

THE REGIONAL DISTRICT OF CENTRAL OKANAGAN

BY-LAW # 55

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 OR DOMESTIC RABBIT KILLED OR INJURED BY ANY DOG.

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 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, grants the powers and authorities contained in Section 458K, 458L, Clause (t) of Section 870 and sub-sections (2) and (4) of Section 871 of the Municipal Act R.S.B.C. 1960.

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

1. In the construction and for the purposes of this by-law, the following words and terms shall have the meaning hereby assigned.
 - 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 Municipality of the City of Peachland~~, 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) "Secretary-Treasurer" shall mean the Secretary-Treasurer of the Regional District of Central Okanagan".
 - d) "Dog" shall mean to include both the male and female of the species apparently over the age of four (4) months.
 - e) "Impounded" shall mean seized, delivered, received, or taken into the Pound, or in the custody of the poundkeeper, as provided for herein.
 - f) "Owner" in respect of any dog, includes possessor or harbourer, and "Owned" includes possessed or harboured.
 - g) "Poundkeeper" shall mean the person appointed from time to time by the Regional Board for the purpose of enforcing and carrying out the provisions of this By-law and shall include any assistant or any person appointed by the Regional Board to assist in carrying out the provisions of this by-law.
 - h) "Pound" shall mean any building or enclosure or place established for impounding dogs by the Regional Board under the provisions of this by-law.
 - i) "Person" shall mean and includes 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.

- j). "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.
- k) "Unlicensed Dog" means any dog for which the licence for the current year has not been paid as provided herein, or to any dog that the tag provided for herein is not attached.
- l) "Transient" shall mean any person who is resident of the Regional District of Central Okanagan for a short duration and who has not taken up permanent residency.

The owner of every dog shall, annually on or before the twenty-eighth day of February in each year, or as soon thereafter as such dog shall attain the age of four (4) months cause the same to be registered, numbered, described and licenced in the office of the Regional District of Central Okanagan and shall cause the dog to wear around its neck a leather or metal collar, to which shall be attached the metal tag referred to in Section 6 of this By-Law.

- a) The licence shall be issued by the Secretary-Treasurer or such person 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-Treasurer of all licences issued and for the purpose of identification a general description of the dog in respect of which such licence was issued.
- b) A transient, who is the owner of a dog shall at the expiry of 30 days residency within the Regional District of Central Okanagan cause the said dog to be registered, numbered, described and licenced as outlined in Clause 2 herein.

Every person who keeps five (5) or more dogs shall be held to own a kennel and the issuance of kennel licences shall be subject to the restrictions of the Regional District Zoning By-Law # , 1972.

Every application for a licence shall be accompanied by a licence fee payable to the Secretary-Treasurer as follows:

- a) for each male a fee of \$5.00
- b) for each female dog a fee of 10.00
- c) For each spayed female dog a fee of 5.00
- d) For each kennel as defined in and by Section 4 hereof and subject to the restrictions of the Regional District Zoning By-law, a fee of \$15.00.

Before issuing a licence for a spayed female dog, the Secretary-Treasurer may require the owner to furnish proof that the dog has been spayed.

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 licence takes effect. There shall be issued with each licence a metal tag which shall be impressed or stamped with a number corresponding to the number of the licence and with figures denoting the year in which the licence expires.

Where the owner of a dog in respect of 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 ipso facto become cancelled.

3. Any person holding a licence for any dog under the provisions of the "Sheep Protection Act" R.S.B.C, 1960 Chapter 354 and amending Acts, or 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 issued. This provision shall not apply to any person who has obtained the licence in another Municipality or Regional District while residing within the Regional District of Central Okanagan.

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 licence therefore pursuant to the provisions of this by-law has been obtained.

0. No person, without the authority of the person owning, or having the custody, care or control of any dog, shall remove from any dog, any collar to which is attached the metal tag provided for herein, or remove such tag from any dog.

ESTABLISHMENT OF POUND

1. The Regional Board may from time to time enter into an agreement with any person for the provision of a Regional District dog pound on private property.
2. 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.

IMPOUNDING DOGS

3. It shall be lawful for the poundkeeper, police officer, or any person to seize any dog found running at large, or any unlicensed dog, and such poundkeeper, police officer or person shall forthwith after making such a seizure cause such dog 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 destroyed or sold by auction or private sale; provided, however, that when any such dog has been impounded and it is found that such dog is suffering from any injury, disease or sickness or from any other cause, the poundkeeper may in his discretion, immediately destroy such dog, if it is his opinion that such dog would not survive such injury, disease or sickness, or that it would be an act of humanity so to destroy such dog.

It shall be the duty of the poundkeeper to receive any dog delivered to him by any police officer or other person 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 same manner as other dogs seized, received and retained by him pursuant to this by-law.

4. 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, and for so doing, he shall be entitled to demand and receive from such owner the sum of \$10.00.

5. The owner of any dog impounded pursuant to the provisions of this by-law may reclaim such dog on application to the poundkeeper at any time prior to its sale or destruction on proof of ownership and on payment of the following charges:-

- (a) If no licence for the current year for the dog has been taken out by the owner, pursuant to this by-law:

The prescribed licence fee together with the sum not exceeding ten dollars (\$10.00) for impounding.

- (b) If the licence for the current year for the dog has been taken out by the owner, pursuant to this by-law:-

A sum not exceeding five dollars (\$5.00) for impounding.

- (c) In addition to the charges as set forth in sub-section (a) and (b) of this provision, a maintenance and sustenance fee of two dollars (\$2.00) for each day or any part thereof the dog has remained in the pound will be charged.

17. 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 metal tag as provided in section 3 and Section 6 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 metal 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 metal tag, or who fails, neglects, or refuses to deliver such dog on request, or 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.
8. It shall be unlawful for any person to suffer or permit any dog owned by him, to run at large, or to trespass in or upon any private lands or premises within the boundaries of the Regional District.
9. 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 or any other person, as herein provided and no person shall intervene or otherwise interfere with the poundkeeper in the lawful exercise of his duties.
10. 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.

NOTICE OF IMPOUNDING

21. If the owner or any impounded dog is known to the poundkeeper, the poundkeeper shall forthwith deliver or mail to the address of the owner a notice of the form set out in Schedule A of this by-law.
22. In case the owner is not known or the owner so notified does not within three days of mailing or delivery of the notice referred to in clause 21 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 cause to be published a notice of sale in the form set out in Schedule B of this by-law by posting the same at the pound and in a conspicuous place on the notice board at the office of the Regional District of Central Okanagan and if considered advisable by the poundkeeper, by publication in one issue of a newspaper circulated in the Regional District and such notice shall be so posted at least six clear days before the day of sale named therein. More than one dog may be included in such notice.

SALE OF IMPOUNDED DOGS

23. 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 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 said person shall still be liable for the payment of the fees and expenses chargeable and recoverable under Section 16 of this by-law.
24. Where any impounded dog has not been previously released from the Pound, the dog shall be sold at public auction on the day of the sale named in the notice published pursuant to Section 22 hereof, and at the sale the Poundkeeper shall be the auctioneer, and the sale shall be held at the pound and shall commence at the hour of two o'clock in the afternoon, and the poundkeeper shall neither in person nor by his agent purchase any dog at the sale or have any interest of any kind in any dog so purchased.

5. If more than one dog of any one owner is impounded and the owner thereof is known the poundkeeper shall not sell any more of such dogs after he has realized from the sale, sums of money sufficient to satisfy the expense and fees chargeable against the dogs, and the owner of the dogs shall be entitled to those dogs remaining unsold.
6. If the owner of the dogs is unknown, the poundkeeper shall sell all the dogs impounded.
7. The poundkeeper shall immediately after each sale send to the Secretary-Treasurer a description of the dog or dogs sold, the date of sale, the amount realized, and the disposition thereof.

PROCEEDS OF SALE - HOW DISPOSED OF

- 8.a) The proceeds of the sale of any impounded dog sold under the provisions of this by-law shall be applicable in payment
 - i of all costs and charges attending the sale.
 - ii of all maintenance and sustenance charges provided for in Section 2 hereof.
 - iii of the impounding fees provided for in Section 6 hereof, (excluding therefrom the licence fee) and the residue (if any) shall be paid to the owner of the dog or (if not claimed at the time of sale by any person entitled thereto) to the Secretary-Treasurer.
- b) Any money paid to the Secretary-Treasurer under the provisions of this Section shall be paid over to the owner of the dog sold on evidence satisfactory to the Regional District and application therefrom being made to the Regional District within three (3) months from the date of sale otherwise such money shall form part of the General Revenue of the function.
- c) Where at any sale held pursuant to this by-law, no bid is received from the impounded dog to be sold or where a bid received is less than the costs, charges and fees, the poundkeeper may, at his discretion, sell it at private sale, and if in the opinion of the poundkeeper, it is impossible to dispose of such dog for valuable consideration, the poundkeeper may destroy or cause such dog to be destroyed or otherwise disposed of.
- d) If the money from the sale or other disposal of any dogs aforesaid shall not be sufficient to satisfy the amount chargeable thereon, as herein before provided, then the owner or other person entitled to the possession of the dog shall pay the balance upon demand being made by the poundkeeper.

GENERAL PROVISIONS

29. 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 Secretary-Treasurer the monies so received pursuant to the provisions of this by-law.
30. 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 and the proceeds of all recognizances extracted in connection therewith shall be paid into the Secretary-Treasurer to the credit of the function.
31. It shall be the duty of the Secretary-Treasurer to furnish to the poundkeeper, a book 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 Secretary-Treasurer, giving the number and description of all dogs received by him during the preceeding month with the several particulars herein before required to be entered in such book and any other information the Secretary-Treasurer may deem necessary; such return shall be in the form prescribed by the Secretary-Treasurer.

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 (provided that this shall not apply on any legal holidays).

PAYMENT OF COMPENSATION

33. The Regional Board shall provide for the payment of compensation based on the scale of fees set out in the Sheep Protection Act and so far as any sum so provided is available therefore to the owner of any sheep, goat or poultry within the meaning of the Sheep Protection Act or domestic rabbit killed or injured by any dog apparently over the age of four months, the owner of which is unknown and after diligent enquiry, cannot be found.
4. The maximum sum which is available in any one year for the purpose of compensation as set out in Section 33 of this by-law shall be one thousand, five hundred dollars (\$1,500.00).

All claims shall be filed with the Secretary-Treasurer pursuant to the provisins of this by-law.
6. No claim shall be authorized under this by-law by the Secretary-Treasurer or the Regional Board unless:
 - a) The Secretary-Treasurer or Regional Board is satisfied that the owner of the sheep, goats, poultry or domestic rabbits submitting the claim has taken all reasonable precautions for protecting such sheep, goats, poultry or domestic rabbits; and
 - b) The sheep, goat, poultry (within the meaning of the "Sheep Protection Act R.S.B.C. 1960 Chapter 354 and amending acts") or domestic rabbit has been killed or injured by any dog apparently over the age of four months, the owner of which is unknown and, after diligent inquiry, cannot be found; and
 - c) The loss has been reported to the Secretary-Treasurer within forty-eight (48) hours of the occurrence.
7. The payment pursuant to any claim under this by-law shall be in accordance with Section 33 of this by-law.
8. The Secretary-Treasurer is hereby authorized to approve any claim under this by-law up to the amount of One Hundred (\$100.00) Dollars. Any claim in excess of One Hundred Dollars (\$100.00) shall be referred to the Regional Board for authorization of payment.
9. All claims under this By-law shall be filed according to the form attached hereto and marked as "Schedule C" to this By-law.
0. Any person who violates any of the provisions of this by-law shall upon summary conviction thereof be liable to a penalty of not more than one hundred dollars (\$100.00) plus the cost of the prosecution.
41. This by-law may be cited for all purposes as "The Regional District of Central Okanagan Dog Regulation & Impounding By-Law #55, 1972."


READ A FIRST TIME this 4th day of October 1972

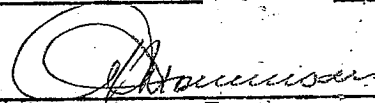
READ A SECOND TIME this 4th day of October 1972

READ A THIRD TIME this 15th day of November 1972

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS this 19th
day of December, 1972.

RECONSIDERED AND FINALLY ADOPTED THIS 7th day of March 1973.

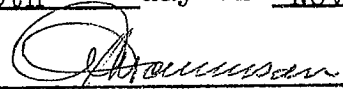

(Chairman)


(Secretary-Treasurer.)

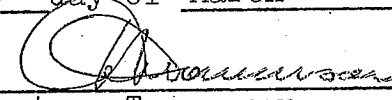
I, A. T. Harrison, Secretary-Treasurer of the Regional District of Central Okanagan hereby certify that this is a true and correct copy of By-law #55, cited as "The Regional District of Central Okanagan Dog Regulation & Impounding By-law #55, 1972", which was read a third time this 15th day of November, 1972.

I, A. T. Harrison, Secretary-Treasurer of the Regional District of Central Okanagan hereby certify that this is a true and correct copy of By-law # , cited as "The Regional District of Central Okanagan Dog Regulation & Impounding By-Law #55, 1972", which was reconsidered and adopted on the 7th day of March, 1973.

DATED AT KELOWNA, B. C. this
20th day of November, 1972.

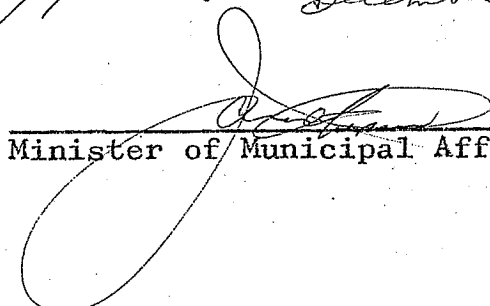

Secretary-Treasurer

DATED AT KELOWNA, B. C. this
12th day of March, 1973.


Secretary-Treasurer

Approved pursuant to the provisions of
Section 203 of the Municipalities
Enabling and Validating Act this

19th day of December 1972.


Minister of Municipal Affairs.