

REGIONAL DISTRICT OF NORTH OKANAGAN

BYLAW No. 2881

A bylaw to regulate the keeping of dogs, provide for fixing, imposing and collecting licence 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 licence fees 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 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 City of Vernon, the District of Coldstream, and 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 "***Dog Control Bylaw No. 2881, 2021***"

INTERPRETATION

2. If any provision of this Bylaw is held to be invalid by a court of competent jurisdiction, the provision may be severed from the Bylaw and such invalidity shall not affect the validity of the remaining portions of this Bylaw.
3. The headings contained in this Bylaw are for convenience only and are not to be construed as defining or in any way limiting the scope or the intent of the provisions of this Bylaw.
4. All schedules of this Bylaw are attached to and form part of this Bylaw and are enforceable in the same manner as this Bylaw.

DEFINITIONS

5. In this bylaw, unless the context otherwise requires:

"Aggressive Dog" means any Dog that:

- a. has a known propensity, tendency, or disposition to, or which without provocation does, chase or approach any 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. has attacked, bitten, or caused injury to, or attempted to attack, bite, or cause Injury to, a person or Domestic Animal, as determined by an Animal Control Officer;
- c. has been designated or found to be an Aggressive Dog by an Animal Control Officer, the BC SPCA, the RCMP, or a veterinarian licensed to practice in British Columbia, another local government, or any court of competent jurisdiction;

and includes any Dangerous Dog;

"Animal Control Officer" means any person designated by the Board of Directors to administer and enforce this Bylaw, the *Community Charter*, and the *Local Government Act*, and includes any employee, servant, agent, or contractor appointed by the Board of Directors to assist in carrying out the provisions of this Bylaw;

"Application for Release of Aggressive Dog" means an application as prescribed by the RDNO, which outlines the obligations of an Owner of an Aggressive Dog.

"At Large" means a Dog that, while not on the property of the Owner:

- a. is not confined within a vehicle; or
- b. is not securely attached to a Leash held by a person who has the ability to restrain the Dog while the Dog is under their care; or
- c. is not Under Control while on Parkland designated for dogs to be off-Leash;

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

"Dangerous Dog" means any Dog that has seriously injured or killed a person or domestic animal as determined by an Animal Control Officer in accordance with section 49 of the *Community Charter* or section 321 of the *Local Government Act*;

"Dog" means an animal of the canine species over the age of three (3) months;

"Dog Park" means an area, located on Public Land, equipped with collection bag dispensers and garbage receptacles, and designated by signage to be an off-Leash area for dogs within the Service Area;

"Dog Tag" is a tag containing a Licence number, which is used for the purpose of identification of a Dog;

Dwelling Unit means one (1) or more rooms used for the residential accommodation of only one (1) family when such room or rooms contain or provide for sleeping facilities, sanitary facilities and kitchen facilities;

"Enclosure" means an outdoor pen, cage, or other structure:

- a. of adequate height and constructed with secure sides, top and bottom to prevent a Dog from escaping; and,
- b. with all gates capable of being locked;

"Excessive Barking" means any barking, howling, yelping or cries that unduly disturb the peace, quiet, enjoyment, rest, comfort or tranquility of any person or the neighbourhood at or near the source of the noise, as determined by the Animal Control Officer;

“Fence” means an upright structure enclosing an area of ground, of adequate height and construction to prevent a Dog from escaping, and with all gates capable of being locked to control access;

“Guide Dog” means a Dog with a valid Guide Animal Certificate under the *Guide Animal Act* if that Dog is used by a person with a disability to avoid hazards or to otherwise compensate for the disability;

“Impounded” means a Dog that has been seized, delivered, received or taken into the Pound, or is in the custody of the Animal Control Officer as provided for in this Bylaw;

“Impoundment Notice” means a notice as prescribed by the RDNO, which is used to notify a property owner that a dog has been seized from their property.

“Leash” means a device, or use of a device, of leather, metal, nylon or other similar strong material no more than 2 metres in length and of sufficient strength and design to restrain the size and strength of Dog for which it will be (or is being) used. One end of the Leash must remain securely affixed to a collar or harness securely attached to the Dog with the other end held by a person capable of controlling the Dog at all times;

“Licence” means a licence issued pursuant to this Bylaw;

“Menacing” means behaviour of a nature that places a person in fear of imminent or immediate bodily harm or unwanted physical contact;

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

“Nuisance Dog” means any Dog that has been impounded three (3) or more times within the previous 12 months; or whose Owner has been issued three (3) or more Bylaw Offence Notices or Municipal Tickets in the previous 12 months for contraventions to this Bylaw;

“Owner” means a person who owns, harbours, or has custody, care or control of a Dog;

“Parkland” means land which is dedicated to public use for recreation purposes, such as parks, trails and natural spaces;

“Pound” means any building or facility designated by the Board of Directors as a facility for impounding and keeping Dogs under this Bylaw;

“Pound Keeper” means the person or persons appointed from time to time by the Board of Directors as a Pound Keeper, and may include a contractor with whom the Regional District has contracted to act as Pound Keeper;

“Public Place” means any place open to use by the public;

“Service Area” means all properties within the City of Vernon, the District of Coldstream, the Village of Lumby, and all properties within Electoral Areas “B” and “C”, and that part of Electoral Area “D” within the Lumby and District Fire Protection Area, all within the Regional District;

“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;

"Under Control" means such circumstances where the Dog is in visible sight distance to the Owner, and responds to the Owner immediately and returns to the Owner within a reasonable time when called or signaled by the Owner, as determined by the Animal Control Officer;

"Unlicensed Dog" means any Dog for which a Licence has not been obtained, and includes any Dog without a Dog Tag attached to its collar or harness.

KEEPING OF DOGS

Maximum Number of Dogs

6. No Owner shall have more than three (3) Dogs on:
 - a. a lot within a municipal boundary; or,
 - b. residentially-zoned lot under 1 ha in size within an electoral area.
7. The three (3) Dog limit in section 6 of this Bylaw excludes:
 - a. any Dog registered as a Guide Animal and which resides with the person for whom the Dog provides care and assistance;
 - b. any Owner registered in the Guide Dog in Training Program; or
 - c. any Dog used by the Royal Canadian Mounted Police.

LICENSING OF DOGS

General Regulations

8. No person shall keep, harbour or have in their possession any Dog unless a Licence has been obtained within (30) days of the Dog becoming an inhabitant within the Service Area.
9. The Owner shall make application and pay the Licence fee as set out in Schedule 'A' of this Bylaw as soon as his or her Dog is three (3) months of age.
10. Upon receiving an application and Licence fee as set out in Schedule 'A' of this Bylaw, the Owner will be issued a Dog Tag containing a Licence number, which will be used for the purpose of identification of the Dog.
11. Every Licence issued under this Bylaw shall expire one (1) year from the date the Licence was issued.
12. Licence fees that are unpaid after the expiry date will be charged a late fee as set out in Schedule 'A' of this Bylaw.
13. Each Dog Owner is required to ensure a Dog is wearing a Dog Tag whenever the Dog is elsewhere than on the premises of the Owner.
14. If an Owner loses a Dog Tag, the Owner shall obtain a replacement tag and pay the replacement fee as set out in Schedule 'A'.

15. An Owner of a Dog which is exempt from the three-Dog limit as set out in Section 7 of this Bylaw shall obtain a Licence for the exempt Dog, but shall not be charged licensing fees on providing appropriate certification to the Regional District.

CONTROL OF DOGS

16. No Owner shall cause or permit his or her Dog to remain outside the Dwelling Unit if such Dog is not secure inside a Fence or Enclosure, except where the Dog is under the care, custody, and control of a person who is competent and strong enough to control the Dog.
17. Every Owner of a Dog must ensure that the Dog does not create Excessive Barking for a period of more than five (5) minutes or sporadically for a period of more than 15 minutes.

Tethering Systems

18. No Owner shall tie, secure, or tether any Dog except on the Owner's property with a tethering system that allows the Dog's adequate freedom of movement with a minimum three (3) metre radius and a minimum of one and one-half (1.5) metres from any property line.
19. No Owner shall cause or permit his or her Dog to be tied, secured, tethered or fastened to a tethering system in excess of four (4) consecutive hours in a twenty-four (24) hour period.

Dogs in Public Places

20. No Owner shall cause or permit his or her Dog to be At Large within the Service Area.
21. Every Owner of a Dog must ensure that the Dog does not:
 - a. molest passersby, or 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; or,
 - e. damage property, other than that of the Owner.
22. Except as otherwise permitted by this Bylaw, no Owner of a Dog, other than a Guide Dog, shall permit or cause the Dog to be in or on any Public Place where Dogs are prohibited.
23. Every Owner of a Dog must ensure that the Dog does not enter upon and remain within any public beaches, swimming areas, or Parkland unless the public beach, swimming area or Parkland is designated by signage as an on-Leash area or a Dog Park.

On-Leash Areas and Dog Parks

24. No Owner will cause or permit his or her Dog to be within an area designated as 'leashed,' unless the Dog is kept on a secure Leash held by the Owner.
25. No Owner shall take, or allow, more than four (4) Dogs at one time to enter upon or be in a Dog Park.
26. An Owner may cause or permit a dog to be off-Leash in a designated off-Leash Dog Park provided that the Owner complies with the following requirements:

- a. The Dog wears a collar or harness and a valid Dog Tag;
- b. The Owner has in his or her possession a Leash to control the Dog;
- c. The Owner maintains visual sight and verbal control of his or her Dog at all times;
- d. In the event of aggression or conflict with another Dog or person, the Owner takes immediate physical control of his or her Dog;
- e. The Dog is healthy and has up-to-date vaccinations as defined by the *American Animal Hospital Association*; and
- f. The Owner follows all posted rules and regulations.

Dog Excrement

27. Dog excrement is not permitted to accumulate on the Owner's property to the degree that odour is noticeable on the neighbouring property.
28. Every Owner of a Dog must ensure that:
 - a. when accompanied by a Dog on any Public Place, they have in their possession a suitable means of facilitating the removal of the Dog's excrement;
 - b. proof can be provided of compliance with section 28.a when requested by an Animal Control Officer; and,
 - c. their Dog excrement deposited on any Public Place and property other than property owned by the Dog Owner, is promptly removed and disposed of.

Aggressive Dogs and Dangerous Dogs

29. An Owner of a Dangerous Dog shall post signage visible to the public in accordance with Schedule 'B' of this Bylaw.
30. When an Aggressive Dog or Dangerous Dog is outside the Dwelling Unit on the Owner's property, the Aggressive Dog or Dangerous Dog must be kept within a secure Fence or Enclosure.
31. When an Aggressive Dog or a Dangerous Dog is in a Public Place and not kept within a closed vehicle, the Aggressive Dog or Dangerous Dog must be:
 - a. controlled on a Leash securely held and with a maximum length of one (1) metre; and,
 - b. wearing a Muzzle securely fastened.
32. No Owner shall allow an Aggressive Dog or a Dangerous Dog into any sports field, playground, public beach, swimming area, Parkland, off-Leash Dog Park, or school grounds at any time.

ANIMAL CARE

Animals Suffering from Infectious or Contagious Disease

33. No person shall keep, harbour or have in their possession a Dog suffering from any infectious or contagious disease unless such Dog is in isolation and under treatment for the cure of such infectious or contagious disease, or the Dog is kept by a licensed veterinarian for the purposes of treatment.

Prohibition of Cruelty

34. No person shall keep any Dog unless that Dog is provided with:
- sufficient clean and potable drinking water;
 - sufficient and appropriate food;
 - clean food and water receptacles;
 - a regularly cleaned and sanitized shelter;
 - sufficient opportunity for periodic exercise;
 - care from a licensed veterinarian when the Dog exhibits signs of pain, suffering, disease, or illness.
35. No Owner shall cause or permit a Dog to be kept outside or confined in cold weather or precipitation without adequate precautions to protect the Dog from the cold weather and precipitation.
36. No Owner shall cause or permit a Dog to be confined to an Enclosure, vehicle, or trailer without adequate ventilation and sufficient shade to protect the Dog from excessive heat and direct rays of the sun.
37. The minimum standard for the size of an Enclosure shall be 0.9144 metres x 1.524 metres (3' x 5') per dog.
38. No Owner shall cause or permit a Dog to be confined in an Enclosure for longer than twelve (12) hours in any twenty-four (24) hour period.
39. No Owner may abandon a Dog.

Breeding Facilities

40. No person may operate, permit, or keep any facility which breeds Dogs, except in compliance with the *Cattery and Kennel Regulation* and the *Prevention of Cruelty to Animals Act*; and in compliance with the requirements of any other bylaws and regulations of the applicable jurisdiction.

IMPOUNDMENT

Establishment of a Pound

41. The Board of Directors authorizes the establishment, maintenance, and operations of a Pound for the impounding of Dogs pursuant to the provisions of this Bylaw.
42. The Board of Directors may appoint a person or persons to carry out the duties of an Animal Control Officer, which includes administration and operation of the Pound in accordance with the provisions of this Bylaw.

Seizure and Impoundment

43. An Animal Control Officer may seize any Unlicensed Dog or an At Large Dog within the boundaries of the Service Area.
44. Upon pursuit of an At Large Dog where the Owner is not present and in order to ensure the safety of the Dog and the public, the Animal Control Officer may seize the Animal on the

Owner's property where the Animal cannot be contained in a secure Fence or Enclosure, and shall post an Impoundment Notice at the Dwelling Unit

45. The Pound Keeper will provide proper shelter as well as daily food, water and exercise for an Impounded Dog.
46. The Pound Keeper shall use all best efforts to determine the identity of the Owner of an Impounded Dog and to inform the Owner that the Dog has been impounded, whether the Dog is alive or dead

No Interference

47. It shall be an offence for any person:
 - a. to release or rescue or attempt to release or rescue any Dog lawfully in the custody of an Animal Control Officer; or
 - b. to resist, intervene, hinder, obstruct or otherwise interfere with the Animal Control Officer or other Regional District employee in the lawful exercise or performance of his or her powers, duties or functions under this Bylaw.
48. Should a Dog be removed from the Pound without proper authority, or a Dog escapes therefrom and returns to the possession or custody of the Owner, or if the Owner of an impounded Dog does not claim the Dog, the said Owner shall still be liable for the payment of fees and expenses chargeable and recoverable under this bylaw.

RECLAMATION OR HUMANE EUTHANIZATION

Reclamation

49. The Owner of any Dog impounded under this Bylaw may reclaim the Dog within seventy-two (72) hours of the Dog being impounded on proof of ownership and upon payment of all applicable fines, fees and other charges.
50. If an Owner cannot be identified by the Animal Control Officer or an Owner notified of impoundment of his or her Dog does not within seventy-two (72) hours of notification attend at the Pound and pay all applicable, fines, fees or other charges, the Pound Keeper will surrender the dog to the Vernon & District Branch of the BC SPCA.

Aggressive Dogs

51. The Owner of an Aggressive Dog that has been Impounded under this Bylaw may only reclaim the Aggressive Dog upon delivery to the Animal Control Officer of a signed Application for Release of Aggressive Dog.

Humane Euthanization

52. If an unidentified Dog is Impounded and the Dog is suffering due to illness or injury and if, in the Animal Control Officer's professional opinion, the extent of the illness or injury is so severe that the dog should be euthanized for humane reasons, the Animal Control Officer is authorized to have a veterinarian euthanize the Dog.

53. The Animal Control Officer may have a veterinarian euthanize an Impounded Dog if the Dog has not been claimed by the Dog's Owner within seventy-two (72) hours and has either:
- a. killed or seriously injured a person; or,
 - b. while in a Public Place or while on private property other than property owned or occupied by the Owner, has killed or seriously injured a domestic animal.
54. The Animal Control Officer must notify the Regional District in all cases prior to a Dog being euthanized.

RIGHT OF INSPECTION

55. Pursuant to the *Community Charter* and *Local Government Act*, an Animal Control Officer may enter at all reasonable times upon any property in order to inspect and determine whether this Bylaw is being followed.
56. Upon request by an Animal Control Officer, an Owner who an Animal Control Officer reasonably believes to be in contravention of any provision of this Bylaw shall stop and immediately provide the Animal Control Officer with photo identification showing his or her full name and current address, and the licensing information of the Dog.
57. The Animal Control Officer may determine whether a Dog is a Nuisance Dog, Aggressive Dog, or Dangerous Dog for the purposes of the Bylaw.

PENALTIES

58. 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 Ten Thousand Dollars (\$10,000.00) for each offence.
59. In addition to the pecuniary penalties so indicated on the Municipal Ticket Information or Bylaw Notice, where a Dog is Impounded, impoundment fees as set out in Schedule 'A' shall also apply.

SCHEDULES

60. The schedules of this Bylaw form part of this Bylaw and are enforceable in the same manner as this Bylaw:

Schedule 'A' – Schedule of Fees
Schedule 'B' - Dangerous Dog Signage

FORCE AND EFFECT AND SEVERABILITY

61. Any Dog deemed Aggressive under Dog Control Bylaw No. 2466, 2010 is deemed Aggressive under Dog Control Bylaw No. 2881, 2021.
62. This Bylaw shall come into effect on May 1, 2021.

63. If any provision contained in the Bylaw is found by a court of competent jurisdiction to be invalid, illegal or unenforceable in any respect, the validity, legality or enforceability of the remaining provisions contained herein shall not be in any way affected or impaired thereby to the extent that the purpose of the Bylaw may be fulfilled in the absence of the impugned provision or provisions of the Bylaw.

REPEAL

64. Bylaw 2466, being “Dog Control Bylaw No. 2466, 2010” and all amendments thereto are hereby repealed.

AMENDMENTS

65. Schedule 'A' of Bylaw 1148, being "RDNO Ticket Information Authorization Bylaw No. 1148, 1993" be amended by:
 - a. Replacing the words "Dog Control Bylaw No. 1470, 1998" with "Dog Control Bylaw No. 2881, 2021"; and
 - b. replacing the words "Dog Control Officer" with "Animal Control Officer"
66. Schedule 'G' of Bylaw 1148, being "RDNO Ticket Information Authorization Bylaw No. 1148, 1993" be replaced with Schedule 'G' attached to and forming part of this Bylaw.

Read a First and Second Time

this 20th day of January, 2021

Read a Third Time, as amended

this 17th day of March, 2021

ADOPTED

this 17th day of March, 2021


Chair
Kevin Acton


Deputy Corporate Officer
Ashley Bevan

**REGIONAL DISTRICT OF NORTH OKANAGAN
DOG CONTROL BYLAW NO. 2881, 2021**

SCHEDULE 'A'

SCHEDULE OF FEES

Licence Fees		
1.	Annual Licence Fee (current for one year from date of issue)	\$20.00
2.	Late Fee (in addition to Annual Licence Fee if licence is unpaid after expiry date)	\$15.00
3.	Certified Guide Dog	No charge
4.	Replacement Tag	\$5.00
Impoundment Fees (except Aggressive Dog)		
5.	a. First Impoundment	\$25.00
	b. Second Impoundment	\$75.00
	c. Third Impoundment	\$200.00
	d. Fourth Impoundment, and subsequent Impoundments	\$400.00
Impoundment Fees (Aggressive Dog)		
6.	a. First Impoundment	\$200.00
	b. Second Impoundment	\$500.00
	c. Third Impoundment, and subsequent Impoundments	\$1,000.00
Boarding and Veterinary Fees		
7.	Boarding fee per day or part day of impoundment	\$20.00
8.	Boarding fee for Aggressive Dog per day or part day of impoundment	\$40.00
9.	Veterinary fees (as required)	Per Statement

**REGIONAL DISTRICT OF NORTH OKANAGAN
DOG CONTROL BYLAW NO. 2881, 2021**

SCHEDULE 'B'

DANGEROUS DOG SIGNAGE

1. The wording of Dangerous Dog signage shall be in accordance with this Schedule 'D'
2. Dangerous Dog signage shall be:
 - a. posted on all sides of the property adjacent to a Public Place;
 - b. a minimum size of 22.86 cm wide x 27.94 cm high (9" x 11"); and,
 - c. constructed of durable material capable of withstanding wind and weather.
3. Dangerous Dog signage must remain in place at all times that a Dangerous Dog resides on the property.



TICKET INFORMATION AUTHORIZATION BYLAW NO. 1148**SCHEDULE 'G'****DESIGNATED BYLAW: DOG CONTROL BYLAW No. 2881, 2021
SCHEDULE OF FEES**

Section	Words or Expressions Designating Offence	Fine
6	More than (3) Dogs	\$100.00
8	Keeping an Unlicensed Dog	\$300.00
13	Dog not wearing Dog Tag	\$100.00
16	Failure to control Dog	\$100.00
17	Excessive Barking	\$200.00
18,19	Contravene tethering regulations	\$200.00
20	Dog At Large	\$150.00
21.a	Dog molesting passersby or approaching in a menacing fashion or apparent attitude of attack	\$100.00
21.b	Dog bites, inflicts injury, assaults or otherwise attacks a person	\$500.00
21.c	Dog chases vehicles or cyclists	\$100.00
21.d	Dog chases, harasses, bites, inflicts injury, assaults or otherwise attacks any other animal	\$200.00
21.e	Dog damages property, other than that of the Owner	\$100.00
22, 23	Dog in prohibited area	\$100.00
24	Off-Leash contrary to requirements	\$100.00
25	More than four (4) Dogs in a Dog Park	\$100.00
26.a, 26.b 26.c, 26.d 26.e, 26.f	Off-Leash in Dog Park contrary to requirements	\$100.00
27	Dog excrement permitted to accumulate, noticeable odour	\$100.00
28.a, 28.b	No means of facilitating removal of Dog excrement	\$50.00
28.c	Failure to remove and dispose of Dog excrement	\$100.00
29	Failure to post Dangerous Dog signage	\$500.00
30	Unsecured Aggressive Dog	\$250.00
31	Aggressive Dog not muzzled and not on a Leash	\$250.00
32	Aggressive Dog in prohibited area	\$250.00
33	Failure to control disease	\$250.00
34.a, 34.b 34.c, 34.d 34.e, 34.f, 35	Cruelty or poor conditions	\$250.00
36, 37, 38	Dog in Enclosure or Vehicle contrary to requirements	\$100.00
39	Abandonment of Dog	\$500.00
40	Non-compliant breeding facility	\$500.00

47.a	To release or attempt to release or rescue an Impounded Dog	\$500.00
47.b	To resist, intervene, or otherwise interfere with the Pound Keeper or Animal Control Officer	\$1,000.00
Subsequent occurrences of the same offence (excluding 47.b) are charged double the applicable Fine		
Nuisance Dogs are charged double the applicable Fine		