

REGIONAL DISTRICT OF NORTH OKANAGAN

BYLAW No. 2002

(Consolidated for Convenience Only – Refer to Original Bylaw)

A Bylaw to regulate the keeping of dogs, provide for fixing, imposing and collecting license fees, and establishing and regulating a dog pound

WHEREAS it is deemed expedient to regulate the keeping of dogs within the Regional District of North Okanagan and to provide for the fixing, imposing and collecting of licenses to any person who owns, possesses, or harbours any dog;

AND WHEREAS the "Greater Vernon / White Valley Animal Control Extended Service Establishment Bylaw No. 869, 1990" established the extended service of animal control within the Corporation of the City of Vernon, the Corporation of the District of Coldstream, the Corporation of the Village of Lumby, and Electoral Areas "B", "C", and part of Electoral Area "D", as described in the bylaw, and amendments thereto;

AND WHEREAS the "Fortune Animal Control Extended Service Establishment Bylaw No. 870, 1990" established the extended service of animal control within the Corporation of the City of Enderby and a specified part of Electoral Area "F", as described in the bylaw, and amendments thereto;

AND WHEREAS by Supplementary Letters Patent dated September 28, 1990, the Regional District of North Okanagan was authorized to exercise the regulatory powers under the provisions of Section 789(2)(A) of the Municipal Act, RSBC 1979, C.270, within the municipalities of the Corporation of the City of Vernon, the Corporation of the City of Enderby, the Corporation of the District of Coldstream, and the Corporation of the Village of Lumby;

NOW THEREFORE the Regional Board of the Regional District of North Okanagan in open meeting assembled, hereby ENACTS AS FOLLOWS:

CITATION

1. This Bylaw shall be cited as the "***Dog Control Bylaw No. 2002, 2005***".

GENERAL

2. **Interpretation:** In this bylaw, unless the context otherwise requires:

"Bark Excessively" means any barking, howling, yelping or cries that unduly disturb the peace, quiet, rest, comfort or tranquillity of the surrounding neighbourhood or vicinity, or of persons in the neighbourhood or vicinity;

"Dangerous Dog" means:

- a. any dog which has a known propensity, tendency or disposition to or without provocation does chase or approach a person on public or private property in a

- menacing fashion or apparent attitude of attack, or molest passers by, chase vehicles or cyclists, or damage property;
- b. any dog which without provocation bites inflicts injury or assaults persons or animals;
 - c. any Restricted Dog; and
 - d. any Guard Dog;

"Dog" means an animal of the species canine, apparently over the age of six (6) months;

"Dog Control Officer" means the person or persons appointed from time to time by the Regional Board as a Dog Control Officer to enforce and carry out the provisions of this bylaw, or any other person appointed by the Regional District for the purpose of enforcement of this Bylaw;

"Enclosure" means any area surrounded by a fence or walls, a pen, cage or run, or a building or vehicle, or other structure adequately constructed to prevent a dog from escaping;

"Guard Dog" means any dog that has been specifically trained to protect persons or property, or for use in surveillance or similar activity, except a dog used by Police or other law enforcement agency in the performance of their duties;

"Impounding" means seized, delivered, received or taken into the Pound, or in the custody of the Pound keeper as provided for herein;

"Muzzled" means prevented from biting or injuring by means of a humane fastening or covering device of adequate strength placed over the mouth;

"Owner" includes a person who owns or has custody, care or control of a dog;

"Pound" means any building or enclosure designated as a pound by the Regional Board;

"Pound keeper" means the person or persons appointed from time to time by the Regional Board as a Pound keeper and his or her designate, and may include a contractor with whom the Regional District has contracted to act as Pound keeper;

"Regional Board" means the Regional Board of the Regional District;

"Regional District" means the Regional District of North Okanagan;

"Resident" means any person whose primary residence is in the Service Area;

"Restricted Dog" means Pit Bull Terrier, American Pit Bull Terrier, Pit Bull, American Staffordshire Terrier, or any other dog of mixed breeding which includes any of the aforementioned breeds;

"Service Area" means all properties within the City of Vernon, the District of Coldstream, the Village of Lumby, the City of Enderby, and all properties within Electoral Areas "B" and "C", that part of Electoral Area "D" within the Lumby and District Fire Protection Area, and that part of Electoral Area "F" within the Fortune Animal Control Service Area, all within the Regional District; (B/L 2033/05)¹

"Tether" means a securing device that consists of a rope or leash made of leather, natural or synthetic fibre, chain or cable of sufficient size and strength to prevent the dog from breaking it, or chewing through it, but not of such composition as to cause discomfort, pain or injury to the dog;

"Unlawfully at Large" means a dog being elsewhere than on the premises of a person owning or having the custody, care or control of the dog, and not being under the direct and continuous charge and control of a responsible and competent person, or securely confined within an Enclosure or Tethered so that it is unable to roam;

"Unlicensed Dog" means any dog for which a license for the current year has not been obtained.

KEEPING OF DOGS

3. No person shall keep or have in his possession any dog unless a license under this bylaw has first been obtained.

LICENSING OF DOGS

4. On or before the 1st day of January, or as soon thereafter that a dog attains the age of six (6) months, or has been a resident for thirty (30) days or more, the owner of every such dog shall:
 - a. make application to license the dog, at the office of the Regional District or office designated by the Regional District, stating the owners name, address and phone number, and description of the dog, including the dog's name, registration number, the breed or breeds, gender, descriptive colouring and markings and other information as may be required on the application to license a dog;
 - b. pay the license fee as set out in Schedule "A" of this bylaw; and
 - c. cause each such dog to wear around its neck, a collar, or a body harness in lieu of a collar, to which shall be attached the license issued by the Regional District whenever the dog is elsewhere than on the premises of the person owning or having the custody, care or control of that dog.
5. Any person keeping a dog, whom becomes a resident, shall within thirty (30) days of becoming a resident, make an application to license the dog, as set out in this bylaw.
6. Every license issued under this bylaw shall be for the calendar year in which the license is issued and shall expire on the thirty-first (31st) day of December of the year for which the license was issued.

7. The license fee for dogs that attain the age of six (6) months or become a resident after the first (1st) day of July of the year shall be 50% of the license fee as set out in Schedule "A" of this bylaw.
8. Upon receiving an application to license a dog, the application will be reviewed for completeness and being satisfied that it conforms to the provisions contained herein and having received the appropriate fee as set out in Schedule "A", the applicant may be issued for each dog, a dog tag impressed or stamped with a number, which shall be noted on the corresponding application, a copy of which shall be given to the applicant as proof of having made application to license a dog, payment of fees, and license number issued, and a copy of which shall be maintained by the Regional District.
9. Before issuing a license for a spayed female dog or neutered male dog, the owner may be required to furnish proof that the dog has been spayed or neutered.
10. If an owner that has purchased a license for an unaltered dog provides proof that the dog has been altered within fifteen (15) days of purchasing the license, the license fee shall be reimbursed to the owner except for that portion of the fee that applies to an altered dog.
11. A person making an application to license a dog after the first (1st) day of March, and whose dog has been resident for 30 days, or has attained the age of six (6) months prior to the first (1st) day of March, shall be required to pay a late fee in addition to the license fee, as set out in Schedule "A" of this bylaw.
12. Licenses are non-transferable. When the owner of a dog to which the license is issued moves, obtains a new phone number or ceases to be the owner of the dog, the owner shall notify the Regional District stating the license number and the new address and phone number or the name and address of the new owner.
13. Should a person knowingly falsify information required for licensing a dog, the license shall be revoked.

CONTROL OF DOGS

14. No owner of a dog shall allow such dog to be under the care, custody, and control of a person who is not competent and strong enough to control the dog.
15. No owner of a dog shall allow such dog to be Unlawfully at Large.
16. No owner of a dog shall allow such dog to:
 - a. molest passers by; approach a person in a menacing fashion or apparent attitude of attack;
 - b. bite, inflict injury, assault or otherwise attack a person;
 - c. chase vehicles or cyclists;
 - d. chase, harass, bite, inflict injury, assault or otherwise attack any other animal;

- e. damage property, other than that of the owner;
 - f. bark excessively.
17. No dog owner shall allow such dog to deposit any faecal material on public or private property without the express consent of the property owner. Any such deposited faecal material shall immediately be removed from the property and disposed of in a suitable refuse container or other suitable disposal method.
18. An owner of a Dangerous Dog, in addition to the other provisions of this bylaw:
- a. shall at all times that the dangerous dog is not on the property of the owner, keep the dog muzzled, and restrained on a leash strong enough to hold the dog, and which is no longer than six (6) feet, and be under the continuous care, custody and control of a person competent and strong enough to control the dog;
 - b. shall, at all times that the dangerous dog is on the property of the owner:
 - i. keep the dangerous dog confined indoors; or
 - ii. if the dangerous dog is outdoors:
 - a. keep the dog tethered; or
 - b. keep the dog in an enclosure to prevent the dangerous dog from escaping.
19. No person shall take or allow any dog onto any public beaches, swimming areas, or parks unless the park or public area has been designated by resolution of the Regional Board or respective Municipal Council and posted "**Dogs on a leash allowed**".

IMPOUNDING DOGS

20. The Regional Board may appoint a Pound keeper for the purpose of operating the pound in accordance with the provisions of this Bylaw.
21. The Regional Board may appoint Dog Control Officers, for the purpose of enforcing and carrying out the provisions of this bylaw.
22. Every Dog Control Officer may enforce the provisions of this bylaw and seize and detain any dog that is:
- a. not licensed in accordance with this bylaw;
 - b. unlawfully at Large; or
 - c. in violation of this bylaw in any respect, and impound such dog in accordance with this bylaw.
23. Every Dog Control Officer is hereby authorised to enter, at all reasonable times, upon any property within the Regional District subject to any of the regulations of this bylaw, in order to ascertain whether such regulations are being obeyed.

24. The Pound keeper shall receive every dog delivered to the pound, which has been seized pursuant to this bylaw. If the owner of any impounded dog is known to the Pound keeper, the Pound keeper shall forthwith notify the owner by mail or telephone of the impoundment. If the Owner of any impounded dog is not known to the Pound keeper, the Pound keeper shall immediately post a notice of the impoundment at the Pound, and send a copy of the notice to the Regional District office.
25. The owner of any dog impounded under this bylaw, may reclaim the dog within three (3) days after the date of the notice by the Pound keeper by making application to the Pound keeper, providing proof of ownership and paying the applicable fees set out in Schedule "A" attached hereto. The Pound keeper shall retain the dog for three (3) days after the date of the notice, and if not reclaimed within the said three (3) days, the Pound keeper may sell, surrender to another agency, or destroy the dog.
26. It shall be an offence for any person:
 - a. to release or rescue or attempt to release or rescue any dog in the custody of the Pound keeper;
 - b. to resist, intervene or otherwise interfere with the Pound keeper or the Dog Control Officer in the lawful exercise of their duties.
27. Should a dog be removed from the Pound without proper authority, or a dog escapes there from and returns to the possession or custody of the owner or any person caring for the said dog, or if the owner of an impounded dog does not claim the dog, the said owner or person shall still be liable for the payment of fees and expenses chargeable and recoverable under this bylaw.

PENALTIES

28. Any person who violates any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw, is guilty of an offence under this bylaw, and liable to a penalty of not less than Fifty Dollars (\$50.00) and not more than Two Thousand Dollars (\$2,000.00).
29. For the following offences, a ticket may be issued, or an information may be laid, by the Dog Control Officer.

Section 3	Keeping an unlicensed dog
Section 4.c.	Dog not wearing license
Section 15	Dog unlawfully at large
Section 16.a.	Molest passers by or approach in a menacing fashion or apparent attitude of attack
Section 16.b.	Bite, inflict injury, assault or otherwise attack a person
Section 16.c.	Chase vehicles or cyclists
Section 16.d.	Chase, harass, bite, inflict injury, assault or otherwise attack any other animal
Section 16.e.	Damage property, other than that of the owner
Section 16.f.	Barking Excessively
Section 17	Not removing faecal material

REGIONAL DISTRICT OF NORTH OKANAGAN

DOG CONTROL BYLAW No. 2002, 2005

SCHEDULE "A"

SCHEDULE OF FEES

1. License fee for each spayed or neutered dog	\$ 15.00
2. License fee for each unspayed or unneutered dog: (unaltered)	\$ 55.00
3. For each replacement license	\$ 1.00
4. Late fee for license application	\$ 10.00
5. Impoundment Fees	
a. First Impoundment	\$ 25.00
b. Second Impoundment	\$ 50.00
c. Third Impoundment	\$ 100.00
d. Fourth Impoundment, and subsequent Impoundments	\$ 200.00
e. Maintenance fee per day or part day of detention	\$ 10.00
f. Veterinary fees (as required)	as per statement

¹ Dog Control Amendment Bylaw No. 2033, 2005 – adopted April 5, 2005