

FRASER VALLEY REGIONAL DISTRICT
CONSOLIDATED ELECTORAL AREA DANGEROUS AND
AGGRESSIVE DOG REGULATION BYLAW

RECORD OF AMENDMENTS

Electoral Area Dangerous and Aggressive Dog Regulation

BYLAW	SUMMARY	DATE AUTHORIZED
FVRD BL 1233, 2013	Service Area Establishment	2013 12 18
1247, 2013	Regulations Establishment	2013 12 18
1248, 2013	Amendment to Bylaw Offence Notice Enforcement Bylaw – addition of penalties for contravention of Bylaw 1247	2013 12 18
1352, 2016	Regulations Amendment	2016 01 26
1531, 2019	Regulations Amendment	2019 06 25

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**FRASER VALLEY REGIONAL DISTRICT
BYLAW NO. 1247, 2013**

To regulate and control dangerous and aggressive dogs in electoral areas

WHEREAS Part 22 of the *Local Government Act, R.S.B.C. 1996, c 323* (the "Act") authorizes that the Board may, by bylaw, provide for the regulation of animals where there is an established animal control service;

AND WHEREAS the Board of the Fraser Valley Regional District has, by Bylaw No. 1233, 2013, established an animal control regulatory service for Electoral Areas D, E and H;

THEREFORE, the Board of the Fraser Valley Regional District enacts as follows:

A. CITATION

This bylaw may be cited as the "Fraser Valley Regional District Electoral Areas D, E, and H Dangerous and Aggressive Dog Regulation Bylaw No. 1247, 2013"

B. INTERPRETATION

In this Bylaw:

"aggressive dog" means a dog that meets any one or more of the following conditions:

- i. a dog that has, with or without provocation, attacked, bitten or caused injury to a person or has demonstrated a propensity, tendency or disposition to do so;
- ii. a dog that has bitten, killed, or caused injury to a domestic animal while in a public place, on limited common property, or while on private property other than property owned or occupied by the person responsible for the dog;
- iii. a dog that, while at large, has aggressively pursued or harassed a person, a vehicle, or a domestic animal;
- iv. a dog with a known propensity to attack or injure a person without provocation;
- v. a dog owned or harboured primarily, or in part, for the purpose of dog fighting or a dog trained for dog fighting;
- vi. a dangerous dog;
- vii. a dog that has been found to be dangerous or aggressive by the Chief Animal Control Officer or designate under this or a previous bylaw, by another local government or by a court;

"aggressively pursue or harass" means to persistently or repeatedly annoy or chase a person, a vehicle, or a domestic animal in what may be perceived as an aggressive manner or with intent to cause injury;

"Animal Control Officer" means:

- i. an employee, officer, or agent designated by the Board, or peace officers, for purposes of Section 321 of the Local Government Act, RSBC 2015, Ch. 1 [the "Local Government Act"] and Section 49 of the Community Charter, SBC 2003, Ch. 26 [the "Community Charter"];
- ii. the Chief Animal Control Officer as defined elsewhere in this bylaw; or
- iii. persons designated as bylaw enforcement officers under S. 415 of the Local Government Act; Section 264 of the Community Charter; Section 1 of the Local Government Bylaw Notice Enforcement Act, SBC 2003, Ch 60; and Section 3(f) BC Reg. 425/2003 [Community Charter Bylaw Enforcement Ticket Regulation] for purposes of enforcing regional district bylaws with respect to the regulation of animals;

"at large" means an animal that is in a public place or on private property other than the premises of the owner, while not contained or not on a leash under direct and continuous control by a person;

"Board" means the Fraser Valley Regional District Board;

"Chief Animal Control Officer" means an animal control officer or designate, designated by the Board for purposes of Section 321 of the Local Government Act and Section 49 of the Community Charter;

"dangerous dog" means a dangerous dog as defined in Section 49 of the *Community Charter*;

"dog" means any animal of the canine species;

"enclosure" means a structure that satisfies each of the following criteria:

- i. is comprised of wire or steel mesh, designed to prevent the entry of a child or the escape of a dog;
- ii. has a secure top attached to all sides of the enclosure;
- iii. is of at least 1.8m in height;
- iv. has a concrete floor, or has sides which are embedded no less than 60cm into the ground;
- v. has a self-closing gate that can be locked;
- vi. forms a confined area with no sides in common with a perimeter fence; and
- vii. meets any necessary requirements for an accessory structure contained within any applicable bylaws or other regulations.
- viii. For the purpose of this bylaw, an enclosure also includes a house from which the dog is not able to escape and is not able to cause injury to a person or animal located outside of the house.

"impound" means the seizing or capturing of an animal by an Animal Control Officer;

"leash" means a chain, rope, cord or strap by which an animal may be lead or controlled;

"owner" means any person:

- i. who owns, is in possession of, or has the care or control of any animal; or
- ii. who harbours, shelters, permits or allows any animal to remain on or about the owner's land or premises;

"Regional District" means the Fraser Valley Regional District;

"seize" includes impound and detain;

C. AREA OF APPLICATION

This Bylaw applies only within the boundaries and participating areas of the service area established by Fraser Valley Regional District Bylaw No. 1233, 2013 as amended.

Exemptions

Any owner of a dog used by a government law enforcement agency is exempt from the provisions of this Bylaw.

D. DOG CONTROL

Prohibitions

1. A dog owner must ensure the dog:
 - a) does not attack, bite, kill or cause injury to a person or domestic animal;
 - b) does not aggressively pursue or harass a person, a vehicle, or a domestic animal; or
 - c) does not kill a person or domestic animal.

Seizure of Dogs

2. An animal control officer may seize any dog that is alleged to have been or is found in contravention of Section 1 or Section 6 of this Bylaw.

Aggressive Dogs

3. Where, in the opinion of an animal control officer, a dog has been involved in an incident in which the dog was an aggressive dog, the animal control officer may submit a written report of the incident to the Chief Animal Control Officer.
4. If, in the opinion of the Chief Animal Control Officer, grounds exist to consider the dog as an aggressive dog under this Bylaw, a letter must be sent to the owner of the dog confirming that the Regional District considers the dog to be an aggressive dog and

advising the owner of the requirements for confining, identifying and restraining aggressive dogs under this Bylaw.

5. Where a dog has been considered aggressive pursuant to Section 4 of this Bylaw, the owner of the dog may appeal the classification, in writing, within 30 days to the Chief Animal Control Officer. The Chief Animal Control Officer will review the owner's submissions, the written report of the animal control officer and any other materials deemed relevant and will then determine whether the Regional District will continue to consider the dog an aggressive dog.
6. The owner of an aggressive dog must:
 - a) keep the dog securely confined in an enclosure at all times; or
 - b) ensure the dog is:
 - i. on a leash not exceeding three metres in length;
 - ii. under the immediate care and control of a competent person; and
 - iii. muzzled to prevent it from biting a person or other animal.
 - c) permit the Regional District, for identifying purposes, to implant a microchip into the shoulder/neck area of the aggressive dog and pay the microchip implant fee set out in Schedule B of this Bylaw; or
 - d) permit the Regional District, for identifying purposes, to scan a previously implanted microchip on the aggressive dog.
 - e) provide a photo of the dog to the Regional District within 7 working days of the animal being designated.
 - f) at the discretion of the Chief Animal Control Officer, any or all of the above conditions may be applied.
7. Where the owner of an aggressive dog requests that the dog be destroyed, an animal control officer may arrange to have the dog humanely destroyed. In such cases, the owner must sign a form for the release of the dog to the Regional District for the purposes of humane destruction.
8. In addition to the above conditions, a dangerous dog may also be dealt with by the Regional District in accordance with Section 49 of the *Community Charter*.

E. ANIMAL CARE- AGGRESSIVE DOGS

9. A person must not keep an aggressive dog in the area of application of this Bylaw unless the animal is provided with:
 - a) clean, potable drinking water and sufficient food;
 - b) sanitary food and water receptacles;
 - c) the opportunity for periodic exercise sufficient to maintain the animal's good health;
 - d) clean bedding material and an area maintained at a temperature warm and dry enough to prevent the animal from suffering discomfort; and

- e) the necessary veterinary care when the animal exhibits signs of pain, suffering or disease.
- 10. A person must not keep any aggressive dog outside for extended periods of time unless the aggressive dog is provided with shelter capable of protecting the dog from heat, cold, puddles, rain and the direct rays of the sun.
- 11. A person must not keep any aggressive dog confined in an enclosed space, including a motor vehicle, without sufficient ventilation.
- 12. A person must not keep any aggressive dog 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.
- 13. A person must not keep any aggressive dog hitched, tied or fastened to a fixed object as the primary means of confinement.

F. IMPOUNDMENT

- 14. Where a dog is impounded pursuant to this Bylaw:
 - a) an animal control officer must make reasonable effort to determine the owner of the animal and to notify the owner by telephone of the impoundment and the procedure to recover the animal;
 - b) if an animal control officer is not able to determine the owner of an animal or contact the owner of an animal by telephone, the animal control officer must post a notice on the public notice board at the Regional District's animal control facility describing the animal and stating the date of impoundment and the impoundment period;
 - c) if a dog has no form of identification, the animal control officers have no obligation to notify the owner of the dog;
 - d) the Regional District may provide the animal with veterinary care, medication, specialty food, or other treatment required for the reasonable and proper care of the animal, and the Regional District may recover the actual cost of such treatment plus a 15% administrative charge as an extra fee payable by the owner of the animal;
 - e) the owner must claim ownership of the animal from the place of impound within 96 hours from the time of impoundment, by giving evidence of ownership of the animal and paying the impound fee, the daily boarding fees, and applicable other fees for the animal as prescribed in Schedule A of this Bylaw;
 - f) the impoundment fee for an aggressive dog will be the fee set out in Schedule A of this Bylaw for aggressive dogs;
 - g) the Regional District may provide for the adoption or humane destruction of an animal that is not collected by the owner within 96 hours from the time of impoundment.

15. Where an impounded animal is adopted out pursuant to this Bylaw:

- a) any monies received by the Regional District from the adoption of the animal will be applied against the fees and cost of impounding, boarding and adopting out the animal and any monies remaining unclaimed after 30 days will be credited to the Animal Control General Revenue account of the Regional District;
- b) It shall be the responsibility of the original owner of the animal to claim the proceeds from the sale of the animal, less the fees and cost set out in this section, within 30 days of the adoption of the animal.

16. A person must not take, remove or release, or assist in the taking, removing or releasing, of any animal impounded by the Regional District without first obtaining the consent of an animal control officer and paying all fees relating to the impound of the animal.

Impoundment and Release of Aggressive Dogs

17. The owner of an aggressive dog that has been impounded pursuant to this Bylaw, may only reclaim the dog upon application to an animal control officer with the following:

- a) evidence of ownership of the aggressive dog;
- b) payment of fees set out in Schedule A and B of this Bylaw; and
- c) delivery to an animal control officer of an executed statement in the form prescribed from time to time.

18. Notwithstanding Section 17, where a dangerous dog is seized pursuant to the *Community Charter*, or where the Regional District is otherwise making application under the *Community Charter* for an order for the destruction of a dangerous dog, an animal control officer may refuse to release the dangerous dog to the owner in accordance with the *Community Charter*.

G. ADOPTION

19. Every person wishing to adopt an animal from the Regional District's animal control facility must:

- a) make application at the animal control facility on the form prescribed by an animal control officer and pay the fee set out in Schedule B of this Bylaw; and
- b) where applicable, license the dog.

20. Where, in the opinion of an animal control officer, the applicant for an animal adoption is not suitable, or the animal requested is not suitable for the applicant, the officer may refuse to adopt out the animal; and where requested by the applicant, the reason for such refusal will be given in writing.

H. ENFORCEMENT

Authority of Animal Control Officer

- 21. An animal control officer may enter any real property at any reasonable time for the purpose of ascertaining whether the regulations and requirements of this Bylaw are being met. Such entry onto property is subject to the *Community Charter* and corresponding sections of the *Local Government Act*.
- 22. A person must not obstruct or impede, or refuse or neglect to admit onto any property, an animal control officer in the execution of the officer's duties and powers under this Bylaw, the *Community Charter* or the *Local Government Act*.
- 23. All animal control officers are designated animal control officers for the purpose of the *Community Charter* and the *Local Government Act*.
- 24. An animal control officer may require that all persons adopting a dog or retrieving a dog from the animal control facility provide information to the Regional District, by use of a form or otherwise, and may prescribe forms that must be completed for these purposes.

I. OFFENCE AND PENALTY

- 25. Every person who violates any provision of this Bylaw, or who allows or permits any act or thing to be done in violation of any provision of this Bylaw or who neglects to or refrains from doing anything required to be done by any provision of this Bylaw is guilty of an offence against this Bylaw and each day that a violation continues to exist is deemed to be a separate offence against the Bylaw.
- 26. Every person who commits an offence against this Bylaw shall be liable upon summary conviction to a fine of not more than ten thousand dollars (\$10,000.00).
- 27. Designated contraventions of this Bylaw may be enforced pursuant to FVRD Bylaw Offence Notice Enforcement Bylaw No. 0787, 2006, as amended.

J. SEVERABILITY

- 28. If a court of competent jurisdiction holds any portion of this Bylaw invalid, such invalidity shall not affect the remaining portions of the Bylaw.

K. READINGS AND ADOPTION

READ A FIRST TIME THIS	18 th	day of	December, 2013
READ A SECOND TIME THIS	18 th	day of	December, 2013
READ A THIRD TIME THIS	18 th	day of	December, 2013
ADOPTED THIS	18 th	day of	December, 2013

SCHEDULE A

IMPOUND AND BOARDING FEES

A) IMPOUND FEES

Aggressive Dog – First Impoundment \$ 250.00

Aggressive Dog – Subsequent Impound \$1,000.00

B) DAILY BOARDING FEES

Dogs - per animal/per day \$ 50.00

C) OTHER FEES AND CHARGES

In all cases, the actual costs of veterinary care, medication, specialty food, contract hauling for large animals, and other extenuating costs incurred by the FVRD, plus a 15% administration fee shall be charged, on top of any fees mentioned in Sections A and B above, for any animal impounded.

NOT FOR LEGAL USE

SCHEDULE B

MISCELLANEOUS FEES

Adoption Fees \$250.00
(per dog plus licence fee where applicable)

Microchip Implant \$ 60.00

NOT FOR LEGAL USE