

THE CORPORATION OF THE DISTRICT OF SUMMERLAND

BYLAW NUMBER 2017-024

A BYLAW TO PROVIDE FOR THE REGULATION, LICENSING AND CONTROL OF DOGS WITHIN THE DISTRICT OF SUMMERLAND

WHEREAS pursuant to the *Community Charter*, Council is empowered to regulate, prohibit and impose requirements in relation to animals within the District of Summerland;

AND WHEREAS it is deemed expedient to provide for the regulating, licensing and control of dogs within the District of Summerland;

NOW THEREFORE the Council of The Corporation of the District of Summerland in open meeting assembled, hereby ENACTS AS FOLLOWS:

PART I - GENERAL

1. Title

This Bylaw may be cited as the “Responsible Dog Owner Bylaw No. 2017- 024”.

PART 2 – INTERPRETATION

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 provision 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 3 – DEFINITIONS

All words or phrases shall have their normal or common meaning except where this is changed, modified or expanded by the definitions set forth in this section.

“aggressive dog” means any dog that has attacked, bitten, or caused injury or attempted to attack, bite, or cause injury to a person or domestic animal as determined by a Dog Control Officer.

“blind person” means a person who is blind or visually impaired and requires the assistance of a Guide Dog for daily living, as defined by the *Guide Dog and Service Dog Act*.

“Business Licence Bylaw” means District of Summerland Business Licence Bylaw 95-004 as amended or superseded.

“CFO” means the Chief Financial Officer of the District as defined in the *Community Charter*.

“dangerous dog” means any dog that has killed or seriously injured a person or domestic animal as determined by a Dog Control Officer as defined by the *Community Charter*.

“District” means The Corporation of the District of Summerland.

“dog” means both male and female of the canine species.

“Dog Control Officer” means any person designated by Council to administer and enforce this Bylaw as an animal control officer as defined by the *Community Charter* and includes any employee, servant, agent, or contractor appointed to assist in carrying out the provisions of this Bylaw.

“Dog Shelter Facility” means any building or enclosure designated as a Dog Shelter Facility by the District.

“dog tag” means a tag attached to a dog collar or harness showing the licence issued by the District to an owner of a dog.

“domestic animal” means an animal or pet kept by a person for domestic, commercial or farm service including any livestock defined under the *Livestock Protection Act*.

“enclosure” means a structure as described in Schedule ‘A’.

“fee” means the rates or fees as set out in the Fees and Charges Bylaw.

“Fees and Charges Bylaw” means Fees and Charges Bylaw No. 98-001 as amended or superseded.

“fence” means a structure made of wood or wire supported with posts that is put between two areas of land as a boundary, or around a garden/yard, field, etc. to keep animals in, or to keep people and animals out.

“fine” means the penalty as set out in the Bylaw Notice Enforcement Bylaw No. 2000-375 or District of Summerland Ticket Information Utilization Bylaw No. 95-030 as amended or superseded.

“Guide Dog” means a dog that is trained as a guide for a blind person and is certified as a Guide Dog as defined by the *Guide Dog and Service Dog Act*.

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

“impounding” means seized, delivered, received or taken into the Dog Shelter Facility, or in the custody of the Shelter Manager.

“incurable disease” means any disease, sickness, injury or mutilation, which would inevitably result in imminent death, including but not limited to, rabies.

“kennel” means a small shelter for a dog to accommodate 4 (four) or more dogs.

“leash” means a piece of leather, chain or rope with a fixed total length of not more than 2 metres used for holding and controlling a dog.

“licence” means a dog licence issued pursuant to this Bylaw for the current licensing year.

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

“nuisance dog” means repeated unprovoked charging or lunging at a fence adjacent to a premise or street.

“noise” means continuous barking, crying, howling or yelping sounds.

“non-resident” means any person whose primary residence is outside of Summerland.

“owner” means the person who is the possessor or harbourer of a dog.

“person with a disability” means a person who has a disability, other than blindness or visual impairment and requires, as a result of the disability, the assistance of a Service Dog for daily living.

“pen” means a small enclosed area to contain a dog, excluding kennel.

“person” means any individual, household, corporation, partnership or party and the heirs, executors, administrators or other legal representatives of the same, to whom the context can apply according to law.

“RCMP Service Dog” means any dog owned by the Royal Canadian Mounted Police while on duty, including while engaged in training exercises and under the supervision of a member of the Royal Canadian Mounted Police.

“run at large” (for dogs other than a dangerous dog, aggressive dog or Guard Dog) means a dog being away from its owner’s premises while;

- not being confined within a closed vehicle;
- not being held on a leash by an owner; or
- in a park 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 aggressive dogs” means an aggressive dog or Guard Dog that is outside of its owner’s premises on private property or a public place while:

- not being confined within a closed vehicle;
- not being held on a leash by an owner; or
- not being held in a locked enclosure.

“run at large for dangerous dogs” means a dangerous dog that is outside of its owner’s premises on private property or a public place while:

- not being confined within a closed vehicle;
- not being held on a leash by an owner; or
- 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.

“Service Dog” means a dog that is trained to perform specific tasks to assist a person with a disability and is certified as a Service Dog as defined by the *Guide Dog and Service Dog Act*.

“Shelter Manager” means the person or persons appointed from time to time by the District with whom the District has an agreement to act as the Shelter Manager.

“unlicensed dog” means any dog for which the licence fee for the current year has not been paid as provided for herein, or to any dog that the dog tag provided for herein is not attached.

“Zoning Bylaw” means the Summerland Zoning Bylaw No. 2000-450 as amended or superseded.

PART 4 – RIGHT OF INSPECTION AND PROVISION OF INFORMATION

5. Pursuant of the *Community Charter*, a Dog Control Officer may enter at all reasonable times upon any property in order to inspect and determine whether this bylaw is being followed.
6. Upon request by a Dog Control Officer, an owner in contravention of any provision of this bylaw shall stop and provide the Dog Control Officer with identification giving their full name, current address and the licensing information of the dog.
7. The Dog Control Officer may determine whether a dog is a dangerous dog or aggressive dog for the purposes of this bylaw.

PART 5 – KEEPING AND LICENSING OF DOGS

8. Every person who owns a dog and resides in the District of Summerland for more than thirty (30) days, shall on or before January 31st each year, obtain a licence before a dog reaches the age of four (4) months.
9. No person shall give false information when applying for a licence pursuant to this bylaw.
10. The owner shall ensure the dog tag is attached, at all times, to the collar or harness worn by the dog when not on the owner’s property.
11. The licence shall be issued by the District or such other person(s) as the CFO may appoint. Every licence shall be distinguished by a number and a record shall be kept by the District of all licenses issued and for the purpose of identification, a general description of the dog for which such licence was issued.

12. A non-resident, who is the owner of a dog, shall at the expiry of thirty (30) days residency within the district obtain a licence for the dog.

Maximum Number of Dogs

13. Per dwelling unit, as defined in the Zoning Bylaw, no person shall keep, harbor or have in their possession more than three (3) dogs over the age of four (4) months old.
14. Guide Dogs, Service Dogs and RCMP Service Dogs, will not be considered when counting the number of dogs per dwelling unit.

Licence Fees

15. Every person applying for a licence shall pay a licence fee as set out in the Fees and Charges Bylaw.
16. Every licence issued under this bylaw will be for the calendar year in which the licence is issued and will expire on the 31st day of December of the year in which the licence takes effect.
17. If the owner for which a licence is issued under this bylaw ceases to be the owner of a dog, the licence shall lapse with no reimbursement to the owner. The new owner may be issued a new licence and dog tag upon payment of the replacement tag fee provided that the old dog tag is surrendered to the District.
18. Guide Dogs, Service Dogs and RCMP Service Dogs must obtain a licence but will not be charged licensing fees provided the appropriate certification is presented in accordance with the *Guide Dog and Service Dog Act*.
19. When a licensed dog is deceased, transferred or sold to a new owner, the former owner shall notify the District.
20. An owner holding a valid and current licence from another B.C. local government will not be required to pay a licence fee pursuant to this bylaw but may transfer the licence for the remainder of the calendar year upon payment for a replacement tag.
21. If a dog tag is lost, the owner shall obtain a replacement tag and pay the replacement fee as set out in the Fees and Charges Bylaw.

PART 6 –CARE, CUSTODY AND CONTROL OF DOGS

Care

22. Any person who keeps a dog must provide:
 - 22.1. clean, potable drinking water at all times, and suitable food of sufficient quantity and quality to ensure normal growth and the maintenance of normal body weight;
 - 22.2. clean food and water receptacles located so as to avoid contamination by excrement;
 - 22.3. the opportunity for periodic exercise sufficient to maintain good health, including the opportunity to be unfettered from a fixed area and exercised regularly, under appropriate control;

- 22.4. shelter to ensure protection from heat, cold, and wet. Such shelters must provide sufficient space to allow any dog to turn about freely, to sit, stand, and lie in a normal position, in an area providing sufficient shade to protect the dog from the direct rays of the sun at all times;
- 22.5. a regularly cleaned and sanitized pen where excessive excrement is removed; and
- 22.6. necessary veterinary care when the dog exhibits signs of pain, injury, illness, suffering or disease.

Custody and Control

23. Where a dog, other than a dangerous dog, an aggressive dog or a Guard Dog is outside at its owner's premises and is not in a fenced area or pen, the dog shall be in visual sight of and under the care, custody and control of an owner.
24. Where a dog, other than a dangerous dog, an aggressive dog or a Guard 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, custody and control of an owner who shall also be with the dog on the same private property.
25. An owner shall control their dog to ensure that the dog shall not kill or without provocation, seriously injure a person.
26. An owner shall control their dog to ensure that the dog shall not, without provocation, while in a public place or while on private property, other than the owner's premises, kill or seriously injure a domestic animal.
27. An owner shall control their 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 attitude of attack.
28. An owner shall control their dog to ensure that the dog shall not, without provocation, aggressively pursue, inflict minor injury, harass, cause secondary injury or chase a domestic animal.
29. An owner shall control their dog to ensure that the dog shall not become a nuisance by repeated unprovoked charging or lunging at a fence adjacent to a premise or street.

Enclosures, Fences, Pens and Tethering

30. Except as provided in Sections 23, 24, 46, 47, 50, 52, and 55 any dog while outside a premise shall be kept in a fenced area or pen, constructed in accordance with Schedule 'A' of this bylaw. Upon receiving written notification, a dog owner shall be required to erect a secure fence or pen within fourteen (14) days.
31. No owner shall tie, secure, tether or pen any dog within 1.5m of any front, side or backyard property line and the tethering system shall allow adequate freedom of movement, with a minimum of 3m radius.
32. Where a property, or portion thereof is fully enclosed with a secure fence and a gate which will effectively prevent any dog from escaping therefrom, a dog may be allowed to roam free anywhere therein.
33. No person shall allow a dog to be tied or tethered with a choke collar or pinch collar.

34. 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 7 – DOGS IN PUBLIC PLACES

Dogs Running At Large Prohibited

35. No owner shall cause or permit a dog to run at large.

Prohibited Parks and Areas

36. No owner shall take or allow any dog onto any public beach, swimming area, park, playground, sports field, school grounds or cemetery unless the area has been designated by the District to allow dogs.

Leashed Parks

37. Where a dog, other than a dangerous dog or an aggressive dog, is in a public place, the dog shall be on a leash held by the owner, unless the dog is participating in a dog show or trial recognized by the District.

Designated Off-Leash Parks and Areas

38. An owner may cause or permit a dog, other than a dangerous dog or an aggressive dog, to run at large in a designated off-leash park or area provided the owner complies with the following requirements:
- 38.1. The dog wears a collar or harness displaying a valid dog tag;
 - 38.2. The owner possesses a leash to control the dog;
 - 38.3. The owner maintains visual sight and verbal control of the dog at all times;
 - 38.4. In the event of aggression or conflict with another dog or person, the owner takes immediate physical control of the dog;
 - 38.5. The dog is healthy and has up-to-date vaccinations as defined by the *American Animal Hospital Association* or acceptable titers; and
 - 38.6. The owner follows all posted rules and regulations in the park or public area.

PART 8 – NOISE AND NUISANCE

Noise

39. No owner shall cause or permit their dog to create noise within 72 hours for a period of more than 5 minutes or sporadically for a period of more than 15 minutes or in a manner that tends to disturb the peace, quiet, rest, enjoyment or comfort of persons in the neighbourhood.

Excrement

40. No owner shall permit a dog to deposit excrement on public or private property other than the property of the owner unless the owner immediately removes the excrement and disposes of it in a sanitary manner.
41. Every owner shall remove and dispose of any excrement on the premises owned or occupied by the owner, in a timely manner to ensure there is no buildup of excrement or odour.

Infectious or Contagious Disease

42. A person keeping, harboring or having in their possession any dog suffering from any infectious or contagious disease must keep such dog in isolation and under treatment for the cure of such infection or contagious disease.

Dog in Vehicle

43. No owner shall cause or permit a dog discomfort, pain or suffering from being confined to an enclosure or vehicle without adequate ventilation and sufficient shade to protect the dog from excessive heat and direct rays of the sun; conversely cold weather precautions should be taken as well.
44. 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.

PART 9 – NUISANCE, AGGRESSIVE, DANGEROUS DOGS AND GUARD DOGS

Nuisance Dogs

45. No owner shall cause or permit their dog to behave in a manner that could result in it being deemed a nuisance dog by the Dog Control Officer.

Aggressive Dogs

46. No owner shall cause or permit their dog to behave in a manner that could result in it being deemed an aggressive dog by the Dog Control Officer.
47. The owner of every aggressive dog shall, when the dog is outside at its owner's premises and not kept within a closed vehicle, keep the dog controlled on a leash or within a locked enclosure.
48. The owner of every aggressive dog shall, when the dog is away from its owner's premises and not kept within a closed vehicle, keep the dog controlled on a leash effectively muzzled or within a locked enclosure.
49. Where an aggressive dog has been the subject of a total of only one Dog Control investigation and the dog is not involved in any subsequent Dog Control investigations for violations for a period of thirty-six (36) months from the date of the first investigation the Dog Control Officer will review the file and determine if the dog will no longer be considered to be an aggressive dog, which is at the sole discretion of the Dog Control Officer.

Dangerous Dog

50. No owner shall cause or permit their dog to behave in a manner that could result in it being deemed a dangerous dog by the Dog Control Officer
51. The owner of every dangerous dog shall, when the dog is outside at its owner's premises and not kept within a closed vehicle, keep the dog controlled on a leash or within a locked enclosure.
52. The owner of every dangerous dog shall, when the dog is away from its owner's premises and not kept within a closed vehicle, keep the dog controlled on a leash and effectively muzzled or within a locked enclosure.
53. An owner of a dangerous dog shall post a sign visible to the public at the front and back of the property warning that a dangerous dog resides on the property. The sign must be reflective and kept in good visible condition and free of weathering.
54. An owner of a dangerous dog shall obtain a microchip and provide the Dog Control Officer with identification proof that a microchip has been implanted in the dangerous dog.

Guard Dogs

55. Every owner of a Guard Dog must prevent the Guard Dog from leaving the property being guarded by ensuring:
 - 55.1. the Guard Dog is confined within the premises and the premises are reasonably secure against unauthorized entry;
 - 55.2. the premises are completely enclosed by means of a fence, constructed to the maximum allowable height permitted in accordance with the Zoning Bylaw and any gates in such fence are reasonably secured against unauthorized entry; and
 - 55.3. the Guard Dog is securely confined in an area within the premises that is adequate to ensure that the dog cannot escape.
56. Warning signs must be posted advising of the presence of a Guard Dog on the premises, with lettering clearly visible from the lesser of the curb line of the property and 50 feet from the premises, and posted at each driveway or entrance way to the property and at all exterior doors and gates of the premise. The sign must be reflective and kept in good visible condition and free of weathering.
57. Before bringing the Guard Dog onto the premises, the owner must notify the Dog Control Officer, the Fire Department and the RCMP of the address of the property which the Guard Dog will be guarding, the approximate hours during which the Guard Dog will be performing guard duties, the breed, age, sex and dog tag number and the full names, address and telephone numbers of the owner and any other individual who will be responsible for the Guard Dog while it is on duty.

Prohibited Areas

58. No owner shall take or allow an aggressive dog, dangerous dog or Guard Dog into any public beach, swimming area, park, off-leash park, playground, sports field, school grounds or cemetery at any time.

PART 10 – IMPOUNDMENT

Dog Shelter Facility

59. The District authorizes the use of a Dog Shelter Facility, Managed by a Shelter Manager, for impounding dogs pursuant to the provisions of this bylaw.
60. The District shall, from time to time as may be required, appoint a Dog Control Officer, who may hire assistants as deemed necessary, who shall enforce the provisions of this bylaw.

Right of Refusal to Release from Impoundment

61. Upon reasonable grounds, the Shelter Manager has the right to refuse to any person the release or adoption of any dog for any of the following reasons:
 - 61.1. to protect the safety of the public from the dog;
 - 61.2. to protect the safety of the dog from the public;
 - 61.3. to protect the health and welfare of the dog from the individual;
 - 61.4. if the person is under nineteen (19) years of age; or
 - 61.5. if the person is apparently under the influence of alcohol or other drug, such that the Shelter Manager does not feel that the individual has the cognitive ability to accept responsibility for the dog.
62. An owner whose dog was detained pursuant to Section 62 may request that the Shelter Manager reconsider the decision to detain the dog by notifying the District within fourteen (14) days of the date of the decision. Such a request must be in writing and must include the reasons why the owner believes the decision should be reconsidered. Upon receipt of a completed request the Shelter Manager must:
 - 62.1. give the owner written reasons for the detention; and
 - 62.2. reconsider the detention and may uphold or overturn the original decision.
63. If, within fourteen (14) days after the decision to detain was made or confirmed, a dog detained pursuant to Section 61 is not claimed by its owner and the applicable requirements of this bylaw have not been satisfied, the dog shall be deemed to have been surrendered to the District and the Shelter Manager may cause the dog to be made available for adoption or otherwise disposed of.

Seizure and Impoundment

64. It shall be lawful for the Dog Control Officer to seize any dog found running at large and such Dog Control Officer shall, after making such seizure, cause for such dogs to be impounded and the Shelter Manager shall retain such dog for seventy-two (72) hours, and if the same is not reclaimed within the said seventy-two (72) hours, the Shelter Manager may cause such dog to be sold or destroyed.

65. Notwithstanding other sections of this bylaw, the owner of a dangerous dog will, upon request, be allowed to leave the dog in the Dog Shelter Facility for up to 14 days while an enclosure required by this bylaw is being constructed, without the Shelter Manager selling or destroying the impounded dog after seventy-two (72) hours as provided in this bylaw.
66. The Shelter Manager may destroy any impounded dog suffering from an incurable disease, with such disease having been confirmed by a qualified veterinarian.
67. Where the Dog Control Officer observed a dog to run at large and is apprehended on private property, the Dog Control Officer shall attempt to contact the occupant of the property. Where no person is at the premises, the Dog Control Officer shall post a notice at the premises 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 discharged without an impound fee being charged, however, maintenance fees may apply. 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 Dog Shelter Facility.
68. It shall be the duty of the Shelter Manager to receive any dog delivered to them which has been seized or impounded pursuant to the provisions of this bylaw, and they shall retain such dog and deal with the same in the manner as other dogs seized, received and retained by them, pursuant to this bylaw.
69. It shall be lawful for the Dog Control Officer or Shelter Manager to impound dogs where the owner has been detained by the RCMP.
70. It shall be lawful for the Shelter Manager to house dogs and charge maintenance fees when the owner has been hospitalized.
71. The District shall provide and supply proper shelter and the Shelter Manager shall provide for and give sufficient food and water daily to all dogs detained by the Shelter Manager within the Dog Shelter Facility.
72. If the owner of any impounded dog is known to the Dog Control Officer or the Shelter Manager, they shall notify the owner.
73. Where the owner of any impounded dog is not known or the owner so notified does not, within three (3) days of notification, appear at the Dog Shelter Facility and release the dog so impounded by the payment of applicable fees, or make other suitable arrangements, the Shelter Manager may sell or destroy the dog.
74. The Dog Control Officer, on being requested to call for and take away any dog which the owner thereof desires to have destroyed, may take away and destroy or otherwise dispose of such dog and the owner shall be responsible for the fee of such service.
75. 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 *Community Charter* may reclaim the dog on application to the Shelter Manager 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 a suitable enclosure available for the dangerous dog or aggressive dog.
76. Where a dog is adopted by 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.

77. It shall be unlawful for any person to release or rescue or to attempt to release or rescue any dog in the custody of the Shelter Manager or Dog Control Officer.
78. No person shall interfere with the Shelter Manager or Dog Control Officer in the exercise of their duties.

Redeeming a Dog

79. The Shelter Manager shall not allow a person to adopt any dog unless that person can demonstrate that there is adequate fencing or an adequate pen provided, or sign a declaration that they will provide a fence or pen, as described in Schedule 'A' of this bylaw. The new owner shall be allowed fourteen (14) days for the fence or pen to be constructed, and if the fence or pen is not constructed at the expiry of the fourteen (14) days, a charge may be laid pursuant to the provisions of this bylaw. Apartment dwellers are exempt from this requirement.
80. The Shelter Manager shall not release an impounded dog to its owner if there are outstanding fines associated with the said dog, until such time as outstanding fines have been paid.
81. The Dog Shelter Facility shall be kept open to the public for the transaction of business a minimum of seven (7) hours per day, Monday through Saturday of each week, or such additional hours as may be warranted, excluding statutory holidays.
82. Every owner or other person entitled to the possession of a dog which has been impounded, shall, upon being notified or become aware of such impounding, redeem the dog in accordance with the provisions of this bylaw.
83. Should the Dog Shelter Facility be unlawfully entered and the dog escape therefrom and get back to the possession or custody of the owner or any person caring for the said dog, the said owner or person shall still be liable for the payment of fees and expenses chargeable and recoverable under this bylaw.
84. When adopting a dog to a person other than the previous owner, the Shelter Manager shall ensure that the said dog is neutered or spayed, and if neutering or spaying is required, shall charge the veterinary fee to the new owner.

PART 11 - OFFENCES AND PENALTIES

85. Any person, other than a Dog Control Officer or Shelter Manager acting in good faith in the course of his or her duties, who causes, permits or allows anything to be done in contravention or violation of this bylaw or who neglects or fails to do anything required to be done pursuant to this bylaw commits an offence is subject to a minimum fine of fifty dollars (\$50.00) and shall upon summary conviction be liable to a fine of not more than two thousand dollars (\$2,000.00) or to imprisonment for not more than six (6) 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 District's ability to enforce this bylaw in any other manner permitted by bylaw.
86. This bylaw is designated pursuant to the *Community Charter* as a bylaw that may be enforced by means of a ticket in the form prescribed.

87. Dog Control Officers, Bylaw Officers and members of the Royal Canadian Mounted Police are designated to enforce this bylaw by means of a ticket pursuant to the *Community Charter*.

PART 12 – SEVERABILITY

88. If any section or lesser portion of this bylaw is held to be invalid by a Court, such invalidity shall not affect the remaining portions of the bylaw.

PART 13 – REPEAL

89. Upon the coming into force of this bylaw, Dog Regulation and Impounding Bylaw Number 96-002 and amendments thereto are hereby repealed.

READ A FIRST time this 28th day of August, 2017.

READ A SECOND time this 28th day of August, 2017.

READ A THIRD time this 28th day of August, 2017.

ADOPTED by the Municipal Council of the Corporation of the District of Summerland this 11th day of September, 2017.

Mayor

Corporate Officer

SCHEDULE A

District of Summerland Responsible Dog Owner Bylaw 2016-025

STANDARDS FOR FENCES, ENCLOSURES AND PENS

Fences

1. Fences shall be no less than 1.2 meters in height and shall not exceed the maximum fence heights specified in the Zoning Bylaw. All gates must be secured with latches and capable of being locked.

Pens and Runs

2. Minimum standards for outdoor pens and/or runs for dogs shall be as follows:

Pens – 1 metre x 1.5 metres per dog

Runs – 1.2 meters x 3.7 metres per dog

3. All outdoor pens and runs must be constructed in the rear yard of the property.

Enclosures

4. An enclosure means a structure:
 - a) at least 1.8 meters in height by 1.2 meters wide by 4 meters long
 - b) Constructed with secure sides, top and bottom and suitable for the size and strength of the dog to prevent it from escaping;
 - c) Provided with impervious surfacing (for instance, concrete slabs) for the bottom of the enclosure to prevent digging and to facilitate cleaning and sanitizing;
 - d) Locked to prevent entry of unauthorized persons;
 - e) 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
 - f) Used for temporary confinement of a dog for no longer than twelve (12) hours in every twenty-four (24) hour period.
5. All enclosures must be constructed in the rear yard of the property.