

THE CORPORATION OF THE DISTRICT OF OAK BAY

BYLAW NO. 4013

Consolidated for Convenience Only to November 20, 2023

(**amended by Bylaws No. 4102, 4194, 4208, 4246, 4292, 4340, 4369, 4417, 4425, 4477, 4491, 4529, 4541, 4546, 4566, 4591, 4609, 4748 and 4797, 4840)

A Bylaw to provide for the licensing and controlling of animals
in the Municipality of Oak Bay

The Municipal Council of The Corporation of the District of Oak Bay, in open meeting assembled, enacts as follows:

INTERPRETATION

1. In this Bylaw,

“ANIMAL” means any mammal, reptile or amphibian;

*(**Bylaw 4491, adopted Jan 25, 2010)*

“AT LARGE” means off the premises of the owner and unaccompanied by a competent person in control of the animal on any street, lane, highway, boulevard, park or other public place or on private property without the consent and knowledge of the owner of that property;

*(**Bylaw 4340, adopted Dec. 13, 2006)*

“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 the insect *Apis Mellifera* kept in an apiary which is registered under the provisions of the *Bee Act*;

“BIRD” includes a bantam, ornamental bird, pigeon, dove, show bird and any kind of fowl or poultry;

“CORPORATION” means The Corporation of the District of Oak Bay;

“COUNCIL” means the Municipal Council of The Corporation of the District of Oak Bay;

“DEER” means a mammal of any species of the family *Cervidae*;

*(**Bylaw 4491, adopted Jan 25, 2010)*

“DOG” means either the male or the female of the species *Canis Familiaris*;

“DOMESTIC RABBIT” means a rabbit that is a member of either of the following species:

Sylvilagus floridanus (eastern cottontail)
Oryctolagus cuniculus (European rabbit);

*(**Bylaw 4491, adopted Jan 25, 2010)*

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

*(**Bylaw 4491, adopted Jan 25, 2010)*

“FERAL RABBIT” means a domestic rabbit that is not harboured and confined to the owner’s property as a pet;

*(**Bylaw 4491, adopted Jan 25, 2010)*

“FARM ANIMAL” means a 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, or oxen;

“FUR BEARING ANIMAL” includes a beaver, fox, skunk, mink, chinchilla, marten, fisher, otter, nutria, or muskrat;

“GUIDE DOG” means a dog that

- a) Is trained as a guide dog for a blind person, and
- b) Is certified as a guide dog.

*(**Bylaw 4748, adopted Feb. 10/20)*

“LANE” means a public thoroughfare or way which affords only secondary means of access to a lot usually at the side or rear of the lot.

*(**Bylaw 4591, adopted Sep. 30/13)*

“LICENCE INSPECTOR” means the person appointed by the Municipal Council to issue licences and collect licence fees under this Bylaw;

“MCNEILL BAY BEACH” means that portion of the beach and foreshore of the Municipality bounded by and lying between the line produced by extending in a southerly direction the east boundary line of Transit Road, and the line produced by extending in a south easterly direction the north east boundary line of Lot 24, Section 22, Victoria District, Plan 1048;

“MEDICAL HEALTH OFFICER” means the Medical Health Officer for the Capital Health Region appointed pursuant to the *Health Act* ;

“MUNICIPALITY” means the geographic area of the District Municipality of Oak Bay;

“OCCUPIED”, in respect of real property, means having an interest to the extent of being qualified to maintain an action for trespass;

“ORNAMENTAL BIRD” means any bird which is normally kept in a cage or aviary primarily as a 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;

"OWNER", in respect of an animal, includes possessor or harbourer;

"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, or artificially reared grouse, partridge, quail, pheasant, or ptarmigan;

"POUNDKEEPER" means Victoria Animal Control Services Ltd., and includes a Victoria Animal Control Services Ltd. Animal Control Officer assigned to animal control duties pursuant to a contract with the Corporation;

*(**Bylaw 4340, adopted Dec.13, 2006)*

"PUBLIC SCHOOL GROUNDS" means a class of public place comprising 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;

*(**Bylaw 4541, adopted Jul 18, 2011)*

"RABBIT" means a mammal of any species of the family *Leporidae*;

*(**Bylaw 4491, adopted Jan 25, 2010)*

"RACCOON" means a mammal of the species *Procyon lotor*;

*(**Bylaw 4491, adopted Jan 25, 2010)*

"RODENT" means all forms of the order *rodentia* except those defined as fur bearing animals within this Bylaw, and without limiting the generality of the foregoing includes mice, guinea pigs, hamsters, and ferrets;

*(**Bylaw 4491, adopted Jan 25, 2010)*

"SERVICE DOG" means a dog that

- a) Is trained to perform specific tasks to assist a person with a disability, and
- b) Is certified as a service dog.

*(**Bylaw 4748, adopted Feb. 10/20)*

"STREET" includes a highway, road, roadway, public sidewalk or walkway, boulevard, lane, alley or bridge;

"TRAP, in this Bylaw, shall have its ordinary meaning, but shall not include common mice and rat traps.

*(**Bylaw 4797, adopted Oct 12/21)*

"UPLANDS REGULATIONS BYLAW" means Bylaw 3545, "Uplands Regulation Bylaw, 1987", as amended, or any successor Bylaw;

"VETERINARIAN" means a veterinarian registered under the *Veterinarians Act*;

"VICIOUS DOG" means

- (a) a dog which has bitten or attacked a person or animal without provocation;
- (b) a dog, the owner of which has been convicted of an offence contrary to Section 62 of this Bylaw;
- (c) a dog which has in a menacing or terrorizing manner approached any person upon a street or other public place in an apparent attitude of attack;
- (d) a dog owned or harboured primarily or in part for the purpose of dog fighting, or a dog trained for dog fighting; or
- (e) a dog with a known propensity, tendency or disposition to attack other animals or humans without provocation;

"WILD ANIMAL" means any animal or reptile 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, and includes such animals or reptiles born in captivity;

"WILLOWS BEACH" means that portion of the beach and foreshore of the Municipality bounded by and lying between the line produced by extending in a south easterly direction the south west boundary line of Bowker Avenue, and the line produced by extending in a southerly direction the east boundary line of Lot J, Section 31, Victoria District, Plan 1216A;

"ZONING BYLAW" means Bylaw 3531, "Zoning Bylaw, 1986", as amended, or its successor Bylaws.

POUNDKEEPER

- 2. Council, may, by resolution, enter into an agreement with Victoria Animal Control Services Ltd., to be and carry out the duties of Poundkeeper.
*(**Bylaw 4340, adopted Dec. 13, 2006)*
- 3. For the purposes of this Bylaw, the Municipal Pound (hereinafter the "Pound") is designated to be at the premises at 564 David Street in the City of Victoria, British Columbia, or such other premises as Council may designate by resolution from time to time.
*(**Bylaw 4340, adopted Dec. 13, 2006)*

IMPOUNDED ANIMALS

- 4. REPEALED *(**Bylaw 4208, adopted Dec. 15, 2003)*
- 5. REPEALED *(**Bylaw 4208, adopted Dec. 15, 2003)*
- 6. REPEALED *(**Bylaw 4208, adopted Dec. 15, 2003)*
- 7. If any animal shall be found running at large, straying, depasturing or tres-

passing on any street, lane, highway, boulevard, park or public place within the Municipality or found to be on any private property within the Municipality without the consent of the owner of the property, it shall be lawful for and shall be the duty of the Poundkeeper to take such animal and lead, drive or convey the same to the Pound and there to impound the same, and to collect the impounding fees as set out in Schedule "A-1" attached hereto.

8. The Poundkeeper shall furnish all animals impounded pursuant to this Bylaw with all necessary and proper food and water and in return shall be entitled to collect, from the owner, boarding fees for each animal as set out in Schedule "A-2" attached hereto, however no provision of this Bylaw shall be construed as making the Poundkeeper or the Corporation liable to the owner of the animal for any injury to, or sickness or death of the animal. "The Poundkeeper shall further furnish all animals with any Veterinarian care the Poundkeeper reasonably determines is necessary and proper to care for and maintain an animal impounded under this Bylaw, and shall further be entitled to collect those amounts from the owner of the animal in which they were incurred, in accordance with Section 11(5)."
*(**Bylaw 4797, adopted Oct 12/21)*
9. *Repealed*
*(**Bylaw 4340, adopted Dec.13, 2006)*
10. When the Poundkeeper is aware of the name and address of the owner of any animal which is impounded, he shall notify the owner of the impounding by mail or verbally within twenty four (24) hours of the impounding.
11. Subject to a detention imposed under Section 66 of this Bylaw, the owner of any impounded animal or any person acting on the owner's behalf may redeem the animal from the Pound by:
 - (1) paying all impoundment and boarding fees required to be paid by this Bylaw;
 - (2) paying all fines arising from a conviction of a contravention of any Section of this Bylaw in respect of such animal to and including the date of redemption;
 - (3) proving ownership to the satisfaction of the Poundkeeper; and
 - (4) in the case of an agent, satisfying the Poundkeeper that proper authorization for redemption of the animal has been received from the owner.
 - (5) by paying any Veterinarian costs incurred in respect of the animal during the impoundment period.
12. In the case of a dog, the person redeeming the dog shall also prove to the satisfaction of the Poundkeeper that all licence fees payable in respect of such dog have been paid and all necessary tags obtained before the dog may be removed from the Pound.
13. Before delivering any impounded animal to the owner, the Poundkeeper shall obtain from the person claiming the animal his or her name and address, and

make a written record of the same.

*(**Bylaw 4208, adopted Dec.15, 2003)*

14. Subject to a detention imposed under Section 66 of this Bylaw, if an animal is not redeemed
 - (1) within 96 hours after it is impounded where the Poundkeeper has notified the owner under Section 10; or
 - (2) within 120 hours in all other cases,the Poundkeeper may sell the animal or may cause the animal to be put to death in a humane manner.
15. No person purchasing or otherwise acquiring any dog from the Poundkeeper shall remove such dog from the Pound until a valid licence has been obtained pursuant to this Bylaw.
16. Notwithstanding anything contained in this Bylaw, it shall be lawful for the Medical Health Officer to order that any impounded bird or animal shall be put to death forthwith upon receiving the certificate of a veterinarian certifying that the animal is suffering from an infectious or contagious disease.
17. No person shall break open, or in any manner directly or indirectly aid or assist in breaking open, the Pound, or shall take or let any animal or animals out of such Pound without the consent of the Poundkeeper.
18. No person shall hinder, delay or obstruct any person or persons lawfully engaged in leading, driving or conveying any animal liable to be impounded within the meaning of this Bylaw to the Pound.

ANIMAL REGULATIONS – GENERAL

19. (1) No person shall keep or harbour any animals, birds or bees except in accordance with the provisions of this Bylaw.
 - (2) No person shall use a Trap to restrain an animal, other than mice and rats, unless authorized by permit issued by the Province of BC, or by authority as a duly authorized officer of the Federal or Provincial government or the District of Oak Bay, or unless exercising traditional Indigenous rights.”
- (3) Notwithstanding Section 19(2), a person must not use, set, or maintain any Trap that is designed to capture an animal by the foot, leg, or neck.

*(**Bylaw 4797, adopted Oct.12/21)*

*(**Bylaw 4797, adopted Oct.12/21)*

20. No person shall keep, harbour, house, or confine within the Municipality any farm animal, wild animal, rooster, bantam, pigeon, or fur bearing animal.
21. No person shall keep or harbour any ornamental bird on any parcel of land within the Municipality unless the bird is housed and enclosed on the parcel

on which it is kept.

PROHIBITION OF CRUELTY TO ANIMALS

22. No person shall keep, harbour, house, or confine any animals which are not provided with
- (1) clean potable drinking water at all times and suitable food of sufficient quantity to allow for normal growth and the maintenance of body weight;
 - (2) food and water receptacles kept clean and disinfected and located so as to avoid contamination by excreta;
 - (3) the opportunity for periodic exercise sufficient to maintain good health; and
 - (4) necessary veterinary medical care when the animal exhibits signs of pain or suffering.
23. (1) No person shall keep any dog, cat, or rodent which normally resides outside, or which is kept outside for extended periods of time, unless the animal is provided with outside shelter which ensures 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 the animal the ability to turn around freely and to easily stand, sit, and lie in a normal position, and must be cleaned and excreta removed on a regular basis.
- (2) Notwithstanding any other provision of this Bylaw, no Person shall:
- (a) abandon any Animal;
 - (b) in any way use poison, air pellet guns, bows and arrows, firearms, sling shots, or similar on any Animal;
 - (c) tease, torment, beat, kick, choke, or provoke an Animal;
 - (d) cause, permit or allow an Animal to suffer; or
 - (e) train or allow any Animal to fight.

*(**Bylaw 4797, adopted Oct.12/21)*

24. No person shall keep an animal confined in an enclosed space, including a motor vehicle, without access to water and sufficient ventilation so as to prevent the animal from suffering heat or cold-related distress or injury. Such enclosed space or vehicle (if stationary) shall be in an area providing sufficient shade to protect the animal from the direct rays of the sun at all times.

*(**Bylaw 4797, adopted Oct.12/21)*

ANIMAL PERFORMANCES

25. No person shall operate or carry on a public show, exhibition, carnival or performance in which animals are required to perform tricks, fight, or participate in exhibitions or performances for the entertainment of an audience, however nothing in this Section shall prohibit or restrict

- (1) exhibitions, parades, or performances involving horses or in which individuals ride horses or ponies;
- (2) exhibitions involving dogs; or
- (3) displays or showings of animals in agricultural fairs or pet shows

provided that the exhibition, parade, or performance in no way exploits an animal such that it is being used or treated in an inhumane manner for profit or advantage.

POULTRY

26 Subject to the Uplands Regulation Bylaw, which shall prevail in the event of conflict, no person shall keep, house or confine poultry within the Municipality except in accordance with the following regulations:

- (1) no poultry may be kept other than on land zoned for one family residential use under the Zoning Bylaw;
- (2) the owner of the poultry resides on the parcel where the poultry is kept;
- (3) no more than five (5) poultry may be kept, housed, or confined on any parcel of land having an area less than or equal to 1,114 square metres;
- (4) no more than ten (10) poultry may be kept, housed, or confined on any parcel of land having an area greater than 1,114 square metres;
- (5) the poultry must be at least six months of age;
- (6) the poultry must be kept and confined in a building or structure that:
 - (a) except as otherwise permitted under subsection (b), is located at least 4.6 metres from the rear lot line and side lot lines of the parcel;
 - (b) where the rear lot line or a parcel adjoins a public lane, is located at least 2 metres from the rear lot line;
 - (c) is located within the portion of the parcel bounded by the rear lot line, the side lot lines and the projection of the wall of the principal building facing the rear lot line to the closest points on the respective side lot lines,
 - (d) is no more than 2 metres in height,
 - (e) provides each poultry with at least .37 square metres of coop floor

area and at least .92 square metres of roofed outdoor enclosure area, and

- (f) occupies an area of land not exceeding 9.8 square metres;
- (7) the person keeping the poultry must register the poultry with the Municipality by

completing and submitting a registration form provided by the Municipality containing the following information:

- (a) the date of registration;
- (b) poultry owner's name, address and postal code;
- (c) confirmation that the owner of the poultry resides on the property where the poultry will be kept; and
- (d) confirmation that the owner of the poultry has read and understood the requirements of this Bylaw.

*(**Bylaw 4591, adopted Sep. 30/13)*

BEES *(**Bylaw 4417, adopted June 23, 2008)*

29. No person shall keep, house or confine bees within the Municipality without first applying for and obtaining a beekeeping permit from the Licence Inspector.

30. Without derogating from any requirement imposed by a bylaw regulating the application and permit process for the constructions of buildings or other structures, an application for a beekeeping permit shall include:

- (1) a scaled and dimensioned site plan showing the proposed location of each beehive and its distance from the boundaries of the parcel; and
- (2) a scaled and dimensioned elevation plan showing the height of the entrance to each beehive and where applicable, the type, height and location of the fencing or other screening required by Section 30.1(6)(b).

30.1 On application, the Licence Inspector shall issue a beekeeping permit where the application complies with the following conditions:

- (1) the applicant is the owner or tenant in occupation of the parcel on which bees are proposed to be kept;
- (2) the parcel on which bees are proposed to be kept is zoned for bee keeping under the *Zoning Bylaw*;

*(**Bylaw 4840, adopted Jul. 10/23)*

- (3) the number of beehives proposed to be erected, placed or constructed does not exceed:
 - (a) two (2) for a parcel of area less than or equal to 930 square metres; nor

- (b) four (4) for a parcel of area greater than 930 square metres;
- (4) no beehive is located closer than 1.5 metres to any boundary of the parcel;
*(**Bylaw 4591, adopted Sep. 30/13)*
- (5) ~~no beehive is located other than within the portion of the parcel bounded by the rear lot line, the side lot lines and the projection of the wall of the principal building facing the rear lot line to the closest points on the respective side lot lines; and~~
*(**Repealed Bylaw 4840, adopted Jul. 10/23)*
- (6) either:
- (a) ~~the entrance to each beehive is located not less than 2.4 metres above the adjacent ground level, or~~
- (b) ~~subject to Section 30.2, for a beehive the entrance of which is located less than 2.4 metres above the adjacent ground level, such entrance is located behind three (3) sections of solid fencing (or other robust screening impenetrable by bees) together making a “|” shape, not less than 2.0 metres in height above the adjacent ground level, with the middle section running parallel to the beehive entrance wall and each of the two wings extending back to a point at least even with the back of the beehive.~~
*(**Repealed Bylaw 4840, adopted Jul. 10/23)*
- 30.2 ~~Section 30.1(6)(b) does not apply where the lot line boundaries of the portion of the parcel described in Section 30.1(5) are delineated by solid fencing not less than 2.0 metres in height above the adjacent ground level at all points.~~
*(**Repealed Bylaw 4840, adopted Jul. 10/23)*
- 30.3 No person shall erect, place, construct or maintain on any parcel a number of beehives in excess of the applicable limit set out in Section 30.1(3).
- 30.4 No person shall keep, house or confine bees in a beehive located or constructed other than in accordance with Sections 30.1(4), 30.1(5) and 30.1(6), nor in a beehive located or constructed other than in accordance with the plans on which the issuance of a permit under Section 30.1 was based.
- 30.5 Every person who owns, possesses, keeps, houses or confines bees, and every person on whose property bees are kept, housed or confined shall:
- (1) maintain the bees in a condition that reasonably prevents swarming and aggressive behaviour; and
 - (2) provide sufficient water for the bees that reasonably prevents them from seeking water on adjacent parcels of land.

CATS

31. No person shall keep, shelter, harbour, house or confine more than five (5) cats over the age of four months on any one premises in the Municipality.

32. No person shall keep, shelter, harbour, house, or confine or have in his possession any cat suffering from any infectious or contagious disease, unless the cat is in isolation and under treatment for such infection or disease.

RODENTS

33. Where a person keeps or harbours any rodent or domestic rabbit on a parcel of land, he shall ensure that

- (1) the rodent or domestic rabbit is not allowed to run at large; and
- (2) the rodent or domestic rabbit is confined to the parcel of land on which it is kept or harboured;

*(**Bylaw 4491, adopted Jan 25, 2010)*

NO RELEASE OR ABANDONMENT

- 33.1 No person shall release or abandon a domestic rabbit on land within the Municipality.

*(**Bylaw 4491, adopted Jan 25, 2010)*

NO FEEDING OF DEER, RACCOONS OR FERAL RABBITS

- 33.2(1) No person shall feed a deer within the Municipality.

- 33.2(2) No person shall feed a raccoon or feral rabbit within the Municipality.

*(**Bylaw 4609, adopted Mar 24, 2014)*

DOGS – LICENCES

34. For each dog licence year, the owner of any dog over the age of four months shall apply to the Licence Inspector and take out a licence for such dog, and shall pay in advance to the Corporation the annual licence fee for the dog as set out in Schedule "B" attached hereto and forming a part hereof.

35. When a dog attains the age of four months after the commencement of a dog licence year, the dog owner shall forthwith apply to the Licence Inspector and take out a licence in the same manner as if the dog had attained the age of four months prior to the commencement of the dog licence year.

36. The dog licence year shall run from January 1 to December 31 of the same calendar year.

37. Every licence issued under this Bylaw shall be accompanied by a tag, and the tag, licence and application therefor shall be in the form or forms prescribed by the Licence Inspector.

38. Every dog owner shall provide his dog with a collar to which he shall affix the tag accompanying the licence for such dog, and the owner shall ensure that the collar and tag are worn by his dog at all times when the dog is not on the premises of the owner.

39. Tags and licences issued under this Bylaw are not transferable from one dog to another and no dog owner shall be entitled to a refund on any paid up dog

licence fee.

40. No person shall keep or harbour any dog over the age of four months unless a licence therefor has been taken out in accordance with this Bylaw.
41. If a written statement from a veterinary surgeon, certifying that a dog has been neutered or spayed, as the case may be, is provided to the Licence Inspector, it shall be accepted in lieu of the licence fee for the calendar year in which the dog was neutered or spayed, or in the following year if a licence has been obtained prior to the neutering or spaying.
42. For a dog in respect of which a licence was issued in the previous year, the applicable fee set out in Schedule "B" shall be increased by the amount of \$5.00 if a new licence has not been taken out by February 1 of the current dog licence year.
43. 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 Five Dollars (\$5.00) in respect of the tag.

DOGS – GENERAL REGULATIONS

44. With the exception of Guide Dogs and Service Dogs, no more than two dogs over the age of four months shall be kept or harboured on any one premises within the Municipality, and no person shall keep or harbour more than two such dogs on any one premises owned or occupied by him, or suffer or permit more than two such dogs to be kept or harboured on any one premises owned or occupied by him.

*(**Bylaw 4748, adopted Feb. 10/20)*
45. The owner of a female dog in heat shall keep her confined within a building throughout the entire time that she is in heat.
46. The owner of a female dog shall report in writing to the Licence Inspector the birth of any dogs to such female dog within one month from such birth.
47. Any person ceasing to be the owner of any dog shall so report in writing to the Licence Inspector within one month of such occurrence.
48. Every occupier of premises where any dog is kept or found and every person wheresoever encountered, having at that time the apparent custody of a dog, shall forthwith, upon demand made by the Poundkeeper, the Licence Inspector, or a peace officer, truthfully and fully supply the following information:
 - (1) their name;
 - (2) the number of dogs owned or kept by them, their breed, sex and general description;
 - (3) the place where such dogs are kept; and
 - (4) whether the dogs are currently licensed.

49. No person shall keep or harbour any habitually noisy dog within the Municipality.
50. No owner of a dog shall suffer or permit his or her dog to be at large.
51. The Poundkeeper may take and impound any dog found at large.
52. If a dog defecates in or upon
 - (1) a street, public beach, park, public school ground or any other public place; or
 - (2) private property other than property owned or occupied by the dog owner or the person having charge of the dog,the dog owner or person having charge of the dog shall cause the excrement to be removed immediately upon its deposit.
53. Section 52 does not apply to a blind person accompanied by a guide dog.
54. No person who has removed excrement pursuant to Section 52 shall deposit the same on any private property other than that owned or occupied by him, or in any public place except, where the excrement is securely contained in an impermeable bag or other impermeable container so as not to ooze, leak or fall out, and placed into a municipal litter receptacle which the Corporation has designated and labeled for the deposit of dog excrement.

DOGS – PARK AND PUBLIC PLACE PROHIBITIONS

55. No dog owner shall suffer or permit his dog to be in that part of Uplands Park shown outlined in a heavy black line on the plan attached hereto as Schedule "C" and forming a part hereof, during the months of April, May and June in any year, except when the same is under the full custody and control of a competent person by means of a chain or leash not exceeding 2.4 metres in length.
56. No dog owner shall suffer or permit his dog to be in any of the parks enumerated in Schedule "D" attached hereto and forming a part hereof, except when the dog is under the full custody and control of a competent person by means of a chain or leash not exceeding 2.4 metres in length.
57. Notwithstanding Section 56, a dog owner may permit his dog to be unleashed in Windsor Park
 - (1) between sunrise and 9 o'clock a.m. on any day from July 1 to August 31 in any year; and
 - (2) between sunrise and 11 o'clock a.m. on any day from September 1 in one year to June 30 in the next year;

provided, however, that the dog must nevertheless remain at all times under the full custody and control of a competent person.

*(**Bylaw 4194, adopted Aug.18, 2003)*

58. Section 57 does not apply
- (1) to the fenced Rose Garden in the easterly portion of Windsor Park; or
 - (2) to any portion of Windsor Park on days or at times where the use of that portion of Windsor Park has been reserved for, and is being used by, an individual, group or organization as evidenced by a permit issued under the authority of the Oak Bay Parks and Recreation Commission.
59. No dog owner shall suffer or permit his dog to be:
- (1) in the fenced Rose Garden in the easterly portion of Windsor Park;
 - (2) in the Native Plant Park, being Lot C and Lots 81, 82 and 83, Section 23, Victoria District, Plan 368;
 - (3) in the golf course and chip trail area of Henderson Park, as more particularly shown outlined in a heavy black line on the plan attached hereto as Schedule "E" and forming a part hereof;
 - (4) in the Turkey Head Walkway area of the Oak Bay Marina Lookout, as more particularly shown outlined in a heavy black line on the plan attached hereto as Schedule "F" and forming a part hereof; and
 - (5) in the fenced Water Park in the north easterly portion of Carnarvon Park.
*(**Bylaw 4546, adopted November 14, 2011)*
 - (6) on Kitty Islet, as more particularly shown outlined in a heavy black line on the plan attached hereto as Schedule "G" and forming a part hereof.
*(**Bylaw 4566, adopted June 25, 2012)*
60. No dog owner shall suffer or permit his dog to be on Willows Beach at any time between May 1 and September 30 in any year.
- (1) Notwithstanding Section 60, no dog owner shall suffer or permit their dog to be in the area known as South Willows Beach (from the end of Bowker Avenue to the south boundary of Glenlyon-Norfolk School) at any time of the year.
*(**Bylaw No. 4797, adopted Oct. 12/21)*
- 60.1 No dog owner shall suffer or permit his/her dog to be on McNeill Bay Beach at any time except:
- (1) between October 1 in one year and April 30 of the next year; and
 - (2) in May, June, July, August or September, between sunrise and sunset.
*(**Bylaw No. 4369, adopted May 28, 2007)*
*(**Bylaw No. 4477, adopted June 24, 2009)*
*(**Bylaw No. 4529, adopted March 14, 2011)*
*(**Bylaw 4566, adopted June 25, 2012)*
61. No dog owner shall suffer or permit his dog to be upon any street, except when

the dog is under the full custody and control of a competent person by means of a chain or leash not exceeding 2.4 metres in length.

- 61.1 No dog owner shall suffer or permit his dog to be upon any public school grounds, except when the dog is under the full custody and control of a competent person by means of a chain or leash not exceeding 2.4 metres in length.

*(**Bylaw No. 4541, adopted July 18, 2011)*

VICIOUS DOGS

62. No person shall allow his or her dog to bite, attack, terrorize, or endanger a person or animal.

63. An owner of a vicious dog must not permit the dog to be on any street, lane, highway, boulevard, park, or other public place within the Municipality unless

- (1) the dog is firmly held on a leash not exceeding 2.4 metres in length;
- (2) the dog is muzzled by a properly fitted humane muzzling device which prevents the dog from biting; and
- (3) the dog is held by a person of competent strength to restrain the dog.

*(**Bylaw No. 4541, adopted July 18, 2011)*

64. The Poundkeeper may take and impound any vicious dog found at large.

65. Any person other than the Poundkeeper may take a vicious dog to the Poundkeeper for impoundment, and the Poundkeeper shall record the name and address of the person before receiving the vicious dog.

66. The Poundkeeper is authorized to impound and detain a vicious dog for fourteen (14) days where

- (1) the owner of the dog has previously been convicted or has been deemed to be convicted of an offence under Section 62 of this Bylaw, or a similar section under a Bylaw of another local government;
- (2) the dog has again aggressively bitten, attacked, or endangered the safety of any human or animal; and
- (3) the dog is at large.

67. A vicious dog impounded under Section 66 of this Bylaw which is not redeemed within 96 hours after the impoundment period may be put to death in accordance with Section 14 of this Bylaw.

68. The provisions of Section 11 apply to the redemption of a vicious dog impounded and detained pursuant to Section 66.

69. The owner of any vicious 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 "H", 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.

*(**Bylaw 4566, adopted June 25, 2012)*

70. No person shall deface or remove a sign required to be posted pursuant to this Bylaw.
- 70.1 The Poundkeeper may enter, at any reasonable time, upon any property in order to ascertain whether the requirements of this bylaw are being met.
*(**Bylaw 4208, adopted Dec. 15, 2003)*

ENFORCEMENT

71. A person who contravenes this Bylaw by doing an act that it forbids, or by omitting to do an act that it requires to be done, commits an offence and is liable, upon conviction, to the penalties prescribed by the Offence Act, provided that such penalty shall not be less than a fine of \$50.00.
72. A separate offence shall be deemed to be committed during each day in which any contravention continues.
73. In this Bylaw, whenever the singular or masculine is used, it shall be construed as if the plural or feminine or neuter, as the case may be, had been used, where the context so requires, and the rest of the sentence shall be construed as if the grammatical and terminological changes thereby rendered necessary had been made.
74. In this Bylaw, whenever the singular or masculine is used, it shall be construed as if the plural or feminine or neuter, as the case may be, had been used, where the context so requires, and the rest of the sentence shall be construed as if the grammatical and terminological changes thereby rendered necessary had been made.
75. The headings in this Bylaw are for the convenience of reference only and are not intended to interpret, define, or limit the scope, extent or intent of the provisions of this Bylaw.
76. The following Bylaws are hereby repealed:
- (1) Bylaw 3098, *Pound and Poundkeeper Bylaw, 1975;*
 - (2) Bylaw 3405, *Pound and Poundkeeper Bylaw Amendment Bylaw, 1982;*
 - (3) Bylaw 3464, *Pound and Poundkeeper Bylaw Amendment Bylaw, 1984;*
 - (4) Bylaw 3750, *Pound and Poundkeeper Bylaw Amendment Bylaw, 1993;*
 - (5) Bylaw 3628, *Dog Control Bylaw, 1989;*
 - (6) Bylaw 3659, *Dog Control Bylaw Amendment Bylaw, 1990;*
 - (7) Bylaw 3696, *Dog Control Bylaw Amendment Bylaw, 1992;*
 - (8) Bylaw 3772, *Dog Control Bylaw Amendment Bylaw No. 1, 1993;*
 - (9) Bylaw 3828, *Dog Control Bylaw Amendment Bylaw, 1994;*
 - (10) Bylaw 3867, *Dog Control Bylaw Amendment Bylaw, 1995;*
 - (11) Bylaw 3874, *Dog Control Bylaw Amendment Bylaw No. 2, 1995;*
 - (12) Bylaw 3920, *Dog Control Bylaw Amendment Bylaw, 1996;*
 - (13) Bylaw 3947, *Dog Control Bylaw Amendment Bylaw No. 1, 1997;*
 - (14) Bylaw 3309, *District of Oak Bay Animal Reform Bylaw No. 1, 1979;*

provided that such repeal shall not affect any offence committed, or penalty or punishment incurred, under such repealed Bylaws, and any such penalty or punishment may be imposed as if this Bylaw had not been passed.

77. This Bylaw may be cited as the **ANIMAL CONTROL BYLAW, 1999**.

READ a first, second and third time by the Municipal Council on

ADOPTED and FINALLY PASSED by the Municipal Council on

Mayor

Municipal Clerk

Sealed with the Seal of The Corporation
of the District of Oak Bay.

SCHEDULE "A-1"

IMPOUNDING FEES

| ANIMAL TYPE | IMPOUNDING FEE |
|---------------------------------------|--|
| Rabbit | \$6.00 |
| Bird | \$6.00 |
| Fowl or Poultry | \$6.00 |
| Cat | \$15.00 |
| Rodent, Fur Bearing Animal or Reptile | \$6.00 |
| Dog | \$35.00 for the first impoundment; \$55.00 for the second impoundment; \$115.00 for the third and subsequent impoundments |
| Farm animal | \$15.00 or at cost if special equipment is required |

*(**Bylaw 4340, adopted Dec. 13, 2006)*

SCHEDULE "A-2"

BOARDING FEES

| ANIMAL TYPE | BOARDING FEE |
|---------------------------------------|---|
| Rabbit | \$2.50 per day or portion thereof |
| Bird | \$2.50 per day or portion thereof |
| Fowl or Poultry | \$2.50 per day or portion thereof |
| Cat | \$6.00 per day or portion thereof |
| Rodent, Fur Bearing Animal or Reptile | \$2.50 per day or portion thereof |
| Dog | \$9.00 per day or portion thereof |
| Farm Animal | \$10.50 per day or portion thereof or at cost if the animal must be kept in a facility other than the Pound |

*(**Bylaw 4340, adopted Dec. 13, 2006)*

SCHEDULE 'B'

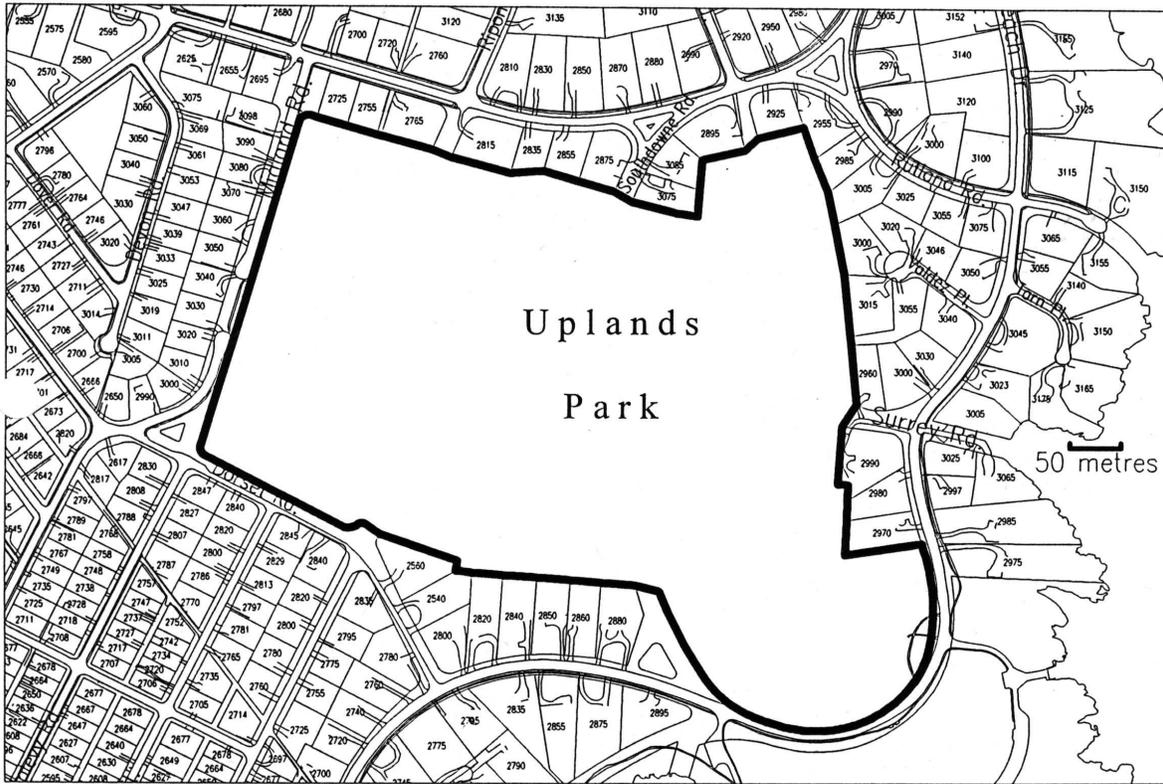
Dog Licence Fees

| | <u>Fee Per Dog Licence Year</u> |
|--|---------------------------------|
| Neutered male dog or spayed female dog | \$39.00 |
| Unneutered male dog or unspayed female dog | \$55.00 |

*(**Bylaw 4292, adopted Oct.11/05)*

SCHEDULE "C" Uplands Park

Schedule A.1



SCHEDULE 'D'

Parks Subject to Leash Requirement

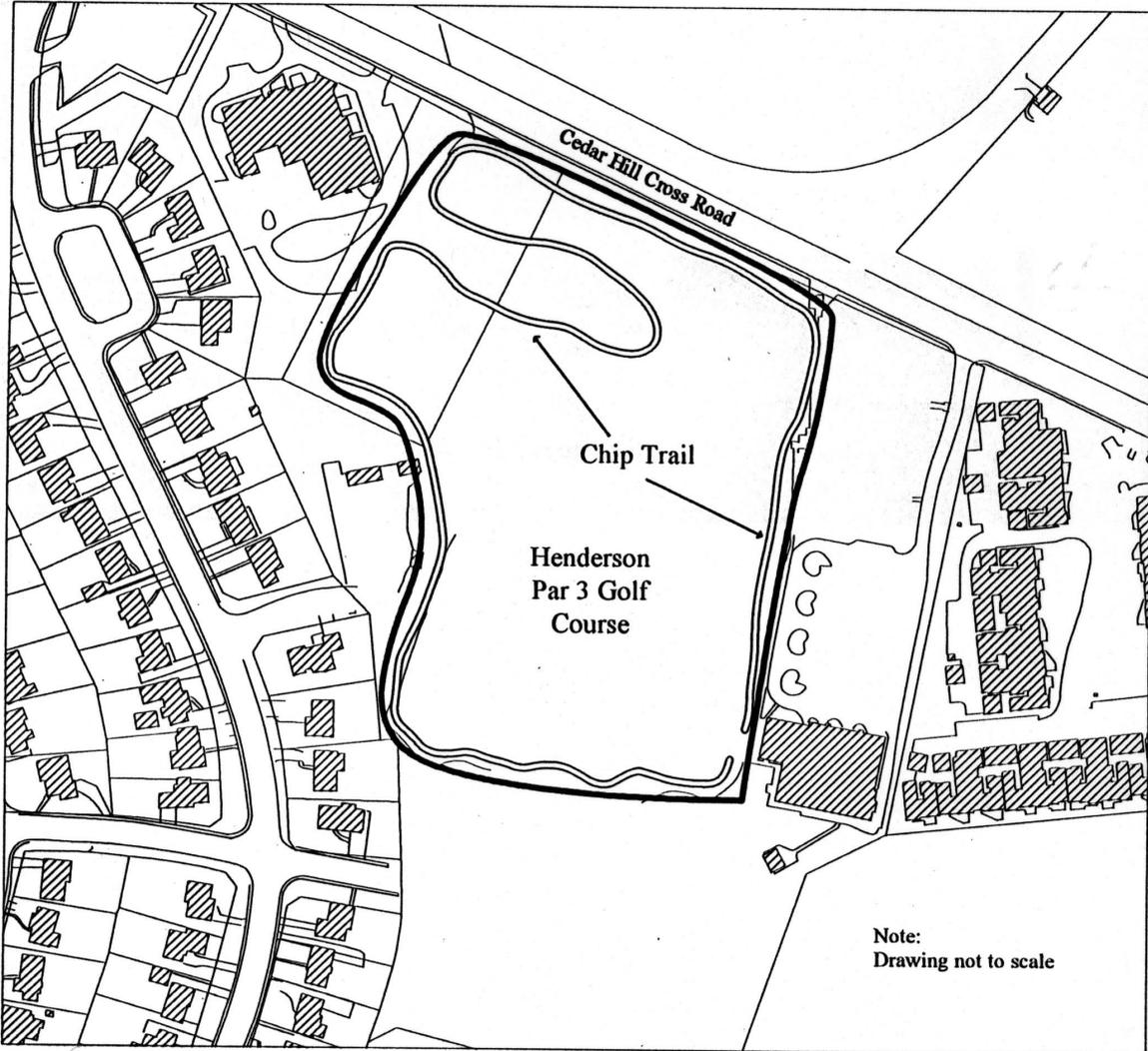
| <u>Name</u> | <u>Legal Description</u> |
|----------------------|---|
| Bowker Creek Walkway | <p>Those parts of Section 69, 28 and 61, Victoria District, shown outlined in red on the plan attached to Bylaw No. 3179 of The Corporation of the District of Oak Bay;</p> <p>That part of Lot B, Sections 28 and 61, Victoria District, Plan 7992, shown outlined in red on Plan 2110-R;</p> <p>That part of Section 69, Victoria District, included within Plan 34453.</p> |
| Carnarvon Park | Lots 41 to 70, Section 28, Victoria District, Plan 9341. |
| Firemen's Park | <p>Lots 19 and 20, ex. Parcel A, Block 2, Section 61, Victoria District, Plan 1029A;</p> <p>Lots 9 and 10, ex. Parcel A, Block 3, Section 61, Victoria District, Plan 1029A;</p> <p>Lots 9 to 15, Block 5, Section 61, Victoria District, Plan 1029A;</p> <p>Lots 2, 3 and 4, Section 61, Victoria District, Plan 11959;</p> <p>Monterey Avenue from the north west boundary of Lulie Street to the north west boundary of Monteith Street.</p> |
| Henderson Park | <p>Part of Lot A, Section 31, Victoria District, Plan 15483;</p> <p>Remainder of Section 31 as described on Certificate of Title No. 382046-I.</p> |
| Lafayette Park | <p>Lot 7 ex. W. 33', Section 22, Victoria District, Plan 74C;</p> <p>Lot 8 ex. W. 33' and S. 60', Section 22, Victoria District, Plan 74C.</p> |
| Lokier Park | Amended Lot B, Section 2, Victoria District, Plan 4866. |

| | |
|------------------------|--|
| Nottingham Park | Lot H, Section 31, Victoria District, Plan 1216A. |
| Oak Bay Marina Lookout | Block B, Section 23, Victoria District, Plan 368 Block C, Section 23, Victoria District, Plan 368 Block A, District Lot 144, Victoria District District Lot 252, Victoria District (Turkey Head area, except that part shown outlined in a heavy black line on the plan attached hereto as Schedule 'F' and forming a part hereof) |
| Quimper Park | Lots 4, 5 and 6, Block 6, Section 46, Victoria District, Plan 1250. |
| Willows Park | Lot 2, Sections 2 and 61, Victoria District, Plan 11985. |
| Windsor Park* | Parts of Section 23, Victoria District, and being that part formerly known as St. Henry Street lying between Blocks 'O' and 'N' and that part formerly known as St. Denis Street lying between Blocks 'N' and 'M' closed by Order in Council (D.F. 133661 as shown on Plan 368); Blocks 'M', 'N' and 'O', Section 23, Victoria District, Plan 368 ex. Parcel 'A' (DD 520561) of Block 'M', Section 23, Victoria District, Plan 368 thereof; Lot 'M', Section 23, Victoria District, Plan 368 ex. Parcel 'A' (DD 520561) thereof. |

*subject to prohibition from fenced rose garden (Section 59).

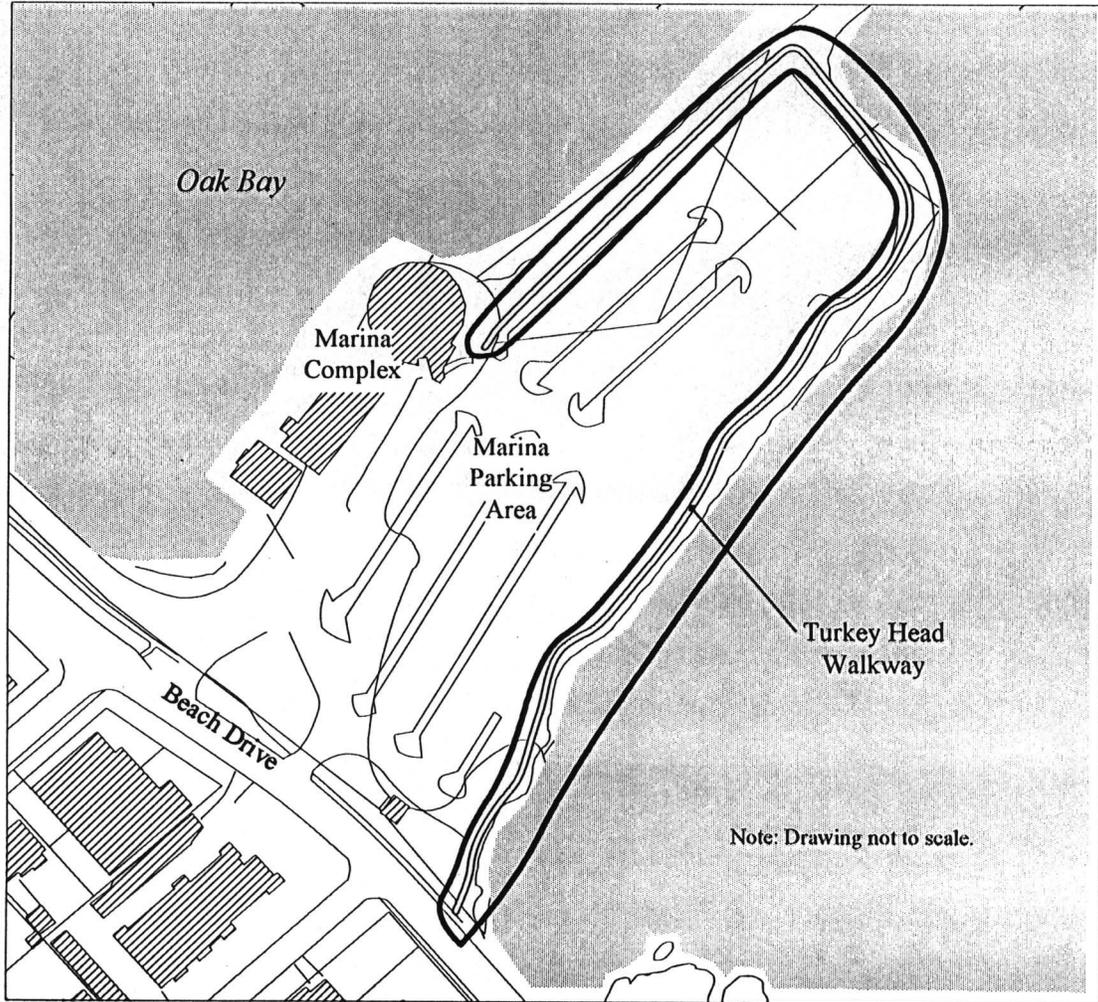
SCHEDULE "E"

HENDERSON PARK GOLF COURSE AND CHIP TRAIL



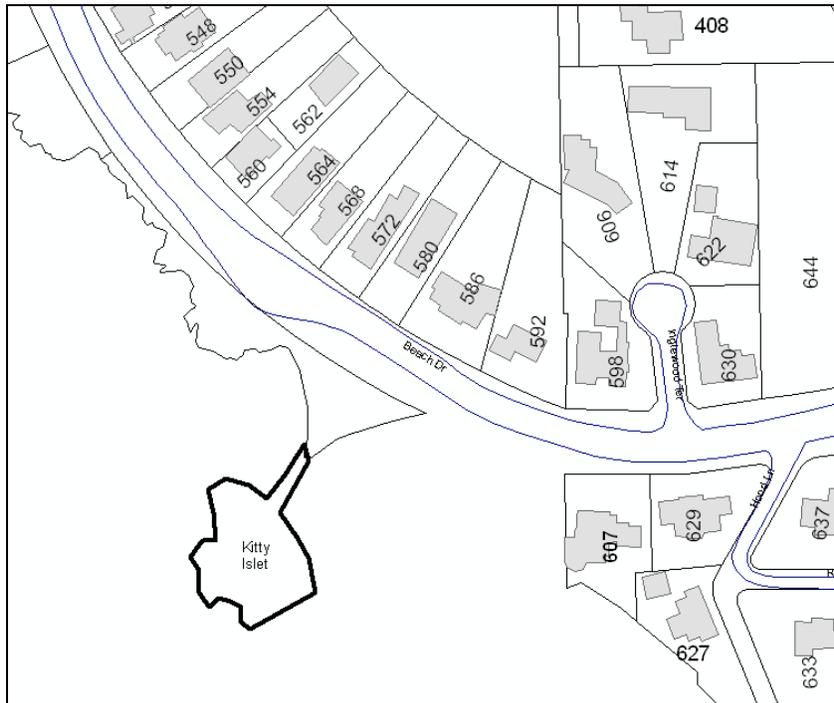
SCHEDULE "F"

TURKEY HEAD WALKWAY



SCHEDULE "G"

KITTY ISLET



SCHEDULE "H"

VICIOUS DOG SIGN

WARNING
VICIOUS DOG ON PREMISES

