

## VILLAGE OF LUMBY

### BYLAW NO. 815, 2018

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**Being a bylaw respecting the regulation, licensing and control of Dogs and other Animals within the Village of Lumby**

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**WHEREAS** section 8 (3)(k) provides municipalities with fundamental powers to regulate, prohibit, and impose requirements in relation to Animals;

**AND WHEREAS** section 47 of the *Community Charter* permits municipalities to establish different classes of Animals on the basis of sex, age, size, or breed;

**AND WHEREAS** section 49 of the *Community Charter* provides municipalities with special powers in relation to dangerous Dogs;

**AND WHEREAS** section 64 of the *Community Charter* provides municipalities with fundamental powers exercise authority in respect of unsanitary conditions and nuisances;

**AND WHEREAS** it is desirable to pass a bylaw dealing with the regulation, licensing and control of Dogs and other Animals within the Village of Lumby;

**NOW THEREFORE** the Council of the Village of Lumby, in open meeting assembled enacts as follows:

#### **PART 1 – INTERPRETATION**

1. This Bylaw may be cited for all purposes as the “Village of Lumby Animal Control Bylaw No. 815, 2018.”
2. If any provision of this Bylaw is held to be invalid by a court of competent jurisdiction, the provision may be severed from the Bylaw and such invalidity shall not affect the validity of the remaining portions of this Bylaw.
3. The headings contained in this Bylaw are for convenience only and are not to be construed as defining or in any way limiting the scope or the intent of the provisions of this Bylaw.
4. All schedules of this Bylaw are attached to and form part of this Bylaw and are enforceable in the same manner as this Bylaw.

## PART 2 – DEFINITIONS

5. In this Bylaw:

**Animal** means any non-human mammal, reptile, amphibian, Bird, and includes a Dog.

**Aggressive Dog** means any Dog that:

- (a) has a known propensity, tendency, or disposition to, or which without provocation does, chase or approach any person on public or private property in a menacing fashion or apparent attitude of attack, or molest passers-by, chase vehicles or cyclists, or damage property;
- (b) has attacked, bitten, or caused Injury to, or attempted to attack, bite, or cause Injury to, a person or Domestic Animal, as determined by an Animal Control Officer;
- (c) any dog designated as or found to be an Aggressive Dog by an Animal Control Officer, the SPCA, the RCMP, or a veterinarian licensed to practice in British Columbia, another local government, or any court of competent jurisdiction;

and includes any Dangerous Dog.

**Agricultural** means any use of property qualifying as “Agricultural Use, Intensive”, “Agricultural Use, Limited”, or “Agricultural Use, Restricted”, under the Zoning Bylaw

**Agricultural Animal** means any Animal, except Dogs, of which the primary purpose is pursuant to an Agricultural use of property, and includes a Laying Hen and includes any animal defined as livestock under the *Livestock Act*.

**Animal Control Officer** means any person designated by the Village to administer and enforce this Bylaw, the *Community Charter*, and the *Local Government Act*, and includes any employee, servant, agent, or contractor appointed by the Council to assist in carrying out the provisions of this Bylaw.

**At Large** means being any place, including on a highway, Public Place, or on private property other than the property belonging to the Owner or other person with custody, care, or control of the Dog, and not securely leashed or tethered, and not under the direct, continuous, and effective control of the Owner or person having custody, care, or control of the dog.

**Bird** means any animal of the class Aves.

**Cat** means any member of genus Felis.

**Council** means the Council of the Village of Lumby.

**Dangerous Dog** means any Dog that has seriously injured or killed a person or Domestic Animal as determined by an Animal Control Officer in accordance with section 49 of the *Community Charter*.

**Deer** means any animal from the family Cervidae.

**Dog** means an Animal of the canine species over the age of six months, and includes including dog-wolf and dog-coyote hybrids.

**Domestic Animal** means any Animal or pet kept by a person for companionship or domestic, commercial, or farm service, including Birds, fish, and any livestock defined under the *Livestock Act*.

**Dwelling Unit** means a building or structure used as a residence and which has “common shared” spaces, and includes condominiums, apartments, townhomes, or attached strata properties.

**Enclosure, Fence or Pen** means an enclosure, fence or pen as described in Schedule ‘C’ of this Bylaw.

**Exotic Animal** means any Animal not normally native to the Province of British Columbia, and includes any animal defined as a “Controlled Alien Species” under the *Wildlife Act*, RSBC 1996, C. 488, and includes any “Endangered Species” under that Act, whether that species is a controlled alien species or not.

**Feral Animal** means any Animal ordinarily kept as a Domestic Animal or for Agricultural purposes, but which has no actual or apparent Owner.

**Guide Animal** means any Animal with a valid Guide Animal Certificate under the *Guide Animal Act* and includes any Dog specially trained for and used as a guide by any person who is sight or hearing impaired.

**House** means a building or structure used as a residence on a parcel of land, including a duplex and bare land strata unit, but does not include a Dwelling Unit.

**Impounded** means any Animal seized, delivered, received or taken into the Pound, or in the custody of the Animal Control Officer as provided for in this Bylaw.

**Injury** means a physical injury or emotional trauma

**Hobby Kennel** means a house or property where 4 to 20 Dogs over the age of 3 months are kept pursuant to a Kennel Operation Permit.

**Kennel Operation Permit** means written approval by the Village for a person to operate a hobby kennel or a service kennel on a specified lot.

**Laying Hen** has the same meaning as in the Zoning Bylaw.

**Leash** means a leash with a fixed total length of 2 meters or less.

**License** means a license issued pursuant to this Bylaw for the current licensing year.

**Nuisance Dog** means any Dog that has been At Large or impounded three times in the last 12 months or whose Owner has been issued a Bylaw Offence Notice or Municipal Ticket three times in the last 12 months, or a Dog that repeatedly charges or lunges at a fence.

**Owner** means a person who owns, harbors, has custody or care or control of, or is in possession of, an Animal.

**Pound** means any building or facility designated by Council as a facility for impounding and keeping animals under this Bylaw.

**Public Place** means any place open to use by the public and owned or controlled by the Village or any other public body, including a highway.

**Rural** means any area designated as a “Rural” zone under the Zoning Bylaw

**Service Kennel** means a facility or property where more than 20 Dogs over the age of 3 months are kept, trained, cared for, bred, treated, or boarded for remuneration or purposes of sale pursuant to a Kennel Operation Permit.

**Unlicensed** means any Dog for which the License fee for the current year has not been paid, and includes any Dog with no license tag attached to its collar.

**Village** means the Village of Lumby

**Wild Animal** means any Animal not ordinarily tame or domesticated, and includes any Exotic Animal, **Wildlife** as defined in the *Wildlife Act*, RSBC 1996, c. 488, and any Animal of any type with no apparent private owner, but does not include any Dog or Agricultural Animal.

**Zoning Bylaw** means *Village of Lumby Zoning Bylaw No. 750, 2012*, as amended.

### **PART 3 – RIGHT OF INSPECTION**

6. Pursuant to the *Community Charter*, an Animal Control Officer may enter at all reasonable times upon any property in order to inspect and determine whether this Bylaw is being followed.
7. Upon request by an Animal Control Officer, an Owner who an Animal Control Officer reasonably believes to be in contravention of any provision of this Bylaw shall stop and immediately provide the Animal Control Officer with photo identification showing his or her full name and current address, and the licensing information of the Dog.
8. The Animal Control Officer may determine whether a Dog is a Dangerous Dog, Aggressive Dog, or Nuisance Dog for the purposes of the Bylaw.

### **PART 4 – GENERAL RESTRICTIONS**

#### General Regulations

9. Except as otherwise permitted by this Bylaw, no Owner of an Animal shall permit or cause the Animal to be:

- a. in or on any Public Place where Animals are prohibited; or
- b. At Large within the Village.

Maximum Numbers

- 10. Except as otherwise specified by this Bylaw:
  - a. no Owner shall keep more than four Domestic Animals; and
  - b. no House or Dwelling Unit may keep or contain more than four Domestic Animals.
- 11. For greater certainty, the limit in section 10 of this Bylaw:
  - a. includes any Dog kept pursuant to section 21 of this Bylaw; and
  - b. does not modify the number of Dogs permitted by section 21 of this Bylaw.
- 12. Section 10 of this Bylaw does not apply to
  - a. fish;
  - b. Agricultural Animals, including Laying Hens;
  - c. Wild Animals, Feral Animals, or Exotic Animals;
  - d. Guide Animals which reside with the person for whom the Animal provides care and assistance;
  - e. Hobby Kennels;
  - f. Service Kennels;
  - g. Lawfully-operating veterinary clinics;
  - h. any Animals owned or kept by law enforcement or any government body;
  - i. any Animals Impounded by the Village;
  - j. any branch or affiliate of the Society for the Prevention of Cruelty to Animals;
  - k. accredited educational institutions;
  - l. Animals under the age of four months.

Exotic Animals

- 13. Except as may otherwise be authorized by a valid and subsisting provincial or federal permit or license, no person shall keep or possess at, or transport to or from, any Wild Animal or Exotic Animal within the Village, except if keeping or possessing at, or transporting to or from:
  - (1) any lawfully operating veterinary clinic;
  - (2) any Pound or other facility used by the Village or its agents for the keeping of Impounded or surrendered animals;
  - (3) any accredited educational institution; or
  - (4) any branch or affiliate of the Society for the Prevention of Cruelty to Animals.

14. No person shall sell, transfer, exchange, purchase, or accept as consideration any Wild Animal or Exotic Animal.

#### Feeding Wild Animals

15. No person shall feed any Wild Animal or Feral Animal.
16. No person shall permit or leave or allow to accumulate outdoors on any property any foodstuffs, forage, seeds, feed, feeders, or other material to be consumed by any Animals, or which may tend to attract or be consumed by Feral Animals or Wild Animals, except:
  - a. hummingbird feeders;
  - b. any plant material or vegetation growing on property, including natural vegetation, personal gardens, and products grown for an Agricultural purpose, but excluding fruit and agricultural products which have fallen or been harvested from their plants;
  - c. feed for any Agricultural Animal on Agricultural lands;
  - d. garbage or compost placed in a closed garbage or compost receptacle.

#### Animal Nuisances

17. No Owner shall cause, permit, suffer, or allow any Animal to create noise which tends to disturb the peace, quiet, enjoyment, rest, comfort, or convenience of any person or neighbourhood at or near the source of the noise.
  - a. Without limiting the generality of this section, no Owner shall cause or permit his or her Dog to cry, bark, howl, or yelp continuously for a period of more than 5 minutes or sporadically for a period of more than 15 minutes.
18. No Owner of any shall permit that Animal to defecate in a Public Place or on public private property, except property owned by that Owner, unless the Owner immediately removes and disposes of the defecated matter in a sanitary manner.
  - a. The provisions of this section do not apply to the Owner of a Service Animal.
19. No person shall cause, permit, suffer, or allow on property owned by that person any accumulation of Animal waste, or unsanitary condition or unpleasant odor caused by any Animal.

### **PART 6 – CONTROL OF CATS**

#### Spaying/Neutering Cats

20. Every Owner of a Cat which is actually or apparently over six months of age must ensure that the Cat is spayed or neutered, as applicable, by a licensed veterinarian, unless the Cat is retained for the purposes of breeding in a cattery as set out in Part 12 of this Bylaw.

## **PART 7 - LICENSING OF DOGS**

### Maximum Number of Dogs

21. No person shall keep, harbour, or have in possession more than 3 Dogs in a House or Dwelling Unit within the Village, except as provided for persons operating a Hobby Kennel, Service Kennel, veterinary clinic, or other Dog service business not providing overnight care as permitted by this Bylaw and all applicable bylaws.
22. The 3-Dog limit in section 21 of this Bylaw excludes:
  - a. any Dog registered as a Guide Animal and which resides with the person for whom the Dog provides care and assistance;
  - b. any Owner registered in the Guide Dog in Training Program;
  - c. any Dog used by the Royal Canadian Mounted Police.

### Dog Licensing

23. Every person who owns a Dog and resides in the Village for than more 30 days shall obtain a license in accordance with this Bylaw.
  - a. An Owner of a Dog which is exempt from the 3-Dog limit as set out in section 22 of this Bylaw shall obtain a License for the exempt Dog, but shall not be charged licensing fees on providing appropriate registration to the Animal Control Officer
24. An Owner shall, annually on or before the last day of February in each year, or as soon as his or her Dog is six months of age, obtain a license from the Village.
25. An Owner shall ensure that the Dog tag is attached to the collar worn by his or her Dog at all times.
26. The Village will distinguish every license by a number and keep a record for the purpose of identification of the Dog.

### License Fees

27. Every person applying for a license shall pay a license fee payable to the Village as set out in Schedule 'B'.
28. Every license issued under this Bylaw will be for the calendar year in which the license is issued and will expire on the thirty-first (31<sup>st</sup>) day of December of the year in which the license takes effect. If the Owner for which a license is issued under this Bylaw ceases to be the Owner of the licensed Dog, the license shall lapse with no reimbursement to the Owner.
29. When a licensed Dog is deceased, or transferred or sold to a new Owner, the former Owner is required to notify the Animal Control Officer.

30. An Owner holding a valid and current license for his or her Dog from another local government will not be required to pay a license fee pursuant to this Bylaw but may transfer his or her license for the remainder of the calendar year to the Village.
31. If an Owner loses a Dog tag, the Owner shall obtain a replacement tag from the Pound and pay the replacement fee as set out in Schedule 'B'.

## **PART 8 – CONTROL OF DOGS**

### Enclosures, Fences, and Pens

32. No Owner shall cause or permit his or her Dog to remain outside the House if such Dog is not secure inside a Fence, Pen or Enclosure required under Schedule 'C' of this Bylaw, except:
  - a. where the Owner has custody and control of the Dog on his or her property; or
  - b. where the Owner has custody and control of the Dog on private property other than that of the Owner and with that property Owner's consent.
33. Upon request by an Animal Control Officer, an Owner shall build, construct, or arrange for fencing or a pen on his or her property as described in Schedule 'C' of this Bylaw within 30 days.

### Tethering Systems

34. No Owner shall tie, secure, or tether any Dog except in the backyard of the Owner's property with a tethering system that allows the Dog's adequate freedom of movement with a minimum of 3 meter radius and a minimum of 1.5 meters from any backyard property line.
35. No Owner shall cause or permit his or her Dog to be tied, secured, tethered or fastened to a tethering system in excess of 4 consecutive hours in a 24-hour period.

## **PART 9 - DOGS IN PUBLIC PLACES**

### Dogs At Large Prohibited

36. No Owner shall cause or permit his or her Dog to be At Large.

### Prohibited Parks and Areas

37. The Village may designate any park, public place, or other area where Dogs are prohibited, or prohibited from being At Large or Off-Leash, and no Owner shall cause or permit his or her Dog to be At Large, off-Leash, or within, any area where that use or activity has been prohibited by the Village.

### Leashed Parks

38. No Owner will cause or permit his or her Dog to be within a park designated as 'leashed,' unless the Dog is kept on a secure leash held by the Owner.

Designated Off-Leash Parks and Areas

39. The Village may designate parks or other areas within the Village in which a Dog may be At Large or off-Leash, or where Dogs are prohibited.
40. An Owner may cause or permit his or her Dog to be At Large in a designated off-Leash park or area provided that the Owner complies with the following requirements:
- a. The Dog wears a collar and a valid Dog tag;
  - b. The Owner has in his or her possession a leash to control the Dog;
  - c. The Owner maintains visual sight and verbal control of his or her Dog at all times;
  - d. In the event of aggression or conflict with another Dog or person, the Owner takes immediate physical control of his or her Dog;
  - e. The Dog is healthy and has up-to-date vaccinations as defined by the *American Animal Hospital Association*; and
  - f. The Owner follows all posted rules and regulations on signs in the park or public area.

**PART 10 – ANIMAL CARE**

Animals Suffering from Infectious or Contagious Disease

41. No person shall keep, harbor, or have in his or her possession any Animal suffering from any infectious or contagious disease unless such Animal is in isolation and under treatment for the cure of such infection or contagious disease, or the Animal is kept by a licensed veterinarian for the purposes of treatment.

Prohibition of Cruelty

42. No person shall keep any Animal unless that Animal is provided with:
- a. sufficient clean and potable drinking water;
  - b. sufficient and appropriate food for the species of animal;
  - c. clean food and water receptacles;
  - d. a regularly cleaned and sanitized shelter;
  - e. sufficient opportunity for periodic exercise;
  - f. care from a licensed veterinarian when the Animal exhibits signs of pain, suffering, disease, or illness.
43. No Owner shall cause or permit his or her Animal to be confined to an Enclosure, vehicle, or trailer without adequate ventilation and sufficient shade to protect the Animal from excessive heat and direct rays of the sun.
44. No Owner shall cause or permit his or her Animal to be kept outside or confined in cold weather or precipitation without adequate precautions to protect that Animal from the cold weather and precipitation.
45. No Owner may abandon any Animal.

**PART 11 – NUISANCE, AGGRESSIVE & DANGEROUS DOGS**

- 46. No Owner shall cause or permit his or her Dog to become a Nuisance Dog.
- 47. No Owner shall cause or permit his or her Dog to become an Aggressive Dog.
- 48. No Owner shall cause or permit his or her Dog to become a Dangerous Dog.

Prohibited Areas

- 49. No Owner shall allow a Dangerous Dog or an Aggressive Dog into any sports field, playground, public beach, swimming area, park, off-Leash park, or school grounds at any time.

Aggressive Dogs

- 50. When an Aggressive Dog is outside its Owner’s House or Dwelling Unit and not kept within a closed vehicle, the Owner shall:
  - a. keep the Aggressive Dog controlled on a leash securely held and with a maximum length of one metre, and wearing and a muzzle securely fastened; or
  - b. keep the Aggressive Dog within a locked Enclosure incapable of being accessed by the public or children and in accordance with Schedule ‘C’.

Dangerous Dogs

- 51. When a Dangerous Dog is outside its Owner’s House or Dwelling Unit and not kept within a closed vehicle, the Owner shall:
  - a. keep the Dangerous Dog controlled on a leash securely held and with a maximum length of one metre, and wearing and a muzzle securely fastened; or
  - b. keep the Dangerous Dog within a locked Enclosure incapable of being accessed by the public or children and in accordance with Schedule ‘C’.
- 52. An Owner of a Dangerous Dog shall post a sign visible to the public at the front and back of his or her property warning that a Dangerous Dog resides on the property in accordance with Schedule ‘F’ of this Bylaw.
- 53. An Owner of a Dangerous Dog shall have the Dangerous Dog microchipped and provide the Village with identification proof that a microchip has been implanted in the Dog.

**PART 12 – KENNELS AND SIMILAR FACILITIES**

Breeding Facilities

- 54. No person may operate, permit, or keep any facility which breeds Animals, except:

- a. as part of a lawful Agricultural use; or
- b. in the case of a “cattery” or “kennel” as defined by the *Cattery and Kennel Regulation*, B.C. Reg. 96/2016, in compliance with that regulation and the *Prevention of Cruelty to Animals Act*, [RSBC 1996], Chapter 372;

and in compliance with the requirements of other applicable Village bylaws and regulations.

#### Hobby Kennels

55. Every person issued a Kennel Operation Permit for a Hobby Kennel shall adhere to the following requirements in addition to requirements of other applicable Village bylaws and regulations:
- a. On properties with a lot area of 0.25 hectares to 1 hectare, a maximum of 4 Dogs may be kept if the specific zone permits kennel use.
  - b. On properties with a lot area of 1 to 4 hectares, a maximum of 8 Dogs may be kept if the specific zone permits kennel use.
  - c. On properties with a lot area greater than 4 hectares, a maximum of 20 Dogs may be kept if the specific zone permits kennel use.

#### Service Kennels

56. Every person issued a Kennel Operation Permit for a Service Kennel shall adhere to the following requirements in addition to requirements of other applicable Village bylaws and regulations:
- a. For persons legally operating a Service Kennel prior to the adoption of this Bylaw, the kennel must be located on a property in a zone permitting kennel use.
  - b. For persons establishing a new Service Kennel, the kennel must be located on a property in a zone permitting kennel use.

#### Additional Permit Requirements

57. Every person issued a Kennel Operation Permit shall conform with the kennel requirements set out in Schedule ‘D’ attached to this Bylaw.
58. Prior to the issuance or renewal of a Kennel Operation Permit, an Animal Control Officer may inspect the Hobby or Service Kennel to ensure the requirements of this Bylaw are being met.
59. If a Hobby or Service Kennel fails to meet the requirements of Schedule ‘D’ at any time, the Village will consider the Kennel Operation Permit to be invalid and cancelled.
60. Every Owner or operator of a Hobby or Service Kennel shall keep Dogs inside a secure kennel building between the hours of 8:00 p.m. and 7:00 a.m.

## **PART 13 – IMPOUNDMENT**

### Establishment of a Pound

61. The Council authorizes the establishment, maintenance, and operations of a Pound for the impounding of Dogs pursuant to the provisions of this Bylaw.
62. The Council may appoint a person or persons to carry out the duties of an Animal Control Officer, which includes administration of the Pound.
63. The Animal Control Officer will provide proper shelter and daily food and water for every Dog detained at the Pound.

### Seizure and Impoundment

64. An Animal Control Officer may seize any unlicensed Dog, or any Dog found At Large within the boundaries of the Village.
65. The Animal Control Officer will retain all Animals impounded for a minimum of 72 hours.
66. The Village may seize a Dangerous Dog for up to 21 days in order for the Owner to build a required Enclosure and pay the prescribed daily pound maintenance fees prescribed in Schedule 'E' or proceed with an application pursuant to section 49 of the *Community Charter*.
67. Upon pursuit of an At Large Animal where the Owner is not present and in order to ensure the safety of the Dog and the public, the Animal Control Officer may seize the Animal on the Owner's property where the Animal cannot be contained in a secure Enclosure.
68. Where no person is at the Owner's property, an Animal Control Officer shall post a notice in accordance with the form set out in Schedule 'A' of this Bylaw at the Dwelling Unit advising that the Animal has been impounded for being At Large.
69. If the Owner of an impounded Animal is known to the Animal Control Officer, the Animal Control Officer shall notify the Owner by mail or telephone or post a notice at the Owner's premise in accordance with the form set out in Schedule 'A' of this Bylaw.
70. An Owner is liable for the payment of all fees prescribed and incurred in relation to his or her Animal impounded as required in Schedule 'E' of this Bylaw.

## **PART 14 – RECLAMATION, ADOPTION OR HUMANE EUTHANIZATION**

71. An Owner may reclaim his or her impounded Animal on proof of ownership and upon payment of all applicable fines, fees, and other charges outlined in this Bylaw, including impoundment and prosecution costs associated with applications under section 49 of the *Community Charter*.

72. If an Owner cannot be identified by the Animal Control Officer or an Owner notified of impoundment of his or her Animal does not within 72 hours of notification attend at the Pound and pay all applicable, fines, fees or other charges, the Animal Control Officer may provide for the adoption or humanely euthanize the Animal.
73. Upon request by an Animal Control Officer, a person adopting a Dog from the Pound shall construct or arrange for fencing or a pen on his or her property within 30 days of adopting the Dog or sign a declaration agreeing to provide fencing or a pen for the Dog as described in Schedule 'C' of this Bylaw.
74. The Village will charge a fee for the adoption of a Dog or Cat comparable to rates charged by the BC-SPCA. Every Dog or Cat adopted from the Village pound will be neutered or spayed and inoculated with up-to-date vaccinations.
75. Every person adopting a Dog or Cat from the Pound shall be liable for the adoption fee, including fees to vaccinate, and spay or neuter, the Dog or Cat.

#### No Interference

76. No person may interfere with, hinder, or obstruct any Animal Control Officer or other Village employee in the exercise or performance of his or her powers or duties or functions under this Bylaw.
77. No person shall release or rescue or attempt to release or rescue any Animal lawfully in the custody of an Animal Control Officer.

#### Schedules

78. The schedules of this Bylaw form part of this Bylaw and are enforceable in the same manner as this Bylaw.

### **PART 15 – PENALTIES**

79. 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 penalty of not less than Fifty Dollars (\$50.00) and not more than Ten Thousand Dollars (\$10,000.00) for each offence.

### **PART 16 –EFFECTIVE DATE**

80. Except as otherwise provided, this Bylaw is effective from the date adopted.
81. Any provision of this Bylaw which applies to Dogs and is addressed by Regional District of North Okanagan *Dog Control Bylaw No. 2466, 2010* comes into force on the earliest of:





Village of Lumby

ANIMAL CONTROL BYLAW NO. 815, 2018

SCHEDULE 'B'

LICENSE FEES

- |     |   |           |
|-----|---|-----------|
| (a) | For each spayed female or neutered male Dog, where proof is provided that the Dog has been spayed or neutered   | \$20.00   |
| (b) | For each unspayed female or unneutered male Dog   | \$60.00   |
| (c) | A Kennel Operation Permit for a Hobby or Service Kennel   | \$125.00  |
| (d) | For each lost Dog tag, a replacement fee will be charged of   | \$1.00    |
| (e) | Should such License not be paid by the last day of February of the licensing year, the owner of any Dog not licensed shall pay a further fee of   | \$20.00   |
| (f) | If a NEW Dog is acquired or reaches the age of 3 months after March 1 <sup>st</sup> in any license year, the owner thereof shall not be subject to paying the prescribed penalty of:  | \$20.00   |
| (g) | Registered Guide Animals or personal assistance Dogs  | No Charge |
| (h) | If an Owner has a Dog spayed or neutered within six (6) months from time of purchase of a license in any license year, a refund for the difference in the license fee shall be made providing a valid veterinarian certificate is presented by the Owner. | Refund    |
| (i) | Law enforcement service Dogs  | No Charge |
| (j) | For license fees paid by new Owners after July 31 <sup>st</sup> in each calendar year a fifty percent (50%) discount shall apply.   | Discount  |

VILLAGE OF LUMBY

ANIMAL CONTROL BYLAW NO. 815, 2018

SCHEDULE 'C'

STANDARDS FOR ENCLOSURES, FENCES, AND PENS

Fences

1. Fences shall be of adequate height to contain the Dog(s) and all gates shall be capable of being locked.

Enclosures & Pens

2. Minimum standards for outdoor pens and/or runs for Dogs shall be as follows.
  - (a) Sizes: Pens – 3' x 5' per Dog  
Runs – 4' x 12' per Dog
3. An Enclosure means a structure:
  - a) at least 1.83m (6 ft.) in height, 1.22m (4 ft.) in width, and 2.44m (8 ft.) in length;
  - b) constructed with secure sides, top and bottom and suitable for the size and strength of the Dog to prevent it from escaping;
  - c) constructed using secure siding materials such as premade panels, metal bars, chain link fencing, or wood panels, securely fastened to each other and with a slightly appearance, and does not include any structure made of unsightly or insecure materials, and does not include pressboard, corrugated metals, bailing wire, or styrofoam;
  - d) provided with impervious surfacing (for instance, concrete slabs) for the bottom of the enclosure to prevent digging and to facilitate cleaning and sanitizing;
  - e) locked to prevent entry of young children or other unauthorized persons;
  - f) provided with shelter suitable for the size of the Dog and to provide shade from the sun and to protect it from varying weather conditions; and
  - g) used for the temporary confinement of a Dog for no longer than 12 hours in every 24 hour period.
4. All pens, runs, and enclosures are to be constructed in the rear yard of the property.

VILLAGE OF LUMBY

ANIMAL CONTROL BYLAW NO. 815, 2018

SCHEDULE 'D'

STANDARDS FOR USE WITH KENNEL OPERATION PERMITS

1. Kennel Operation Permits shall be in the name of the person responsible for the operation of the kennel (the “**Operator**”).
2. Upon request, operators of kennels shall provide the Village with proof of ownership of the property or the written approval of the property owner.
3. The Operator agrees to comply with all applicable noise or regulatory bylaws of the Village.
4. The number of Dogs authorized by the Kennel Operation Permit shall not be exceeded.
5. For Hobby Kennels, the kennel facilities shall be in a dwelling on the lot or within a kennel facility as specified in this Schedule.
6. For Service Kennels, the kennel facilities shall be as specified in Schedule ‘C’ in a building that is not a home.
7. Kennel buildings shall be designed and constructed to limit sound from transmitting to the exterior of the building, to facilitate cleaning, and prevent the escape of Dogs.
8. Kennel facilities shall be kept at a temperature appropriate for Dogs with regard to the outside temperature and the season of the year.
9. All runs, pens and exercise yards used for a Hobby or Service Kennel shall be constructed so as to prevent the escape of any Dogs being kept in accordance with Schedule ‘C’ and provide sufficient space for the Dogs to stand, lie, and play in comfort.
10. The Operator of a Hobby or Service Kennel must keep all kennel buildings and facilities in a clean and sanitary condition at all times.

VILLAGE OF LUMBY

ANIMAL CONTROL BYLAW NO. 815, 2018

SCHEDULE 'E'

IMPOUNDMENT FEES

*An owner of a Dog is liable for the payment of all fees prescribed below incurred in relation to any Dog impounded at the pound.*

1. For Animals, other than dangerous Dogs or aggressive Dogs, impoundment fees are:
  - a) Unlicensed Dog - \$25.00 for the first impoundment,
  - b) Licensed Dog– **'No Charge'** for first impoundment, \$100.00 for the second impoundment, \$250.00 for the third impoundment, and increasing \$300.00 more for each subsequent impoundment,  
  
plus applicable license fees and an additional fee outlined in sections 4 and 5 of this Schedule if the Dog is not licensed.Should a Dog subsequently be deemed Aggressive or Dangerous, the impoundment fees outlined in sections 2 and 3 of this Schedule will be in addition to previous impoundment fees.
  
2. For Dangerous Dogs, impoundment fees are:
  - a) \$500.00 for the first impoundment
  - b) \$2,000.00 for the second impoundment,
  - c) \$3,000.00 for the third, and
  - d) increasing \$1000.00 more for each subsequent impoundment;plus applicable license fees and an additional fee outlined in sections 4 and 5 of this Schedule if the Dog is not licensed.
  
3. For Aggressive Dogs impoundment fees are:
  - a) \$250.00 for the first impoundment,
  - b) \$500.00 for the second impoundment,
  - c) \$750.00 for the third impoundment, and
  - d) increasing \$250.00 more for each subsequent impoundment;plus applicable license fees and an additional fee outlined in sections 4 and 5 of this Schedule.

SCHEDULE 'E' continued...

4. The additional fee for a Dog that is not currently licensed shall be the same amount as the ticket offence for No Dog License as described in ***Village of Lumby Bylaw No. 644, 2006 (Municipal Ticketing By-Law) as amended.***
5. A maintenance fee of \$20.00 for each overnight detention.
6. Where a Dog, other than a Dangerous Dog or an Aggressive Dog, is not impounded or the subject of a conviction under the Dog Regulation and Impounding Bylaw for a period of 24 months, the impoundment fees will be charged on the basis that the Dog has no impoundment record.
7. Where a Dog is adopted to a new Owner, the new Owner will not be responsible to pay the impound fees generated by the Dog's impound record prior to adopting the Dog.

**VILLAGE OF LUMBY  
ANIMAL CONTROL BYLAW NO.**

**SCHEDULE 'F'  
DANGEROUS DOG SIGNAGE**

**FOR REFERENCE ONLY – DRAFT TICKETING INFORMATION FOR  
Village of Lumby Bylaw No. 644, 2006 (Municipal Ticketing By-Law)  
as amended**

|  | SECTION                | FINE   |
|--|------------------------|--------|
| Animal At Large  | 9                      | 150.00 |
| Keep more than 4 Domestic Animals  | 10                     | 100.00 |
| Keep exotic animals  | 13 and 14              | 300.00 |
| Feed Wild/Feral Animals  | 15                     | 250.00 |
| Leave Feed for Wild/Feral Animals  | 16                     | 250.00 |
| Animal Noise – 1 <sup>st</sup> Offence                                     | 17 and 17.a            | 200.00 |
| Animal Noise – 2 <sup>nd</sup> & Subsequent Offence                        | 17 and 17.a            | 400.00 |
| Animal Feces – 1 <sup>st</sup> Offence                                     | 18                     | 100.00 |
| Animal Feces – 2 <sup>nd</sup> Offence                                     | 18                     | 200.00 |
| Animal Feces – 3 <sup>rd</sup> & Subsequent Offence                        | 18                     | 500.00 |
| Unsanitary Condition   | 19                     | 250.00 |
| Failure to spay/neuter cats  | 20                     | 200.00 |
| Keep more than 3 Dogs  | 21                     | 100.00 |
| No Dog license   | 23 & 24                | 300.00 |
| Dog without tag  | 25                     | 100.00 |
| Fail to keep Dog in fence or pen   | 32, 32.a, & 32.b       | 100.00 |
| Fail to keep Dog as required   | 21.1 & 21.2            | 100.00 |
| Contravene tethering   | 34 & 35                | 200.00 |
| Dog at large   | 36                     | 150.00 |
| Dog in prohibited area   | 37                     | 100.00 |
| Off leash contrary to requirements –1 <sup>st</sup> Offence                | 38 & 40 & 40.a to 40.f | 100.00 |
| Off leash contrary to requirements –2 <sup>nd</sup> and Subsequent Offence | 38 & 40 & 40.a to 40.f | 250.00 |
| Fail to control – disease, 1 <sup>st</sup> Offence                         | 41                     | 250.00 |
| Fail to control – disease, 2 <sup>nd</sup> & Subsequent Offence            | 41                     | 500.00 |
| Cruelty or Poor Conditions, 1 <sup>st</sup> offence                        | 42 & 42(a) to 42.f     | 250.00 |
| Cruelty or Poor Conditions, 2 <sup>nd</sup> & Subsequent offence           | 42 & 42(a) to 42.f     | 500.00 |

**CONTINUED – FOR REFERENCE ONLY – DRAFT TICKETING INFORMATION FOR  
 Village of Lumby Bylaw No. 644, 2006 (Municipal Ticketing By-Law)  
 as amended**

|  | SECTION                 | FINE     |
|--|-------------------------|----------|
| Animal in enclosed space or vehicle, 1 <sup>st</sup> offence                         | 43                      | 100.00   |
| Animal in enclosed space or vehicle, 2 <sup>nd</sup> offence                         | 43                      | 250.00   |
| Animal in enclosed space or vehicle, 3 <sup>rd</sup> or subsequent offence           | 43                      | 1000.00  |
| Animal not protected from cold or rain, 1 <sup>st</sup> offence                      | 44                      | 100.00   |
| Animal not protected from cold or rain, 2 <sup>nd</sup> or subsequent offence        | 44                      | 250.00   |
| Abandonment of animal  | 45                      | 500.00   |
| Nuisance Dog   | 46                      | 150.00   |
| Aggressive Dog   | 47                      | 300.00   |
| Dangerous Dog  | 48                      | 500.00   |
| Dangerous or Aggressive Dog in Prohibited Area, 1 <sup>st</sup> Offence              | 49                      | 250.00   |
| Dangerous or Aggressive Dog in Prohibited Area, 2 <sup>nd</sup> & subsequent offence | 49                      | 500.00   |
| Failure to control Aggressive Dog, 1 <sup>st</sup> offence                           | 50, 50.a, 50.b          | 250.00   |
| Failure to control Aggressive Dog, 2 <sup>nd</sup> & subsequent offence              | 50, 50.a, 50.b          | 500.00   |
| Failure to control Dangerous Dog, 1 <sup>st</sup> offence                            | 51, 51.a, 51.b          | 250.00   |
| Failure to control Dangerous Dog, 2 <sup>nd</sup> & subsequent offence               | 51, 51.a, 51.b          | 1,000.00 |
| Contravene kennel / cattery requirements   | 54, 55abc, 56ab, 57, 60 | 200.00   |
| Obstruct Animal Control Officer  | 76                      | 1,000.00 |
| Unlawful release or rescue of a Dog  | 77                      | 500.00   |