



ANIMAL CONTROL BYLAW 1224

CONSOLIDATED FOR PUBLIC CONVENIENCE

(Includes Amendments up to May 9, 2016)

The text of Animal Control Bylaw 1224 has been amended by the following bylaws:

<i>Bylaw 1224.01</i>	<i>Mandatory Licence date and Restrictions on Feeding Wild Animals</i>
<i>Bylaw 1224.02</i>	<i>Delete and Replace Section 6, Part III Sections 9 – 13 and replace, Delete and replace Schedule A – Amend Schedule D</i>

TOWN OF OLIVER
BYLAW 1224

A Bylaw to regulate the care and keeping of animals in the Town of Oliver

Council of the Town of Oliver, in open meeting assembled, ENACTS AS FOLLOWS:

PART I - Administration

Citation

1. This bylaw may be cited for all purposes as “Animal Control Bylaw 1224.”

Repeal

2. The following bylaws are hereby repealed:

(1) Dog Control Bylaw No. 756, 1994; and

(2) Cat Control Bylaw No. 1029, 2002.

Severability

3. If any section or lesser portion of this bylaw is held to be invalid by any court of competent jurisdiction, the said section or lesser portion shall be severed from this bylaw and the remainder of this bylaw shall remain intact and in force.

Definitions

4. In this Bylaw:

“aggressive dog” means a dog that:

(a) has without provocation, pursued or attacked a person or a domestic animal; or

(b) has demonstrated a propensity, tendency or disposition to be aggressive towards persons or domestic animals;

and includes a dangerous dog as defined in the *Community Charter*.

“council” means the municipal council of the Town of Oliver

“dawn” means 1 hour before sunrise as defined by Environment Canada.

“dog-free area” means a public place where dogs are prohibited by this bylaw.

“harbour” means to keep, store, care for or house an animal either at a permanent and regular residence or at a location used on a temporary basis.

“leash” means a strap, rope, chain or other physical tethering device attached at one end to the collar or harness worn by an animal and held at the other end by a person.

“off-leash area” means a public place designated in this bylaw where dogs may be released from a leash during specified times or occasions.

“owner” means a person who holds a current licence for an animal, but includes anyone in the possession, care, custody, or control of an animal and “own” has a corresponding meaning.

“provocation” includes:

- (a) taunting, teasing or striking an animal;
- (b) entering or reaching into a vehicle in which an animal has been left by its owner; or
- (c) entering or reaching onto private property where an animal is harboured.

“public place” means a road, sidewalk, pathway, school ground, park, public beach, or other land owned by a government or government agency where the public is invited to enter or portions of private land where the public is invited to enter including but not limited to, parking lots, plazas, sitting areas and building entranceways.

“running at large” with reference to an animal means:

- (a) an animal located elsewhere other than the location it is normally harboured without being confined in a cage or in a vehicle or under the direct charge and control of a responsible and competent person; or
 - (b) an animal located on or in a public place, that is not secured on a leash to a responsible and competent person;
- and “run at large” has a corresponding meaning.

“Town” means the Town of Oliver.

“wild or exotic animal” means any animal listed in Schedule B attached to and forming part of this bylaw.

Animal Control Officer

5. Any bylaw enforcement officer appointed by council shall also be designated to serve as an animal control officer for the purpose of enforcing this bylaw and for the purpose of undertaking actions in relation to dangerous dogs as authorized by section 49 of the *Community Charter*.

6. Shelter Manager

Council shall, from time to time as may be required, appoint a Shelter Manager who may hire an assistant or assistants as deemed necessary, who shall operate the pound for the impounding of dogs pursuant to the provisions of this bylaw.

Amended by Bylaw 1224.02 May 9, 2016
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- (1) The Shelter Manager must keep the records for each impounded animal on the Town approved form.
 - (2) At the end of every month the Shelter Manager must submit a report to the Town containing the information on the Town approved form,
- All money received by the Shelter Manager pursuant to this Bylaw is the property of the Town.

Part II - Licensing**Mandatory Licence**

7. Subject to section 8, the owner of every dog:

(3) annually on or before the last day of January in each year, or as soon thereafter as a dog attains an age of six months, must cause the dog to be registered, numbered, described or photographed and licensed in the office of the Town or at such other place designated by council;

Amended by
Bylaw 1224.01
February 22, 2010

(4) must annually on or before the first day of February in each year, pay all applicable license fees as set out in Schedule A, attached to and forming part of this bylaw; and

(5) must at all times cause each dog which they own to wear a collar or a harness to which a valid and current license tag is attached.

License and Fee Exemptions

8. Notwithstanding section 7:

(1) When the owner of a dog is not a resident of the Town, that owner shall be exempt from the licensing provisions of this bylaw if the following conditions are met:

- (a) the dog is licensed and is wearing a valid license tag of a province or local government other than the Town; and
- (b) the dog has not been harboured within the Town for more than 30 days.

(2) All persons with disabilities requiring the aid of a guide dog shall be required to obtain a licence for their guide dog, but there shall be no fee charged for this licence.

(3) When the owner of a dog in respect to which a licence is issued under this bylaw sells or otherwise ceases to be the owner of the dog, the licence shall, in respect of that dog thereupon become cancelled, but no license fee refund shall be made.

PART III – Animal Regulations

Animal Care

9. A person who keeps an animal, or a person who has care, custody or control of an animal, must give the animal food, water, shelter, and exercise sufficient to maintain the animal in good health.
10. A person who keeps an animal, or a person who has care, custody or control of an animal, must not tie or fasten an animal to a fixed object by using a choke collar or choke chain or by tying a rope, chain, or cord directly around the animal's neck.
11. A person who keeps an animal, or a person who has care, custody or control of an animal, must not confine the animal in an enclosure unless the air ventilation, temperature, and size of the enclosure is sufficient to maintain the animal in good health.
12. A person who keeps an animal, or a person who has care, custody or control of an animal, must take precautions against the danger of heat exhaustion and heatstroke for their animal and not leave an animal in a vehicle on a warm or humid day.
13. No person may transport an animal in a vehicle outside the passenger compartment or in an uncovered passenger compartment unless it is adequately confined or unless it is secured in a body harness or other manner of fastening which is adequate to prevent it from falling off the vehicle or otherwise injure itself.

Amended by
Bylaw 1224.02
May 9, 2016

Exotic and Wild Animals Prohibited

14. Subject to section 17, no person shall breed, possess, exhibit for entertainment or educational purposes, or display in public either on a temporary or on a permanent basis within the Town, any wild or exotic animal as listed in Schedule B, attached to and forming part of this bylaw.

- 14.1 No person shall on private or public land or on any stream or body of water, feed, set out food or set out and leave unattended or unsecured any waste food, plant materials, meat or animal byproducts, or any refuse, garbage or material of any kind which may likely be consumed as food by any of the following undomesticated animals:

Amended by
Bylaw 1224.01
February 22,
2010

- (1) bears
- (2) coyotes or other wild dogs
- (3) cougars or other wild cats
- (3) deer
- (4) ducks, geese or other wild waterfowl
- (5) skunks
- (6) raccoons
- (7) marmots, mice, rats and other rodents

Permitted Animals and Number of Animals

15. Subject to section 17, no person shall:

- (1) own or harbour any animal that is not listed in Column 1 of Schedule C, attached to and forming part of this bylaw;
- (2) own or harbour any type of animal in excess of the maximum number permitted in Column 2 of Schedule C; or
- (3) own or harbour any animal contrary to the conditions set out in Column 3 of Schedule C.

Exceptions to Animal Ownership Restrictions

16. Notwithstanding sections 14 and 15:

- (1) A person who operates a circus, animal show or other itinerant entertainment business and who obtains a valid business licence to stage their show in the Town may bring into the Town for the duration of the business licence:
 - (a) wild or exotic animals; and
 - (b) animals not listed in Schedule C or animals in excess of the maximum numbers listed in Schedule C;provided such animals are part of the licenced circus, animal show or other itinerant entertainment business for which the business license is issued;
- (2) A person who carries on a *bona fide* farm operation on land zoned for agriculture or land on which agriculture is permitted as a legal, non-conforming use, may own animals not listed in Schedule C or animals in excess of the maximum numbers listed in Schedule C, provided:
 - (a) such animals form part of the farm operation;
 - (b) the keeping of such animals conforms with generally-accepted farming practices;
 - (c) no more than two dogs over 6 months of age are kept on any farm operation and
 - (d) such animals do not include wild or exotic animals; and
- (3) A person who has a business license to operate an animal kennel may exceed the number of animals permitted in Schedule C as set out in the business license.
- (4) A school may exceed the number of animals permitted in Schedule C.
- (5) The following premises are permitted to house animals not listed in Schedule C on a temporary basis:
 - (a) the premises of the Town used for keeping impounded animals;
 - (b) the premises of the RCMP;
 - (c) the premises of a veterinarian licensed by the British Columbia Veterinary Medical Association, providing veterinarian care;

- (6) Premises are permitted for educational or research purposes to house animals not listed in Schedule C for which a valid permit is in place under the *Wildlife Act* or are accredited by the Canadian Council for Animal Care.

Running at Large

17. All persons who own an animal other than a domestic cat, must take all necessary precautions and make or do all necessary things to ensure that their animal does not run at large.

Noise from Animals

18. The A person who owns or occupies premises of any animal must take all necessary steps and do all necessary things to ensure that any animal they own is tended to at all times as required to avoid making any noise that can easily be heard which disturbs, or tends to disturb, the quiet, peace, rest, enjoyment, comfort or convenience of a neighbourhood, or of persons in the vicinity of the animal.

Amended by
Bylaw 1224.02
May 9, 2016

Dogs on Leash

19. Subject to section 20, all persons who take or lead or permit a dog onto a public place other than a designated off-leash area must at all times:

- (1) keep the dog attached to a leash that does not extend longer than 5 metres; and
- (2) call the dog closer and shorten the leash to not more than 1.2 metres long when approaching or being approached by other people or animals.

Off-leash Areas

20. Notwithstanding section 17 and 19, in the areas listed in Schedule D attached to and forming part of this bylaw, dogs which are not aggressive dogs may be allowed to be detached from a leash during the dates, times and occasions indicated provided they are under the direct charge and control of a responsible and competent person. Dogs which in the opinion of an animal control officer are not under direct charge and control are deemed to be running at large and subject to seizure and penalties.

Dog-free Areas

21. No person may take or lead or permit a dog to go onto any public place described in Schedule E, attached to and forming part of this bylaw, during the dates, times or occasions specified therein.

Care of Aggressive Dogs

22. All persons who own an aggressive dog shall:

- (1) be over the age of 18;
- (2) when the aggressive dog is not in a public place, keep the aggressive dog:
 - (a) securely confined indoors;

- (b) in a fenced and locked enclosure which prevents the aggressive dog from escaping and which prevents the entry of any unauthorized person; or
 - (c) locked in the cabin of a motor vehicle with the windows open only enough for ventilation but not enough to let the dog escape;
- (3) when the aggressive dog is in a public place, ensure that the aggressive dog is at all times wearing a muzzle and is attached to a leash no longer than 1.2 meter and under the control of a responsible person over the age of 18, including in any area that is designated in this bylaw as an off-leash area;
- (4) display a sign declaring in legible writing and with a recognized symbol that the dog is aggressive at each entrance to the property and building in which the dog is kept;
- (5) promptly notify the Town's animal control officer if the dog is found to be running at large; and

Dog Feces

23. The owner of any dog, other than an owner who is legally blind and accompanied by a guide dog tethered to a leash or harness, when in a public place or on private property not belonging to or not legally occupied by the dog owner, must:

- (1) be in possession of a plastic bag, box, scoop or other device suitable for collecting and carrying any feces deposited by the dog; and
- (2) take all necessary steps to remove feces deposited by the dog and dispose of such feces in a sanitary manner.

Rabies Vaccination

24. All dogs over six months of age harboured in the Town of Oliver must be effectively vaccinated against rabies.

PART IV – Enforcement

Authority to Enter Private Property

25. An animal control officer is hereby empowered to enter any private lands and with reasonable notice into any residence, in order that he may verify compliance with the provisions of this bylaw and to seize any animal that is legally subject to seizure under the provisions of this bylaw or any other enactment.

Interfering with Enforcement Officer

26. No person shall obstruct, or otherwise interfere with a poundkeeper or an animal control officer in the lawful exercise of his duties under this bylaw.

Fees and Penalties

27. Fees and penalties to be paid in relation to the seizure of animals, including additional fees and penalties for aggressive dogs are hereby established as set out in Schedule A, attached to and forming part of this bylaw.

Seizing and Impounding Animals

28. A poundkeeper or an animal control officer may seize and impound any animal that is:

- (1) an unlicensed dog;
- (2) running at large;
- (3) not securely tethered, fenced or penned in accordance with this bylaw; or
- (4) subject to suffering that an animal control officer considers cannot be otherwise addressed.

No Unauthorized Release of Animals

29. No person shall release, rescue or attempt to release or rescue any animal lawfully in the custody of a poundkeeper or an animal control officer.

Fees Must be Paid Before Release

30. No animal which is impounded may be reclaimed unless all outstanding fees and penalties in Schedule A have first been paid in full.

Destruction after 72 Hours

31. A poundkeeper or an animal control officer is authorized at his or her sole discretion, to destroy, sell or otherwise dispose of any animal impounded under this bylaw unless the dog is reclaimed and all required fees, charges and penalties prescribed in this bylaw are paid within 72 hours of the animal being impounded.

Fees and Penalties Remain Payable

32. The owner of any animal that is seized and impounded under this bylaw shall be required to pay to the Town any and all prescribed fees and penalties:

- (1) regardless of whether or not the impounded animal is reclaimed; and
- (2) regardless of whether or not the impounded animal escapes from or is illegally released from the pound.

Offence

33. 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 fine of up to \$5,000.00.

Separate Offences

34. When a violation, contravention or neglect to comply with any provision of this bylaw is recurring, continuing or ongoing in nature, each day's continuation or recurrence shall be considered a separate offence.

Read a first and second time on the 22nd day of June, 2009.

Read a third time on the 13th day of October, 2009.

Adopted on the 26th day of October, 2009.

Mayor

Deputy Corporate Officer

Amended by
Bylaw 1224.02
May 9, 2016

Schedule A	Fees and Disbursement	Amount
License Fee	Annual	25
	After Due Date	30
	Not spayed or neutered	plus 20
	Declared aggressive	plus 50
Other Fees		
	Lost license	5
	Impound - Not Aggressive	
	First	50
	Second	100
	Third	250
	Fourth	500
	Impound - Aggressive	1,000
	Boarding Fee (per 24 hrs)	35 Per day plus 15%
	Fee to Destroy	Cost plus 15%
Penalties per offence		
	Not licensed (first)	50
	Not licensed (Second, subsequent)	100
	Not wearing license	25
	Animal at large (not aggressive)	50
	Aggressive Dog at large	200

Schedule B – Wild and Exotic Animals

The animals listed below are deemed to be wild and exotic animals, regardless of how or where they were acquired or whether they have received any animal training or been otherwise domesticated:

1. alligators, caimans, crocodiles (crocodilia);
2. apes, lemurs, gorillas and monkeys (primates); excludes humans;
3. anteaters, armadillos, and sloths (edentata);
4. badgers, polecats, otters, wolverines, weasels (mustelidae); excludes descended skunks and domestic ferrets, minks and ermines;
5. bats (chiroptera)
6. bears (carnivora);
7. beavers, porcupines, squirrels, muskrat, marmots, and gophers (rodentia); excludes domestic hamsters, guinea pigs, chinchillas, rats and mice;
8. boas and pythons (boidae);
9. cassowaries, ostriches, emus, rheas (struthioniformes);
10. cats, including lions, jaguars, cheetah, tigers, hyenas, mountain lion, lynx, bobcat, ocelot and leopard (feloidea); excludes domestic cats;
11. civets, genets, meerkat, mongooses (viverrids);
12. camel, hippopotamus, tapir, rhinoceros or hyrax (ungulata); excludes domestic goats, sheep, pigs, cattle, horses, llamas, alpacas, mules and donkeys;
13. dogs, including bush dogs, dingos, raccoon dogs, African wild dogs, coyotes, jackals, and wolves; excludes domestic dogs;
14. dolphins, porpoises and whales (cetaceans);
15. elephants, including Asian and African (proboscidae);
16. falcons, peregrines, gyrfalcons, kestrels, hawk, condor, eagle, vultures (falconiformes);
17. venomous or poisonous frogs, toads and salamanders (amphibia);
18. hares, pikas and rabbits; excludes domestic rabbits (lagomorpha);
19. hedgehogs, moles and shrews (insectivora); excludes African Pygmy Hedgehogs;
20. kangaroos, wombats, bandicoots, opossums (marsupialia); excludes sugar gliders;
21. venomous or poisonous lizards (sauria);
22. owls (strigiformes);
23. raccoons and coatimundi (procyonids);
24. seals and walrus (pinnipedia);
25. venomous or poisonous snakes, (serpentia);
26. venomous or poisonous spiders, insects, fish and scorpions;
27. venomous or poisonous turtles, green and Hawksbill (Australia), tortoises and terrapins (chelonia);

Schedule C – Permitted Animals on Lands which are not Farms

Other than as part of a *bona fide* farm operation on land which is zoned to permit agricultural land use, only the following animals may be harboured in the Town of Oliver and where indicated, harbouring such animals is subject to the stated conditions and limits per single property or per residence (1):

Column 1	Column 2	Column 3
Type of Animal	Maximum Number	Special Conditions
Domestic dogs	2 dogs over 6 months in age per residence	(2)
Domestic cats	2 cats over 6 months in age per residence	(2)
Fish	no limit	In aquaria or outdoor fish ponds
Budgies, canaries, parrots and other birds	6 per residence	Must be kept indoors or in an outdoor cage at all times
Gerbils, hamsters and other rodents	6 per residence	Must be kept in an indoor cage at all times
Amphibians and reptiles	6 per residence	Must be kept in an indoor cage at all times
Chickens	No chickens on properties under 500 m ² . Otherwise three hens plus one additional hen for each full 100m ² of lot area greater than 500m ²	Females only

NOTES:

- (1) For clarity, the following animals are specifically excluded from any interpretation of the above list of permitted animals:
1. Wild and Exotic animals listed in Schedule B
 2. Peacocks and peahens
 3. Rabbits
- (2) If on the date a person moves into Town that person owns more than two dogs or more than two cats, or both, that person may harbour up to three of those dogs and up to three of those cats in a residence for as long as those dogs and cats remain alive. After any of the dogs or cats owned on the date the person moves into town die or otherwise cease to be owned by that person, the maximum limits on dog and cat ownership set out in the above table shall apply.

Schedule D – Off-Leash Areas

Dogs under the direct charge and control of a responsible and competent person are permitted without a leash in the following areas during the dates and times indicated:

Off-Leash Area	Dates	Times
Street ends abutting Tucelnuit Lake	All year	dawn to 10:00pm
Fenced baseball diamond in southeast corner of Community Park	All year	dawn to 10:00pm when not occupied by other persons playing sports
Community Park	All year	dawn to 9:00am
South of Fairview Road Okanagan River Hike & Bike	All year	dawn to 9:00am

Amended by
Bylaw 1224.02
May 9, 2016

Schedule E – Dog-Free Areas

Dogs are prohibited from the following public spaces during the dates and times indicated:

Dog-Free Area	Dates	Times
Rotary Beach	May 1 through Sep 30	24 hours/day
Kinsmen Playground	All year	24 hours/day
All School Grounds	School days	8:00am to 5:00pm
Sports fields in all parks	All year	when occupied by other persons playing sports