _____.
5. The owner of the dog(s) is/are unknown and after diligent inquiry cannot be found.
6. I understand that, if approved, payment of this claim may be made pursuant to section 32 of Bylaw No. 392, *Animal Regulation and Impounding Bylaw, 2009*.

Witness

Owner

SCHEDULE “B”
MUNICIPAL TICKET INFORMATION DESIGNATIONS

[amended by Bylaw No. 617 May 25, 2015]

[amended by Bylaw No. 754 (392-3), 2019]

[Deleted by Bylaw No. 754 (392-3), 2019]

SCHEDULE “E”

[Deleted by Bylaw No. 617 May 25, 2015]