

# **CITY OF KELOWNA**

## **BYLAW NO. 10033**

### **Amendment No. 5 to “City of Kelowna Animal and Poultry Regulation and Animal Pound Bylaw No. 5421-82”**

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The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT Section 1. DEFINITIONS of City of Kelowna Animal and Poultry Regulation and Animal Pound Bylaw No. 5421-82 be amended by:
  - (a) deleting the definition of “Animal” and replacing it with the following:

““Animal” means any cattle, horse, sheep, swine, goat, guinea pig or poultry.”;
  - (b) adding the following definition of “Rabbit” in the appropriate location:

““Rabbit” means any non-native rabbit, including rabbits kept as domestic pets, farm animals, or feral rabbits.”; and
  - (c) adding the following definition of “Rabbit Warren” in the appropriate location:

““Rabbit Warren” means any site where rabbits tunnel, or a site which harbours rabbits, including but not necessarily limited to piles of logs, rocks or debris.”.
2. AND THAT Section 2. REGULATIONS of City of Kelowna Animal and Poultry Regulation and Animal Pound Bylaw No. 5421-82 be amended by:
  - (a) adding the following new subsections (h), (i) and (j):
    - “(h) No owner or occupier of property shall have or keep a rabbit on his property except confined in a secure, enclosed structure.
    - (i) No person shall sell or give away rabbits that have not been spayed or neutered.
    - (j) An owner or occupier of property shall remove or modify any rabbit warren on the property, so as to prevent the harbouring of any rabbits.”.
3. AND THAT Section 4. IMPOUNDING OF ANIMALS of City of Kelowna Animal and Poultry Regulation and Animal Pound Bylaw No. 5421-82 be amended by:
  - (a) deleting subsection (a) and replacing it with the following:

“(a) No person or owner shall suffer, permit or allow his animal or rabbit, or an animal or rabbit over which he has control, to run at large, stray, depasture or trespass on any street, lane, highway, boulevard, park or public place within the City.”;
  - (b) deleting subsection (b) and replacing it with the following:

“(b) No person shall suffer, permit or allow his animal or rabbit, or an animal or rabbit over which he has control, to trespass on private property within the City or to graze on unfenced land within the City unless such animals are securely tethered, and no person shall release any animal or rabbit from

an enclosure or tether, leave any gate open, or remove, cut or break any fence so as to release any animal or rabbit contained therein.”;

- (c) deleting the first paragraph of subsection (c) and replacing it with the following:

“(c) It shall be lawful for the Poundkeeper, or for any other person, to seize and impound any animal or rabbit found running at large or trespassing in or upon any lands or premises or public place contrary to the provisions of this bylaw, or if found trespassing in any enclosures or gardens, or any enclosed land within the City of Kelowna.”;

- (d) deleting the last paragraph of subsection (d) and replacing it with the following:

“(d) The Poundkeeper shall not release any impounded animal or rabbit without receiving in cash the said charges, and he shall furnish a receipt to the payee of such charges.”;

- (e) deleting subsection (f) and replacing it with the following:

“(f) It shall be the duty of the Poundkeeper to provide and supply with proper shelter and good and sufficient food and water daily all animals and rabbits detained by him as Poundkeeper, at his own expense.”; and

- (f) deleting subsection (g) and replacing it with the following:

“(g) It shall be the duty of the Poundkeeper to request the attendance of a veterinarian, to any impounded animal or rabbit who, if in the opinion of the Poundkeeper, is suffering from any injury, disease or sickness, or from any other cause. The Poundkeeper shall be entitled to demand and receive from the owner, if known, the amount equivalent to the veterinary charges for professional services and attendance call administered to such animal or rabbit, or such expenditure is to be realized from the City of Kelowna for animals or rabbits whose owner cannot be located. The Poundkeeper may permit such suffering animal or rabbit to be destroyed.”

4. AND THAT Section 5. NOTICE OF IMPOUNDING of City of Kelowna Animal and Poultry Regulation and Animal Pound Bylaw No. 5421-82 be amended by:

- (a) inserting the words “or rabbit” after the word “animal” in the first paragraph of both subsection (a) and subsection (b);
- (b) inserting the words “or rabbit” after the word “animal” in both instances where the phrase “(describe animal impounded)” appears; and
- (c) inserting the words “or rabbit” after the word “animal” in the last paragraph of the section.

5. AND THAT Section 6. SALE OF IMPOUNDED ANIMALS of City of Kelowna Animal and Poultry Regulation and Animal Pound Bylaw No. 5421-82 be amended by:

- (a) deleting the word “persons” from the first line of subsection (a) and replacing it with the word “person”;
- (b) adding the words “or rabbit” after the word “animal” in each instance where it appears in subsection (a);
- (c) deleting the first paragraph of subsection (b) and replacing it with the following:
- “(b) Where any impounded animal or rabbit has not been claimed in accordance with the provisions of this bylaw, the Poundkeeper shall take

whatever action necessary to sell such animal or rabbit by public auction on the day named in the Notice issued pursuant to Section 5 herein, as follows:";

- (d) deleting sub-paragraph (iii) of subsection (b) and replacing it with the following:
    - "(iii) The Poundkeeper shall neither in person nor by his agent purchase any animal or rabbit at a sale under this Section, or have any interest of any kind in any animal or rabbit so purchased.";
  - (e) deleting sub-paragraph (i) of subsection (c) and replacing it with the following:
    - "(i) If more than one (1) animal or rabbit is impounded and the owner thereof is known, the Poundkeeper shall not sell or cause to be sold any more of such animals or rabbits after there has been realized from the sale sufficient to satisfy the charges due against the animals or rabbits under this bylaw, and the owner of the animals or rabbits shall be entitled to those remaining unsold.";
  - (f) deleting sub-paragraph (ii) of subsection (c) and replacing it with the following:
    - "(ii) If the owner of the animals or rabbits is unknown, the Poundkeeper shall sell all the animals or rabbits impounded.";
  - (g) deleting subsection (d) in its entirety; and
  - (h) adding the words "or rabbit" after the word "animal" in each instance where it appears in subsections (e), (f), or (g).
- 6. AND THAT Section 7. PROCEEDS OF SALE of City of Kelowna Animal and Poultry Regulation and Animal Pound Bylaw No. 5421-82 be amended by inserting the words "or rabbit" after the word "animal" in each instance where it appears in the Section.
  - 7. AND THAT Section 8. GENERAL PROVISIONS of City of Kelowna Animal and Poultry Regulation and Animal Pound Bylaw No. 5421-82 be amended by inserting the words "or rabbit" after the word "animal" in each instance where it appears in sub-paragraphs (iii) and (vi) of subsection (d) in the Section.
  - 8. This bylaw shall be cited for all purposes as "Bylaw No. 10033, being Amendment No. 5 to City of Kelowna Animal and Poultry Regulation and Animal Pound Bylaw No. 5421-82".
  - 9. 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, second and third time by the Municipal Council this 3<sup>rd</sup> day of November, 2008.

Adopted by the Municipal Council of the City of Kelowna this

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Mayor

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City Clerk