



City of Vernon

**Animal Regulation
and Animal Pound
Bylaw**

#5252

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5252

AMENDMENTS

BYLAW NO.	ADOPTION	AMENDMENT
5611	November 28, 2016	Amend Section 1. DEFINITIONS , Section 2. REGULATIONS , Section 4. IMPOUNDING OF ANIMALS , Section 6. CLAIMING ANIMALS and SALE OF IMPOUNDED ANIMALS , Section 7. PROCEEDS OF SALE , Section 8. GENERAL PROVISIONS , Section 9. OFFENCES , Schedule A and add new Schedule C to address the keeping of Mini Pigs and Urban Hens and various housekeeping issues.
5738	April 8, 2019	<p>To ADD regulations for Urban Beekeeping:</p> <p>Amend Section 1. DEFINITIONS by adding the following definitions as shown in red on Schedule "A" attached hereto and forming part of this bylaw:</p> <ol style="list-style-type: none"> 1. "Bee" or "Bees"; 2. "Bee Act"; 3. "Beehive"; 4. "Beekeeper"; 5. "Colony"; and 6. "Urban Beekeeping" <p>Amend Section 2. REGULATIONS (a) by adding Schedules C and F</p> <p>Amend Section 2. REGULATIONS (i) by removing and adding text</p> <p>Adding SCHEDULE "F"</p>
5749	May 27, 2019	Amend Section 1. DEFINITIONS by adding definitions for:

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		<ol style="list-style-type: none"> 1. "At Large"; 2. "Obstruct"; and 3. "Poundkeeper"; <p>and removing the definition for:</p> <ol style="list-style-type: none"> 1. "Run at Large" or "Running at Large" <p>Add new Section 2. RIGHT OF INSPECTION</p> <p>Add new Section 4. PROHIBITION OF CRUELTY</p> <p>Amend Section 6. IMPOUNDING OF ANIMALS by adding subsection (b)</p>
5759	June 10, 2019	Amend Section 8 on SCHEDULE "F" (Urban Beekeeping)
5922	September 26, 2022	<p>Amend Section 1 DEFINITIONS by adding definitons for:</p> <ol style="list-style-type: none"> 1. "Attractant"; 2. "FarmOpeartions"; 3. "Feral Animal"; and 4. "Wildlife" <p>Add new Schedule G – Prohibition Against Feeding Wildlife</p>

THE CORPORATION OF THE CITY OF VERNON
BYLAW NO. 5252, 2010
ANIMAL REGULATION AND ANIMAL POUND BYLAW

A bylaw to regulate the keeping of Animals, including Poultry and Urban Hens

WHEREAS it is deemed desirable to regulate the keeping of animals and poultry in the City of Vernon;

AND WHEREAS it is deemed advisable to establish and regulate an Animal Pound in the City of Vernon;

AND WHEREAS it is deemed desirable to prohibit the running at large of animals and poultry within the City of Vernon;

NOW THEREFORE, the Municipal Council of the City of Vernon, in open meeting assembled, enacts as follows:

1. **DEFINITIONS**

In this bylaw, unless the context otherwise requires:

“Animal” means any member of the Kingdom Animalia regulated by this Bylaw, but does not include canines, companion animals, animals regulated under the *Wildlife Act* RSBC 1996, c.488, or humans;

“At Large” means being any place, including on a highway, Public Place, or on private property other than the property belonging to the Owner or other person with custody, care, or control of the Dog, and not securely leashed or tethered, and not under the direct, continuous, and effective control of the Owner or person having custody, care, or control of the dog. (*Bylaw 5749*)

“Attractant” has the meaning prescribed in the *Wildlife Act* RSBC 1996 c.488. (*Bylaw 5922*)

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“Bee” or “Bees” means the insect *Apis mellifera*, commonly referred to as the western honey bee or the European Honey bee;

“Bee Regulation” means the *Bee Regulation* of the *Animal Health Act*, RSBC 2015;

“Beehive” means a box or receptacle with movable frames, used for housing a colony of bees;

“Beekeeper” means a person who owns or controls bees or beehive or beekeeping equipment;

“Colony” means queen, brood and accompanying bees;

“Brand Inspector” means any Inspector appointed under the *Livestock Identification Act*, RSBC 1996, c.271 as amended from time to time;

“Cattle” means any bull, cow, ox, heifer, steer or calf;

“Chicken Tractor” means a partially screened, partially enclosed, bottomless cage allowing the secure containment of up to four hens. The cage will be equipped with wheels allowing movement about a property, and will be large enough to ensure that the hens, and watering containers may be reasonably enclosed. (*Bylaw 5611*)

“Companion Animal” means any species of cats, dogs, rabbits, guinea pigs, rodents, reptiles or **Mini Pigs** able to be accommodated within a premise as part of the household but does not include controlled alien species except as

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regulated under the *Wildlife Act* RSBC 1996, c.488 as amended from time to time; (*Bylaw 5611*)

“Clerk or designate” means the Manager, Protective Services, Corporate Officer, or any other staff member tasked by Council with the keeping of the **Urban Hen** registry, the **Mini Pig** registry and the issuance of permits for the keeping of Pigeons. (*Bylaw 5611*)

“Day” means a business day and does not include Sundays or Statutory Holidays;

“Horse” means any horse, mare, gelding, colt, filly, ass, donkey, mule or hinny;.

“Impounded” means seized, delivered, received, or taken into the Pound or in the custody of the Poundkeeper as provided herein;

“Lot” means the smallest unit into which land is designated as a separate and distinct parcel on a legally recorded plan or description filed in the Land Title Office;

“Director of Finance” means the Director of Finance of the City, or in his or her absence, the deputy Director of Finance, or another person designated by resolution of Council to act in the place of the Director of Finance;

“Farm Operation” has the meaning in the *Farm Practices Protection (Right to Farm) Act* RSBC 1996 c. 131. (*Bylaw 5922*)

“Feral Animal” means any Animal ordinarily kept as a Companion Animal or for agricultural purposes, but which has no actual or apparent Owner. (*Bylaw 5922*)

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“Mini Pigs” means a swine or a cross bred offspring of any of the following breeds; Vietnamese Potbellied Pig, Juliana Pigs, Guinea Hogs, Ossabaw Island Pigs, Kune Kune Pigs, Gottingen Mini Pig, Hanford Mini Swine or Mexican Yucatan Pigs, kept for companion animal purposes. *(Bylaw 5611)*

“Obstruct” means to wilfully interfere with, resist or hinder with the Poundkeeper in the lawful execution of their duties. *(Bylaw 5749)*

“Other Large Animals” includes stud horses, bulls, rams of service age, llamas, ratites, emus, ostriches and other large animals but does not include horses, cattle, swine, sheep, rabbits, or poultry;

“Owner” means any person, partnership, association or corporation that, temporarily or permanently:

(a) owns, possesses or has control, care or custody over an animal; .

(b) harbours, shelters, permits or allows an animal to remain on or about that person's land or premises; or

(c) is the custodial parent or legal guardian of a child under the age of 18 years who owns, is in possession of, or has the care or control of an animal;

“Owned” means owning, possessing, or having control, care or custody over an animal on a permanent or temporary basis;

“Person” means an individual but shall be construed as meaning the plural, masculine, feminine, body politic or corporate where the context may require;

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“Poultry” means any domestic bird, including chickens, roosters, turkeys, geese, ducks, pigeons, or game birds, owned for any purpose, but does not include urban hens;

“Pound” means any building, enclosure or place established as such by the Council under section 3 of this bylaw for the keeping of animals impounded under this bylaw;

“Poundkeeper” means the person designated by resolution of Council for the purpose of enforcing and carrying out the provisions of this bylaw, and shall include any assistant poundkeeper or bylaw enforcement officer designated by resolution of Council;

“Rabbit” means any domestic rabbit, including rabbits kept as domestic pets, farm animals, or feral rabbits;

“Rabbit Warren” means any site where rabbits tunnel, or a site which harbours rabbits;

“Sheep” means any domestic ewe, ram, lamb, goat or camelid;

“Structure” means any building, shed, stable, or other type of housing used for the shelter or enclosure of animals;

“Swine” means any domesticated boar, sow, or piglet but does not include **Mini Pigs** as defined in this bylaw kept as a **companion animal**; (*Bylaw 5611*)

“Urban Hen” means domesticated female chickens that are at least four months old that are kept on a property other than an agricultural use as defined in the

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Zoning Bylaw and are as regulated under the provisions of Schedule A of this bylaw.

“Urban Beekeeping” means the keeping and management of bees for hobby purposes;

“Wildlife” has the meaning prescribed in the *Wildlife Act* RSBC 996 c.488
(*Bylaw 5922*)

“Zone” or “Zones” shall have the same meaning and classification as defined and identified in the Zoning Bylaw.

“Zoning Bylaw” means the City’s *Zoning Bylaw* No. 5000 as amended or replaced from time to time.

If the singular or masculine or neuter is used in this bylaw, the same must be construed as meaning the plural, the feminine or body corporate where applicable.

2. **RIGHT OF INSPECTION**

- (a) Pursuant to the Community Charter, the Poundkeeper may enter at all reasonable times upon any property in order to inspect and determine whether this Bylaw is being followed.
- (b) Upon request by the Poundkeeper, an owner, who the Poundkeeper reasonably believes to be in contravention of any provision of this Bylaw, shall stop and provide the Poundkeeper with his or her full name and current address, and the licensing information of the dog. (*Bylaw 5749*)

3. **REGULATIONS**

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- (a) Except as provided in this section, or as indicated in Schedules A, B, C, and F, the keeping of animals other than companion animals or animals regulated under the *Wildlife Act* RSBC 1996, c.488 is prohibited in all Zones in the City.
- (b) No owner may own more than three (3) total of any species of companion animal on one lot unless they are licenced to do so or the Zoning Bylaw permits otherwise.
- (c) The keeping of animals where permitted in the Zoning Bylaw as an agricultural use, shall comply with the following restrictions:
 - (i) In the A1, A2, A3 zones, as defined in the Zoning Bylaw, where the lot is a ½ acre (.20 ha.) in area or less: three (3) rabbits or four (4) urban hens as regulated in Schedule A, or a combination thereof are permitted. (*Bylaw 5611*)
 - (ii) In the A1, A2, A3 zones, as defined in the Zoning Bylaw, where the lot is more than ½ acre (.20 ha.) but less than 1 acre (.40 ha.) in area: ten (10) rabbits or ten (10) poultry or a combination thereof are permitted.
 - (iii) In the A1, A2, A3 and RR zones, as defined in the Zoning Bylaw, where the lot is more than 1 acre (.40 ha.) but less than two acres (.81 ha.) in area: one (1) horse, or one (1) cow, or one (1) sheep, or one (1) other large animal; plus ten (10) rabbits or ten (10) poultry or a combination thereof are permitted.
 - (iv) In the RR zone, as defined in the Zoning Bylaw, where the lot is or exceeds 2 acres (.81 ha.) in area: not more than two (2) of any of

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horses, cattle, sheep, or a combination thereof; plus an additional (3) animals consisting of horses, cattle, or sheep, or a combination thereof if temporarily kept as part of an Animal Clinic, Minor or Major as defined in the Zoning Bylaw; plus twenty (20) rabbits or twenty (20) poultry, or a combination thereof are permitted.

- (v) In the A1, A2, A3 zones, as defined in the Zoning Bylaw, where the lot is more than 2 acres (.81 ha.) in area, the number of animals and poultry is limited to a reasonable number of animals, to be determined by the poundkeeper acting reasonably, in relation to the primary or secondary uses to which the lot is put.
- (d) Secondary buildings or structures used to shelter or house animals or poultry with the exception of companion animals, shall be sited so as to be in conformance with the Zoning Bylaw and in no circumstance may be less than a minimum of fifty (50) feet (15.24 metres) from any building used for residential purposes located on the same lot.
- (e) Secondary buildings or structures used to shelter or house animals with the exception of companion animals, shall be sited so as to be in conformance with the Zoning Bylaw and in no case may be less than a minimum of fifty (50) feet (15.24 metres) from any front, side, or rear lot line of the lot it occupies.
- (f) Animals shall be kept enclosed by secure fences, pens or suitable enclosures, the design of which will prevent the animals contained from running at large.

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- (g) Secondary buildings and structures used to shelter or house animals (with the exception of companion animals) shall be situated not less than one hundred (100) feet (30.48 metres) from all wells and streams.
- (h) No person shall keep swine, male goats, or more than four (4) guinea pigs on any lot in the City, unless the lot is assessed as “farm land” as defined in the *Community Charter*.
- (i) Urban Beekeeping shall comply with the regulations outlined in Schedule F of this bylaw.
- (j) No owner or occupier of property shall have or keep rabbits unless the rabbit or rabbits are confined in a secure, enclosed structure.
- (k) No person shall sell or give away, or release from their care and control in any way rabbits that have not been spayed or neutered.
- (l) 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.
- (m) No person or owner shall suffer, permit or allow his animal, or an animal 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.
- (n) No owner shall suffer, permit or allow his animal to trespass on private property within the City or to graze on unfenced land within the City unless such animal is securely leashed or tethered.

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- (o) No person shall release any animal from an enclosure or tether, leave any gate open, or remove, cut or break any fence so as to release any animal contained therein.

4. **PROHIBITION OF CRUELTY**

- (a) No person shall keep any Animal unless that Animal is provided with:
 - (i) sufficient clean and potable drinking water;
 - (ii) sufficient and appropriate food for the species of animal;
 - (iii) clean food and water receptacles;
 - (iv) a regularly cleaned and sanitized shelter;
 - (v) sufficient opportunity for periodic exercise;
 - (vi) care from a licensed veterinarian when the animal exhibits signs of pain, suffering, disease, or illness.
- (b) No owner shall cause or permit his or her animal to be confined to an enclosure, vehicle, or trailer without adequate ventilation and sufficient shade to protect the animal from excessive heat and direct rays of the sun.
- (c) No owner shall cause or permit his or her animal to be kept outside or confined in cold weather or precipitation without adequate precautions to protect that animal from the cold weather and precipitation.
- (d) No Owner may abandon any animal.
- (e) No owner shall tie, secure, or tether any dog on the owner's property with a tethering system unless that tethering system allows the dog an adequate freedom of movement, with a minimum of 3 meter radius and a minimum of 1.5 meters from any property line.

- (f) No owner shall cause or permit his or her dog to be tied, secured, tethered or fastened, while left unattended, to a tethering system, in excess of 4 consecutive hours in a 24-hour period. *(Bylaw 5749)*

5. **ESTABLISHMENT OF POUND**

- (a) Council may enter into an agreement with any person for the provision or operation of a Pound on private property.
- (b) Council shall appoint a Poundkeeper by resolution and may appoint assistant poundkeepers as deemed necessary, and may authorize the entering into of a contract or agreement with any person to provide poundkeeping services.

6. **IMPOUNDING OF ANIMALS**

- (a) The Poundkeeper may seize and impound any animal found running at large or trespassing in or upon any lands or premises or park 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.
- (b) The Poundkeeper may impound any animal found in contravention of the Urban Hen Regulations contained in Schedule A or the Pigeon Regulations contained in Schedule B, or the Mini Pig regulations found in Schedule C. *(Bylaw 5611)*
- (c) The Poundkeeper shall notify the Brand Inspector (by telephone or in writing), of the impoundment of any branded animal, and to furnish the Brand Inspector with any particulars requested by him in connection with the animal so impounded.

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- (d) The Poundkeeper shall detain an animal until the owner thereof has paid the applicable charges and fees incorporated within the current City of Vernon Fees and Charges Bylaw.
- (e) The Poundkeeper shall assess fees and charges set out in the current City of Vernon Fees and Charges Bylaw, per animal per impoundment occurrence, including fees for seizure, impoundment, boarding, milking and veterinary services.
- (f) The assessed fees and charges, upon receipt of an invoice, shall be due and payable by the owner of the animal to the Poundkeeper. The Poundkeeper shall issue a receipt of payment to the owner upon payment in full of the invoice.
- (g) The Poundkeeper shall be responsible for ensuring payments of all fees and charges are recorded and reported to the City not later than five business days after the last day in the month during which charges were received and recorded by him.
- (h) The Poundkeeper shall not release any impounded animal without receiving payment in full for all assessed fees and charges.
- (i) The Poundkeeper shall milk any milk cow or milk goat that are impounded at least once every 24 hours, and for so doing, shall be entitled to keep for his own use and disposal, milk so obtained
- (j) The Poundkeeper shall at his own expense provide all animals that are impounded and under the Poundkeeper's care and control with proper shelter, and at least once daily, good and sufficient food, and clean water.

- (k) During the impoundment period, the Poundkeeper shall:
 - (i) provide such veterinary care, as determined by a veterinarian, for an injured or ill impounded animal as is necessary to sustain its life;
and
 - (ii) be entitled to recover from the owner, the cost of veterinary care provided while the animal was impounded, in addition to any other fees and charges due.
- (l) If the Poundkeeper reasonably determines that an impounded animal is suffering from injury, disease, sickness, or other cause which it is unlikely to survive or from which it is unlikely to recover, and that euthanizing the animal would be the most humane option, the Poundkeeper must make all reasonable efforts to contact the owner of the animal and, if those efforts are not successful or if consent is obtained from the owner, the Poundkeeper may, during the impoundment period, euthanize, by lethal injection of a barbiturate approved by the British Columbia Veterinary Medical Association, an animal for humane reasons.

7. **NOTICE OF IMPOUNDMENT and NOTICE OF SALE**

- (a) The Poundkeeper shall make all reasonable efforts to determine the identity of the owner of an animal and to inform such person that the animal has been impounded, whether the animal is alive or dead.
- (b) If the owner of any impounded animal is known to the Poundkeeper, the Poundkeeper shall forthwith telephone, deliver or mail to the address of the owner, a notice, duly completed, as set out in Schedule C:

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- (c) If the owner is not known, or the owner so notified does not, within three (3) days after the mailing, delivery or telephoning of the notice referred to in paragraphs (a) and (b) hereof, appear at the Pound and release the impounded animal by payment of the assessed fees and charges, the Poundkeeper shall cause to be published a notice of sale as set out in Schedule D:
- (d) The Notice of Sale shall specify a date on which the animal will be sold and adopted and shall be posted at the Pound and on the Notice Board at City Hall, and if considered advisable by the Poundkeeper, by publication in one issue of a newspaper circulating in the City.
- (e) The Notice of Sale shall be posted at least six (6) clear days before the day of sale. More than one (1) animal may be included in such Notice of Sale and the wording amended accordingly to merit the circumstances.
- (f) Where the owner of an animal is determined and all reasonable efforts to contact the owner have been made, but the owner does not claim the animal, he or she shall be liable for payment to the City of all fees and charges assessed by the Poundkeeper.

8. **CLAIMING ANIMALS and SALE OF IMPOUNDED ANIMALS**

- (a) Every owner of an animal that has been impounded shall forthwith upon being notified or becoming aware of such impounding, redeem the animal in accordance with the provisions of this bylaw.
- (b) If the Pound is broken into and any animal gets out or in any way escapes from the Pound and returns to the custody of the owner, the owner shall still be liable for the payment of all assessed fees and charges.

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- (c) If an impounded animal has not been claimed in accordance with the provisions of this bylaw, the Poundkeeper shall take whatever action necessary to sell such animal by public auction on the day named in the Notice of Sale issued under section 5 herein, as follows:
 - (i) Any horse, cattle, male sheep, male goat or male swine apparently over one (1) year old may be sold at such public auction as the Poundkeeper may arrange for, subject to approval of this particular auction by the Director of Finance.
 - (ii) Any horse, cattle, female sheep, female goat, or female swine apparently under one (1) year old, and any goose, rabbit or poultry is to be sold by public auction at the Pound, and the Poundkeeper shall be the auctioneer.
 - (iii) The Poundkeeper shall not purchase or cause to be purchased any animal at a sale under this section, and shall not have any interest of any kind in any animal so purchased.
- (d)
 - (i) If more than one (1) animal is impounded and the owner thereof is known, the Poundkeeper shall not sell or cause to be sold any more of such animals after there has been realized from the sale sufficient to satisfy the fees and charges assessed against the owner under this bylaw, and the owner of the animals shall be entitled to those remaining unsold.
 - (ii) If the owner of the animals remains unknown at the specified date of sale, the Poundkeeper shall sell all the impounded animals.

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- (e) The Poundkeeper shall be responsible for providing the Director of Finance with a statement of any public auction held under this section, which shall contain a description of the animal sold, the date of sale, the amount of monies realized, and such monies shall be turned in to the City no later than five business days after the last day of the month in which such public auction took place.
- (f) If no bid is received for an impounded animal at a public auction or where a bid received is less than the fees and charges assessed under this bylaw, the Poundkeeper may, at his discretion, do the following:
 - (i) offer the animal for sale privately;
 - (ii) if (a) is not successful, offer the animal for free adoption to a private applicant or to a humane animal organization or society that is willing to care for the animal; and
 - (iii) if neither (a) nor (b) is successful, euthanize the animal by lethal injection of a barbiturate approved by the British Columbia Veterinary Medical Association.
- (g) If the proceeds from the sale or other disposal of any animal is not sufficient to satisfy the amount of fees and charges assessed against the owner , then the owner of the animal shall pay the balance and may be sued therefor at the discretion of the City.
- (h) At any time before the sale, adoption or euthanization of an animal, the owner may apply to the Poundkeeper to reclaim the animal, and, when applying, must:

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- (i) give the Poundkeeper proof of ownership by such person of the animal;
- (ii) pay all outstanding fees and charges under this bylaw that have been assessed against the owner; and
- (iii) pay all outstanding fines or penalties imposed, as of the date of application, on such person for breach of this bylaw.

9. **PROCEEDS OF SALE**

The proceeds of the sale of any impounded animal shall be forwarded to the Director of Finance, who shall apply the monies in the following priority:

- (a) toward fees and charges related to the sale;
- (b) toward outstanding fees and charges accruing under this bylaw;
- (c) the residue, if any, toward the owner of the animal sold, providing written application is made to the Director of Finance within three (3) months from the date of sale;
- (d) toward the General Municipal Revenue fund.

10. **GENERAL PROVISIONS**

- (a) The Director of Finance shall supply the Poundkeeper with Log Sheets.
- (b) The Poundkeeper shall record on the Log Sheets details of all actions undertaken by him relating to complaints, investigations, impoundments, sales, adoptions, euthanizations, and collection of fees and charges, including dates, names and addresses of persons involved, mileage and transportation, and the disposition of each action.
- (c) The Poundkeeper shall submit the completed Log Sheets to the Director of Finance no later than 5 business days after the last day in each month, together with all payments received by the Poundkeeper under this bylaw.

- (d) The Pound shall be open to the public for the transaction of business on an as-required basis.

11. **OFFENCES**

- (a) The Poundkeeper commits an offence under this bylaw, in addition to any civil liability he may incur, if the Poundkeeper:
 - (i) demands or receives any sum other than that authorized by this bylaw;
 - (ii) fails to submit to the Director of Finance any money held by him under the provisions of this bylaw;
 - (iii) omits or neglects to provide shelter, food or water for any animal or works or uses any animal in any manner while that animal is impounded;
 - (iv) omits or neglects to milk any milk cow or milkgoat at least once every 24 hours while such cow or goat is impounded;
 - (v) omits or neglects to keep records and complete the Log Sheets as required by this bylaw;
 - (vi) knowingly allows any animal infected with any contagious or infectious disease to be in the same enclosure with any other animal;
 - (vii) fails to give any notice required by this bylaw; or
 - (viii) omits or neglects to do anything required by this bylaw to be done whereby damage is incurred by any person.

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- (b) No person may obstruct the Poundkeeper or a bylaw enforcement officer in the fulfilment of their duties.
- (c) No person may remove, or attempt to remove, from the Pound an impounded animal except as permitted under this bylaw.
- (d) Every person who violates a provision of this bylaw, or who consents, allows or permits an act or thing to be done in violation of a provision of this bylaw, or who neglects to or refrains from doing anything required to be done by a provision of this bylaw, is guilty of an offence and is liable to the penalties imposed under this bylaw, and is guilty of a separate offence each day that a violation continues to exist.
- (e) Any person who violates a provision of this bylaw is guilty of an offence and is liable to a fine and penalty of not less than \$200.00 and not more than \$10,000.00, or imprisonment of not more than 6 months upon summary conviction.

12. **REPEAL**

Division 11 [Livestock within City limits] and Division 12 [Pigeons and lofts] of the City of Vernon's *Sanitation Bylaw* #1914 are hereby repealed:

13. **CITATION**

This bylaw may be cited as "Animal Regulation and Animal Pound Bylaw Number 5252, 2010".

14. **SEVERABILITY**

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If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsequent, paragraph, subparagraph, clause or phrase.

15. **EFFECTIVE DATE**

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

READ A FIRST TIME this 8th day of November, 2010.

READ A SECOND TIME this 8th day of November, 2010.

READ A THIRD TIME this 8th day of November, 2010.

ADOPTED this 22nd day of November, 2010.

“W. LIPPERT”

Mayor:

“P. BRIDAL”

Corporate Officer:

SCHEDULE 'A'
Attached to and Forming Part of
Animal Regulation and Animal Pound Bylaw Number 5252, 2010

URBAN HEN REGULATIONS

1. No owner shall allow his or her urban hen to run at large.
2. No person shall keep more than four (4) hens, except as an agricultural use within an agricultural zone as established by the City Zoning Bylaw. (*Bylaw 5611*)
3. An owner of urban hens shall keep them on a lot that has:
 - a) at least one single family detached dwelling on it;
 - b) a frontage of at least 12 meters; and,
 - c) a depth of at least 20 meters.
4. Every owner of urban hens shall provide a coop for the urban hens.
5. All coops shall be located in the rear yard of a lot and shall fully enclose the urban hens and prevent them from escaping. "Chicken tractors" may be used to move urban hens to new areas for foraging during daylight hours.
6. Rear Yard Siting of Coops
 - a) If a property line is 23 meters or more from any neighbouring residential structure, a coop shall be located a minimum of 1 meter from the rear lot line..
 - b) If a property line is less than 23 meters from a neighbouring residential structure, or the neighbouring lot is vacant, a coop shall be located at least 3 meters from the rear lot line.
 - c) Every coop shall be located at least 3 meters from any side lot line of the lot on which the coop is located.

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7. Every coop shall be designed and constructed to ensure proper ventilation and sufficient space for the urban hens and shall be maintained in accordance with good animal husbandry practices and shall keep all vermin out. Every coop shall be constructed in such a manner that a person may easily access the coop to remove feces, clean nest boxes, and undertake other maintenance of the coop and care of the urban hens.
8. All dead urban hens shall be legally disposed of immediately, and in any event, within 24 hours.
9. No backyard slaughter is allowed.
10. Hygienic storage of and prompt removal of feces is required. No accumulation of more than 1 cubic meter of composted manure is allowed.
11. All types of food supply shall be protected against vermin.
12. No person may keep urban hens unless registered with the Clerk or designate and upon paying the required fees and charges, as outlined in the City's Fees and Charges Bylaw, as amended from time to time.
13. If the owner of urban hens suspects any urban hen is infected with a communicable disease, the owner shall immediately contain the urban hen or urban hens affected and consult a veterinarian licensed to practice in British Columbia to diagnose the condition. If the diagnosis confirms that the urban hen is infected with a communicable disease, the owner shall immediately notify the Public Health Department of Interior Health and comply with any direction that may be issued by a Public Health Inspector in this regard.

SCHEDULE 'B'
Attached to and Forming Part of
Animal Regulation and Animal Pound Bylaw Number 5252, 2010

PIGEON REGULATIONS

1. No person shall have or keep any live pigeons in the City unless he/she holds a permit issued by the Clerk or designate. The Clerk or designate shall refuse to issue or may revoke such permit if conditions in sections 2 through 8, below, are not complied with.
2. A pigeon loft shall be situated on a lot owned by the owner of the pigeons. A pigeon loft shall be situated on a lot that has:
 - a) at least one single family detached dwelling on it;
 - b) a frontage of at least 12 meters; and,
 - c) a depth of at least 20 meters.
3. All pigeon lofts shall be ventilated in accordance with good practice as defined by the National Building Code. All pigeon lofts and all ground adjacent to pigeon lofts shall be kept neat and clean at all times.
4. All pigeon lofts shall:
 - a. be a minimum of five feet (5') and a maximum of seven feet (7') high;
 - b. provide a minimum of two square feet (2 sq.ft.) of floor space for each pigeon; and;
 - c. be no closer than forty feet (40') to any public or private building other than that of the owner of the loft or his immediate family.
5. In addition to the requirements for a pigeon loft, every owner of pigeons shall provide each pigeon with a minimum of four square feet (4 sq.ft.) of aviary space.

SCHEDULE 'B'
Attached to and Forming Part of
Animal Regulation and Animal Pound Bylaw Number 5252, 2010

6. All pigeons shall be confined to a loft except during the hours of 6:00 am to 8:00am, and 6:00pm to 8:00pm. All pigeon flights shall be personally supervised by the owner of the pigeons.
7. No person may have more than one pigeon loft per lot.
8. No person may allow a pigeon loft to contain more than eight (8) adult pigeons.
9. No building shall be used as a loft for pigeons unless it has been specifically designed for such purpose and meets all applicable requirements of the City of Vernon Building Bylaw.

SCHEDULE 'C'
Attached to and Forming Part of
Animal Regulation and Animal Pound Bylaw Number 5252, 2010

MINI PIG REGULATIONS

1. No person shall allow a Mini Pig to run at large.
2. No person shall have or keep a Mini Pig in the City unless he/she is registered in the City's Mini Pig registry, has paid the appropriate registration fee and has met the requirements in this schedule.
3. All Mini Pigs shall be spayed or neutered and the owner shall provide a certification by a veterinarian of the spay or neutering upon request. Females are to be spayed by the age of 4 to 6 months and males neutered by 8 -12 weeks of age.
4. No more than two Mini Pigs may be kept on any property, except as an agricultural use within an agricultural zone as established by the City Zoning Bylaw. The maximum of two Mini Pigs form a part of the total companion animal restrictions in section 2(b) of this bylaw.
5. No Mini Pig may be allowed on a lot unless that lot has:
 - a. at least one single family detached dwelling on it;
 - b. a frontage of at least 12 meters; and,
 - c. a depth of at least 20 meters.
 - d. a single family occupancy, or single family occupancy with suite
6. Every owner of a Mini Pig shall ensure that a secure pen or a secure fenced yard is provided for external containment and must provide 60 to 100 sq. ft. of space per Mini Pig. Such space shall include appropriate shelter to protect from sun, heat, rain or snow as well as access to a water source.
7. All feces shall be removed on a daily basis and disposed of in an enclosed container through the City's refuse collection system, flushed into the City's sanitary

sewer system, or composted using good gardening practice to ensure that no smell is produced. Complaints

8. regarding smell or sanitation of yards where Mini Pigs are found to be the source of the concern, may have their permit to keep a Mini Pig revoked.
9. Noise related to Mini Pigs should be controlled to ensure that the companion animal does not become a nuisance to neighbours. Should complaints be received, the owner of the Mini Pig may be required to keep the animal indoors to ensure no nuisance by noise is produced. Where a Mini Pig is kept on a property where a multiple occupancy occurs due to the existence of a suite, the landlord or owner of the property must ensure that Mini Pig noise is controlled.
10. The City reserves the right to revoke a Mini Pig permit at any time and require the property owner to remove the Mini Pig from the residential property. *(Bylaw 5611)*

SCHEDULE 'D'
Attached to and Forming Part of
Animal Regulation and Animal Pound Bylaw Number 5252, 2010

CITY OF VERNON ANIMAL POUND

_____ 20 _____

TO: _____

NOTICE is hereby given, under Bylaw No. 5252, being "Animal Regulation and Animal Pound Bylaw", that [describe animal impounded] _____
was/has been impounded and will be kept in the Pound by the undersigned at [give location of pound] _____ on this _____ day of _____,
20____. You must contact the Poundkeeper immediately and not later than three days
from the date of this notice in order to claim the above noted animal. Fees and charges
related to this impoundment and the boarding of the above noted animal will be
assessed according to Bylaw No. 3909.

Poundkeeper

Phone

SCHEDULE 'E'
Attached to and Forming Part of
Animal Regulation and Animal Pound Bylaw Number 5252, 2010

CITY OF VERNON ANIMAL POUND

NOTICE is hereby given, under Bylaw No. 5252, being the "Animal Regulation and Animal Pound Bylaw", that (describe animal impounded) _____
was/has been impounded and will be kept in the Pound kept by the undersigned at (give location of pound) _____ on the _____ day of _____,
20____

This animal will be sold by public auction (give location of auction) at _____ a.m./p.m.
on that date unless claimed at the Pound before that date and time.

Poundkeeper

Phone

Dated at Vernon, BC this _____ day of _____, 20__.

SCHEDULE 'F'

Attached to and Forming Part of

Animal Regulation and Animal Pound Bylaw Number 5252, 2010

URBAN BEEKEEPING REGULATIONS

Beekeeper Responsibilities

1. This regulation applies to the keeping of **bees** (*Apis mellifera*) in the City of Vernon.
2. Beekeepers must comply with the *Bee Regulation* or other applicable standards adopted by the Province of British Columbia.
3. Beekeepers or persons on whose property bees are kept have the duty to take reasonable measures to ensure that:
 - a. The urban beekeeping operations does not pose a safety risk to persons on adjacent public or private property.
 - b. The potential for damage to buildings and/or property located on adjacent public or private property as a result of the urban beekeeping operation is minimized.
 - c. A water supply is provided on the property to prevent bees from seeking water from other sources, such as neighbourhood birdbaths, pool decks, ponds or other water sources.

General Urban Beekeeping Regulations

4. Urban beekeeping is permitted on residential, agricultural, comprehensive development, institutional, commercial, or industrial properties.
5. In addition to Schedule F, Section 4, beehives shall not be located on the same property as schools or hospitals, except if the beehives are associated with a maintained community garden or educational use.
6. The number of beehives permitted on a property shall be:
 - a. Up to 2 beehives on property less than or equal to 0.1 ha, and
 - b. Up to 4 beehives on property greater than 0.1 ha.
7. All beehives shall be situated in the rear yard of a property.

8. Beehives shall be:

- a. Sited behind a solid fence or hedge that is at least 1.8m in height with a setback of 6m from the property line (see Figure 1); or
- b. Elevated such that the underside of the beehive is raised a minimum of 2.0m above ground level sited behind a solid fence or hedge that is at least 1.8m in height, in which case the 6m setback from the front of the beehive may be reduced to 3.0m (see Figure 2).

Figure 1. Example of required setbacks for beehives sited behind a solid fence or hedge.

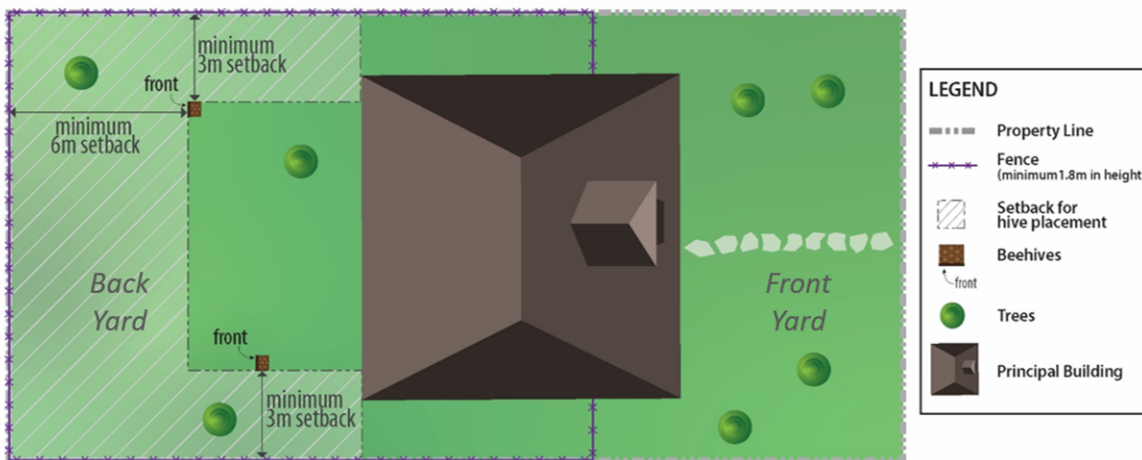
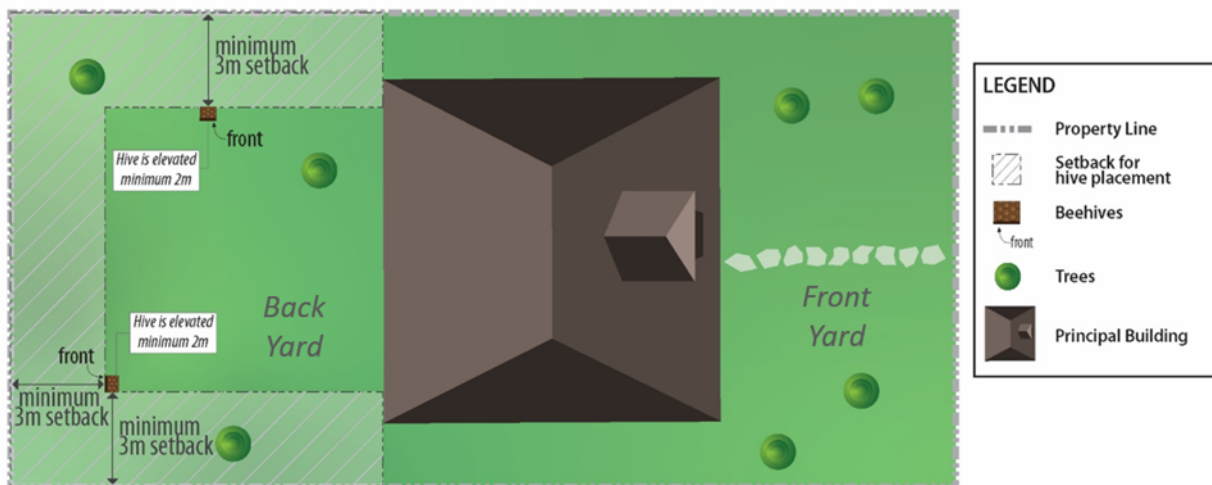


Figure 2. Example of required setbacks for elevated beehives sited behind a solid fence or hedge.



9. This bylaw is superseded by Part 2 of the *Farm Practices Protection (Right to Farm) Act*.

SCHEDULE 'G'

Attached to and Forming Part of
Animal Regulation and Animal Pound Bylaw Number 5252, 2010

PROHIBITION AGAINST FEEDING WILDLIFE

1. Except as permitted in this Bylaw no person shall:
 - a. feed or attempt to feed any Wildlife or a **Feral Animal** or;
 - b. provide, leave or place an **Attractant** in, on or about any land or premises where there are or where there are likely to be people with the intent of attracting any Wildlife or a **Feral Animal** or;
 - c. leave or place an **Attractant** in, on or about any land or premises where there are or where there are likely to be people, in a manner in which the **Attractant** could attract Wildlife or a **Feral Animal** to the land or premises.
 - d. Every owner or occupier of real property shall ensure that:
 - i. any fruit or nuts from a tree, bush or shrub is maintained and stored in such a manner so as not to attract Wildlife;
 - ii. any bird feeder containing bird feed, suet or nectar is suspended on a cable or other device in such a manner that it is inaccessible to Wildlife; and the area below any bird feeding devices or activity is kept free of accumulations of seeds and similar **Attractant**;
 - iii. any composting activity is carried out and any composting device or equipment is maintained in such a manner that it is inaccessible to Wildlife;
 - iv. barbecue equipment and tools that remain outside must be clean and free of residual food or grease;
 - v. any refrigerator, freezer, storage container or similar appliance, device or apparatus that contains **Attractant** of any type, if placed or located outdoors, is located and equipped in such a manner that it is inaccessible to Wildlife; and
 - vi. any grease, antifreeze, paint or petroleum product is stored in such a manner that it is inaccessible to Wildlife
2. For certainty, the prohibitions listed in section 1 of this Schedule do not apply in relation to:
 - a. **Farm Operations**;
 - b. any plant material or vegetation growing on property, including natural vegetation, personal gardens, ornamental plants or flowers and products grown for an agricultural purpose, but excluding fruit and agricultural products which have fallen or been harvested from their plants;
 - c. Bird feeders provided that they comply with Schedule G Section 1(d)(ii).