

REGIONAL DISTRICT OF CENTRAL OKANAGAN

BY-LAW NO. 239

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Being a by-law to:

Regulate the keeping of dogs within the Regional District of Central Okanagan.

Provide for fixing, imposing and collecting licence fees from the issuance of licences to any person who owns, possesses or harbours any dog.

Establish and regulate a dog pound.

Provide for the payment of compensation to the owner of any sheep, goat, poultry, domestic rabbit, animals of the bovine species, swine, horses and fur-bearing animals killed or injured by any dog.

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WHEREAS it is deemed expedient to regulate the keeping of dogs within the Regional District of Central Okanagan and to provide for the fixing, imposing and collecting of licence fees from the issuance of licences to any person who owns, possesses or harbours any dog, and

WHEREAS the Letters Patent of the Regional District of Central Okanagan issued by Order-in-Council, the 22nd day of July, 1972, by the Government of the Province of British Columbia, amended by supplementary Letters Patent dated February 6th, 1973 and further amended by supplementary Letters Patent dated May 5th, 1982, grants the powers and authorities contained in Section 524, 525, clause (d) of subsection (1) of Section 933, clause (s) of Section 932, subsections (2) and (4) of Section 933 and Section 934 of the Municipal Act.

NOW THEREFORE, the Regional Board of the Regional District of Central Okanagan, in open meeting assembled, enacts as follows:-

PART I - GENERAL

1. In this by-law unless the context otherwise requires:
  - (a) "Regional District of Central Okanagan" shall mean the Regional District of Central Okanagan as described in the Letters Patent or subsequent amendments thereto, incorporating the said Regional District, excluding thereout the Municipality of the City of Kelowna, and the Corporation of the District Municipality of Peachland.
  - (b) "Regional Board" means the Regional Board of the Regional District of Central Okanagan holding office from time to time.
  - (c) "Dog" shall mean both male and female of the species canine apparently over the age of four (4) months.
  - (d) "Domestic Animal" means an animal coming within the definition of the same phrase defined in the Livestock Protection Act (British Columbia).
  - (e)/

- (e) "Impounding" shall mean seized, delivered, received or taken into the Pound, or in the custody of the Pound-keeper as provided for herein.
- (f) "Kennel" means a house or range of buildings in which four (4) or more dogs are kept for the purpose of boarding or breeding.
- (g) "Treasurer" shall mean the Treasurer of the Regional District of Central Okanagan.
- (h) "Secretary" shall mean the Secretary of the Regional District of Central Okanagan.
- (i) "Non-resident" shall mean any person who is residing in the Regional District of Central Okanagan for a short duration and who has not taken up permanent residency.
- (j) "Owner" in respect of any dog, includes the possessor or harbourer and "owned" includes possessed or harboured.
- (k) "Person" shall mean and include any individual, corporation, partnership or party and the heirs, executors, administrators or other legal representatives of the same, to whom the context can apply according to law.
- (l) "Pound" shall mean any building or enclosure designated as a Pound by the Regional Board.
- (m) "Poundkeeper" shall mean the person or persons appointed from time to time by the Regional Board to be Poundkeeper, or the authorized agent of any corporation or society, with whom the Regional Board has an agreement to act as Poundkeeper and shall also include those persons appointed by the Regional Board to assist in carrying out the provisions of this By-law.
- (n) "Run at large" when used with reference to a dog or dogs shall mean being elsewhere than on the premises of a person owning or having the custody, care or control of any dog, and not being under the immediate charge and control of a responsible and competent person.
- (o) "Unlicenced dog" means any dog for which the licence for the current year has not been paid as provided for herein, or to any dog that the tag provided for herein is not attached.

#### PART II - LICENCING OF DOGS

2. No person shall own, keep, harbour or have in his possession any dog unless a licence therefore, under this by-law, has first been obtained.
3. The owner of every dog shall, annually on or before the 31st day of January in each year, or as soon thereafter as such dog shall attain the age of four (4) months, cause same to be registered, numbered, described and licenced in the office of the Regional District, or office designated by the Regional District, and shall cause the dog to wear around its neck a leather or metal collar to which shall be attached the tag referred to in Section 8 of this by-law.
4. The licence shall be issued by the Secretary or such other person(s) as the Regional Board may by resolution appoint, and applications for licences may be made to him, or to any other person duly authorized to receive same. Every licence shall be distinguished by a number and a record shall be kept by the Secretary of all licences issued, and for the purpose of identification a general description of the dog in respect of which such licence was issued.

5. A non-resident, who is the owner of a dog, shall at the expiry of thirty (30) days residency within the Regional District cause that said dog be registered, numbered, described and licenced as outlined in Section 4 herein.
6. (a) No person (or household) shall keep or harbour more than three (3) dogs unless a kennel licence is held.
- (b) Every person who keeps four (4) or more dogs shall be held to operate a kennel and must secure a Kennel Licence, in addition to each individual dog licence, and shall be in conformance with the restrictions of the Regional District Zoning By-law.
7. Every application for a licence shall be accompanied by a licence fee payable to the Treasurer as follows:
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|---|-----------|
| (a) For each farm dog used for security and operation of a duly recognized farm or orchard as defined by the Assessment Act of British Columbia (statutory declaration by owner to accompany application) | \$ 5.00   |
| (b) For each spayed female or neutered male dog   | \$10.00   |
| (c) For each unspayed female or unneutered male dog   | \$25.00   |
| (d) For each kennel as defined hereabove and subject to the restrictions of the "Regional District Zoning By-law"   | \$25.00   |
| (e) For each lost dog tag, a replacement fee will be charged of   | \$ 1.00   |
| (f) For licence fees paid by new residents and new owners after July 31st in each calendar year, a fifty percent (50%) discount shall apply.  |           |
| (g) Seeing-eye guide dogs   | No charge |
- Should such licence not be paid by the thirty-first (31st) day of January of the licencing year, the owner of any dog not so licenced shall pay a further fee of Ten Dollars (\$10.00). Before issuing a licence for a spayed female or neutered male dog, the Secretary shall require the owner to furnish proof that the dog has been spayed or neutered.
8. Every licence issued under this by-law shall be for the calendar year in which the licence is issued and shall expire on the thirty-first (31st) day of December next following the date on which the licence was issued. There shall be issued with each licence a tag which shall be impressed or stamped with a number corresponding to the number of the licence issued by the Secretary.
9. Where the owner of a dog in respect to which a licence is issued under this by-law sells or otherwise ceases to be the owner of the dog, the licence shall, in respect of that dog thereupon become cancelled.
10. Any person holding a licence for any dog under a by-law of any other municipality or regional district of the Province of British Columbia shall not be liable to pay any licence fee pursuant to this by-law in respect of the same dog for the unexpired portion of the period for which such licence for such dog shall have been unused. This provision shall not apply to any person who has obtained the licence in another municipality or regional district while residing with the Regional District.

PART III - CONTROL OF DOGS

11. No owner shall take or allow any dog onto any public beaches, swimming areas, parks or school grounds with the exception of the provisions of Regional District of Central Okanagan Regional Parks Regulation By-law No. 101, 1976.
12. No owner shall tie, secure, tether or pen any dog within five (5) feet of any side or rear property line or closer to the front property line than the front building line except where rear property is fenced entirely and the dog(s) are permitted to roam freely.
13. No owner of a dog shall suffer or permit such dog to run at large in the Regional District.
14. No person shall keep, harbour or have in his possession within the Regional District of Central Okanagan any dog over four (4) months of age unless a license therefore pursuant to the provisions of this by-law has been obtained.

PART IV - IMPOUNDING OF DOGS

15. The Regional Board shall, from time to time as may be required, appoint a Poundkeeper and hire an assistant or assistants as deemed necessary and the Regional Board may enter into a contract or agreement with any persons to provide for such poundkeeping services.
16. It shall be lawful for the Poundkeeper to seize any dog found running at large, and such Poundkeeper shall forthwith after making such a seizure cause for such dogs to be impounded, and the Poundkeeper shall retain such dog for seventy-two (72) hours, and if the same is not reclaimed within the said seventy-two (72) hours, it shall be the duty of the Poundkeeper to cause such dog to be sold or destroyed.
17. It shall be the duty of the Poundkeeper to receive any dog delivered to him which has been seized or impounded pursuant to the provisions of this by-law, and he shall retain such dog and deal with the same in the manner as other dogs seized, received and retained by him, pursuant to this by-law.
18. It shall be the duty of the Poundkeeper to provide and supply proper shelter to give sufficient food and water daily to all dogs detained by him as Poundkeeper.
19. If the owner of any impounded dog is known to the Poundkeeper, the Poundkeeper shall forthwith notify the owner by mail or telephone in accordance with the form set out in Schedule A of this by-law.
20. The Poundkeeper, on being requested to call for and take away any dog which the owner thereof desires to have destroyed, may call for and take away and destroy or otherwise dispose of such dog.
21. The owner of any dog impounded under this by-law, may reclaim same on application to the Poundkeeper, providing proof of ownership and paying the following fees:
  - (a) An impounding fee of Twenty-five Dollars (\$25.00) for the first impoundment; One Hundred Dollars (\$100.00) for the second impoundment; and One Hundred and Fifty Dollars (\$150.00) for the third and subsequent impoundment together with the applicable license fee if the dog is unlicensed.
  - (b) Any dog impounded four (4) times within a twenty-four (24) month period will be destroyed in accordance with the provisions of this by-law.
  - (c) A maintenance fee of Three Dollars (\$3.00) per day or part day of detention.

22. The Poundkeeper may, where he has reason to believe that a dog, for which the licence for the current year has not been paid, or that a dog not bearing the collar and tag as provided in Section 2 and Section 3 of this by-law, has taken refuge on any premises, request the occupant of such premises to satisfy him that such licence has been paid and to exhibit such tag, or to forthwith deliver to him such dog; and where any dog is found to be on any such premises as aforesaid, any person, who fails or refuses to exhibit such licence receipt and tag, or who fails, neglects, or refuses to deliver such dog on request, and who resists or interferes with such poundkeeper in seizing such dog, shall be deemed to be guilty of an infraction of this by-law, and shall be subject, upon conviction, to the penalties herein provided.
23. It shall be unlawful for any person to release or rescue or to attempt to release or rescue any dog lawfully in the custody of the Poundkeeper, as herein provided, and no person shall intervene or otherwise interfere with the Poundkeeper in the lawful exercise of his duties.
24. In case the owner is not known or the owner so notified does not within three (3) days of notification referred to in Section 19 hereof, appear at the pound and release the dog so impounded by the payment of the lawful fees as outlined in this by-law, the Poundkeeper may sell or destroy the dog or dogs as provided for in this by-law.
25. The Poundkeeper shall maintain proper records of all monies received by him pursuant to the provisions of this by-law and shall, at least once in every month pay over to the Treasurer the monies so received pursuant to the provisions of this by-law.
26. All licence fees collected pursuant to the provisions of this by-law and all fines, penalties and forfeitures imposed for the violation of any of the provisions hereof shall be paid into the Treasurer to the credit of the Regional District.
27. It shall be the duty of the Treasurer to furnish to the Poundkeeper a book or other forms in which he shall record the description of every dog impounded by him, the name of the person who took or sent the same to be impounded (if any), the day and hour on which it was received, redeemed, or sold and the amount of charges paid by, and the name of the person redeeming and the proceeds of the sale (if any made) or the other disposal of the dog; and the Poundkeeper shall on or before the first day of each and every month, make a return in writing to the Treasurer, giving the number and description of all dogs received by him during the preceding month with the several particulars herein before required to be entered in such book and other information the Treasurer may deem necessary; such return shall be in the form prescribed by the Treasurer.
28. The Pound shall be kept open to the public for the transaction of business from eight (8) o'clock a.m. to five (5) o'clock p.m., Monday through Saturday of each week, excluding statutory holidays.
29. (a) Every owner or other person entitled to the possession of a dog which has been impounded as aforesaid shall forthwith upon being notified or become aware of such impounding, redeem the dog in accordance with the provision of this by-law, or should the Pound be broken into and the dog escape therefrom and get back to the possession or custody of the owner or any person caring for the said dog, the said owner or person shall still be liable for the payment of fees and expenses chargeable and recoverable under Section 21 of this by-law.

(b)/

- (b) When selling a dog to a person other than the previous owner, the Poundkeeper shall ensure that the said dog is neutered or spayed, and if neutering or spaying is required, shall charge the veterinary fee to the purchaser.
30. The Poundkeeper shall at least once each month send to the Treasurer a description of the dog or dogs sold, the name of the purchaser, the date of sale, the amount realized, and the disposition thereof.
31. (a) The proceeds of the sale of any impounded dog sold under the provisions of this by-law shall be turned over to the Treasurer at least once every month.
- (b) Any money from the proceeds of the sale paid to the Treasurer less the costs of impounding, sustenance fees, and attending the sale, shall be paid over to the owner of the dog sold on evidence or proof of ownership satisfactory to the Regional District and application therefore shall be made to the Regional District within three (3) months from date of sale; otherwise such money shall form part of the General Revenue of the function of Dog Control of the Regional District.
32. (a) For any contravention of Section 6(a), 11, 12 or 13 of this by-law, an information may be laid and a summons issued by the Poundkeeper in accordance with the provisions of the Offence Act (British Columbia) by means of the ticket set out in Schedule "C" to this by-law which is hereby incorporated into and made a part of this by-law;
- (b) The pecuniary penalties to be indicated in the form of the ticket set out in Schedule "C" to this by-law shall be as follows:
- (i) For the first offence by the person in question the sum of \$25.00;
- (ii) For the second offence by the person in question the sum of \$100.00;
- (iii) For the third or subsequent offence by the person in question the sum of \$150.00.

#### PART V - COMPENSATION FOR ANIMALS KILLED

33. Subject to the provisions of this part, the Regional District shall pay compensation based on the formula set out below, to the owner of any domestic animal(s) killed or injured by any dog, the owner of which is unknown and after diligent inquiry cannot be found.
- Formula: The amount of compensation payable shall be an amount equal to three-quarters (3/4) of the difference between the market value of the domestic animal before the killing or injury, and its market value afterward; and for the purpose of this subsection, the Secretary shall determine the market value and his determination is final.
34. All claims shall be filed with the Secretary pursuant to the provisions of this by-law.
35. (a) No claim shall be authorized under this by-law by the Secretary unless he is satisfied that the owner of any domestic animal submitting the claim has taken all reasonable precautions for protecting such domestic animal(s); and
- (b) The loss has been reported to the Treasurer within forty-eight (48) hours of the occurrence being discovered.
- (c)/

(c) The Poundkeeper shall investigate and verify the claim.

36. The payment pursuant to any claim under this by-law shall be in accordance with Section 32 of this by-law.

37. The Secretary is hereby authorized to approve any claim under this by-law up to the amount of Two Hundred and Fifty Dollars (\$250.00) and claims greater must be referred to the Regional Board for authorization of payment. The maximum compensation payable for any one animal shall not exceed Seven Hundred and Fifty Dollars (\$750.00).

38. All claims under this by-law shall be filed according to the form attached hereto and marked as Schedule "B", attached hereto and forming part of this by-law.

PART VI - RIGHT OF ENTRY

39. The Poundkeeper is hereby authorized, to enter, at all reasonable times, upon any property within the Regional District subject to any of the regulations of this by-law, in order to ascertain whether such regulations are being obeyed.

PART VII - PENALTIES

40. Any person who violates any of the provisions of this by-law, or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this by-law, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this by-law, shall be deemed to be guilty of an infraction thereof, and liable to a penalty of not less than Fifty Dollars (\$50.00) and not more than Two Thousand Dollars (\$2,000.00).

PART IX - REPEAL

41. The "Regional District of Central Okanagan Dog Regulation Licensing and Impounding By-law 1975, No. 110" and amending By-laws No. 153, No. 156, No. 177 and No. 224 are hereby repealed.

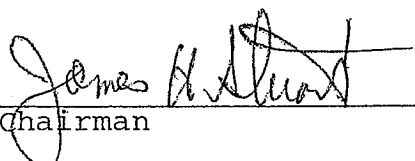
42. This by-law may be cited for all purposes as "The Regional District of Central Okanagan Dog Regulation and Impounding By-law No. 239, 1982"

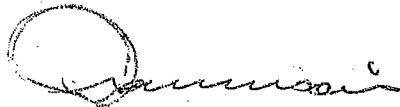
READ A FIRST TIME THIS 13th DAY OF September, 1982.

READ A SECOND TIME THIS 18th DAY OF October, 1982

READ A THIRD TIME THIS 18th DAY OF October, 1982

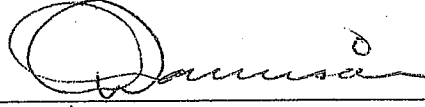
RECONSIDERED, FINALLY PASSED AND ADOPTED THIS 13th DAY OF December, 1982.

  
Chairman

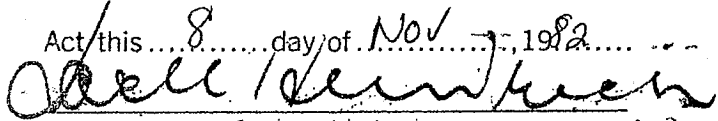
  
Secretary

I hereby certify the foregoing to be a true and correct copy of By-law No. 239, 1982 cited as "The Regional District of Central Okanagan Dog Regulation and Impounding By-law No. 239, 1982, which was read a first time by the Regional Board on the 13th day of September, 1982.

Dated at Kelowna, B.C. this 19th day of October, 1982.

  
Secretary


APPROVED pursuant to the provisions of section 203 of the Municipalities Enabling and Validating

Act this 8 day of Nov, 1982  
  
Minister of Municipal Affairs 091912

CERTIFICATE

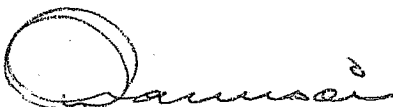
I hereby certify the foregoing to be a true and correct copy of By-law No. 239, 1982 cited as "The Regional District of Central Okanagan Dog Regulation and Impounding By-law No. 239, 1982, which was read a second and third time by the Regional Board at its meeting held the 18th day of October, 1982.

Dated at Kelowna, B.C.  
this 19th day of October, 1982

  
Secretary

I hereby certify the foregoing to be a true and correct copy of By-law No. 239, 1982 cited as "The Regional District of Central Okanagan Dog Regulation and Impounding By-law No. 239, 1982, which was reconsidered and adopted by the Regional Board at its meeting held the 13th day of December, 1982.

Dated at Kelowna, B.C.  
this 14th day of  
December 1982.

  
Secretary