
CITY OF KELOWNA
MEMORANDUM

Date: July 16th, 2002
File No.: 4000-03
To: City Manager
From: Licence & Bylaw Enforcement Supervisor
Subject: Prohibited Animal Bylaw

RECOMMENDATION:

THAT the establishment of a new Prohibited Animal Bylaw by the Regional District of Central Okanagan be endorsed by Kelowna City Council, as outlined in the attachments to the report dated July 16, 2003 from the Licence & Bylaw Enforcement Supervisor;

AND THAT the City of Kelowna become a participating municipality in the Regional District of Central Okanagan's Prohibited Animal Bylaw;

AND FURTHER THAT Council direct staff to prepare a bylaw to repeal City of Kelowna Wild or Exotic Animal Prohibition Bylaw No. 8318 and hold final adoption of the repealing bylaw until the Regional District of Central Okanagan has regional service in place under its new bylaw.

BACKGROUND

The exotic Animal Committee has completed public consultations and discussions concerning the development of Regulations for the ownership and keeping of certain exotic and wild animals. The Committee feels that the provisions of the bylaw addresses the public safety issues, reinforces Federal and Provincial legislation on prohibited animals and makes provision for existing ownership and opportunities for recognized facilities to provide for the keeping of these animals.

It will be necessary for the City of Kelowna to endorse the proposed Prohibited Animal Bylaw, repeal the City of Kelowna Wild or Exotic Animal No.8313 and proceed as a participating Municipality with the Regional District of the Central Okanagan as the administrative and enforcement agency.

Respectfully Submitted:

J.A.Dixon
Licence and Bylaw Enforcement Supervisor

Office of the Administrator
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1450 K.L.O. Road
Kelowna, British Columbia
V1W 3Z4

June 2, 2003
File No.: 0110-02

Mayor Walter Gray
City of Kelowna
1435 Water Street
Kelowna, BC
V1Y 1J4

Dear Mayor Gray:

Re: Prohibited Animal Bylaw

The Regional Board at its May 26 regular meeting adopted the following resolution to give direction to establish a new service bylaw for prohibited animal control:

"THAT the Regional Board give approval in principal to the establishment of a new service for Prohibited Animal Control with the regulatory bylaw being in the form of the draft Prohibited Animal Bylaw;

AND THAT the Regional Board request that the Electoral Areas, City of Kelowna, District of Lake Country and District of Peachland become participating areas and municipalities in the proposed service of Prohibited Animal Control."

We would ask that the City of Kelowna Council review the attached Prohibited Animal Bylaw and respond whether you wish to participate in this service. In order to move forward in an expedient manner, I would ask that your Council respond to this request by the end of June. Should you require any further information, or would like staff to attend your Council meeting, please contact Kelly Roth, Director of Inspection Services.

Yours truly,

A handwritten signature in black ink, appearing to read "W.B. d'Easum".

W.B. d'Easum,
Chief Administrative Officer

Encl.
cc: Kelly Roth. RDCO

Regional District of Central Okanagan Prohibited Animal Bylaw

Whereas the Regional District of Central Okanagan considers that it is prudent and necessary for the protection of persons and animals to prohibit certain animals from being kept or displayed within the Regional District of Central Okanagan;

Now therefore the Regional District of Central Okanagan in open meeting assembled, hereby enacts as follows:

1. Definitions

In this bylaw;

1. ***Prohibited animal*** means any animal listed in Schedule A of this bylaw.
2. ***Recognized facility*** means a premise listed in Schedule B of this bylaw.
3. ***Wildlife*** means wildlife as defined by the Wildlife Act (RSBC) and/or other animals indigenous to Canada whose ownership in captivity violates Provincial or Federal Canadian statutes.

2. Prohibited animals

1. Except as provided in Section 3 of this bylaw, no person shall keep, exhibit for entertainment or educational purposes or display in public, either on a temporary basis or permanent basis, any ***prohibited animal***.
2. A person who, on the date of the adoption of this bylaw, was keeping any ***prohibited animal***, other than venomous reptiles, wildlife or animals whose ownership in captivity violates existing Provincial and federal Canadian statutes, may continue to keep that ***prohibited animal*** under the following conditions until the ***prohibited animal*** has died or has otherwise been disposed of:
 - a. The ***prohibited animal*** is kept secure at the owner's premises, except for visits to a veterinarian office.
 - b. The ***prohibited animal*** is not used in a show, circus, for entertainment purposes or for educational purposes.
 - c. The ***prohibited animal*** is kept from reproducing.
 - d. The owner has available for inspection a signed and notarized statement by at least three witnesses stating that the ***prohibited animal*** was witnessed to be in the possession of the stated owner and kept within the boundaries of the (local government) on the date of the adoption of this bylaw.

3. No applicability

1. Section 2 does not apply to:
 - a. The premises of a (local government) facility used for keeping impounded animals;
 - b. The premises of any police department;
 - c. The premises of a veterinarian with the veterinarian providing temporary care for a ***prohibited animal***;
 - d. The premises of the B.C. SPCA, Kelowna Branch.

- e. ***Prohibited animals*** for which a valid permit is in place pursuant to the Wildlife Act.(RSBC)
 - f. ***Prohibited animals*** in the care of a ***recognized facility***, provided the ***prohibited animals*** are not venomous reptiles, wildlife or other animals that are prohibited to be kept in captivity pursuant to existing provincial or federal statutes.
4. Any person who contravenes any provision of this bylaw may, on summary conviction, be liable to the maximum penalty under the Summary Conviction Act (RSBC), plus the cost of prosecution, for each offense. The penalties imposed under this Section are a supplement and not a substitute for any other remedy to an infraction of this bylaw.
5. Each day a violation of the provisions of this bylaw exists or is permitted to exist shall constitute a separate offence.
6. Bylaw enforcement officers are authorized to enter at all reasonable times, on any property that is subject to regulations under this bylaw to ascertain if the provisions of this bylaw are being met, or the regulations are being observed.
7. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time this day of
Read a second and third time this day of
Adopted this day of

Schedule "A" Prohibited Animals

The following list of animals constitutes "prohibited animals" for the purposes of this bylaw. The list includes all such animals whether bred in the wild or in captivity and also includes their hybrids with domestic species.

1. Animals whose ownership in captivity violates existing Provincial and federal Canada statutes.
2. Canids (e.g. Wolves, coyotes), except the domestic dog.
3. Cetaceans (e.g. whales, porpoises, dolphins)
4. Chiroptera. (e.g. bats)
5. Crocodilians (e.g. alligators, crocodiles)
6. Edentates. (e.g. anteaters, sloths, armadillos)
7. Elephants.
8. Felids (e.g. lions, tigers), except the domestic cats.
9. Green Iguanas.
10. Hyaenas.
11. Lagomorphs, except the domestic rabbit.
12. Marsupials, except sugar gliders.
13. Mustelids (e.g. skunks, weasels, otters), except domesticated ferrets.
14. Non-human primates. (e.g. apes, monkeys)
15. Pinnipeds. (e.g. seals, walruses)
16. Procyonids. (e.g. raccoons, coatis)
17. Birds of Prey such as hawks, accipiters, falcons, eagles and owls.
18. Ratite Birds, except those prescribed by the Specialty Farm Operations Regulation. (e.g. cassowaries, ostrich, rhea)
19. Rodentia except degu, hamster, guinea pig, gerbil, domestic rat and domestic mouse.
20. Amythest Python, Burmese Python, Reticulated Python, Rock Pythons, Common Boa Constrictor and all Anacondas.
21. Ungulates, except domestic goats, sheep, pigs, cattle, horses, mules, donkeys, asses, llamas and alpacas.
22. Ursids. (e.g. bears)
23. Venomous reptiles.
24. Viverrids. (e.g. mongooses, civits, genets)
25. Wildlife, except as provided for by the Fur Farm Act, the Game Farm Act and the Wildlife Act.

Please refer to the text of the following for more information:

1. Wildlife Act, Revised Statutes of British Columbia.
2. Game Farm Act, Revised Statutes of British Columbia.
3. Speciality Farm Operations Regulations. Farm Practices Protection (Right to Farm) Act. Revised Statutes of British Columbia
4. Fur Farm Act, Revised Statutes of British Columbia.

Schedule B
List of Recognized Facilities

The following list of facilities constitutes “recognized facilities” for the purposes of this bylaw:

1.

Criteria used by SPCA as the basis for recommending a facility to the Regional District of Central Okanagan for inclusion in Schedule "B" of the Prohibited Animals Bylaw.

The recognized facility should:

Meet the five freedoms that have been expressed for animals, namely:

1. Freedom from hunger, thirst and malnutrition.
2. Freedom from pain, injury and disease.
3. Freedom from discomfort.
4. Freedom from distress.
5. Freedom to express behaviors that promote well-being.

Meet the following goals;

1. To ensure psychological health.
2. To prevent disease aggravated stress.
3. To promote good body condition.
4. To facilitate good relationship between animals and caregivers.
5. To promote an image of caring and safety for animals in recognized facilities.

Demonstrate Species Specific Knowledge:

1. The owner must have a demonstrated abundance of knowledge covering all aspects of the proper care and control of the type of animal or animals being housed in a recognized facility. The Kelowna Branch of the BC SPCA may enlist educated experts in the particular field with knowledge of the care and control of specific animals, such as caregivers at the Toronto Zoo (Bob Johnson) or personnel at the Canadian Council on Animal Care. A recognized facility must meet the approval of an SPCA panel composed of educated experts in the particular field, SPCA personnel and another outside local animal care group.

Provide appropriate shelter:

1. An Indoor recognized facility must be constructed in such a fashion that it duplicates the animal's typical wild environment. This will include climate controls to cover temperature and humidity. Construction may include such things such as water pools, trees, shrubbery, availability of sunlight, etc that will duplicate, as close as possible, the animals natural habitat. Habitat must be of sufficient length, width and height to promote psychological health and good body condition. The owner must also take into consideration the future growth potential of the animal and how it will be housed in the future. Any enclosure must meet criteria to cover freedoms 3, 4, 5.

Have available veterinary expertise:

1. The owner or caregiver of a recognized facility must make contact, prior to approval, with a local veterinarian and provide an indication in writing from the veterinarian that the veterinarian has expertise and experience in the care and handling of the specific animals. An indication as to whether the animal will be cared for at the veterinarian's clinic or at the recognized facility would be helpful.

Transport the animal appropriately:

- 1 If the animal is to be transported to a veterinarian or to a location for educational purposes the owner or caregiver must again meet the criteria as required by the SPCA and panel. The number one priority will be concern for the animal. The method of transportation must meet freedoms from discomfort and distress.

Protect the animal while educating:

1. If the animal is being used for educational purposes the owner or caregiver must be able to determine when the animal is becoming distressed and immediately take steps to return the animal to its recognized facility. If the animal is to be touched a wash station must be available to prevent any possible spread of disease.

Protect the public:

- 1 The owner of the recognized facility shall at all times protect individual members of the public from injury caused by the prohibited animal. In this regard the facility should have available for inspection at any time proof of liability insurance in the amount of \$3,000,000.00 against any damage caused by the specified prohibited animals kept at the facility.