

May 2, 2003

Mayor and Council  
City of Kelowna  
1435 Water Street  
Kelowna, B.C.  
V1Y 1J4

Dear Mayor and Council,

**Re: Regional Dog Advisory Committee Recommendations:**

At it's April 4, 2003 meeting the Regional District of Central Okanagan Governance Committee approved the following recommendations to the City of Kelowna:

1. To the City of Kelowna that the City of Kelowna become a participating Municipality in the Regional District of Central Okanagan service of Dog Regulation and Control and subsequently repeal "City of Kelowna Dog Regulation and Impounding Bylaw No. 5880-88".
2. To the City of Kelowna that the City of Kelowna implement dog access to trails, walkways, roadways in parks as outlined by the City of Kelowna Parks Department at the Dog Advisory Committee meeting held on March 11, 2003.
3. That the City of Kelowna review the following Dog Advisory Committee resolution about enforcement resources for dogs in parks issues: "To the City of Kelowna, that the City of Kelowna provide counseling and enforcement resources for dogs in parks issues through the City of Kelowna Parks and/or Bylaw Enforcement budgets at a level that suits the needs of the City of Kelowna, or alternately, through the Regional District of Central Okanagan's Dog Regulation and Control Service provide counseling and enforcement resources for dogs in parks issues to the level that meets the needs of the Regional District of Central Okanagan as a whole." Direct any comments to the Regional Dog Advisory Committee.

## **Discussion**

Background information supporting the individual recommendations was given to the Governance Committee by the Regional Dog Advisory Committee. The background information included:

The dog issues which were identified by the public at the Dog Issues Public Meeting held on December 6, 2002 and on comment forms subsequently received by the Regional District of Central Okanagan were:

- Dogs in parks issues both for and against; more on leash access to both parks and trails, closer access to more off leash parks; closer access to more beach areas for dogs, access through City Park and along the walkway: parks are for people; save beach parks for people.
- Dog feces/urine.
- Control of dogs, safety of people from dogs actions, dangerous dogs, noise of barking, dogs off leash, retractable leashes.
- Ownership responsibility, spaying and neutering; licensing.
- More policing to enforce bylaws.
- Lack of education re: both dog owners and non dog owners.

The Regional Dog Advisory Committee in its deliberations addressed some of the identified issues that resulted in a series of recommendations.

### **The First Recommendation:**

To the City of Kelowna that the City of Kelowna become a participating municipality in the Regional District of Central Okanagan service of Dog Regulation and Control and subsequently repeal "City of Kelowna Dog Regulation and Impounding Bylaw No. 5880-88". The purpose of this recommendation is to create a seamless dog control service throughout the Region's potential jurisdictional area with only one regulatory bylaw applying throughout the area. Presently Lake Country, Peachland and the Regional Electoral Areas are covered by one bylaw and the City of Kelowna utilizes the Regional Dog Control Services to administer the City of Kelowna Dog Regulations.

### **The Second Recommendation:**

To the Regional District of Central Okanagan that the Regional District of Central Okanagan amend "Regional District of Central Okanagan Dog Regulation and Impounding By-law No. 366" in accordance with the attached "Bylaw amendments for dangerous dog provisions." This recommendation is somewhat tied into the previous recommendation in that it assumes for the purposes of dog regulations that the City of Kelowna will become a participating municipality in the Regional District of Central Okanagan service of Dog Regulation and Control and that the

City of Kelowna Bylaw No. 5880-88 will be repealed and the Regional District's Dog Regulation and Impounding Bylaw will apply within the City of Kelowna as well as the rest of the area.

The Dog Advisory Committee extensively reviewed the regulations for dangerous dogs and developed bylaw provisions that place increased responsibility on dog owners for the unprovoked actions of their dogs while at the same time recognizing that dog owners who responsibly manage their dogs should be afforded more opportunities to display their responsibility, such as having their dog off leash in controlled circumstances on private property.

**The Third Recommendation:**

To the City of Kelowna that the City of Kelowna implement dog access to trails, walkways, roadways in parks as outlined by the City of Kelowna Parks Department at the Dog Advisory Committee meeting held on March 11, 2003.

One of the most significant issues identified by the public at a meeting held to obtain community input about dog issues and from subsequent comment forms received by the Dog Advisory Committee was the issue of dog access to park areas. The City of Kelowna Parks Department has developed an access plan for dogs in parks that the Dog Advisory Committee agreed would significantly improve dog access. A copy of the contents of the City of Kelowna Parks Department proposal is attached. The City of Kelowna Parks Department acknowledges better signage, improved doggie bag dispenser locations and adequate enforcement resources as part of the program.

**The Fourth Recommendation:**

To the Regional District of Central Okanagan that the Regional District of Central Okanagan give consideration to amending Parks Bylaw No. 755 which would provide for the implementation of enhanced on leash dog access to appropriate trails, walkways, roadways in Regional and Community Parks in the Regional District of Central Okanagan with the specific exception of beaches and playgrounds.

The Regional District of Central Okanagan Regional Parks Committee and Westside Parks and Recreation Commission will consider increased access for dogs in parks at their May, 2003 meetings. This recommendation is broadly worded in order to provide an opportunity for the Regional District of Central Okanagan Parks Department to make a report naming specific parks to the Regional Parks Committee and Westside Parks and Recreation Commission for the subsequent approval through amendment of the Parks Bylaw by the Board. Better signage, improved doggie bag dispenser locations and adequate enforcement resources should be a part of this dog access in parks program.

**The Fifth Recommendation:**

To District of Peachland, District of Lake Country, City of Kelowna and Regional District of Central Okanagan that the respective local government provide counseling and enforcement resources for dogs in parks through their Parks and/or Bylaw Enforcement budgets at the level that suits the needs of the individual jurisdiction, or alternatively, through the Regional District of Central Okanagan's Dog Regulation and Control Service provide counseling and enforcement resources for dogs in parks issues to the level that meets the needs of the Regional District of Central Okanagan as a whole.

Enforcement of the regulations for dogs in parks is an issue that was raised during the public consultation. Each jurisdiction has their own bylaw enforcement staff that is additional to the dog control bylaw enforcement staff available to the Regional District of Central Okanagan. Utilizing their own bylaw enforcement staff in addition to the current service level of Regional District dog control staff to provide enforcement of park regulations to the degree that each jurisdiction is comfortable with and can afford is a good way to handle the varying need for enforcement in parks. Dog on leash access to significantly more park walkways, roads and trails should reduce the concentration of dogs in each park to a level that fewer conflicts arise. Bylaw enforcement issues with dogs in parks can be monitored and reported back to the various jurisdictions for any further consideration.

The Dog Advisory Committee continues to study dog related issues for the purpose of developing policy for the consideration of Local Governments within the Central Okanagan Regional District.

Yours truly,

Kelly Roth  
Director of Inspection Services

/tj

### **City of Kelowna dogs in parks access proposal**

The City of Kelowna Parks Division has developed a set of criteria that would permit access to dogs on leash in more parks in Kelowna. Dogs on leash would be permitted on trails, sidewalks, walkways and roadways in any park that is not a beach park or beach access. Pathways and trails through children's playgrounds are also excluded. If this criteria is approved by the Dog Advisory Committee and by the Regional Governance board, the City of Kelowna Parks Division will then submit it to Kelowna City council for their approval. The parks which would be added in the City of Kelowna under this new criteria would include:

- Wyndham Crt,
- Wilson Creek
- Thomson
- Summerside
- South Kelowna Centennial
- Scenic Canyon
- Rutland Sportsfields
- Roxby Centennial
- Redlich Park
- Quail,
- Portions of Mill Creek where there is a trail
- Parkinson Recreation Centre
- Moraine,
- Mission District Park
- Main Street (Kettle Valley)
- Leckie Place (Brents Mill site)
- Knox Mountain
- Knowles
- KLO Creek
- Jack Robertson Park
- Glenmore(Brants Creek) Linear Park,
- Franklyn
- Fairhall
- Dilworth Mountain Park and trails
- Crawford Bridle Paths
- City Hall
- Chichester Wetland
- Canyon Falls
- Calmel's
- Blair Pond

- Ben Lee Park
- Belmont
- Anchor Park

Two new Dog Off Leash areas are also being considered.

- An area within the Mission District Park (Mission Sportsfields)
- The old City Works Yards on Waddell Place.

### **Bylaw amendments for dangerous dog provisions**

**Aggressive Dog** means any dog that has been the subject of an owner's conviction of an offence against Section 17.5 or 17.6 of this bylaw.

**Dangerous Dog** means any dog which has been the subject of an owners conviction of an offence against Section 17.3 or 17.4 of this bylaw or more than 2 convictions against Sections 17.5 or 17.6 of this bylaw.

**Minor injury** means a physical injury to a person, companion animal or domestic animal that consists of pinches, minor localized bruising or small punctures, tears or lacerations.

**Run at large** for dogs other than ***dangerous*** or ***aggressive*** dogs means a dog being away from its owners premises while;

1. Not being confined within a closed vehicle, or
2. Not being in visual sight of and under the care, custody and control of an owner, or
3. In a park area designated for dogs to be off leash, not being in visual sight of and under the care, custody and control of the owner.

**Run at large** for ***dangerous dogs*** means a ***dangerous dog*** that is outside of its owners building premises on private property or a public place while;

1. not being confined within a closed vehicle, or
2. not being held on a short leash by an owner, or
3. not being held in a locked enclosure.

**Run at large** for ***aggressive dogs*** means an ***aggressive dog*** that is outside of its owners building premises on private property or a public place while;

1. not being confined within a closed vehicle, or
2. not being held on a short leash by an owner, or
3. not being held in a locked enclosure.

**Secondary injury** means a physical injury to a person that is directly attributable to the person's reaction when a dog approaches the person in a menacing fashion or an apparent attitude of attack.

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

13. Except as provided in Sections 13.1, 13.2, 13.3, 17.1, or 17.2 any dog while outside a building premise shall be kept in a fenced area or pen, constructed in accordance with Schedule "D" of this bylaw.
  - 13.1 Where a dog, other than a ***dangerous dog*** or an ***aggressive dog*** is outside at its owner's premises and is not in a fenced area or pen as required in Section 13, the dog shall be in visual sight of and under the care, custody and control of an owner.
  - 13.2 Where a dog, other than a ***dangerous dog*** or an ***aggressive dog*** is away from its owner's premises and in a public place, the dog shall be on a leash held by an owner unless the dog is in a park area designated for dogs to be off leash or participating in a dog show or trial recognized by the appropriate local government jurisdiction.
  - 13.3 Where a dog, other than a ***dangerous dog*** or an ***aggressive dog***, is away from its owner's premises on other's private property, the dog shall be in visual sight of and in the care, control and custody of an owner who shall also be with the dog on the same private property.
- 17.1 The owner of every ***dangerous dog*** shall, when the dog is outside of its owner's building premises and not kept within a closed vehicle, keep the dog on a ***short leash*** (maximum 2 meters), controlled and effectively muzzled, or keep the ***dangerous dog*** within a locked enclosure.
- 17.2 The owner of every ***aggressive dog*** shall, when such dog is outside of its owner's building premises and not kept within a closed vehicle, keep the dog controlled on a ***short leash*** or keep the ***aggressive dog*** within a locked enclosure.
- 17.3 An owner shall control his dog to ensure that the dog shall not, without provocation, kill or without provocation seriously injure a person.
- 17.4 An owner shall control his dog to ensure that the dog shall not, without provocation, while in a public place or while on private property, other than property owned or occupied by the person responsible for the dog, kill or seriously injure a companion animal or a domestic animal.
- 17.5 An owner shall control his dog to ensure that the dog shall not, without provocation, aggressively pursue, inflict minor injury, harass, cause secondary injury, chase or approach a person on public or private property in an menacing fashion or apparent attitude of attack
- 17.6 An owner shall control his dog to ensure that the dog shall not, without provocation, aggressively pursue, inflict minor injury, harass, cause secondary injury or chase a domestic animal or companion animal.
- 17.7 An owner shall control his dog to ensure that the dog shall not become a nuisance by repeatedly unprovoked charging or lunging at a fence adjacent to a premise or street.



17.8 Where an owner of an **aggressive dog** has been the subject of a total on only 1 conviction of Section 17.5 or 17.6 of this bylaw for that specific dog and the dog is not involved in any subsequent convictions for violation of Sections 17.1, 17.2, 17.3, 17.4, 17.5 or 17.6 for a period of 36 months from the date of the first conviction, the dog will no longer be considered to be an **aggressive dog**.

27 Where a dog observed to **run at large** by a Dog Control Officer is apprehended on private property, the Officer shall attempt to contact the occupant of the property. Where no person is at the building premises, the Dog Control Officer shall post a notice at the building premise advising that the described dog has been impounded for **running at large**. The notice shall include the 24-hour dog control telephone number and a description of the dog. Where the dog, other than a **dangerous dog** or **aggressive dog**, lives at the property from which it was impounded, the owner may be served an appropriate violation ticket and the dog will be returned without an impound fee being charged. Where the impounded dog does not live on the premises from which it was impounded or is a **dangerous dog** or an **aggressive dog** the appropriate impound fee will be charged when the dog is retrieved from the pound.

32. The owner of any dog impounded pursuant to this bylaw, other than a dog that is or will be the subject of a destruction order application as provided for in the Livestock Protection Act or the Local Government Act, may reclaim the dog on application to the Pound keeper, and after providing proof of ownership, paying the applicable fees and where the dog is a **dangerous dog** or an **aggressive dog**, demonstrating that the dog's owner has an enclosure available for that **dangerous dog** or **aggressive dog**. The applicable fees are as follows:

1. For **dangerous dogs** an impoundment fee of \$500.00 for the first impoundment, \$2000.00 for the second impoundment and \$3000.00 for the third and increasing \$1000.00 more for each subsequent impoundments plus applicable license fees and an additional \$50.00 fee if the dog is not currently correctly licensed.
2. For **aggressive dogs** an impoundment fee of \$250.00 100.00 for the first impoundment, \$500.00 for the second impoundment, \$750.00 for the third impoundment and increasing \$250.00 more for each subsequent impoundment plus applicable license fees and an additional \$50.00 fee if the dog is not currently correctly licensed..
3. For dogs other than **dangerous dogs** or **aggressive dogs**, an impounding fee of \$25.00 for the first impoundment, \$50.00 for the second impoundment, \$150.00 for the third impoundment and increasing \$100.00 more for each subsequent impoundment plus applicable license fees and an additional \$50.00 fee if the dog is not currently correctly licensed.

4. A maintenance fee of \$10.00 per day or part day of detention.
5. 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.
6. Where a dog is adopted to a new owner, the new owner will not be responsible to pay the impound fees generated by the dogs impound record prior to adopting the dog.