



# THE CORPORATION OF THE CITY OF ENDERBY

CONSOLIDATED FOR CONVENIENCE ONLY

## BYLAW NO. 1469 AMENDMENT INDEX

BYLAW NO.	ADOPTION	TEXT AMENDMENT
1568	May 19, 2015	<ul style="list-style-type: none"><li>• Amending Section 2 by deleting the definition of “Restricted Dog”.</li><li>• Amending Section 5 by replacing Section 5.6</li><li>• Amending Section 7 by replacing Section 7.2</li></ul>
1594	March 21, 2016	<ul style="list-style-type: none"><li>• Amending Dog Control Bylaw by replacing Section 5</li></ul>

# THE CORPORATION OF THE CITY OF ENDERBY

## BYLAW NO. 1469

A Bylaw to regulate the keeping of dogs and establishing and regulating a dog pound

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**WHEREAS** it is deemed expedient to regulate the keeping of dogs within the City of Enderby and within Area 'F' of the Regional District of North Okanagan as identified on Schedule "A" attached hereto and to provide for the fixing, imposing and collecting of licenses to any person who owns, possesses, or harbours any dog;

**AND WHEREAS** the City of Enderby has resolved to provide the service of Dog Control outside the City of Enderby in accordance with Section 13 of the Community Charter, RSBC, 2003;

**AND WHEREAS** the North Okanagan Regional District Board have provided consent on December 09, 2009 as required by Section 13 of the Community Charter, RSBC, 2003 subject to terms and conditions.

**NOW THEREFORE** the Council of the Corporation of the City of Enderby in open meeting assembled, hereby ENACTS AS FOLLOWS:

### 1. CITATION

This Bylaw shall be cited as the "***The Corporation of the City of Enderby Dog Control Bylaw No. 1469, 2010***".

### 2. GENERAL

**Interpretation:** In this bylaw, unless the context otherwise requires:

**"Abandon"** means to leave an animal unsupervised in a park or public place;

**"Bark Excessively"** means any barking, howling, yelping or cries that unduly disturb the peace, quiet, rest, comfort or tranquillity of the surrounding neighbourhood or vicinity, or of persons in the neighbourhood or vicinity;

**"City"** means the Corporation of the City of Enderby;

**"Dangerous Dog"** means a dog that:

- a. has killed or seriously injured a person, or
- b. has killed or seriously injured a domestic 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
- c. an animal control officer has reasonable grounds to believe is likely to kill or seriously injure a person.

**"Dog"** means an animal of the species canine, apparently over the age of six (6) months;

**“Dog Control Officer”** means the person or persons appointed from time to time by the City Council as a Dog Control Officer to enforce and carry out the provisions of this bylaw, or any other person appointed by the City for the purpose of enforcement of this Bylaw;

**“Enclosure”** means any area surrounded by a fence or walls, a pen, cage or run, or a building or vehicle, or other structure adequately constructed to prevent a dog from escaping;

**“Guard Dog”** means any dog that has been specifically trained to protect persons or property, or for use in surveillance or similar activity, except a dog used by Police or other law enforcement agency in the performance of their duties;

**“Impounding”** means seized, delivered, received or taken into the Pound, or in the custody of the Pound keeper as provided for herein;

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

**“Owner”** includes a person who owns or has custody, care or control of a dog;

**“Pound”** means any building or enclosure designated as a pound by the City of Enderby;

**“Pound keeper”** means the person or persons appointed from time to time by the City Council as a Pound keeper and his or her designates, and may include a contractor with whom the City has contracted to act as Pound keeper;

**“Resident”** means any person whose primary residence is in the Service Area;

~~**“Restricted Dog”** means Pit Bull Terrier, American Pit Bull Terrier, Pit Bull, American Staffordshire Terrier, or any other dog of mixed breeding which includes any of the aforementioned breeds; (1568)~~

**“Service Area”** means all properties within the City of Enderby and that part of Electoral Area “F” identified on Schedule “A”;

**“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, in respect of any dog, leashed or unleashed, that the dog:

- a. Immediately returns when called by the person who owns or who has care and control of the dog; and
- b. Is not annoying, harassing or attacking any person, wildlife or other animal.

**“Unlawfully at Large”** means a dog being elsewhere than on the premises of a person owning or having the custody, care or control of the dog, and not being under the direct and continuous charge and control of a responsible and competent person, or securely confined within an Enclosure or Tethered so that it is unable to roam;

**“Unlicensed Dog”** means any dog for which a license for the current year has not been obtained.

### **3. KEEPING OF DOGS**

- 3.1 No person shall keep or have in his possession any dog unless a license under this bylaw has first been obtained.

### **4. LICENSING OF DOGS**

- 4.1 On or before the 1st day of January, or as soon thereafter that a dog attains the age of six (6) months, or has been a resident for thirty (30) days or more, the owner of every such dog shall:
- a. make application to license the dog, at the office of the City or office designated by the City, stating the owners name, address and phone number, and description of the dog, including the dog's name, registration number, the breed or breeds, gender, descriptive colouring and markings and other information as may be required on the application to license a dog;
  - b. pay the license fee as set out in the Fees and Charges Bylaw;
  - c. cause each such dog to wear around its neck, a collar, or a body harness in lieu of a collar, to which shall be attached the license issued by the City whenever the dog is elsewhere than on the premises of the person owning or having the custody, care or control of that dog.
- 4.2 Any person keeping a dog, whom becomes a resident, shall within thirty (30) days of becoming a resident, make an application to license the dog, as set out in this bylaw.
- 4.3 Every annual license issued under this bylaw shall be for the calendar year in which the license is issued and shall expire on the thirty-first (31st) day of December of the year for which the license was issued.
- 4.4 Upon receiving an application to license a dog, the application will be reviewed for completeness and being satisfied that it conforms to the provisions contained herein and having received the appropriate fee as set out in the Fees and Charge bylaw, the applicant may be issued for each dog, a dog tag impressed or stamped with a number, which shall be noted on the corresponding application, a copy of which shall be given to the applicant as proof of having made application to license a dog, payment of fees, and license number issued, and a copy of which shall be maintained by the City.
- 4.5 Before issuing a license for a spayed female dog or neutered male dog, the owner may be required to furnish proof that the dog has been spayed or neutered.
- 4.6 If an owner that has purchased a license for an unaltered dog provides proof that the dog has been altered within fifteen (15) days of purchasing the license, the license fee shall be reimbursed to the owner except for that portion of the fee that applies to an altered dog.
- 4.7 A person making an application to license a dog after the first (1st) day of March, and whose dog has been resident for 30 days, or has attained the age of six (6) months prior to the first (1st) day of March, shall be required to pay a late fee in addition to the license fee, as set out in the City of Enderby Fees and Charges bylaw.

- 4.8 Licenses are non-transferable. When the owner of a dog to which the license is issued moves, obtains a new phone number or ceases to be the owner of the dog, the owner shall notify the City stating the license number and the new address and phone number or the name and address of the new owner.
- 4.9 Should a person knowingly falsify information required for licensing a dog, the license shall be revoked.

## **5. CONTROL OF DOGS**

- 5.1 ~~No owner of a dog shall allow such dog to be under the care, custody, and control of a person who is not competent and strong enough to control the dog.~~
- 5.2 ~~No owner of a dog shall allow such dog to be unlawfully at Large.~~
- 5.3 ~~No owner of a dog shall allow such dog to:~~
- ~~a. molest passers by; 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;~~
  - ~~e. damage property, other than that of the owner;~~
  - ~~f. bark excessively.~~
- 5.4 ~~No dog owner shall allow such dog to deposit any faecal material on public or private property without the express consent of the property owner. Any such deposited faecal material shall immediately be removed from the property and disposed of in a suitable refuse container or other suitable disposal method.~~
- 5.5 ~~An owner of a Dangerous Dog, in addition to the other provisions of this bylaw:~~
- ~~a. shall at all times that the dangerous dog is not on the property of the owner, keep the dog muzzled, and restrained on a leash strong enough to hold the dog, and which is no longer than six (6) feet, and be under the continuous care, custody and control of a person competent and strong enough to control the dog;~~
  - ~~b. shall, at all times that the dangerous dog is on the property of the owner:~~
    - ~~i. keep the dangerous dog confined indoors; or~~
    - ~~ii. if the dangerous dog is outdoors;~~
      - ~~a. keep the dog tethered; or~~
      - ~~b. keep the dog in an enclosure to prevent the dangerous dog from escaping.~~
- 5.6 ~~No person shall take or allow any dog onto any public beaches, swimming areas or parks unless the park or public area has been designated by resolution of the City or Regional District of North Okanagan and posted "Dogs on a leash allowed". (1594)~~
- 5.6 Unless otherwise posted through signage, a person is permitted to allow any dog to enter upon and remain within any public beaches, swimming areas, or parks as long as the dog is under the care, custody and control of a person who is competent and strong enough to control the dog. (1568)-(1594)**

## **5. CONTROL OF DOGS**

- 5.1 No owner of a dog shall allow such dog to be under the care, custody, and control of a person who is not competent and strong enough to control the dog. (1594)**
- 5.2 No owner of a dog shall allow such dog to be unlawfully at Large. (1594)**
- 5.3 No owner of a dog shall allow such dog to:**
- a. molest passers by; 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;**
  - e. damage property, other than that of the owner;**
  - f. bark excessively. (1594)**
- 5.4 No dog owner shall allow such dog to deposit any faecal material on public or private property without the express consent of the property owner. Any such deposited faecal material shall immediately be removed from the property and disposed of in a suitable refuse container or other suitable disposal method. (1594)**
- 5.4.1 An owner of a dog shall, when on public or private property without the express consent of a property owner, be in possession of at least one dog fecal matter disposal bags for the purpose of removing any fecal matter that their dog may deposit. (1594)**
- 5.5 An owner of a Dangerous Dog, in addition to the other provisions of this bylaw:**
- a. shall at all times that the dangerous dog is not on the property of the owner, keep the dog muzzled, and restrained on a leash strong enough to hold the dog, and which is no longer than six (6) feet, and be under the continuous care, custody and control of a person competent and strong enough to control the dog;**
  - b. shall, at all times that the dangerous dog is on the property of the owner:**
    - i. keep the dangerous dog confined indoors; or**
    - ii. if the dangerous dog is outdoors;**
      - a. keep the dog tethered; or**
      - b. keep the dog in an enclosure to prevent the dangerous dog from escaping. (1594)**
- 5.6 Unless otherwise posted through signage, a person is permitted to allow any dog to enter upon and remain within any public beaches, swimming areas, or parks as long as the dog is under the care, custody and control of a person who is competent and strong enough to control the dog. (1594)**

## **6. IMPOUNDING DOGS**

- 6.1 The City may appoint a Pound keeper for the purpose of operating the pound in accordance with the provisions of this Bylaw.**

- 6.2 The City may appoint Dog Control Officers, for the purpose of enforcing and carrying out the provisions of this bylaw.
- 6.3 Every Dog Control Officer may enforce the provisions of this bylaw and seize and detain any dog that is:
- a. not licensed in accordance with this bylaw;
  - b. Unlawfully at Large; or
  - c. in violation of this bylaw in any respect, and impound such dog in accordance with this bylaw.
- 6.4 Every Dog Control Officer is hereby authorised to enter, at all reasonable times, upon any property within the Service Area subject to any of the regulations of this bylaw, in order to ascertain whether such regulations are being obeyed.
- 6.5 The Pound keeper shall receive every dog delivered to the pound, which has been seized pursuant to this bylaw. If the owner of any impounded dog is known to the Pound keeper, the Pound keeper shall forthwith notify the owner by mail or telephone of the impoundment. If the Owner of any impounded dog is not known to the Pound keeper, the Pound keeper shall immediately post a notice of the impoundment at the Pound, and send a copy of the notice to the City office.
- 6.6 The owner of any dog impounded under this bylaw, may reclaim the dog within three (3) days after the date of the notice by the Pound keeper by making application to the Pound keeper, providing proof of ownership and paying the applicable fees set out in the Fees and Charges bylaw. The Pound keeper shall retain the dog for three (3) days after the date of the notice, and if not reclaimed within the said three (3) days, the Pound keeper may sell, surrender to another agency, or destroy the dog.
- 6.7 It shall be an offence for any person:
- a. to release or rescue or attempt to release or rescue any dog in the custody of the Pound keeper;
  - b. to resist, intervene or otherwise interfere with the Pound keeper or the Dog Control Officer in the lawful exercise of their duties.
- 6.8 Should a dog be removed from the Pound without proper authority, or a dog escapes there from and returns to the possession or custody of the owner or any person caring for the said dog, or if the owner of an impounded dog does not claim the dog, the said owner or person shall still be liable for the payment of fees and expenses chargeable and recoverable under this bylaw and the Fees and Charges Bylaw.

## **7. SURRENDER/SALES FEES**

- 7.1 Any dog which has been impounded or surrendered to the Pound and remains unclaimed after 72 hours becomes the property of the City and the City may make all decisions with respect to such dog, including whether the dog should undergo any medical treatment.
- ~~7.2 Despite Section 20 — 27, where, in the opinion of the Pound keeper, an impounded or surrendered dog is suffering from injury, disease, sickness, or other cause from which it is~~

~~unlikely to recover and euthanizing the dog would be humane, the Pound keeper may arrange for the dog to be humanely euthanized. (1568)~~

**7.2 Should the owner of a dog voluntarily surrender the dog to the Pound, the said owner shall still be liable for the payment of fees and expenses chargeable and recoverable under this Bylaw and the Fees and Charges Bylaw. (1568)**

7.3 In the event that an owner wishes to claim a dog which has undergone medical treatment while at the Pound, the owner must pay the costs of such medical treatment in addition to any other applicable fees under this bylaw or the Fees and Charges Bylaw before the dog may be released to the owner.

7.4 The Pound keeper or his designate may, at his or her sole discretion, accept ownership of a dog that is voluntarily surrendered by its owner, upon payment of the applicable fee contained in the Fees and Charges bylaw.

7.5 The Pound keeper or his designate may sell any dog that has been impounded under this bylaw and not claimed within 72 hours, or any dog that has been surrendered to the City, for a fee, as contained in the Fees and Charges bylaw.

## **8. OFFENCES**

8.1 Every Person who contravenes or violates any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any provision of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any provision of this Bylaw, commits an offence and, upon conviction, shall be liable to a fine or penalty not less than \$100.00, and not exceeding \$10,000, and a jail term of not more than 6 months.

8.2 Where the offence is a continuing one, each day the offence continues shall be a separate offence.

8.3 If any section, paragraph or phrase of this bylaw is for any reason held to be invalid by a decision of a Court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw.

## **9. FORCE AND EFFECT AND SEVERABILITY**

9.1 This bylaw shall apply and be in force and effect upon adoption thereof, within the Service Area.

9.2 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.

## **10. REPEAL**

The Corporation of the City of Enderby Dog Control Bylaw No. 1448, 2009 is hereby repealed.



READ a FIRST TIME this 1<sup>st</sup> day of November, 2010.

READ a SECOND TIME this 1<sup>st</sup> day of November, 2010.

READ a THIRD TIME this 1<sup>st</sup> day of November, 2010.

RECONSIDERED and ADOPTED this 15<sup>th</sup> day of November, 2010.

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Mayor

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Chief Administrative Officer

