

Regional District of Okanagan- Similkameen

Animal Control Bylaw No. 1838, 2007

Consolidated

Amendments

- No. 1838.01 adopted November 23rd 2000.**
- No. 1838.02 adopted September 20th 2001.**
- No. 1838.03 adopted March 30th 2006.**
- No. 1838.05 adopted March 22nd 2007.**

This Bylaw has been consolidated for convenience only and includes amendments to the text up to March 22nd, 2007.

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN
BYLAW NO. 1838, 2007

A bylaw to provide the licensing and control of Animals within the Regional District of Okanagan-Similkameen Electoral Areas 'A', 'C', 'D', 'E', and 'F'.

WHEREAS the Regional Board may, pursuant to Section 705 of the *Municipal Act*, provide for the licensing of dogs and for the establishment and collection of license fees; and

WHEREAS the Regional Board may, pursuant to Section 703 (1) (a) of the *Municipal Act*, regulate or prohibit the keeping of dogs, horses, cattle, sheep, goats, swine, rabbits or other animals and define areas in which they may be kept or may not be kept; and

WHEREAS the Regional Board may, pursuant to Section 704 (e) of the *Municipal Act*, require that the owner, possessor or harbourer of a dog, or any class of dog, must keep it, as the bylaw directs, effectively muzzled while at large or on a highway or public place, or on leash or under control of a competent person while on a highway or public place; and

WHEREAS the Regional Board may, pursuant to Section 707 (1) (a) of the *Municipal Act*, provide for the seizure, impounding, detention of unlicensed dogs, and of dogs, horses, cattle, poultry, rabbits and other animals unlawfully at large; and

WHEREAS the Regional Board may, pursuant to Section 707 (1) (c) of the *Municipal Act* regulate and establish the fines and fees, including damages for trespassing on private property, to be levied and collected by pound keepers; and

WHEREAS the Regional Board may, pursuant to Section 707 (1) (d) of the *Municipal Act* provide for the sale or destruction of animals and birds impounded if the fines, fees and other charges are not paid within a reasonable time;

THEREFORE BE IT RESOLVED that the Regional District of Okanagan-Similkameen in open meeting assembled **ENACTS** as follows:

1 INTERPRETATION:

In this bylaw, unless the context otherwise requires:

“Animal” means a cat or a horse;

“Aggressive Dog” means a dog that has killed or injured any person, animal, bird or dog, or which has, without provocation, aggressively pursued or harassed any person, animal, bird or dog; **“Animal”** means a cat or a horse;

"**At Large**" means not being under the control of the owner either by being securely leashed, tethered or penned, or in the direct and continuous charge of the owner, or confined within a building or other enclosure or a fence;

"**Bird**" means a pigeon, or any type of poultry;

"**Board**" means the Board of Directors of the Regional District of Okanagan-Similkameen;

"**Dangerous Dog**" has the meaning set out in Section 707.1(1) of the Local Government Act;"

"**Dog**" means an animal of the species canine over the age of twenty-four (24) weeks;

"**Domestic Goat**" means an animal of the species *Capra hircus*;

"**Domestic Sheep**" means an animal of the species *Ovis aries*;

"**Extended Service Area**" means the Extended Service Area as defined by Regional District of Okanagan-Similkameen Animal Control Extended Service Establishment Bylaw No. 1123, 1991, excluding Electoral Area "G";

"**Flock**" means a number of *Domestic Sheep* and/or *Domestic Goats* kept on one lot or adjoining lots;

"**Highway**" means a highway as described in the Municipal Act;

"**License**" means a license issued for the current licensing year;

"**Licensed Dog**" means a dog wearing a metal tag attached to its collar or harness and such tag is stamped with figures corresponding to a dog license from issued for the current year and identified as being produced by the Regional District;

"**Licensing Year**" means January 1st to December 31st in any year;

"**No-Contact Fence**" means a fence of a design approved by the Province to prevent contact between *Domestic Sheep* and *Wild Sheep* as well as between *Domestic Goats* and *Wild Sheep* and is constructed and maintained to prevent such contact;

"**Owner**" means any person:

- (a) to whom a license for a dog has been issued pursuant to this bylaw; or
- (b) who owns, is in possession of, or has the care and control of any dog, bird or animal; or
- (c) who harbours, shelters, permits or allows any dog, bird or animal to remain on or about his land or premises.

"**Pigeon**" means all birds of the species Columbidae;

“Poultry” means all birds or fowl normally raised for food or egg production, including Chickens, Geese, Turkeys, Ducks, artificially reared Grouse, Partridge, Quail, Pheasant or Ptarmigan;

“Pound” means a facility, established by separate bylaw, for the purposes of harbouring and maintaining animals, birds, and dogs;

“Poundkeeper” means the person or persons appointed by the Board from time to time to carry out the duties of a poundkeeper as established by this Bylaw;

“Regional District” means the Regional District of Okanagan-Similkameen;

“Sheep Separation Zone” means those portions of RDOS Electoral Areas ‘C’, ‘D’, and ‘E’ draining into Penticton Creek, as per Schedule “B”, and amendments thereto, which forms part of this bylaw;

“Wild Sheep” means an animal of the species *Ovis Canadensis*, commonly known as “Big Horn Sheep”;

2 DOGS

2.1 License Regulations

- 2.1.1 Any person who owns a dog over the age of twenty-four weeks shall obtain a license therefor in accordance with the provisions of this Bylaw before the first day of January in each year.
- 2.1.2 Where the owner of a dog in respect of which a license has been issued ceases to be the owner, the license shall be cancelled.
- 2.1.3 With every license there shall be issued a metal tag impressed or stamped with a number corresponding to the number on the license issued and with figures denoting the year in respect of which the license was issued and with a distinguishing mark to indicate it was issued by the Regional District.
- 2.1.4 The owner of every licensed dog shall keep thereon a collar, or harness to which shall be attached the metal tag issued for the dog.
- 2.1.5 Notwithstanding section 2.1.4, if a licensed dog is kept in a pen or enclosure, the metal tag issued for the dog does not have to be attached to the collar or harness. However, the owner must produce the metal tag upon request.
- 2.1.6 If a tag issued by the Regional District Okanagan-Similkameen has been lost, destroyed or mutilated, the owner of the dog shall acquire for the remainder of the current licensing

year a replacement tag upon payment of the prescribed fee on Schedule "A" which is attached to and forms part of this Bylaw.

- 2.1.7 Any person holding a license under the provision of the Livestock Protection Act or under a bylaw of any other municipality of the Province of British Columbia shall not be liable to pay any license fee pursuant to this Bylaw until the first day of January in the following year.

2.2 Control and Impounding

2.2.1 No owner shall permit or allow a dog to:

- (a) run at large or in any other manner cause annoyance to any person;
- (b) be in a public place unless the dog is kept on a leash or tether not exceeding three metres in length, or is under the immediate control of a competent person;
or
- (c) defecate upon any highway, boulevard, park or other civic property, unless the owner promptly removes any feces so deposited and disposes them in a sanitary manner

2.2.2 Any unlicensed dog, or any dog found at large, may be seized by the Poundkeeper and shall be delivered to the pound or other designated facility.

2.2.3 The Poundkeeper shall release a dog to the owner upon payment of the impoundment and maintenance fees prescribed on Schedule "A" which is attached to and forms part of this Bylaw.

2.2.4 The Poundkeeper shall not release a dog unless it is licensed in accordance with this bylaw.

2.2.5 If after seventy-two hours from the time a dog is impounded by the Poundkeeper, the owner does not claim the dog, the Poundkeeper may destroy, sell or surrender the dog to an animal welfare agency capable of arranging for its adoption.

2.2.6 No person other than its owner, shall remove any collar, harness, badge, or tag from any licensed dog.

2.2.7 Every owner of an aggressive dog shall:

- (a) at all times while the dog is at the premises occupied by the owner, keep the dog securely confined indoors or in an enclosed pen or enclosure; and
- (b) at all times while the dog is off the premises occupied by the owner, keep the dog:
 - (i) on a leash or tether not exceeding three metres in length;
 - (ii) under the immediate control of a competent person; and
 - (iii) muzzled to prevent it from biting a person, dog or other animal.

2.2.8 The Poundkeeper is designated as an animal control officer for the purposes of Section 707.1 of the *Local Government Act* and may deal with dangerous dogs in accordance with that section.

3 ANIMALS

3.1 Control and Impounding

3.1.1 No animal owned by any person, shall be unlawfully at large.

3.1.2 Any animal found at large may be seized by the Poundkeeper and shall be delivered to the Pound or other designated area.

3.1.3 The Poundkeeper shall release the animal to the owner upon payment of the impoundment and maintenance fees prescribed on Schedule "A" which is attached to and forms part of this Bylaw.

3.1.4 If after seventy-two hours from the time an animal is impounded by the Poundkeeper, the owner does not claim the animal, the Poundkeeper may destroy, sell or surrender the animal to an animal welfare agency capable of arranging for its adoption.

4 BIRDS

4.1 Control and Impounding

4.1.1 No bird owned by any person, shall be unlawfully at large.

4.1.2 Any bird found at large may be seized by the Poundkeeper and shall be delivered to the Pound or other designated area.

4.1.3 The Poundkeeper shall release the bird to the owner upon payment of the impoundment and maintenance fees prescribed on Schedule "A" which is attached to and forms part of this Bylaw.

4.1.4 If after seventy-two hours from the time a bird is impounded by the Poundkeeper, the owner does not claim the bird, the Poundkeeper may destroy, sell or surrender the bird to an animal welfare agency capable of arranging for its adoption.

5 AUTHORITY OF POUNDKEEPER

5.1 The Poundkeeper may enter at all reasonable times upon any property within the participating areas for this bylaw to ascertain whether the provisions of this bylaw are being observed.

- 5.2 No person shall obstruct, impede, refuse or neglect to admit to any property the Poundkeeper in the execution of his duties within this Bylaw.

6 PENALTIES

- 6.1 Every person who violates any of the provisions of this Bylaw, or who does, suffers or permits any act or thing to be done in contravention or violation of any of the provisions of this Bylaw or who does any act or thing which violates any of the provisions of this Bylaw for which a specific penalty has not been designated shall be deemed to have committed an offence against this Bylaw and shall be liable, upon summary conviction to a fine not less than \$50.00 or more than \$2,000.00 and in default of payment thereof forthwith or within such a time as the presiding Provincial Court Judge or Justice of the Peace shall direct, the fine imposed shall be recoverable under the provisions of the Offence Act.
- 6.2 Each day a violation, contravention or breach of this Bylaw continues shall be a separate and distinct offence.

7 EXEMPTIONS

- 7.1 Registered guide dogs and R.C.M.P. service dogs are exempt from the provisions of this Bylaw.

8. WITHIN THE SHEEP SEPARATION ZONE:

8.1. Minimum Flock Size

- 8.1.1. No *Flock* shall comprise fewer than 25 animals.

- 8.1.2. This subsection does not apply to:

8.1.2.1. Members of a 4-H Club or similar organization approved for this purpose by the Province who keep one or more *Domestic Sheep* or *Domestic Goats* within a *No-Contact Fence* as part of a project supervised by that organization.

8.1.2.2. Male *Domestic Sheep* or male *Domestic Goats* kept to breed a *Flock* of at least 25 breeding female *Domestic Sheep* or *Domestic Goats*, but kept separate during the non-breeding season within a *No-Contact Fence*.

- 8.1.3. All *Domestic Sheep* and *Domestic Goats* that are not part of a *Flock* according to Subsections 8.1.1 and 8.1.2 are deemed to be *At Large*.

8.2. Fencing of Flocks

- 8.2.1. All *Domestic Sheep* and *Domestic Goats* shall be kept within a *No-Contact Fence*.

8.2.2. All *Domestic Sheep* and *Domestic Goats* shall be deemed to be At Large if not enclosed within a *No-Contact Fence*.

8.3. Facilitating Contact Between *Domestic Sheep* or *Domestic Goats* and *Wild Sheep*

8.3.1. A person who encourages, induces, or facilitates physical contact between *Domestic Sheep* or *Domestic Goats* and *Wild Sheep* commits an offence under this bylaw.

8.3.2. Where *Wild Sheep* have entered a fenced, enclosed or *No-Contact Fence* Area containing *Domestic Sheep* or *Domestic Goats*, no person or persons shall encourage, induce, or facilitate the *Wild Sheep* to leave the fenced or enclosed area without the permission of a Provincial Conservation Officer.

8.4. Reporting of Contact Between *Domestic Sheep* or *Domestic Goats* and *Wild Sheep*

8.4.1. Where the RDOS is notified that a person or persons who own or have care and/or control over *Domestic Sheep* or *Domestic Goats* and has knowledge of a *Wild Sheep* that has entered a fenced or enclosed area containing *Domestic Sheep* or *Domestic Goats* the RDOS shall report it immediately to a Provincial Conservation Officer.

8.4.2. Where the RDOS is notified that a person or persons who own or have care and/or control over any number of *Domestic Sheep* or *Domestic Goats* and has knowledge of them being outside a *No-Contact Fence* shall report it immediately to a Provincial Conservation Officer.

9 REPEAL

9.1 RDOS Animal Control and Licensing Bylaw No. 1810, 1997 is repealed.

10 CITATION

10.1 This bylaw may be cited for all purposes as Regional District of Okanagan-Similkameen Animal Control Bylaw No. 1838, 2007.

READ A FIRST, SECOND, THIRD TIME AND ADOPTED this 22nd day of March, 2007.

Chairman

Deputy Secretary

SCHEDULE "A"

1. IMPOUNDMENT FEES AND MAINTENANCE CHARGES

Impoundment Fees - Dogs, Animals and Birds

1 st Impoundment in any calendar year	\$50.00
2 nd Impoundment in any calendar year	\$100.00
3 rd Impoundment in any calendar year	\$250.00
4 th Impoundment in any calendar year	\$500.00

Impoundment Fee - Aggressive Dogs \$1,000.00

Maintenance Fees - Aggressive Dogs, Animals and Birds

Per twenty four hour period or portion thereof \$10.00

2. DOG LICENSES AND FEES

1. The fees for dog licenses in the Extended Service Area shall be:
 - (i) The sum of \$30.00 for each non-neutered male dog and non-spayed female dog.
 - (ii) The sum of \$10.00 for each neutered male dog or spayed female dog, provided however, that a certificate from a veterinary surgeon to the effect that the dog has been neutered or spayed must be shown as evidence when purchasing the first licenses after it has been neutered or spayed.
 - (iii) Where an owner presents proof that his or her dog has been neutered or spayed, reimbursement will be given on the difference between the annual licenses fee and the fee for a neutered or spayed dog.
 - (iv) The fee for a dog that has just reached the age of over twenty-four weeks shall be prorated to a minimum amount of \$5.00.
3. The fee for replacing a lost, destroyed or mutilated metal tag shall be \$2.00.

