

Regional District of Central Okanagan

Bylaw No. 1028

A bylaw to prohibit certain animals from being kept or displayed within the Regional District of Central Okanagan.

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. Enforcement

- 1) Any person who contravenes any provision of this bylaw may, on summary conviction, be liable to the maximum penalty under the Offense 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.
- 2) Each day a violation of the provisions of this bylaw exists or is permitted to exist shall constitute a separate offence.
- 3) 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.

5. Enactment

- 1) This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

6. Citation

This bylaw may be cited as the “Regional District of Central Okanagan Prohibited Animal Bylaw No. 1028, 2003”.

READ A FIRST TIME THIS 18th DAY OF August 2003.

READ A SECOND TIME THIS 18th DAY OF August 2003.

READ A THIRD TIME THIS 18th DAY OF August 2003.

RECONSIDERED AND ADOPTED THIS DAY OF 2003.

CHAIRPERSON

DIRECTOR OF CORPORATE SERVICES

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 1028 cited as the "Regional District of Central Okanagan Prohibited Animal Bylaw No. 1028, 2003", as read a third time by the Regional Board on the 18th day of August, 2003.

Dated at Kelowna, B.C. this
27th day of August, 2003.

DIRECTOR OF CORPORATE SERVICES

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 1028 cited as the "Regional District of Central Okanagan Prohibited Animal Bylaw No. 1028, 2003", as adopted by the Regional Board on the day of 2003.

Dated at Kelowna, B.C. this
day of

DIRECTOR OF CORPORATE SERVICES

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. Crocodylians (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 (e.g. hawks, accipiters, falcons, eagles and owls)
18. Ratite Birds, (e.g. cassowaries, ostrich, rhea) except those prescribed by the Specialty Farm Operations Regulation.
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: