

## ***Community Charter***

### **[SBC 2003] CHAPTER 26**

#### Part 3 — Additional Powers and Limits on Powers

#### Division 6 — Animal Control

##### **Classes of animals**

**47** For certainty and without limiting section 12 (1) [*bylaw variation authority*], a bylaw under section 8 (3) (k) [*spheres of authority — animals*] may establish different classes of animals on the basis of sex, age, size or breed.

##### **Seizure and related powers**

**48** A council may, by bylaw, do one or more of the following:

- (a) provide for the seizure of animals that are
  - (i) unlicensed, if there is a requirement that they be licensed,
  - (ii) unlawfully at large on a highway or in a public place,
  - (iii) straying or trespassing on private property, or
  - (iv) on unfenced land and not securely tethered or contained;
- (b) establish penalties to be paid in relation to animals seized under this section;
- (c) establish or regulate fees to be paid in respect of seizures under this section;
- (d) provide for the sale, other disposition or destruction of impounded animals, if
  - (i) the animals are not claimed within the time and in the manner established by the bylaw, or
  - (ii) the penalty or fees are not paid within a reasonable time;
- (e) provide for the seizure and destruction of any animal that is subject to suffering that the council, or a person designated by council, considers cannot be otherwise reasonably addressed.

##### **Special powers in relation to dangerous dogs**

**49** (1) In this section:

**"animal control officer"** means

(a) a municipal employee, officer or agent designated by the council as an animal control officer for the purposes of this section, or

(b) a peace officer;

**"dangerous dog"** means a dog that

(a) has killed or seriously injured a person,

(b) has killed or seriously injured a domestic animal, while in a public place or while on private property, other than property owned or occupied by the person responsible for the dog, or

(c) an animal control officer has reasonable grounds to believe is likely to kill or seriously injure a person.

(2) In addition to the authority under section 48 but subject to this section, an animal control officer may seize a dog if the officer believes on reasonable grounds that the animal is a dangerous dog.

(3) Before exercising a power under subsection (2), in the case of a dog that has acted as described in paragraph (a) or (b) of the definition of "dangerous dog", the animal control officer must consider whether the dog was acting while in the course of

(a) attempting to prevent a person from committing an unlawful act, or

(b) performing law enforcement work.

(4) An animal control officer may enter a place to exercise the power under subsection (2),

(a) in any case, with the consent of the owner or occupier of the place,

(b) in any case, in accordance with a warrant under subsection (5) or (6), or

(c) if the circumstances referred to in subsection (8) apply, in accordance with that subsection.

(5) If satisfied by evidence given under oath or affirmation that there are reasonable grounds to believe that there is a dangerous dog in a place, a justice may, by warrant, authorize an animal control officer to enter and search the place and to seize the dog.

(6) If

(a) it is impracticable for an animal control officer to appear personally before a justice to apply for a warrant in accordance with subsection (5), and

(b) the officer believes on reasonable grounds that there is a dangerous dog in a place,

the officer may apply for a warrant in accordance with the regulations under subsection (7).

(7) The Lieutenant Governor in Council may make regulations respecting the authority and procedure for warrants under subsection (6).

(8) Subject to subsection (9), an animal control officer may, without a warrant, enter and search any place, except a place that is occupied as a private dwelling, and seize a dog, if the officer believes on reasonable grounds that

(a) the dog is a dangerous dog,

(b) the dog presents an imminent danger to the public, and

(c) the purpose of seizing the dog cannot reasonably be accomplished if the officer is required to obtain a warrant.

(9) For the purposes of subsection (8), an animal control officer who is not a police officer must be accompanied by a police officer.

(10) In addition to any other authority, if an animal control officer has reasonable grounds to believe that a dog is a dangerous dog, the officer may apply to the Provincial Court for an order that the dog be destroyed in the manner specified in the order.

(11) A dog that has been seized under this section may not be impounded and detained for more than 21 days unless court proceedings for a destruction order are commenced within that time.