

REGIONAL DISTRICT OF CENTRAL OKANAGAN

BYLAW NO. 654

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Being a bylaw to amend the Regional District of Central Okanagan Dog Regulation and Impounding Bylaw No. 366, 1988.

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WHEREAS the Regional Board of the Regional District of Central Okanagan adopted the Regional District of Central Okanagan Dog Regulation and Impounding Bylaw NO. 366, 1988;

AND WHEREAS it is deemed necessary to amend said bylaw;

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

1. Amend Section 2 by:

a) Deleting the definitions for "guard dog", "kennel" and "vicious dog".

b) Inserting the following new definitions:

"Dangerous Dog" means a dog which:

- (i) has a known propensity, tendency or disposition to attack other animals or persons without being provoked; or
- (ii) has aggressively pursued, attacked or bitten another animal or person without being provoked; or
- (iii) bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal on public or private property without provocation; or
- (iv) without provocation, chases or approaches a person on public or private property in a menacing fashion or apparent attitude of attack.

"Enclosure" means a structure at least 1.83 meters in height by 1.2 meters wide by 4 meters long, having a concrete or asphalt floor, wire or steel mesh sides (or equivalent construction), designed and built to prevent the entry of young children or the escape of a dog.

"Hobby Kennel" means a house or property where 3 to 20 dogs are kept or are intended to be kept.

"Kennel Operation Permit" means written approval by the Regional District of Central Okanagan for a person to have a hobby kennel or a service kennel on a specific lot.

"Noise" means continuous barking, howling or yelping sounds lasting more than 5 minutes or the sound of barking, howling or yelping sporadically or erratically for a cumulative duration of 5 minutes or longer in any 15 minute period which sounds are repeated again within 72 hours.

"Service Kennel" means a facility or property on which more than 20 dogs are kept or are intended to be kept.

c) Amending the definition of fence/pen to read as follows:

"Fence/pen" shall mean a facility as described in Schedule 'D' of this bylaw.

d) Amending the definition of owner to read as follows:

"Owner" in respect of any dog means and includes the person who is the possessor or harbourer and "owned" includes the meaning possessed or harboured.

e) Amending the definition of run at large to read as follows:

"Run at large" shall mean a dog(s) being away from it's owner's premises while:

- a) not being confined within a closed vehicle, or;
- b) not being under effective control on a leash held by a competent person when in or adjacent to areas which are predominantly urban, or;
- c) in a rural area, not being under the immediate charge and effective control of a competent person, or;
- d) in a park area designated for dogs to be off leash, not being under the immediate charge and effective control of a competent person.

2. Amend Section 7 by deleting Section 7 (a) and (b) in their entirety and inserting a new Section 7, as follows:

7 (a) Except for veterinary hospitals which keep dogs inside a closed building at all times and other dog service businesses which hold dogs inside a closed building and do not provide overnight care, every person or household which keeps 3 or more dogs shall obtain a Kennel Operation Permit.

7 (b) Persons which do not meet the qualifications for a Kennel Operation Permit shall keep or harbour a maximum of 2 dogs per household or premises.

3. Amend Sections 8 (c) and 8 (f) to read as follows:

8 (c) (i) A Kennel Operation Permit for a Hobby Kennel - \$50.00. Each kenneled dog must also be licensed.

8 (c) (ii) A Kennel Operation Permit for a Service Kennel - \$90.00 plus \$5.00 per capacity to harbour, up to a maximum of \$500.00 per year. Each kenneled dog must also be licensed.

8 f) For each dangerous dog a fee of \$300.00

4. Amend Section 13 by deleting the existing Section 13 and replacing it as follows:

13.1 All dogs while outside and not under effective control on a leash held by a competent person in urbanized areas or under the immediate charge and effective control of a competent person in rural areas, shall be kept in a fenced area or pen in the rear yard; said fence or pen shall be constructed pursuant to the standards set out in Schedule 'D' of this bylaw.

13.2 No owner shall allow or suffer any dog to leave or deposit any feces or dung on any public or private property or any park, boulevard or road allowance other than the property of the owner of the dog, unless the owner immediately removes such feces or dung and disposes of same in a sanitary fashion. A person who is certified as being blind is exempted from the provisions of this section of this bylaw.

5. Amend Section 17 by deleting the existing Section 17 and replacing it as follows:

17. The owner of every dangerous dog shall, when such dog is not on a leash, controlled and effectively muzzled, keep such dangerous dog indoors or within a securely closed and locked enclosure. This rule applies to dangerous dogs on private or public property.

6. Amend Section 19 by deleting the existing Section 19 and replacing it as follows:

19.1 Every person issued a Kennel Operation Permit for a Hobby Kennel shall be subject to the following, in addition to the requirements of all other bylaws of the Regional District of Central Okanagan:

a) On properties in an RU zone with a lot area of .25 ha. to 1 ha., a maximum of 4 dogs may be kept when the specific zone allows a kennel as a permitted use.

b) On properties in a RU zone with a lot area of 1 to 4 ha., a maximum of 8 dogs may be kept when the specific zone allows a kennel as a permitted use.

c) On properties in a RU zone with a lot area greater than 4 hectares, a maximum of 20 dogs may be kept when the specific zone allows a kennel as a permitted use.

19.2 Every person issued a Kennel Operation Permit for a Service Kennel shall be subject to the following, in addition to the requirements of all other bylaws of the Regional District of Central Okanagan:

a) For persons legally operating a Service Kennel prior to the adoption of this bylaw, the kennel must be located on a property in a zone which allows kennels.

b) For persons establishing a new Service Kennel, the kennel must be located on a property in a zone which specifically allows Service Kennels.

19.3 Every person issued a Kennel Operation Permit shall conform with the requirements for kennels as set out in Schedule 'E' attached to this bylaw.

19.4 Prior to issuance or renewal of a Kennel Operation Permit, the Hobby or Service Kennel may be inspected by a Dog Control Officer.

19.5 Where a kennel fails to continue to meet the requirements of Schedule 'E', the Kennel Operation Permit will be considered to be invalid and will be cancelled.

7. Amend Section 21 by:

- a) Renumbering the existing Section 21 as 21.1;
- b) adding a new Section 21.2 as follows:

21.2 No person being the owner or occupant of any private premises shall permit, allow or suffer the noise of barking, yelping or howling sounds from a dog(s) to be caused or made at the private premises owned or occupied by that person, in a manner that can easily be heard or otherwise perceived by an individual who is not at the same private premises.

8. Amend Section 26 by adding an additional sentence to the end of the existing section, as follows:

Notwithstanding other sections of this bylaw, the owner of a dangerous dog will, upon request, be allowed to leave the dog in the pound for up to 14 days while an enclosure required by this bylaw is being constructed, without the Pound Keeper selling or destroying the impounded dog after 72 hours as provided in this bylaw.

9. Amend Section 32 by deleting the existing section in its entirety and replacing it with a new Section 32 as follows:

32. The owner of any dog impounded under this bylaw, save and except a dog that is or will be the subject of an application pursuant to Section 8 (1) of the Livestock Protection Act (R.S.B.C.), may reclaim same on application to the Pound Keeper, after providing proof of ownership and paying the applicable fees and where the dog is a "dangerous dog", demonstrating that the dog's owners have an enclosure available for that dangerous dog at their normal premises. The applicable fees are as follows:

- a) For dangerous dogs an impounding fee of \$300.00 for the first impoundment, \$400.00 for the second impoundment and \$500.00 for the third and any subsequent impoundments, plus applicable license fees if the dog is not currently licensed.
- b) For other than dangerous dogs, an impounding fee of \$25.00 for the first impoundment, \$50.00 for the second impoundment, \$150.00 for the third impoundment, \$250.00 for the fourth and any subsequent impoundments, plus applicable license fees if the dog is not currently licensed.
- c) A maintenance fee of \$5.00 per day or part day of detention.
- d) Where a dog, other than a dangerous dog, is not impounded or the subject of a conviction under the Dog Control Bylaw for a period of 24 months, impoundment fees will be charged on the basis that the dog has no impoundment record.

- 10. Delete Section 44 in its entirety.
- 11. Delete Schedule 'B' in its entirety.
- 12. Delete Schedule 'E' and replace it with a new Schedule 'E' as attached.
- 13. This bylaw may be cited for all purposes as "Regional District of Central Okanagan Dog Regulation and Impounding Amendment Bylaw No. 654, 1995".

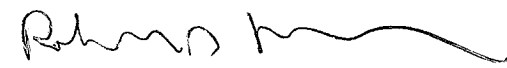
READ A FIRST TIME THIS 20TH DAY OF NOVEMBER, 1995.

ADVERTISED ON: December 2, 1995.

READ A SECOND TIME THIS 4th DAY OF March, 1996.

READ A THIRD TIME THIS 4th DAY OF March, 1996.

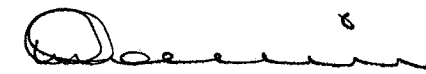
RECONSIDERED, FINALLY PASSED AND ADOPTED THIS 4th DAY OF March, 1996.

  
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 CHAIRPERSON

  
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 SECRETARY

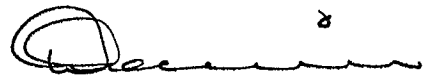
I hereby certify the foregoing to be a true and correct copy of Bylaw No. 654, cited as "Regional District of Central Okanagan Dog Regulation and Impounding Amendment Bylaw No. 654, 1995", as read a first time by the Regional Board on the 20th day of November, 1995.

Dated at Kelowna, B.C. this 7th day of March, 1996.

  
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 Secretary

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 654, cited as "Regional District of Central Okanagan Dog Regulation and Impounding Amendment Bylaw No. 654, 1995", as read a second and third time, reconsidered and adopted by the Regional Board on the 4th day of March, 1996.

Dated at Kelowna, B.C. this 7th day of March, 1996.

  
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 Secretary

REGIONAL DISTRICT OF CENTRAL OKANAGAN

DOG REGULATION & IMPOUNDING BYLAW #654

SCHEDULE 'E' - 1995

STANDARDS FOR USE WITH KENNEL OPERATION PERMITS

- 1) Kennel Operation Permits shall be in the name of the person responsible for the operation of the kennel.
- 2) Operators of kennels shall provide to the Regional District of Central Okanagan, proof of ownership of the property or the written approval of the property owner.
- 3) Dogs must be cared for in accordance with the minimum standards for animal care as specified by The Canadian Council on Animal Care in their publication entitled 'Guide to Care and Use of Experimental Animals'.
- 4) Cleanliness of the facilities must be maintained at all times. The kennel facilities must be free of offensive odours. Dog feces must be controlled and disposed of in a manner acceptable to Public Health and Environmental Standards.
- 5) Noise, as defined in this bylaw shall be confined to the premises covered by the kennel operation permit.
- 6) The number of dogs authorized by the Kennel Operation Permit shall not be exceeded.
- 7) For Hobby Kennels, the kennel facilities shall be in a dwelling on the lot or within a kennel facility as specified in this schedule.
- 8) For Service Kennels, the kennel facilities shall be as specified in this schedule.
- 9) Kennel buildings shall be designed and constructed to limit sound from transmitting to the exterior of the building, to facilitate cleaning and prevent the escape of dogs.
- 10) Kennel facilities shall be kept at a temperature which is appropriate to the dogs being housed therein, having regard to the outside temperature and the season of the year.
- 11) All runs, pens and exercise yards used in conjunction with a kennel shall be constructed so as to prevent the escape of any dogs being kept therein, in accordance with Schedule 'D' and provide sufficient space for the dogs to stand and lie in comfort.