

TOWN OF OSOYOOS



Animal Control and Licensing

BYLAW NO. 1316, 2016

CONSOLIDATED VERSION

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(CONSOLIDATED FOR CONVENIENCE PURPOSES ONLY)

Consolidated Version should be read in conjunction with the complete document.

TOWN OF OSOYOOS
BYLAW NO. 1316

A Bylaw to regulate and impose requirements in relation to
keeping of Animals within the Town of Osoyoos

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Preamble

WHEREAS the *Community Charter* provides that Council of the Town of Osoyoos (the Town) may, by bylaw, regulate, prohibit, and impose requirements in relation to Animals;

AND WHEREAS the *Community Charter* provides that a bylaw may establish different classes of Animals on the basis of sex, age, size or breed;

AND WHEREAS the *Community Charter* provides authority for the seizure of Animals and related powers;

AND WHEREAS the *Community Charter* provides special powers in relation to Dangerous Dogs;

NOW THEREFORE the Council of the Town enacts as follows:

PART 1 - GENERAL

Title

1. (1) This bylaw is cited for all purposes as “Animal Control and Licensing Bylaw No. 1316, 2016”.

Definitions

2. (1) Definitions for this bylaw are included in Schedule “A” attached to and forming part of this bylaw.

Designation

3. (1) This bylaw is designated as a bylaw that may be enforced by means of a municipal ticket information under the Town’s Municipal Ticket Information System Bylaw No. 1279, as amended.

Limits on the number of household Animals

4. (1) Pursuant to permitted uses under the Town’s Zoning Bylaw No. 1085, as amended, a person must not Keep or permit to be kept on any parcel of land or real property in the Town:
 - a) more than two (2) Dogs over six (6) months of age;
 - b) more than two (2) Cats over six (6) months of age;
 - c) more than four (4) budgies, canaries, parakeets or other similar tropical breeds of birds, with such birds to be kept indoors or in a cage at all times;
 - d) more than four (4) gerbils, hamsters or other Domestic rodents, with such rodents to be kept indoors or in a cage at all times;
 - e) more than one (1) amphibian, reptile or non-venomous snake, with such amphibian, reptile or non-venomous snake to be kept indoors or in a secure cage at all times; or
 - f) subject to Section 38, a Prohibited Animal listed in Schedule B to this bylaw.

Pound Facility

5. (1) Council authorizes:
 - a) the establishment, maintenance and operation of facilities for the Impounding of Animals at such place or places and upon such premises as Council may determine by resolution; and

- b) the CAO to enter into an agreement with such persons, firms, societies or corporations as may be fit for the purpose of maintaining and operating a Pound, for regulating the conduct of the Pound, and providing for the collection, distribution and payment of revenue and expenditures derived from the operation of the Pound.

Delegation of Authority

- 6. (1) An officer or employee of the Town, the Pound Keeper, Animal Control Officer or Bylaw Enforcement Officer is authorized to:
 - a) enforce or carry out the provisions of this bylaw;
 - b) seize and Impound an Animal; and
 - c) investigate complaints.

Authority of an Animal Control Officer to Enter on to Property

- 7. (1) An Animal Control Officer may enter at all reasonable times and in a reasonable manner, on to any property in the Town for the purpose of:
 - a) ascertaining whether the requirements of this bylaw are being observed; or
 - b) seizing and Impounding Animals under this bylaw.
- (2) Except in case of emergency, the Animal Control Officer must take reasonable steps to advise the owner or occupier before entering the property.

Duties of an Animal Control Officer

- 8. (1) An Animal Control Officer must:
 - a) maintain a log book and record the description of every Animal Impounded, the name of the person who Impounded the Dog, the time and location of the Impoundment, the fees owing and the manner of disposal of the Impounded Animal; and
 - b) provide all Impounded Animals with food, water, shelter and care as established by policy passed by resolution of Council.

Authority to address various breeds as Restricted Dogs

- 9. (1) The CAO is delegated the authority to address requests to add breeds of Dogs to the definition of Restricted Dogs in this bylaw.

Exempt Animals

10. (1) This bylaw does not apply to the following:
 - a) Animals used by government law enforcement agencies;
 - b) Animals which are regulated or permitted by a valid and subsisting Federal or Provincial permit or licence; or
- (2) A guide Dog or service Dog certified under the *Guide Dog and Service Dog Act* SBC 2015, c. 17, as amended, is exempt from the licensing fees set out in this bylaw.

No liability for injury to Animal

11. (1) No provision of this bylaw must be construed as making the Town, Animal Control Officer, or the Pound Keeper liable to the Owner of any Animal for injury to, sickness or death of an Animal.

PART 2 – ANIMAL WELFARE

Animal abandonment or release

12. (1) A person must not abandon a Domesticated Animal or release a Domesticated Animal into the wild, or allow it to become Feral.
- (2) A person must not offer for sale or offer for free of charge or otherwise discard or dispose of any Dog, Cat, puppy, kitten or other Animal on any Boulevard, Highway, land or public place within the Town.

Basic Animal care requirements

13. (1) An Owner of an Animal must ensure that the Animal is provided with:
 - a) clean, potable drinking water and food of sufficient quantity and quality to allow for healthy growth and the maintenance of healthy body weight;
 - b) food and water receptacles kept clean and disinfected and located so as to avoid contamination by faeces;
 - c) the opportunity for regular exercise sufficient to maintain good health, including daily opportunities to be free of a confined area and exercised regularly under Control; and
 - d) necessary veterinary care when such Animal exhibits signs of pain, injury, illness or suffering.

Outdoor shelter requirements

14. (1) An Owner must not Keep an Animal outdoors, unless the Animal is provided with a shelter that provides:
- a) protection from heat, cold and dampness that is appropriate to the Animal's weight and type of coat;
 - b) sufficient space to allow the Animal the ability to stand and turn around and to sit and lie in a non-constrained position;
 - c) sufficient shade to protect the Animal from the direct rays of the sun; and
 - d) a clean and sanitary environment.

PART 3 – CONTROL, LICENSING AND IMPOUNDING OF DOGS

Control of Dogs

15. (1) Every person owning or Keeping a Dog must exercise proper care and Control of the Dog to prevent the Dog from doing any of the following:
- a) barking, yelping, howling or making other noises excessively, or otherwise disturbing the quiet of any person:
 - i) continuously for ten minutes or more;
 - ii) sporadically for a cumulative total of 15 or more minutes within 1 hour; or
 - iii) in such a manner as to cause a nuisance.
 - b) molesting, chasing, or attacking humans or other Domestic Animals; or
 - c) damaging public property.

Licensing of Dogs

16. (1) Prohibition
- a) A person must not own, possess, keep or harbour an unlicensed Dog within the boundaries of the Town.
- (2) Requirements
- a) Every person who owns, possesses, Keeps or harbours a Dog within the boundaries of the Town must obtain a Dog Licence in accordance with the provisions of this bylaw.
 - b) Every person who purchases a Dog Licence must be at least eighteen (18) years of age.

- c) A Dog Licence issued pursuant to this bylaw is valid for the Licencing Year in which it is purchased and will expire on the 31st day of December in that Licencing Year.
 - d) Every person who obtains a Dog Licence will be given a tag which will be at all times fastened to a collar or harness worn by the Dog for which the Dog Licence was obtained.
 - e) When a tag issued by the Town has been lost, destroyed, mutilated or otherwise rendered unreadable, the Owner must acquire a replacement tag for the remainder of the current Licencing Year, upon payment of the fee set out in Schedule C.
 - f) The Dog Licence fees pursuant to this bylaw will be those set out in Schedule C attached to and forming part of this bylaw.
 - g) The Animal Control Officer may maintain a record of all licences issued pursuant to this bylaw, including the names, addresses and contact information of all Dog Owners, the licence number and a description of all Dogs, the date that the licence was issued and the fee which was paid.
 - h) Information collected by the Town with respect to issuance of licences or permits pursuant to this bylaw will be retained in accordance with the provisions of the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, chapter 165, as amended.
- (3) Licence fees are not refundable unless approved by the CAO.

Dogs in public places

17. (1) The Owner of a Dog must not allow it to be in a public place unless:
- a) the Dog is wearing a Leash; and
 - b) the Leash is under effective Control of a person competent to restrain the Dog.
- (2) Despite section 17(1)(a), the Owner of a Dog may allow a Dog to be in an Off Leash area within a Dog Park or Dog Swim Area as designated by signage, without a Leash if:
- a) the Dog is in an Off Leash area during the times specified by signage;
 - b) the Dog is under effective Control of a competent person;
 - c) the Off Leash area is not being used under a permit issued by the Town;
 - d) the Off Leash area has not been closed by the Town;

- e) the Dog has not been deemed a Dangerous, Vicious, or Aggressive Dog; and
 - f) the Dog is not a Restricted Dog.
- (3) Notwithstanding Section 17(2), any Dog in a designated Swim Area must be Leashed at all times when not in the water.
- (4) Dogs are permitted in Parks as designated in Schedule E subject to the following exceptions:
- a) Dogs are permitted in Gyro Park during the months of January to May and September to December, provided that the Dog is on Leash and under the care and Control of a competent person at all times;
 - b) Dogs are permitted only on the pathway in Gyro Park designated in Schedule F during the months of June, July and August, provided that the Dog is on Leash and under the care and Control of a competent person at all times;
 - c) an Owner must not permit, suffer or allow a Dog on school grounds or in any swimming area other than a designated Dog Swim Area; and
 - d) no Dog is permitted in Cottonwood Park or on Cottonwood Beach at any time.

Transporting Animals

18. (1) A person must not cause any Animal to be hitched, tied or fastened to a fixed object or to a stationary vehicle on public or private property:
- a) where a choke collar forms part of the securing apparatus;
 - b) where the securing apparatus is less than three (3) metres in length; and
 - c) for a period longer than one (1) hour in any six (6) hour period;
- (2) A person must not allow an Animal to be confined in an enclosed space, vehicle or vessel unless the person provides sufficient ventilation and water to prevent the Animal from suffering distress or heatstroke.
- (3) A person must not allow an Animal to be confined in an enclosed space or in a stationary vehicle or vessel, unless the space, vehicle or vessel is in an area providing sufficient shade to protect the Animal from the direct rays of the sun.
- (4) A person must not leave an Animal unattended on the bed or other exterior part of a stationary vehicle unless the Animal is securely contained in a cage or carrier or restrained behind a guard rail of sufficient height to prevent the Animal from jumping out of the vehicle.

Exercising Animals from a vehicle or bicycle

19. (1) An Owner must not exercise a Dog or other Animal by allowing it to run next to a moving vehicle.
- (2) An Owner must not exercise a Dog by allowing it to run next to a bicycle unless the Dog is attached to the bicycle by an apparatus that allows the Owner to retain two-handed control of the bicycle at all times.

Removal of faeces

20. (1) A person must not allow an Animal to deposit faeces in a Park or on public property unless the Owner immediately removes the faeces and disposes of it in a sanitary manner.
- (2) A person must not allow an Animal to deposit faeces and/or urinate on private property other than the property of the Owner of the Animal.

PART 4 – SEIZING AND IMPOUNDING

Seize and Impound

21. (1) An Animal Control Officer may seize and Impound:
 - a) a Dog, if the Owner does not hold a valid licence for the Dog as required pursuant to this bylaw;
 - b) an Animal that is in a public place in contravention of this bylaw;
 - c) an Animal that is on private lands or premises without the consent of the occupier or owner of the lands or premises;
 - d) an Animal that is on unfenced land and not securely tethered or contained;
 - e) an Animal that is found to be injured, diseased, or poses a threat to the health or safety of a person or Domestic Animal; or
 - f) an Animal delivered to the Pound by any person.
- (2) The Animal Control Officer must supply the Impounded Animal with sufficient food, water, shelter, and care until the Animal is redeemed, disposed, adopted, or euthanized pursuant to this bylaw.

Releasing an Animal before its arrival at the Pound

22. (1) If the Owner or agent of an Owner is present to claim an Animal that has been seized at any time before the Animal has been taken to the Pound, an Animal

Control Officer may release the Animal, other than a Dangerous Dog, to the Owner or the agent of the Owner if the Owner or agent:

- a) provides proof of ownership of the Animal to the satisfaction of the Animal Control Officer or, in the case of an agent of the Owner, satisfies the Animal Control Officer of the agent's authority to redeem the Animal;
- b) pays any applicable licence fees; and
- c) pays half of the applicable impoundment fee set out in Schedule C.

Informing the Owner of Impoundment

23. (1) The Animal Control Officer or Pound Keeper must take reasonable efforts to locate the name and address of the Owner of an Animal which has been Impounded, and must take reasonable efforts to inform the Owner verbally or by mail within twenty-four (24) hours of the Impoundment.

Redeeming an Animal from the Pound

24. (1) The sole cost and expense of an Impounded Animal is the responsibility of the Owner and the applicable fees must be paid in full before the Animal is released, unless otherwise approved by the CAO.
- (2) The Owner of an Impounded Animal or the Owner's agent may redeem the Animal from the Pound by:
- a) providing proof of ownership of the Animal to the satisfaction of the Animal Control Officer or Pound Keeper or, in the case of an agent, satisfying the Animal Control Officer or Pound Keeper of the agent's authority to redeem the Animal; and
 - b) paying to the Town:
 - i) applicable licence fees;
 - ii) impoundment fees prescribed in Schedule D;
 - iii) maintenance fees prescribed in Schedule D for each day or part of a day that the Animal was Impounded; and
 - iv) the costs of special equipment, resources or boarding facilities required to seize, Impound or maintain the Animal, and veterinary costs incurred in respect of the Animal during the Impoundment period.

Disposition of unredeemed Animals

25. (1) An Animal becomes the property of the Town if it is not redeemed within seventy-two (72) hours following its Impoundment, not including Saturday, Sunday or statutory holidays.
- (2) If an Animal becomes the property of the Town under subsection 25(1), the Animal Control Officer or Pound Keeper may:
- a) arrange for the Animal to be sold;
 - b) place the Animal for adoption with a responsible owner;
 - c) place the Animal with the SPCA or other Animal adoption or rescue agency; or
 - d) if the Animal cannot be sold or adopted, arrange for the Animal to be euthanized humanely by a registered veterinarian.

Euthanization of impounded Animals

26. (1) The Animal Control Officer or Pound Keeper may have an impounded Animal euthanized humanely at any time if:
- a) a registered veterinarian certifies that the Animal is suffering from an infectious, contagious or incurable disease; or
 - b) the Animal Control Officer or Pound Keeper is satisfied that the Animal has been so seriously injured that its death is imminent.

Prohibition against breaking into Pound

27. (1) A person must not:
- a) break open or directly or indirectly aid or assist in breaking open the Pound;
 - b) enter the Pound without the permission of the CAO, Animal Control Officer, Bylaw Enforcement Officer or the Pound Keeper; or
 - c) take or release any impounded Animal from the Pound without the consent of the CAO, Animal Control Officer or Pound Keeper.

PART 5 – AGGRESSIVE, VICIOUS, AND DANGEROUS DOGS

Aggressive and Vicious Dogs

28. (1) If the Animal Control Officer deems a Dog to be Aggressive or Vicious, the Animal Control Officer may issue a letter to the Owner confirming that the Town considers the Dog to be an Aggressive or Vicious Dog and setting out specific conditions relative to the Keeping of the Dog which may include some or all of the following:

- a) the Dog must be Muzzled when off the Owner or occupier's property;
- b) the Dog must be on Leash at all times;
- c) the Dog must be contained on the Owner or occupier's property in a secure Enclosure;
- d) the Owner must advise the Animal Control Officer when the Dog is relocated to a new address;
- e) the Dog will be subject to Aggressive, Vicious or Dangerous Dog impoundment fees; and

Dangerous Dogs

29. (1) An Animal Control Officer may designate a Dog as a Dangerous Dog.
- (2) The Animal Control Officer is designated the authorities granted under the *Community Charter* SBC 2003, c. 26, for the seizure of a Dangerous Dog.

Licensing and Control of Dangerous Dogs

30. (1) A person must not bring or allow to enter the Town, a Dangerous Dog.
- (2) Notwithstanding section 30(1), a Dog that becomes a Dangerous Dog and has been and is licenced in the Town of Osoyoos for the current year, must, before receiving a new licence, pay the applicable fee indicated in Schedule C to this bylaw.
- (3) In order to obtain a licence, an Owner of a Dangerous Dog must supply the following documentation to the Town with written confirmation:
- a) from a licenced veterinarian that such Dog has been neutered or spayed;
 - b) from an approved Animal trainer that the services of such trainer have been retained for the purpose of providing behavioural remediation to such Dog; and
 - c) that the Owner has obtained a policy of liability insurance specifically covering any damages for injuries caused by the Dangerous Dog in an amount not less than five hundred thousand dollars (\$500,000), and covering the twelve month period during which licencing is sought. The policy must contain a provision requiring the Town to be named as an additional insured and the Town must be notified by the insurance company of any cancellation, termination or expiration of the policy.
- (4) Every Owner of a Dangerous Dog must:
- a) ensure that the Dog is properly fitted with a Muzzle and is kept on a leash no longer than 1 metre, (3.3 feet) and that the Dog is under the Control of

- a competent person over the age of eighteen (18) years when the Dangerous Dog is off the property of the Owner;
- b) ensure that the Dangerous Dog is:
 - i) securely confined indoors; or
 - ii) contained in a securely enclosed and locked pen or structure, suitable to prevent the Dog from escaping and to prevent the entry of any person not intended to access the Dangerous Dog.
 - c) ensure that the pen or structure in subsection b)(ii) complies with Section 13 of this bylaw, and must not be within one metre of the property line or within three metres of a neighbouring Dwelling unit;
 - d) display a warning sign pursuant to Section 31(1) and 31(2) of this bylaw;
 - e) promptly notify the Animal Control Officer if the Dog has become At Large and not in the care and Control of a competent person;
- (5) If the Owner of a Dangerous Dog is unwilling or unable to comply with the requirements of this section, the Dog may be seized and impounded for a fourteen day holding period, after which time the Dangerous Dog will be euthanized in a manner approved by the British Columbia Veterinary Medical Association.

Warning Signage

31. (1) The Owner of a Dangerous Dog must post a clearly visible sign at all points of entry onto any premises and on an Enclosure where the Dog is being kept permanently or temporarily, warning that there is a Dangerous Dog on the premises.
- (2) A sign displayed in accordance with Section 31(1) must be:
- a) attached so that it cannot be removed easily by passersby; and
 - b) visible and capable of being read from any adjacent Boulevard, sidewalk, or Highway.
- (3) A person must not deface or remove a sign that is required to be displayed under subsection 31(1) and 31(2).

Duties of the Owner of a Dangerous Dog

32. (1) The Owner of a Dangerous Dog must:
- a) allow an Animal Control Officer to photograph the Dog, on demand;
 - b) within two (2) working days of moving into a new residence, provide the Town with the Owner's new address;

- c) within two (2) working days of selling or giving away the Dog, provide the Town with the name, address and telephone number of the new Owner;
- d) within two (2) working days of the death of the Dog, provide the Town with a veterinarian's certificate of the death; and
- e) immediately advise an Animal Control Officer and/or the Town if the Dog is At Large or has bitten or attacked any person or Animal.

Impoundment of Dangerous Dogs

33. (1) The Owner of a Dangerous Dog impounded pursuant to the provisions of this bylaw may reclaim the Dog on application to the Animal Control Officer or Pound Keeper at any time prior to its sale or destruction, pursuant to Section 24(2) on proof of ownership and on payment of the impoundment fees prescribed in Schedule D.
- (2) Despite Section 33(1), where a Dangerous Dog has caused injury to a person or a Domestic Animal, the impound fee will be in accordance with Schedule D.
- (3) Notwithstanding Sections 33(1) and 33(2) where a Dangerous Dog is seized pursuant to section 49 of the Community Charter, or where the Town is otherwise making application under section 49 of the Community Charter for an order for the destruction of a Dangerous Dog, the Animal Control Officer or Pound Keeper may refuse to release the Dangerous Dog to the owner pending the court order.
- (4) If a court orders the Town to release the Dangerous Dog back to the Owner, the Dog may be redeemed by the Owner upon payment of the impound fee in accordance with Schedule D.
- (5) In addition to the impound fees imposed by this bylaw, the Owner of a Dangerous Dog is liable for all extraordinary costs incurred by the Animal Control Officer or Pound Keeper in the course of impounding the Dog, and these costs will be payable at the time of redeeming the Dog from the Pound.

PART 6 - CATS

Care and control of Cats

34. (1) An Owner of a Cat must ensure that:
- a) the Cat does not run At Large within the Town;
 - b) a Cat of two (2) months of age or older bears sufficient identification to enable any person finding the Cat At Large to contact the Owner; and
 - c) a Cat of six (6) months of age or older has been spayed or neutered by a veterinarian.

PART 7 – OTHER ANIMALS

Other Animals in Public Places

35. (1) A person must not allow a snake or other reptile to be in a public place in the Town unless the Animal is securely contained at all times in a cage or other container.
- (2) An Owner of an Animal other than a Dog or Cat must not allow the Animal to be in any public place in the Town.
- (3) An Owner of a Cat or Domesticated rabbit must not allow the Cat or Rabbit to be in an off-Leash area of a Park.

Birds

36. (1) A person must not own, Keep, possess or harbour any bird listed in Schedule “B” of this bylaw.

Bees

37. (1) A person must not Keep bees, beehives, or establish an apiary within the Town except as permitted under the Town’s Zoning Bylaw.

Livestock, Poultry and rabbits

38. (1) A person must not Keep Livestock or Poultry within the Town except as permitted under the Town’s Zoning Bylaw.
- (2) A person may Keep a maximum of one (1) rabbit in a Dwelling and must ensure that the rabbit:
 - a) does not create a nuisance; and
 - b) is kept in an Enclosure in a sanitary condition.

Wild, Exotic, Restricted or Prohibited Animals

39. (1) A person must not Keep, breed, sell, purchase, transfer or exchange, either on a temporary or permanent basis, a Wild, Exotic, or Prohibited Animal listed in Schedule “B” of this bylaw, unless:
 - a) it is permitted under Section 10(1)(b);
- (2) Notwithstanding Sections 39(1), where on the date of the adoption of this bylaw, a person was Keeping any Animal listed in Schedule “B”, other than an Animal whose ownership violates existing Federal or Provincial statutes, the person may continue to Keep that Animal until the Animal has died due to natural causes or humane euthanasia, under the following conditions:

- a) except for visits to a veterinarian office, the Animal must be kept at all time on the Owner's premises and is secure from escaping, running At Large, or trespassing on private or public property;
 - b) the Animal is kept from reproducing; and
 - c) a person must not use an Animal listed in Schedule "B" for educational purposes without the approval of the CAO.
- (3) The Owner of a Restricted Dog must keep the Restricted Dog on Leash and in a Muzzle at all times when the Restricted Dog is anywhere other than on lands or premises owned or occupied by the Owner.

Animal performances

40. (1) A person must not operate or carry on a public show, exhibition, carnival or performance in which Animals are required to perform tricks, fight, or otherwise participate for the amusement or entertainment of an audience.
- (2) Despite Section 40(1), a person may, upon receiving permission from the Town Council, operate or carry on:
- a) an exhibition or performance involving horses or in which individuals ride horses or ponies;
 - b) an exhibition involving Dogs;
 - c) a display or showing of Animals in an agricultural fair or pet show; or
 - d) as part of an approved parade, special or cultural event, or other public gathering.

PART 8 – EXEMPT FACILITIES

Exemptions

41. (1) Regulations under this bylaw do not apply to prevent the Keeping or safekeeping of Animals at the following premises:
- a) a Town facility or other premises identified by the Town that is used for the Keeping of impounded Animals;
 - b) an affiliate or branch of the Society for the Prevention of Cruelty to Animals (SPCA);
 - c) facilities occupied for use by the Royal Canadian Mounted Police;
 - d) the office of a licensed veterinarian, if the veterinarian is providing temporary care to an Animal.

PART 9 – PENALTY AND ENFORCEMENT

Provision of information

42. (1) If a person occupies premises where a Dog or other Animal is kept or found, whether the person is the Owner or has custody of the Animal, the person must provide the following information when requested by an Animal Control Officer, Bylaw Enforcement Officer or Peace Officer:
- a) the person's name, address and telephone number;
 - b) if the person is not the Owner, the Animal Owner's name, address and telephone number;
 - c) the number of Dogs and or other Animals kept on the premises;
 - d) the breed, sex, age, name and general description of each Dog or other Animal kept on the premises;
 - e) whether each Dog kept on the premises is licensed.

Fees

- 43 (1) Any person who is required to pay a fee or a charge under this Bylaw shall pay the applicable fee or charge prescribed in Schedules C or D.

Offences

- 44 (1) A person commits an offence and is subject to the penalties imposed by this Bylaw, the Municipal Ticket Information Bylaw and the *Offence Act* if that person:
- a) contravenes a provision of this Bylaw;
 - b) consents to, allows, or permits an act or thing to be done contrary to this Bylaw; or
 - c) neglects or refrains from doing anything required by a provision of this Bylaw.
- (2) Each day that a contravention of a provision of this Bylaw continues is deemed to be a separate offence.
- (3) The *Offence Act*, where applicable, will apply to proceedings under this Bylaw.

Prohibition against hindering the Animal Control Officer, Bylaw Enforcement Officer or Pound Keeper

- 45 (1) A person must not hinder, delay or obstruct:

- a) an Animal Control Officer;
- b) a Bylaw Enforcement Officer; or
- c) a Pound Keeper.

in the performance of their duties under this bylaw.

- (2) Without limiting the generality of subsection 45(1), a person must not:
 - a) release an Animal from a trap set by an Animal Control Officer or Bylaw Enforcement Officer; or
 - b) tamper or interfere with, damage, move or remove a trap set by an Animal Control Officer or Bylaw Enforcement Officer.

Penalty

- 46 (1) Except as otherwise provided in this Bylaw, 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 of this Bylaw, or who refuses, or omits or neglects to fulfil, observe, carry out or perform any duty or obligations imposed by this Bylaw shall be liable on summary conviction to a fine not exceeding TWO THOUSAND DOLLARS (\$2,000.00).

PART 10 - OTHER

Severability

- 47 (1) If any section, subsection, clause or phrase of this Bylaw is, for any reason, held to be invalid by a Court of competent jurisdiction, it will be deemed to be severed and the remainder of the Bylaw will remain valid and enforceable in accordance with its terms.

Schedules

- 48 (1) Schedules A, B, C, D, E and F are attached to and form part of this Bylaw.

Repeal

- 49 (1) Licensing and Control of Dogs Bylaw No. 1036, 1997 and all amendments thereto is hereby repealed.
- (2) Cat Control Bylaw No. 1240, 2008 and all amendments thereto is hereby repealed.

Read a first, second, and third time on the 7th day of November, 2016.

Adopted on the 21st day of November, 2016.

MAYOR

CORPORATE ADMINISTRATION OFFICER

SCHEDULE A – DEFINITIONS

Animal Control and Licensing Bylaw No. 1316

In this Bylaw:

A word importing the masculine gender includes the feminine or neuter, a word importing the singular includes the plural, and in each case, vice versa.

Aggressive Behaviour includes snarling, growling, baring teeth, biting, or pursuing another person or Domestic Animal.

Aggressive Dog means a Dog that:

- (i) without provocation has displayed aggressive behaviour toward a person or Domestic Animal;
- (ii) with or without provocation, has caused a Minor Injury to a person or Domestic Animal;
- (iii) is attack trained;
- (iv) is kept for the purpose of security or protection of persons or property, whether residential, commercial or industrial;
- (v) has, in the opinion of the Animal Control Officer, displayed the disposition to be threatening or aggressive.

Animal means any member of the Animal kingdom, other than a human being.

Animal Control Officer means a municipal employee, officer or agent designated by the Town as an Animal Control Officer, a Bylaw Enforcement Officer, or a Peace Officer.

At Large means:

- (i) with respect to a Dog
 - (i.i) being on the lands or premises or Dwelling of any person other than the Owner of the Dog without the consent, express or implied, of that person;
 - (i.ii) not being under the direct care and control of the Owner or a competent person;
 - (i.iii) not being on a Leash;
- (ii) with respect to other Animals:
 - (ii.i) being on the lands or premises or Dwelling of any person other than the Owner of the Animal without the consent, express or implied, of that person;
 - (ii.ii) being in a public place or upon a Boulevard without being under the direct care and control of the Owner or other competent person.

Boulevard means the area between the curb lines of the roadway or the lateral lines of a roadway or the shoulders thereof and adjacent property lines and includes sidewalks.

Bylaw Enforcement Officer means the person or persons appointed from time to time by the Council as bylaw officer to enforce provisions of this bylaw as the Animal Control Officer.

Cat means a female or male member of one of the feline or *felis Domesticus* species and commonly known as the Domestic cat.

Chief Administrative Officer (“CAO”) means the Chief Administrative Officer for the Town or his or her designate.

Council means the Council of the Town of Osoyoos.

Control means, in respect of any Dog such circumstances where the Dog:

- (i) is on a Leash held by the Owner or person who is responsible for the care of the Animal;
- (ii) immediately returns when called by the person who owns or who is responsible for the care of the Dog; and
- (iii) does not display Aggressive Behaviour.

Dog means a female or male Domesticated Animal of the species *canine*, over the age of twelve (12) weeks.

Dangerous Dog means a Dog that:

- (i) has killed or seriously injured a person;
- (ii) has killed or seriously injured a Domesticated Animal, while in a public place or while on private property, other than property owned or occupied by the person responsible for the Dog; or
- (iii) an Animal Control Officer has reasonable grounds to believe is likely to kill or seriously injure a person.

Dog Licence means a licence for a Dog for the current licencing year that has been paid and that has been issued by the Town.

Dog Park or Swim Area means any real property own and designated by the Town for the purpose of allowing Dogs to run or swim Off Leash.

Domestic or Domesticated means an Animal that is tame or kept, or that has been or is being sufficiently tamed or kept, to serve some purpose for people.

Dwelling means one or more habitable rooms, constituting a self-contained unit with one or more separate entrances, containing eating, living, sleeping and sanitary facilities and used or capable of being used as a residence for one family.

Enclosure means a fence or structure of at least six (6) feet in height forming an enclosure capable of preventing the entry of a child under the age of ten (10) years and that is adequately constructed to prevent an Animal from escaping.

Exotic Animal means any Animal listed in Schedule B of this bylaw, or any Animal which is not normally native to the Province of British Columbia.

Feral means an Animal that is not Domesticated and has become or remains Wild.

Highway includes a street, road, lane, bridge, viaduct and any other way open to public use, other than a private right of way on private property.

Impound means to seize, deliver, receive, or take an Animal into the Pound or place into the custody of the Animal Control Officer.

Keep means the act of having the care, custody, control or possession of an Animal.

Leash means a line, cord, tether or chain of sufficient strength to restrain a Dog without breaking that does not exceed a length of 1.8 metres (6 feet) or 183 centimetres.

Licence means a permit and tag issued by the Town under the provisions of this bylaw to register the identity of the Owner of a Dog.

Licensed Dog means a Dog that is wearing, either on its collar or Leash or by other method, a tag on which is stamped information corresponding to a Dog Licence for that specific Dog.

Licensing Year means the current year from January 1st to December 31st for the purpose of purchasing a Dog Licence.

Livestock means cattle, horses, sheep, pigs, goats or other Animals commonly kept on farms or for agricultural purposes.

Minor Injury means a physical injury to a person or Domestic Animal that consists of pinches, localized bruising, scratches, shallow punctures, or lacerations in one direction only.

Muzzle means a humane fastening or covering device of adequate strength designed to be placed over an Animal's mouth to prevent it from injuring any person or Domestic Animal by biting.

Off Leash means when a Dog is unrestrained by a Leash.

Owner means any person, partnership, association or corporation:

- (i) to whom a licence for an Animal has been issued under this bylaw;
- (ii) who is in possession of a Dog or other Animal;
- (iii) who has the care, custody or control of a Dog or other Animal temporarily or permanently;
- (iv) who Keeps, harbours or allows a Dog or Animal to remain about a Dwelling unit, land or premises owned or occupied by that person.

Park means a public area controlled by the Town and designated for use for rest, recreation, and exercise of persons and includes playgrounds, school grounds, sports fields, wading and swimming areas, public pathways and trails.

Peace Officer has the same meaning as in the *Interpretation Act* and includes a Bylaw Enforcement Officer.

Poultry means Domesticated fowl collectively, and includes fowl valued for their meat or eggs, such as chickens, turkeys, quail, ducks, geese, and guinea fowl.

Pound means the facility, premises or vehicle used by the Animal Control Officer for the care, containment, or destruction of impounded Animals, as designated by the Town.

Pound Keeper means the Bylaw Enforcement Officer or Animal Control Officer appointed by the Town to be the Pound Keeper or any other person that Council authorizes to assist the Animal Control Officer to harbour and maintain Animals held in the Pound.

Prohibited Animal means an Animal listed in Schedule B to this Bylaw.

Restricted Dog means the following breed of Dog:

- (i) Pit Bull, Pit Bull Terrier, American Pit Bull Terrier, Staffordshire Bull Terrier, American Staffordshire Terrier and any Dog of mixed breeding which includes any of those breeds; or
- (ii) Timberwolf or Grey Wolf breeds, or any Dog of mixed breeding which includes any of those breeds.

Town means the area within the geographical boundaries of the Town of Osoyoos.

Vicious Dog means a Dog that:

- (i) has, without provocation, caused a serious injury to a person or Domestic Animal;
- (ii) has a known propensity, tendency or disposition to attack persons or Domestic Animals without provocation;
- (iii) displays unprovoked Aggressive Behaviour.

Wild Animal means:

- (i) an Animal that is of an untamed, uncultivated, non-Domesticated, Feral nature or disposition, which may include an abandoned Domestic Animal;
- (ii) an Animal listed in Schedule B to this bylaw, the *Controlled Alien Species Regulation* of the *British Columbia Wildlife Act*, or the British Columbia SPCA list of Prohibited Animals.

SCHEDULE B – WILD, EXOTIC OR PROHIBITED ANIMALS

Animal Control and Licensing Bylaw No. 1316

All non-human primates (apes, monkeys)

All *felidae*, (lions, tigers) - except the Domestic cat

All *canidae*, (wolves, Timberwolves, coyotes,) - except the Domestic Dog

All *ursidae* (bears)

All *proboscidea* (elephants)

All *pinnipedia* (seals, walrus)

All *marsupials* (kangaroos, koalas, wallaby, wombats)

All *edentates* (anteaters)

All *xenartha* (sloths, armadillos)

All *monotremata* (anteater and platypus)

All venomous or poisonous reptiles and amphibians (Amethyst Python, Burmese Python, Common Boa Constrictor, Reticulated Python, Rock Python, Anaconda)

All reptiles and amphibians over two feet adult size

All venomous or poisonous invertebrates (such as black widow spiders, tarantulas, and blue-ringed octopus)

All *ungulates* - Domestic breeds of cow, goat, sheep, pig, horse, mule, donkey, ass, llama, bison, pot belly pig, miniature pig, and alpaca unless provided for under the zoning bylaw.

All *hyenidae* (hyenas)

All *hyracoidean* (hyraxes)

All *erinacedae* (hedgehogs)

All *mustelidae* (skunks, weasels, otters, wild ferrets, minks, badgers)

All *procyonidae* (raccoons, coatimundis)

All *viverridae* (civets and genets)

All *herpestidae* (mongooses)

All cetacean (whales, porpoises, dolphins)

All rodentia, (rat, mouse) - except hamster, gerbil, guinea pig

All chiroptera (bats), colugos (flying lemurs), and scandentia (treeshrews)

All lagomorphs (rabbits and hare) - except the Domestic rabbit

All birds (Domestic quail, pheasant, pigeon, duck, goose and turkey, peacocks, peahens, peafowl, roosters) - except Budgie, cockatiel, lovebird, finch, canary and chicken (but only as provided for in this bylaw),

Any Prohibited Animal pursuant to the definitions of this bylaw.

All Animals whose ownership in captivity violates existing Federal and Provincial statutes.

SCHEDULE C – LICENSING FEES

Animal Control and Licensing Bylaw No. 1316.02

1) Dog Licence fees shall be:

(a) Male and Female Unaltered Dogs \$ 60.00

Spayed Female or Neutered Male Dogs \$ 30.00

(b) Notwithstanding (a) if a person becomes the Owner of a Dog after the 1st day of July in the Licencing Year, the fee shall be reduced by \$5.00.

(c) Notwithstanding (a) if a person purchases their annual license by January 31st of the Licencing year, a \$10 discount will be taken off the Dog Licence Fee in 1(a).

(d) Aggressive Dogs \$ 150.00

(e) Dangerous Dogs \$ 500.00

2) Replacement Tag Fee \$ 7.50

SCHEDULE D – IMPOUND FEES

Animal Control and Licensing Bylaw No. 1316.02

An Owner may redeem their impounded Animal upon providing proof of ownership and after payment to the Animal Control Officer the following impound fees, maintenance fees and any overdue Dog Licence fees.

1. An impoundment fee in respect of a Licenced Dog:

First Impoundment (in one license year)	\$ 0.00
Second Impoundment (in one license year)	\$ 100.00
Third and any subsequent impoundments (in one licence year)	\$ 150.00
(Increases by \$50 for each subsequent impoundment)	

2. An impoundment fee in respect of an Unlicenced Dog \$ 100.00

3. An impoundment fee in respect of an Aggressive Dog

First Impoundment (in one license year)	\$ 200.00
Second and any subsequent impoundments (in one license year)	\$ 250.00
(Increases by \$100 for each subsequent impoundment)	

4. An impoundment fee in respect of a Vicious Dog

First Impoundment (in one license year)	\$ 200.00
Second and any subsequent impoundments (in one license year)	\$ 250.00
(Increases by \$100 for each subsequent impoundment)	

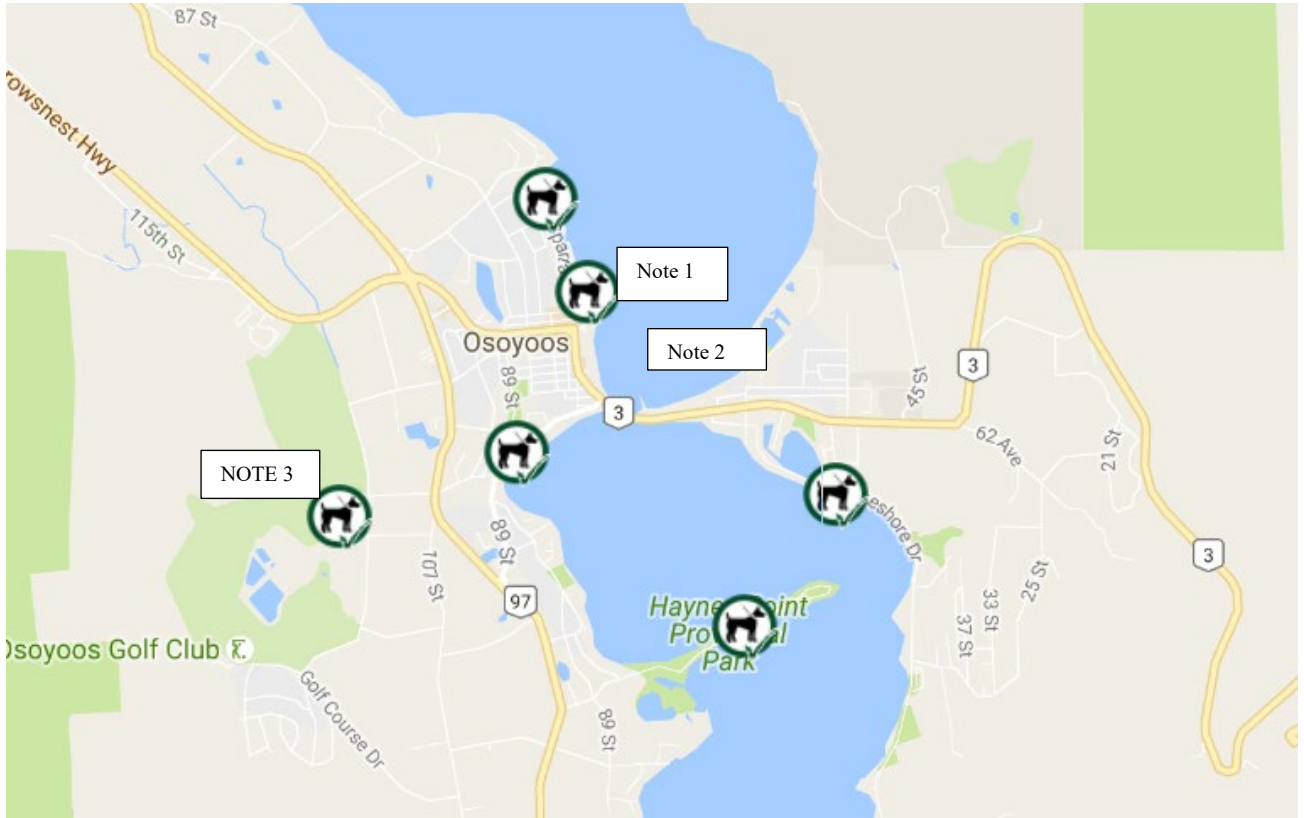
5. An impoundment fee in respect of a Dangerous Dog

First Impoundment (in one license year)	\$ 750.00
Second and any subsequent impoundments (in one license year)	\$1,000.00

6. An impoundment fee in respect of a Cat \$ 50.00

7. A maintenance fee in respect of each day or part day of the impoundment period \$ 30.00

SCHEDULE E - PARK MAP



NOTE 1 - Except for June, July and August, Dogs are allowed in Gyro Park and must be on Leashes and under the care and control of their Owners at all times.

In June, July and August when Dogs are not allowed in Gyro Park, they may be walked along the pathway through Gyro Park as long as they are on Leash and under the care and control of the Owner at all times and do not leave the pathway.

NOTE 2 - Dogs are not permitted in Cottonwood Park or on Cottonwood Beach at any time.

NOTE 3 - Dog Park (Section 16(2))

Other than in designated Dog swimming areas, an Owner will not permit, suffer or allow a Dog in any swimming area or on school grounds.

SCHEDULE F – GYRO PARK PATHWAY

