

The Corporation of the City of Penticton

Bylaw No. 2021-02

A bylaw to provide for the regulation, licensing and control of animals within the City of Penticton.

WHEREAS it is deemed expedient to regulate the keeping of dogs and other animals within the City of Penticton and to provide for the fixing, imposing and collection of licence fees from and the issuance of licenses to a person who owns, possesses, harbours or who has charge of an animal;

AND WHEREAS the *Community Charter* provides general authority to regulate, prohibit and impose requirements by bylaw in relation to animals;

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

1. Title

1.1 This bylaw may be cited for all purposes as the "Animal Control Bylaw No. 2021-02".

2. Interpretation and Scope

2.1 The headings contained in this bylaw are for convenience only and shall not be construed as defining or in any way limiting the scope or the intent of the provisions of this bylaw.

2.2 This bylaw does not apply to the government of British Columbia.

2.3 This bylaw does not apply to a Police Service Dog while under active duty.

2.4 This bylaw does not apply to the keeping of Bees or the keeping of Hens on land on which Agricultural Use is a permitted use pursuant to Zoning Bylaw No. 2021-01.

2.5 This Bylaw does not apply to an activity or conduct that is authorized by a permit or license issued under the Wildlife Act or the Animal Health Act.

2.46A reference in this bylaw to a bylaw of the City or an act or regulation adopted by the government of British Columbia or Canada shall be construed as a reference to the bylaw, act or regulation as amended or replaced.

3. Definitions

In this bylaw, unless the context otherwise requires, the following words have the following meanings:

"Aggressive Behaviour" means any behaviour by a Dog that intimidates a person or Animal and includes snarling, growling or pursuing a person or Animal in a threatening manner;

"Aggressive Dog" means a dog which:

- a) has displayed Aggressive Behavior toward a person or animal; or
- b) has caused Minor Injury to a person or animal;

“Allowable Animals” means an animal that may be owned, rehomed, adopted, bred, displayed, imported, or sold and is limited to Cats, Dogs, domestic ferrets, domestic mice, domestic rats, rabbits, chinchillas, gerbils, hamsters, guinea pigs, hedgehogs, freshwater and saltwater fish, small and medium birds including budgies, canaries, cockatiels, lovebirds, parrots, macaws and small reptiles and amphibians under two (2) metres including snakes, bearded dragons, frogs, and salamanders;

“Animal” has the same meaning as defined in the *Community Charter*;

“Animal Control Officer” means the person(s) appointed as an Animal Control Officer, or Bylaw Enforcement Officer, and includes a Peace Officer;

“Animal Control Facility” means the City Facility established by Council for the holding of impounded Animals pursuant to this bylaw, located at 2330 Dartmouth Drive.

“Animal Shelter Manager” means the person(s) appointed to assume the responsibilities of the Animal Shelter Manager pursuant to this bylaw, and includes the delegates of this person;

“Attack” means an incident in which a person or Animal sustains a Minor Injury or Serious Injury;

“At Large” means a Domestic Animal that is in a public place or on private property other than the premises of its Owner, while not contained or on a leash or under immediate control by a Competent Handler;

“Bee” means any insect of the species *Apis mellifera*;

“Beehive” means a structure which houses a colony of worker Bees with queen and drones;

“Biting Dog” means a dog that has bitten a person or Animal;

“Bylaw Services Manager” means the supervisor of the bylaw enforcement division for the City, or their designate;

“Cat” means a member of the *felis catus* family and commonly known as the domestic house cat;

“Choke Collar” means a slip collar or chain that may constrict around the Animal’s neck as a result of pulling on one end of the collar or chain, and includes pinch or prong collars but does not include a martingale collar;

“Code of Practice” means A Code of Practice for Canadian Kennel Operations published by Canadian Veterinary Medical Association, 2018 as amended or updated from time to time;

“Commercial Kennel” means a facility or property where dogs are kept, trained, cared for, bred, treated or boarded for remuneration or purposes of sale, and for certainty excludes Indoor Animal Daycare And Grooming as defined in the City’s Zoning Bylaw;

“Community Cat Caregiver” means a person who, in accordance with a good faith effort to conduct Trap-Neuter- Return, provides care, including food, shelter or medical care, to a community cat.

“Companion Animal” means an Animal kept for companionship to a person rather than utility, profit or burden and which is lawfully kept upon residential property;

“City” means the City of Penticton;

“Competent Handler” means a person of sufficient capacity to ensure a Domestic Animal under their care and control will obey commands and can be physically restrained if required;

“Council” means the municipal council of the City of Penticton;

“Dangerous Dog” has the same meaning as in the *Community Charter*;

“Distress” means a severe negative affected physical or psychological state;

“Dog” means an Animal of the canine species irrespective of sex or age;

“Dog Behaviour Specialist” means a person who works in modifying or changing behaviour in dogs;

“Domestic Animal” means any Animal which is regularly and customarily sheltered, fed, and cared for by an Owner;

“Enclosure” means a fence or structure suitable to prevent unauthorized entry and suitable to confine a Domestic Animal and prevent its escape;

“Fighting Dog” means a dog that has been bred, conditioned or trained to fight or that engages in pre-arranged fights with one or more spectators;

“Guard Dog” means a Dog that is specifically trained for or used primarily for the purposes of guarding property, including residential, commercial and industrial property;

“Hen” means a female domestic chicken kept for the purposes of egg production;

“Identification” means:

- a) a collar or tag worn by an Animal which includes the name, current address and contact information of the owner;
- b) a traceable tattoo;
- c) a traceable microchip; or
- d) a valid licence tag issued by the City;

“Impounded” means seized, delivered, received, or taken into the Animal Control Facility or in the custody of the Animal Control Officer or the Animal Shelter Manager;

“Leash” means a rope, chain, cord, leather strip, or other device attached to the collar of a Dog that is capable of controlling and restraining the activity of the Dog and that does not exceed 2 metres in length;

“Licence Year” means the time period from January 1 to December 31 inclusive, in each and every year;

“Minor Injury” means a physical injury to a person or Animal that consists of pinches, localized bruising, or scratches;

"Mitigating Factor" means a circumstance that may excuse the Aggressive Behaviour or Attack by a Dog and includes: a) responding to an attack by a person or aggressive Animal or Cat; b) responding to an attack by a person or aggressive Animal or Cat on the Dog's offspring; c) responding to teasing, provocation or torment; d) protecting its Owner from physical harm; or e) defending the real or personal property of its Owner from trespass, damage or theft;

"Muzzle" in reference to a Dog means a humane basket style fastening or covering device that is strong enough and well-fitted enough to prevent the Dog from biting, without interfering with its breathing, panting, vision or its ability to drink;

"Neuter" means the sterilization of a male Animal by removing the testicles or by any method of pharmaceutical sterilization approved by the Canadian Veterinary Medical Association;

"Off Leash Area" means an area designated by the City permitting Dogs to be off leash;

"Owner" means any person owning, possessing, harbouring or having charge of an Animal or permitting an Animal to remain about the person's house or premises or to whom a licence for an Animal has been issued pursuant to this bylaw and where the Owner is a minor, the person who is the legal guardian of or has custody of the minor;

"Permanent Identification" means identification for an Animal in the form of a traceable tattoo or a microchip that contains the current contact information of the Owner;

"Police Service Dog" means any Dog owned by the Royal Canadian Mounted Police or any municipal police department;

"Public Place" includes any highway, sidewalk, boulevard, public space, park or any other real property owned, held, operated or administered by the City or by a school district;

"Rooster" means a male chicken;

"Seize" includes impound and detain;

"Serious Injury" means a physical injury to a person or Animal that consists of punctures, lacerations in more than one direction, broken bones or injury requiring stitches or surgery;

"Shelter" means something beneath or within which a Domestic Animal is provided refuge from weather events, extreme temperatures, or adverse conditions;

"Spay" means the sterilization of a female Animal by removing the ovaries or by any method of pharmaceutical sterilization approved by the Canadian Veterinary Medical Association;

"Tether" means to fasten a Dog to a fixed object with a rope, chain, or the like, so as to limit the Dog's range of movement;

"Unlicensed Dog" means a dog for which the licence for the current year has not been issued;

"Urban Beekeeping" means the keeping, owning, or maintaining of beehives on a parcel of land occupied by a resident keeper;

"Wildlife" has the same meaning as in the *Wildlife Act*.

4. Powers of an Animal Control Officer

- 4.1 Pursuant to the *Community Charter*, an Animal Control Officer may, at all reasonable times, enter on and inspect private property within the City in order to ascertain whether the provisions of this bylaw are being observed.
- 4.2 Where the Animal Control Officer identifies a Dog that is not licensed as required by this bylaw, the Animal Control Officer may impound the Dog or exercise any other authority granted to the Animal Control Officer by this bylaw.
- 4.3 An Animal Control Officer may, on behalf of the City, exercise the authorities in the *Community Charter* regarding Dangerous Dogs.
- 4.4 Where an Animal Control Officer determines that a Dog is an Aggressive Dog, Biting Dog, or a Dangerous Dog, the Animal Control Officer may by written notice direct the Owner to comply with the requirements of this bylaw regarding Aggressive Dogs, Biting Dogs or Dangerous Dogs.
- 4.5 The Animal Control Officer may, where necessary, employ the use of lures, baits, nets, live traps, sonic and mechanical devices or any other means of apprehending Domestic Animals At Large other than Wildlife.
- 4.6 If a person fails to take any action required pursuant to this bylaw, the Animal Control Officer may issue an order to comply with this bylaw within the time frame stipulated in the order.
- 4.7 If the obligations stipulated in an order to comply are not performed by the date set out therein, the City by its employees and others may enter on real property and perform the obligations at the expense of the person defaulting and such costs shall constitute a debt due and owing. If the costs remain unpaid on December 31 in the year in which they were imposed, the costs shall be added to and form part of the taxes payable on the parcel as taxes in arrears.

5. Possession of Animals

- 5.1 No person shall keep or allow to be kept on any real property, including any premise that contains a suite, a boarder or tenant, more than six (6) Companion Animals, subject to the follow further limitations:
 - a) Not more than three (3) Dogs over the age of eight (8) weeks;
 - b) Not more than five (5) Cats over the age of twelve (12) weeks;
 - c) Not more than five (5) rabbits.

6. Prohibited Animals

- 6.1 No person shall possess, breed, exhibit for entertainment or educational purposes or display in public either on a temporary basis or permanent basis, any Animal that is not an Allowable Animal, Bee or Hen.
- 6.2 Section 6.1 does not apply to:
 - a) The premises of the City facility used for keeping Impounded Animals;

- b) The premises of any police department;
- c) Premises operated by the British Columbia Society for the Prevention of Cruelty to Animals;
- d) The premises of a veterinarian licensed by the college of Veterinarians of BC; providing the veterinarian is providing temporary care for a prohibited Animal;
- e) Premises that keep prohibited Animals for which a valid permit is in place pursuant to the Wildlife Act, RSBC 1996, c. 488;
- f) Premises that keep Animals for educational and research purposes, which are accredited by the Canadian Council for Animal Care.

7. Animal Responsibility Regulations and Prohibitions

- 7.1 No Owner shall allow any Animal to howl, bark or cry so as to unduly disturb the quiet, peace, rest, tranquility of two or more persons residing within a 50 metre radius of the parcel where the Animal is kept.
- 7.2 No Owner or person having the custody, care or control of an Animal other than a Cat, shall allow or permit the Animal to be At Large in the City.
- 7.3 An Owner of a Cat that permits the Cat to be At Large shall assume all risks associated with the Cat being At Large.
- 7.4 No Owner shall permit or allow an Animal to:
 - a) suffer from thermal distress, dehydration, discomfort or exertion causing unnecessary pain, suffering or injury;
 - b) bite a person or other Animal;
 - c) cause Minor Injury to a person or other Animal;
 - d) cause Serious Injury to a person or other Animal; or
 - e) cause the death of a person, wildlife or another Domestic Animal.
- 7.5 Every Owner of a diseased Animal must, where the disease poses a threat to the health or safety of a person or Animal, ensure that the diseased Animal does not leave the property or premises of the Owner other than for the purpose of a visit to a veterinarian, and the Animal must be transported in a manner so as to ensure that it does not come into contact with another person or Animal.
- 7.6 Notwithstanding any other provision of this Bylaw, no person shall:
 - a) abandon any Animal;
 - b) tease, torment, or provoke an Animal;

- c) cause, permit or allow an Animal to suffer;
 - d) use choke, prong or shock collars or harsh physical or verbal corrections to train or restrain any Animal;
 - e) use poison, air pellet guns, bows and arrows, sling shots and the like on any Animal;
or
 - f) breed, condition, train or allow any Dog to be a Fighting Dog.
- 7.7 No person, other than an Animal Control Officer, licensed pest control service provider, Community Cat Caregiver or accredited and licensed animal welfare organization, shall deploy a trap, snare, net or other device for the purpose of capturing a Cat.
- 7.8 No person shall bury an animal carcass on any parcel in the City.

8. Keeping and Licensing of Dogs

- 8.1 Every person who owns a Dog and resides in the City for more than 30 days shall obtain a licence before the Dog reaches the age of (3) months.
- 8.2 The Owner of a Dog for which a licence and corresponding licence tag have been issued under this bylaw shall affix, and keep affixed, the licence tag on the Dog by a collar, harness, or other suitable device.
- 8.3 Every licence and corresponding licence tag issued under this Bylaw shall expire on the 31st day of December in the calendar year in which the licence was issued.
- 8.4 The licence fees set out in the Fees and Charges Bylaw shall be reduced by one-half in respect of an application for a licence made on or after June 30.
- 8.5 Where an Owner seeks a reduced licence fee for a Dog that is Neutered or Spayed, the application shall be accompanied by a certificate signed by a qualified veterinarian indicating that the Dog has been Neutered or Spayed.
- 8.6 Where an Owner of a licensed Dog has a change of address within the City, the owner must promptly notify the City of their new address.
- 8.7 A Dog licence will be provided at no charge to the Owner of a registered guide Dog or service Dog upon presentation of a certificate issued pursuant to the provincial *Guide Dog and Service Dog Act*.
- 8.8 Every person applying for a licence shall pay the licence fee as set out in the City's Fees and Charges Bylaw.

9. Aggressive Dog

- 9.1 Where a Dog meets the definition of an Aggressive Dog, an Animal Control Officer may issue a written notice to the Owner of that Dog advising the Owner of the designation

and of the requirements of this bylaw with respect to Aggressive Dogs.

- 9.2 Every Owner of an Aggressive Dog shall:
- a) secure the Dog by a collar and Leash that is a maximum length of one (1) metre when not on the Owner's property;
 - b) ensure that the Dog is not At Large within the City at any time;
 - c) keep the Dog Muzzled when in a designated Off-Leash Area;
 - d) within thirty (30) calendar days of the notice that the Dog is an Aggressive Dog, ensure the Dog has Permanent Identification and provide the Permanent Identification information to the City;
 - e) within seven (7) calendar days of the notice that the Dog is an Aggressive Dog, provide a photograph of the Aggressive Dog to the Animal Shelter for identification purposes.
- 9.3 No person shall own or keep any Aggressive Dog unless the Dog is licensed as an Aggressive Dog by an Owner who is over nineteen (19) years of age and who keeps the Dog in compliance with all applicable requirements of this bylaw.

10. Biting Dog

- 10.1 Where a Dog meets the definition of a Biting Dog, and Animal Control Officer may issue a written notice to the Owner of that Dog advising the Owner of the designation and of the requirements of this Bylaw with respect to Biting Dogs.
- 10.2 Every Owner of a Biting Dog shall:
- a) secure the Dog by a collar and Leash that is a maximum length of one (1) metre when not on the Owner's property;
 - b) ensure that the Dog is not At Large within the City at any time;
 - c) ensure that the Dog is not in a designated Off-Leash Area in the City at any time;
 - d) keep the Dog Muzzled when not on the Owner's property to prevent it from biting another Animal or human;
 - e) within thirty (30) calendar days of the notice that the Dog is a Biting Dog, ensure the Dog has Permanent Identification and provide the Permanent Identification information to the City;
 - f) within seven (7) calendar days of the notice that the Dog is a Biting Dog, provide a photograph of the Biting Dog to the Animal Shelter for identification purposes.
- 10.3 No person shall own or keep any Biting Dog unless the Dog is licensed as a Biting Dog by an Owner who is over nineteen (19) years of age and who keeps the Dog in compliance with all applicable requirements of this bylaw.

11. Dangerous Dogs

- 11.1 Where a Dog meets the definition of a Dangerous Dog, an Animal Control Officer may issue a written notice to the Owner of that Dog advising the Owner of the designation and of the requirements of this Bylaw with respect to Dangerous Dogs.
- 11.2 Every Owner of a Dangerous Dog shall:
- a) secure the dog by a collar and leash that is a maximum length of one (1) metre when not on the Owner's property;
 - b) ensure that the Dog is not At Large within the City at any time;
 - c) ensure that the Dog is not in a designated Off-Leash Area in the City at any time;
 - d) keep the Dog Muzzled when not on the Owner's property to prevent it from biting another Animal or human;
 - e) post a clearly visible sign at all points of entry onto any premises where the Dog is being kept, temporarily or permanently, warning that there is a Dangerous Dog on the premises;
 - f) at all times while the Dog is on a person's premises, keep the Dog securely confined indoors or confined outdoors in an Enclosure;
 - g) within thirty (30) calendar days of the notice that their dog is a Dangerous Dog, ensure the Dog has Permanent Identification and provide the Permanent Identification information to the Animal Shelter Manager; and
 - h) within seven (7) calendar days of the notice that the Dog is a Dangerous Dog, provide a photograph of the Dangerous Dog to the Animal Shelter for identification purposes.
- 11.3 The Owner of a Dangerous Dog shall promptly notify the City's Animal Shelter Manager if:
- a) the Dog is At Large; or
 - b) the Dog dies, is given away, or its place of residence changes.
- 11.4 No person shall own or keep any Dangerous Dog unless this Dog is licensed as a Dangerous Dog by an Owner who is over nineteen (19) years of age and who keeps the Dog in compliance with all applicable requirements of this bylaw.
- 11.5 In order to obtain a licence for a Dangerous Dog, an Owner of a Dangerous Dog shall supply the following documentation to the City:
- a) complete Dog licence application;
 - b) written confirmation from a licensed veterinarian that the Dog has been Neutered or Spayed;

- c) written confirmation that the Dog has Permanent Identification with the Permanent Identification information outlined on the application; and
 - d) payment of the Dangerous Dog licence fee as outlined in the Fees and Charges Bylaw.
- 11.6 If the Owner of a Dangerous Dog is unwilling or unable to comply with the requirements of this bylaw, ownership of the Dog may be surrendered to the City upon execution of the surrender form and paying any applicable fees.

12. Reconsideration and Re-Designation

- 12.1 An Owner of any Dog that has been designated as an Aggressive Dog, Biting Dog or Dangerous Dog by the Animal Control Officer may, within fourteen (14) calendar days of the notice, request in writing that the Bylaw Services Manager reconsider the decision. The request for reconsideration must be accompanied by;
- a) written reasons why the Owner of the Dog believes the Dog is not an Aggressive Dog, Biting Dog or Dangerous Dog, as applicable; and
 - b) discussion of any Mitigating Factors, if applicable.
- 12.2 If a request for reconsideration is made, the Bylaw Services Manager may provide the Owner and any complainant with an opportunity to make representations regarding the designation. The Bylaw Services Manager may confirm, reverse or amend the designation decision and may cancel or modify any restrictions, requirements or conditions imposed by an Animal Control Officer and impose any new or additional restrictions, requirements or conditions as they deem necessary or appropriate in the circumstances.
- 12.3 Without limiting the generality of s. 12.2, the Bylaw Services Manager may require:
- a) written confirmation from a Dog Behaviour Specialist that they have been retained and paid to provide behavioural remediation services for the Dog;
 - b) a written assessment of the Dog prepared by a Dog Behaviour Specialist within the last three (3) months.
- 12.4 After a period of at least one year from the date stated on a written notice designating a Dog as an Aggressive Dog, Biting Dog or Dangerous Dog, an Owner may apply to the City for relief from the requirements of this bylaw with respect to the applicable designation, provided that:
- a) the City has received no further complaints in regard to that Dog's behaviour; and
 - b) documentation that is acceptable to the Animal Control Officer in their sole discretion is provided to certify that the Owner and the Dog have successfully completed a course to address the Dog's behaviour.
- 12.5 If a Dog is re-designated as an Aggressive Dog, Biting Dog or Dangerous Dog after relief has been granted, the requirements of the designation shall apply in perpetuity.

13. Guard Dogs

- 13.1 Every owner of a Guard Dog must prevent the Guard Dog from leaving the property being guarded by ensuring:
- a) the Guard Dog is confined within the premises and the premises are secure against unauthorized entry;
 - b) the premises are completely enclosed by means of fence of the maximum height permitted by the City's Zoning Bylaw and any gates in such fence are secured against unauthorized entry;
 - c) the Guard Dog is securely confined in an area within the premises that is adequate to ensure that the dog cannot escape;
- 13.2 Every owner of a Guard Dog must post warning signs advising of the presence of a Guard Dog on the property, at each driveway or entrance way to the property and at all exterior doors and gates of the premises. The sign must be reflective, kept in good condition and free of weathering, with lettering clearly visible at all times.
- 13.3 Every owner of a Guard Dog, before bringing the Guard Dog onto the premises under control of the Owner, must notify the Animal Shelter Manager, Fire Department, Bylaw Enforcement and Police of:
- a) the address of the property which the Guard Dog will be guarding;
 - b) the approximate hours during which the Guard Dog will be performing guard duties;
 - c) the breed, age, sex and the licence number of the Guard Dog; and
 - d) the full names, addresses and telephone numbers of the Owner and any other individual who will be responsible for the Guard Dog while it is on guard duty.

14. Basic Care Requirements

- 14.1 The Owner of an Animal must ensure that the Animal is provided with:
- a) clean, potable drinking water and food in sufficient quantity and of recognized nutritional quality to allow for the Animal's normal growth and the maintenance of the Animal's normal body weight;
 - b) clean food and water receptacles so as to avoid contamination by excrement or other contaminants;
 - c) the opportunity for regular exercise sufficient to maintain the Animal's good health; including daily opportunities to be free of an Enclosure and exercised under appropriate control; and
 - d) necessary veterinary care when the Animal exhibits signs of pain, injury, illness, suffering or disease.

15. Outdoor Shelter Requirements

- 15.1 No Owner shall leave an Animal unattended outside unless the Animal is provided with outside Shelter that:
- a) ensures protection from heat, cold, water and wet that is appropriate to the Animal's weight and type of coat;
 - b) provides sufficient space to allow the Animal the ability to turn about freely and to easily stand, sit and lie in a normal position; is at least two (2) times the length of the Animal in all directions, and is at least as high as the Animal's height measured from the floor to the highest point of the Animal when standing in a normal position plus 10%;
 - c) contains dry bedding that will assist with maintaining normal body temperature;
 - d) is secured so as to prevent the escape of the animal; and
 - e) is regularly cleaned and sanitized with all excreta removed and properly disposed of at least once a day.
- 15.2 No Owner of any Dog shall keep a Dog in an Enclosure unless all of the following requirements are met:
- a) the Enclosure must be at least 2 metres in height and 2 metres in width;
 - b) the Enclosure must have secure sides, top and bottom and be capable of preventing the Dog from escaping;
 - c) the location of the Enclosure shall be within a rear yard and shall meet the requirements for an accessory structure contained within the City's Zoning Bylaw;
 - d) the Enclosure shall include an outside Shelter that conforms with this Bylaw;
 - e) the Owner of any Dog shall ensure that such Dog is not confined to an Enclosure in excess of ten (10) hours within any twenty-four (24) hour period;
 - f) enclosure is regularly cleaned and sanitized with all the excreta removed and properly disposed of at least once daily.
- 15.3 No Owner shall cause, permit or allow a Dog to be:
- a) left unattended at any time while tied, hitched or fastened to a fixed object in such a way that the Dog is able to leave the boundaries of the Owner's property;
 - b) tied, hitched or Tethered with a choke collar, pinch, or prong collar;
 - c) tied, secured, tethered or penned in a front yard or within 1.5m of any side or backyard property line;

- d) hitched, tied, or fastened to a fixed object except with a tether or sufficient length to enable the full and unrestricted movement of the Dog;
- e) hitched, tied, or fastened to a fixed object for longer than four (4) hours within a 24-hour period; or
- f) exercised by allowing it to run next to a motor vehicle.

16. Off-Leash Areas

- 16.1 Every person who utilizes an Off- Leash Area for their Dog shall comply with the requirements of this bylaw and with the applicable regulations established and posted by the City at the Off- Leash Area and:
- a) When in an Off Leash Area, a Dog shall at all times be under the care and control of a person responsible for the Dog;
 - b) No person shall at any time have custody of more than three (3) Dogs in an Off- Leash Area;
 - c) Feces shall immediately be removed and disposed of appropriately;
 - d) No Owner shall permit a female Dog that is in heat to be in an Off- Leash Area;
 - e) No Owner shall permit a Biting Dog or a Dangerous Dog to be in an Off- Leash area;
 - f) No person shall leave a Dog unattended;
 - g) If a Dog displays Aggressive Behaviour toward a person or another Dog while in an Off- Leash Area, the Owner of the Dog shall immediately secure the Dog to a leash and remove the Dog from the Off- Leash Area; and
 - h) The Animal Control Officer may impound from an Off- Leash area any Dog that is not under the care and control of its Owner.

17. Parks

- 17.1 No Animal is permitted in a playground or sports field area belonging to the City, except in the case of a registered guide dog or service Dog, or where express written permission has been given for the use of a playground or sports field for the purpose of an event sanctioned by the City.

18. Animal Waste

- 18.1 Every Owner shall, at all times when his or her Animal is off the premises of the Owner, immediately remove or cause to be removed any feces deposited by the Animal and dispose of the feces in a sanitary manner.
- 18.2 Every Owner shall remove and dispose of any excrement left by their Dog on the premises owned or occupied by the Owner in a timely manner.

19. Animal in Vehicle

- 19.1 No Owner shall cause or allow an Animal to be confined in an Enclosure, or an enclosed space including, but not limited to a motor vehicle, without sufficient ventilation to prevent the Animal from suffering discomfort or heat or cold related injury. Such enclosed space or vehicle (if stationary) shall be in an area providing sufficient shade to protect the Animal from direct rays of the sun at all times.
- 19.2 No Owner may transport a living Animal on the running board, fender, hood, truck bed or other exterior part of a motor vehicle unless a suitable cage, carrier or guard rail is provided and is attached adequately to protect that Animal from falling or being thrown from the vehicle or otherwise injuring itself.
- 19.3 No Owner shall leave a Dog unattended in the open box area of a truck or open trailer while the truck or trailer is parked.

20. Standard of Care During Impoundment

- 20.1 The Animal Shelter Manager will ensure that all Animals Seized under this Bylaw receive sufficient food, water, shelter, and, if necessary, reasonable veterinary attention, and that the Animals are not mistreated during Seizure and Impoundment.
- 20.2 During the Impoundment period, the Animal Shelter Manager may:
 - a) provide such veterinary care for an injured or ill Impounded Animal as may be necessary to sustain its life; and
 - b) be entitled to recover the cost of veterinary care provided while the Animal was Impounded, in addition to any other fees due to the City for the redemption of the Animal, from the Owner.
- 20.3 If an Animal Shelter Manager considers that an Impounded Animal requires:
 - a) flea and tick treatment;
 - b) worm treatment;
 - c) vaccination;
 - d) examination by a veterinarian; or
 - e) urgent veterinary care to alleviate any pain or suffering as recommended by a veterinarian,

the Animal Shelter Manager may cause such care to be provided at the sole cost and expense of the Animal's Owner.
- 20.4 The Animal Shelter Manager shall be entitled to demand and receive the daily boarding fees found in the Fees and Charges Bylaw.

- 20.5 The Animal Shelter Manager may authorize the euthanasia of any Domestic Animal other than Wildlife subject to suffering that a veterinarian considers cannot be otherwise reasonably addressed.

21. Retention of Impounded Animal

- 21.1 Subject to s. 21.2, the Animal Shelter Manager shall retain an impounded Domestic Animal other than Wildlife for a period of not less than ninety six (96) hours prior to its adoption, euthanasia, or disposal pursuant to this Bylaw.
- 21.2 Notwithstanding s. 21.1, ownership of an impounded Domestic Animal other than Wildlife may be surrendered to the City with immediate effect, upon execution of the surrender form and paying any applicable fees.

22. Redemption and Costs

- 22.1 An Owner of an Animal seized under this bylaw, or any person authorized in writing on the Owner's behalf, may redeem the Animal at any time prior to its adoption, euthanasia, or disposal under this Bylaw upon:
- a) delivery to the Animal Shelter Manager of evidence satisfactory to the Animal Shelter Manager of Ownership of the Animal and compliance with all applicable provisions of this bylaw;
 - b) payment of the Impoundment and maintenance fees, costs, and charges incurred in respect of the Seizure and boarding of the Animal as set out in the Fees and Charges Bylaw;
 - c) the payment of the actual costs incurred for the veterinary care of the Animal; and
 - d) licensing or registration of the Animal with the City and payment of the current requisite licence or registration fee if the Animal is required to be licensed or registered pursuant to this Bylaw and is not licensed or registered.

23. Failure to Redeem

- 23.1 After a Domestic Animal, other than Wildlife, has been Impounded for ninety six (96) hours, the Animal Shelter Manager may direct that the Animal:
- a) be offered to the general public for adoption;
 - b) be placed with any person or organization deemed acceptable by the Animal Shelter Manager; or
 - c) be euthanized.
- 23.2 The Animal Shelter Manager may, pursuant to this Bylaw, put up for adoption any Domestic Animal, other than Wildlife, Impounded under the following conditions:
- a) no dog, cat or rabbit shall be adopted unless it is vaccinated and has an acceptable form of Permanent Identification;

- b) no Domestic Animal shall be adopted unless a current year's licence is purchased, if applicable.
- 23.3 Where the Owner of an Animal does not claim an Impounded Animal, the Owner remains responsible for payment of all applicable fees.
- 23.4 No person shall take or release any Animal from the Animal Shelter without the consent of the Animal Shelter Manager.

24. Commercial Kennels

- 24.1 Every person who operates a Commercial Kennel shall:
 - a) obtain an annual Business Licence and pay an annual Business Licence fee as required under the City's Business Licence Bylaw;
 - b) locate the Commercial Kennel in a zone permitting kennel use pursuant to the City's Zoning Bylaw; and
 - c) at all times comply with the Code of Practice.
- 24.2 An Animal Control Officer may inspect the Commercial Kennel to ensure the requirements of this bylaw and the Code of Practice are being met.
- 24.3 If a Commercial Kennel fails to meet the requirements of this bylaw, the owner may be given fourteen (14) days' written notice to bring the non-conformity into compliance. If after the fourteen (14) day period, the Commercial Kennel is not compliant, the Animal Control Officer may recommend that the owner's business licence be suspended or cancelled.
- 24.4 Every owner or operator of a Commercial Kennel shall keep dogs inside a secure building between the hours of 8:00 p.m. and 7:00 a.m.

25. Cat Regulation and Identification

- 25.1 Every Owner of a Cat must cause that Cat to bear sufficient identification to allow any person finding the Cat to identify and contact the Owner. For clarity, but without limiting the identification options open to an Owner, Cat identification may take the form of a collar and phone number tag worn by the Cat, or a tattoo or microchip traceable to the Owner of the Cat.
- 25.2 If an Animal Control Officer is unsure whether a Cat has been spayed or neutered, he or she may require the owner to provide proof in the form of a certificate from a Veterinarian.
- 25.3 Every Owner of a Cat that is unspayed or unneutered must ensure the Cat is not permitted to be At Large.

26. Hen Permits

- 26.1 Any person who keeps Hens must possess a valid Hen permit, which must be issued prior to any Hens arriving on the property.
- 26.2 The application process for a Hen permit shall include:
- a) submitting a complete Hen permit application to the City in the form attached as Schedule "A" to this bylaw to the Animal Control Officer;
 - b) the applicant obtaining and providing the City with written consent from the property owner, if applicable; and
 - c) paying the one-time application fee as found in the Fees and Charges Bylaw.
- 26.3 Applications will be reviewed by an Animal Control Officer to ensure that all Bylaw requirements are satisfied. If the Animal Control Officer has refused to issue a Hen permit, the applicant may, within fourteen (14) calendar days, request in writing that the Bylaw Services Manager reconsider the decision. The request for reconsideration must be accompanied by written reasons why the applicant seeks to overturn the decision of the Animal Control Officer.
- 26.4 Permits issued under this provision are subject to the following conditions:
- a) permits may be revoked by the Animal Shelter Manager or the Bylaw Services Manager where three (3) or more substantiated complaints from the public have been received and upon the recommendation of an Animal Control Officer;
 - b) only one (1) permit per residence will be issued; and
 - c) Hen permits are not transferable.
- 26.5 Applications must be submitted by the permit holder annually by December 31 to renew a Hen permit. Lapsed permits will require reapplication with consent from the property owner if applicable.

27. Hen Regulations

- 27.1 A property owner or occupant may only keep Hens in accordance with the following provisions:
- a) a minimum of two (2) and a maximum of six (6) Hens may be kept on any property;
 - b) Hens may only be kept on properties with a single detached dwelling or in association with a permitted Education Service use as per the City's Zoning Bylaw;
 - c) any Enclosure housing Hens, whether portable or stationary, shall always be located at least 1.5 metres from any property line;
 - d) any Enclosure containing Hens, whether that Shelter is portable or stationary, must not be located within the front yard;

- e) Hens shall not be kept in a structure used for human habitation;
- f) only one Enclosure containing Hens is permitted on a parcel;
- g) Hens shall be kept secured within their Enclosure from sunset to 7:00 A.M.;
- h) any Enclosure housing Hens and the accompanying run must be fenced in such a manner to prevent the entry of vermin or predators and to confine the Hens;
- i) Enclosures housing Hens shall be kept clean and free of odours;
- j) all Hens shall be provided with consistent access to a nesting box, food, water, light, ventilation, veterinary care, and opportunities for essential behaviours such as scratching, dust-bathing and roosting;
- k) poultry manure and waste products shall be composted or disposed of to prevent odours;
- l) any diseased Hen shall be killed and the carcass destroyed;
- m) no slaughtering of Hens may occur on the property;
- n) a deceased Hen may only be disposed of by delivering it to a veterinarian, a landfill in a sealed bag, an abattoir or other facility with the ability to lawfully dispose of the carcass;
- o) no Hen shall be buried on the property;
- p) eggs are only permitted for personal consumption not for sale;
- q) the Owner of a Hen shall follow biosecurity procedures recommended by Canadian Food Inspection Agency; and
- r) the Owner of a Hen must not allow or permit the Hen to be At Large.

28. Hen Enclosures

28.1 All Hen Enclosures must have:

- a) a run consisting of any combination of vegetated or bare earth;
- b) a minimum enclosed floor area of 0.4 square metres (4 square feet) per Hen;
- c) a wooden floor at least 0.3 metres above grade, or a concrete floor;
- d) at least two (2) nest boxes; and
- e) for each Hen, a minimum of eight (8) inches of perching space.

29. Bees

- 29.1 Any person who engages in Urban Beekeeping must:
- a) adhere to all provincial Beekeeping regulations and possess a valid beekeeping permit, which must be procured prior to any bees arriving on the property; and
 - b) Be a resident of the property where the bees are kept.
- 29.2 The application process for a Bee permit shall include:
- a) submitting a complete beekeeping permit application in the form attached as Schedule "B" to this bylaw to the Animal Shelter Manager;
 - b) the applicant obtaining and providing the Animal Shelter Manager with written consent from the property owner, if applicable, and
 - c) paying the application fee as found in the Fees and Charges Bylaw.
- 29.3 Applications will be reviewed by an Animal Control Officer to ensure that all bylaw requirements are satisfied. If the Animal Control Officer has refused to issue a Bee permit, the applicant may, within fourteen (14) calendar days, request in writing that the Bylaw Services Manager reconsider the decision. The request for reconsideration must be accompanied by written reasons why the applicant seeks to overturn the decision of the Animal Control Officer.
- 29.4 Permits issued under this provision are subject to the following conditions:
- a) permits may be revoked by the Animal Shelter Manager or the Bylaw Services Manager where three (3) or more substantiate complaints from the public have been received and upon recommendation of an Animal Control Officer;
 - b) only one (1) permit per residence will be issued; and
 - c) permits are not transferable.
- 29.5 Applications must be submitted by the permit holder annually by December 31 to renew a beekeeping permit. Lapsed permits will require reapplication with consent from the property owner if applicable.
- 29.6 Bees may only be kept on properties with a single detached dwelling.
- 29.7 Every person keeping Bees, and the owner of a parcel on which bees are kept, must ensure that there are no more than:
- a) two (2) Beehives on a parcel of less than 1000 square metres (0.25 acres);
 - b) four (4) Beehives on a parcel that is between 1,000 square metres (0.25 acres) and 2,000 square metres (0.5 acres);
 - c) six (6) Beehives on a parcel that is over 2,000 square metres (0.5 acres).

- 29.8 Every person who engages in Urban Beekeeping, and the owner of a parcel on which Bees are kept, must ensure that:
- a) All Beehives are located in a rear yard;
 - b) All Beehives are oriented to face away from adjacent properties, lanes, and streets; and
 - c) All Beehives allow a clear flight path of at least 7.5 metres straight ahead from the front of the Beehive to any property line.
- 29.9 Every person who engages in Urban Beekeeping and the owner of any parcel on which Bees are kept must:
- a) Provide adequate water to prevent the Bees from seeking water from other sources, such as neighbourhood swimming pools, birdbaths, ponds, or other community bodies of water;
 - b) Take all reasonable measures to prevent swarming and aggressive behaviour;
 - c) If Bees swarm or show signs of aggressive behaviour, ensure that the Bees are requeened as soon as possible; and
 - d) Ensure that the entrances to the Beehives are facing away from the closest neighbouring property.

30. Obstruction

- 30.1 No person shall hinder, delay, or obstruct in any manner, directly or indirectly, an Animal Control Officer in carrying out the duties and powers of an Animal Control Officer under this bylaw.

31. Offences and Penalties

- 31.1 Every 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 the bylaw shall be guilty of an offence and shall be liable on summary conviction to a penalty of not less than two thousand dollars (\$2000.00) and not more than fifty thousand dollars (\$50,000.00) or to imprisonment for not more than six months or to both. If the offence is a continuing one, each day that the offence is continued shall constitute a separate offence. Nothing in this section shall restrict the City's ability to enforce this bylaw in any other manner permitted by law.
- 31.2 Any written notice issued by the City as provided for in this bylaw shall be considered delivered seven (7) calendar days after the written notice was sent by the City via regular mail.

32. Severability

32.1 If any portion of this bylaw is held to be invalid by a Court of competent jurisdiction, then that invalid portion shall be severed, and the remainder of this bylaw shall be deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

33. Repeal

33.1 The "Responsible Dog Owner Bylaw No. 2015-27" and all amendments thereto are hereby repealed upon adoption of this bylaw.

READ A FIRST time this 7 day of September, 2021

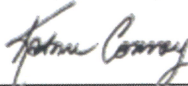
READ A SECOND time this 7 day of September, 2021

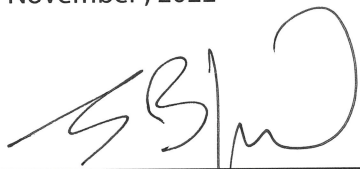
READ A THIRD time this 7 day of September, 2021

RESCIND THIRD reading and give 7 day of June, 2022
THIRD reading as amended

RECEIVED the approval of the 26 day of October, 2022
Ministry of Forests

ADOPTED this 15 day of November, 2022

Approved by the Ministry of Forests this 26 day of Oct, 2021

Minister of Forests


Julius Bloomfield, Mayor


Angie Collison, Corporate Officer