



**REPORT/RECOMMENDATION TO COUNCIL**

**SUBMITTED BY:** Clint Kanester - Manager Bylaw Enforcement      **DATE:** 2010-09-20  
**FILE:** 4000-10-02

**SUBJECT: Animal Regulation and Animal Pound Bylaw**

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**PURPOSE:**

To continue the process to implement animal pound, feral rabbit and urban hen regulations and to harmonize bylaws between communities involved in the intermunicipal agreement.

**RECOMMENDATION:**

THAT Council endorse the draft of the City of Vernon Animal Regulation and Animal Pound bylaw and proceed to initial readings,

AND FURTHER, that Council endorse amendments to the Fees and Charges Bylaw, and the MTI Bylaw in order to implement charges and enforcement in relation to this proposed bylaw,

AND FURTHER, that Council approve issuance of a tender and the entering into an agreement with a contractor for the provision of animal pound services,

AND FURTHER, that Council endorse funding for the provision of this service at \$2000.00 for the 2010 budget year,

AND FURTHER, that Council endorse the repeal of Division 11 and Division 12 from the Sanitation Bylaw which regulates animals in the City of Vernon.

**ALTERNATIVES & IMPLICATIONS:**

Council may wish to only implement feral rabbit and urban hen regulations. This does not deal with other animals within the community, or address how to deal with animal concerns currently occurring. Harmonization of bylaws within the Okanagan Valley intermunicipal agreements communities would not occur.

**ANALYSIS:**

**A. Rationale:**

1. Council has previously expressed approval for implementation of regulations controlling urban hens and feral rabbits, and to harmonize bylaw regulations within the communities that are party to the Okanagan Valley intermunicipal agreement.
2. As part of this process Kelowna's Animal and Poultry Regulation and Large Animal Pound bylaw, was reviewed. A draft bylaw based on Kelowna's was prepared for Council review and approval was provided by Council to move forward with a

determination of costs, and to continue with implementation. Kelowna's bylaw included amendments made by Kelowna over a year ago to deal with feral rabbit concerns.

3. Council approved an expression of interest for provision of large animal pound services to deal with animal control, and to allow the implementation of feral rabbit and urban hen regulations within the draft bylaw. There was only one respondent, Ms. Pat Ellis, whose company K9 Dog Control currently provides dog control services for the Greater Vernon area. The cost of the service as proposed will require an increase in the annual budget for Contract Services for the Bylaw Division of approximately \$5,000.00 a year.
4. As part of the response of Ms. Pat Ellis, a proposed rate table for the impoundment of animals has been included in order ensure that the majority of costs are borne by the owner of the animals and costs to the general taxpayer remain minimal. These rates have been included as schedule A of the draft bylaw.
5. Amendments to the MTI and Fees and Charges bylaws are required in order to properly implement enforcement and administration of this new bylaw, should it be approved.
6. This process in no way alters the support and provision of services within the Community provided by Vernon Rabbit Rescue, or the provision of dog control services by contract within the City of Vernon through agreement with RDNO.
7. Should Council at some future date determine that the Community requires regulation of "exotic" animals, the bylaw may easily be amended and has already had legal reviews completed.

**B. Attachments:**

1. Final Draft – Animal Regulation and Animal Pound Bylaw
2. MTI Bylaw amendments
3. Fees and Charges Bylaw amendment

**C. Strategic Plan Objectives:**

The bylaw involves the following objectives in Council's Strategic Plan:

- *Livable and Safe Community*

**D. Policy (Existing/Relevance/None):**

1. None

**E. Relevant History:**

Council has requested that bylaw harmonization occur with regards to feral rabbit control. In order to accommodate this, Kelowna's large animal pound bylaw was reviewed as the City of Vernon has not had a specific bylaw containing Animal Control regulations.

In addition to implementing regulations regarding rabbits and large animals, requests from citizens and food security organizations have required amendments to allow and implement an Urban Hen program.

**F. Reasons for Bylaw:**

Implement Animal Control regulations in a co-ordinated bylaw.

**I. Resources:**

N/A

**BUDGET IMPLICATIONS:**

Approximately \$5000.00 per year. This is not currently shown as an expense in the 2010 Budget.

Prepared by:



Clint Kanester – Manager Bylaw Enf.

Approved for submission to Council:



Leon Gous, CAO

Date: 5 Oct 2010

APPROVALS	DATE	COUNCIL AGENDA INFORMATION:	
Supervisor _____	_____	<input checked="" type="checkbox"/> Regular	Date: <u>Oct 12 / 2010</u> Item # _____
Division Manager _____	_____	<input type="checkbox"/> In-Camera/COW	Date: _____ Item # _____
		<input type="checkbox"/> Information Item	Date: _____ Item # _____
		<input type="checkbox"/> Agenda Addenda	Date: _____ Item # _____

<u>REVIEWED WITH</u>	<u>REVIEWED WITH</u>	<u>REVIEWED WITH</u>	<u>REVIEWED WITH</u> Committees
<input type="checkbox"/> Bylaw & Licences	<input type="checkbox"/> Environment	<input type="checkbox"/> Public Works	<input type="checkbox"/> _____
<input type="checkbox"/> Clerk	<input type="checkbox"/> Facilities	<input type="checkbox"/> Planning	<input type="checkbox"/> _____
<input type="checkbox"/> Economic Dev.	<input type="checkbox"/> Finance	<input type="checkbox"/> Engineering	<input type="checkbox"/> _____
<input type="checkbox"/> RCMP	<input type="checkbox"/> Fire	<input type="checkbox"/> Transit	<input type="checkbox"/> _____
<input type="checkbox"/> Building & Bylaws	<input type="checkbox"/> GVS – Parks	<input type="checkbox"/> GVS - Water	
<input type="checkbox"/> Human Relations	<input type="checkbox"/> Utilities	<input type="checkbox"/> Other _____	

**NOTE:** City Administrator's comments will be provided if required as an addendum to the report

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CITY OF VERNON

BYLAW NO. XXXX, 2010

ANIMAL REGULATION AND ANIMAL POUND BYLAW

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

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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;

“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 three 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.

“Companion Animal” means any species of cats, dogs, rabbits, guinea pigs, rodents, or reptiles able to be accommodated within a premise as part of the household but does not include controlled alien species except as regulated under the *Wildlife Act* RSBC 1996, c.488 as amended from time to time;

“Clerk or designate” means the Manager, Bylaw Enforcement, City Clerk, or any other staff member tasked by Council with the keeping of the Urban Hen registry and the issuance of permits for the keeping of Pigeons.

“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;

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

“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;

“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;

“Run at Large” or “Running at Large”, when used with reference to any animal means being unlawfully at large or being elsewhere than on the premises of a person owning said animal and not being under the immediate care, custody and control of an owner or a responsible and competent adult person;

“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 and includes potbellied pigs;

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

"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. REGULATIONS

- (a) Except as provided in this section, or as indicated in Schedules B and C, 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 three (3) urban hens as regulated in Schedule B, or a combination thereof are permitted.
  - (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 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.
- (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) No person shall keep bee hives on a lot within the City, except as authorized under the City's *Bee Keeping Bylaw #4987*.
- (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.
- (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.

### 3. 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.

### 4. 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 B or the pigeon regulations contained in Schedule C.

- (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.
- (d) The Poundkeeper shall detain an animal until the owner thereof has paid the applicable charges and fees incorporated within this bylaw, as shown in Schedule A.
- (e) The Poundkeeper shall assess fees and charges set out in Schedule A 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 ethanizing 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.

5. 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 D:
- (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 E:
- (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.

6. 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.
- (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 Manager 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.
- (e) The Poundkeeper shall be responsible for providing the Manager 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 dog, and, when applying, must:
  - (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.

7. PROCEEDS OF SALE

The proceeds of the sale of any impounded animal shall be forwarded to the Manager 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 Manager of Finance within three (3) months from the date of sale;
- (d) toward the General Municipal Revenue fund.

8. GENERAL PROVISIONS

- (a) The Manager 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 Manager 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.

9. 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 Manager 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.
- (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.

10. 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:

11. CITATION

This bylaw may be cited as "Animal Regulation and Animal Pound Bylaw No. XXXX, 2010".

12. SEVERABILITY

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.

13. 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 \_\_ day of \_\_\_\_\_, 2010.

**READ A SECOND TIME** this \_\_ day of \_\_\_\_\_, 2010.

**READ A THIRD TIME** this \_\_ day of \_\_\_\_\_, 2010.

**ADOPTED** this \_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Mayor:

\_\_\_\_\_  
City Clerk:

SCHEDULE A

**FEES**

The following fees may be charged and retained by the Poundkeeper pursuant to the provisions of this bylaw,

1.	For seizing any animal regulated by this bylaw	Vehicle labour or Poundkeeper time	\$85.00 per incident \$25.00 per hour
2.	Poultry (including pigeons), urban hens, or Rabbit	Impound Fees Boarding Fees	\$5.00 each \$2.00 per day
3.	Sheep or Swine	Impound Fees Boarding Fees	\$10.00 each \$10.00 per day
4.	Other Large Animals	Impound Fees Boarding Fees	\$100.00 each \$35.00 per day
5.	Cattle or Horses	Impound Fees Boarding Fees	\$25.00 first head \$15.00 each additional head \$10.00 per day per head
6.	Service Charge for Milking Impounded Cow or Goat		\$10.00 per milking
7.	Veterinary services		At cost, per invoice of the veterinarian
8.	Euthanization cost of lethal injection		At cost

## SCHEDULE B

### URBAN HEN REGULATIONS

1. No owner shall allow his or her urban hen to run at large.
2. No person shall keep more than 3 hens, except as an agricultural use within an agricultural zone as established by the Zoning Bylaw.
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.
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 C**  
**PIGEON REGULATIONS**

1. No person shall have or keep any live pigeons in the City unless he 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.
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 D**  
**CITY OF VERNON ANIMAL POUND**

20

TO: \_\_\_\_\_

{00160313; 1}

13



\_\_\_\_\_  
\_\_\_\_\_  
NOTICE is hereby given, under Bylaw No. XXXX, 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. XXXX.

\_\_\_\_\_  
Poundkeeper

Phone \_\_\_\_\_

SCHEDULE E

CITY OF VERNON ANIMAL POUND

NOTICE is hereby given, under Bylaw No. XXXX, 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\_\_\_\_.

## Attachment 2

Amend MTI Bylaw #5050 as follows:

Add to new Schedule "T" to Table of Contents	
<b><u>SCHEDULE "T"</u></b> .....	29
<b><u>Animal Regulation and Animal Pound Bylaw #####</u></b> .....	29

Amend Sections 3 and 4 as shown in the bolded sections below:

3. The words or expressions set forth in Column 1 of Schedules B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, **S and T** to this bylaw pursuant to Chapter 26, Part 8, Division 3, Section 264, 1(c) of the Community Charter designate the offence committed under the bylaw section number appearing in Column 2 opposite the respective words or expressions.
4. The amounts appearing in Column 3 of Schedule B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, **S and T** to this bylaw are the fines set pursuant to Chapter 26, Part 8, Division 1, Section 265, 1(a) of the Community Charter for the corresponding offences designated in Column 1.

Amend Schedule "A" by the addition of new 19.

### **SCHEDULE "A"**

#### **Designated Bylaws**

19. ANIMAL REGULATION AND ANIMAL POUND BYLAW

#### **Designated Bylaw Enforcement Officers**

Manager, Bylaw Enforcement  
Bylaw Enforcement Officer  
Asst. Bylaw Enforcement Officer  
R.C.M.P. Officer  
Poundkeeper  
Asst. Poundkeeper

New Schedule "T"

**SCHEDULE "T"**

**Animal Regulation and Animal Pound Bylaw #####**

	<b><u>Section</u></b>	<b><u>Fine</u></b>
- Illegal Keeping of Animals	2(a)	\$100.00
- To many companion animals	2(b)	\$50.00
- To many agricultural animals	2(c)	\$100.00
- Unenclosed Animals	2(f)	\$200.00
- Keeping of non-Farm Swine	2(h)	\$100.00
- Unconfined Rabbit	2(j)	\$50.00
- Sell or Give Unaltered Rabbits	2(k)	\$100.00
- Failure to remove Rabbit Warren	2(l)	\$150.00
- Animal at Large – Public Property	2(m)	\$200.00
- Animal at Large – Private Property	2(n)	\$200.00
- Obstruct Poundkeeper	9(b)	\$500.00
- Urban Hen at Large	Schedule B(1)	\$50.00
- Illegal Keeping of Rooster	Schedule B(2)	\$100.00
- Keeping of more than 3 Hens	Schedule B(2)	\$75.00
- Improper Coop	Schedule B(7)	\$100.00
- Illegal Slaughter	Schedule B(9)	\$100.00
- Unhygienic Storage or Accumulation	Schedule B(10)	\$50.00
- No Urban Hen Licence	Schedule B(12)	\$50.00
- No Pigeon Keeping Permit	Schedule C(1)	\$50.00

## Attachment 3

Amend Fees and Charges Bylaw #3909 Part 11, by the addition of the G , H and I.

11. BYLAW ENFORCEMENT SERVICES	FEES
G. Licencing fee for the keeping of Urban hens (As per the current Animal Regulation and Animal Pound Bylaw)	\$5.00 per hen - per year
H. Pigeon Keeping Permit (As per the current Animal Regulation and Animal Pound Bylaw)	\$25.00
I. Impound and Care fees (As per the current Animal Regulation and Animal Pound Bylaw)	<ol style="list-style-type: none"> <li>1. <b>For seizing, rounding up and loading animals,</b> Vehicle/Truck - \$85.00 per man hour - \$25.00</li> <li>2. <b>Poultry or Rabbit</b> Impound Fees - \$5.00 each Boarding Fees - \$2.00 per day</li> <li>3. <b>Sheep, Goats, Pigs</b> Impound Fees - \$10.00 each Boarding Fees - \$10.00 per day</li> <li>4. <b>Stud Horses, Bulls and Rams of Service Age</b> Impound Fees - \$100.00 each Boarding Fees - \$35.00 per day</li> <li>5. <b>Cattle, Horses, Llamas and other Large Livestock</b> Impound Fees - \$25.00 first head, \$15.00 additional head Boarding Fees - \$10.00 per day per head</li> <li>6. <b>Service Charge for Milking</b> Impounded Cow or Goat - \$10.00 per milking</li> <li>7. <b>Veterinary Services – Actual Cost</b></li> <li>8. <b>Euthanization Cost of Lethal Injection – Actual Cost</b></li> </ol>

**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;

“**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 three hens. The cage will be equipped with wheels allowing movement about a property, and will be large

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enough to ensure that the hens, and watering containers may be reasonably enclosed.

**“Companion Animal”** means any species of cats, dogs, rabbits, guinea pigs, rodents, or reptiles able to be accommodated within a premise as part of the household but does not include controlled alien species except as regulated under the *Wildlife Act* RSBC 1996, c.488 as amended from time to time;

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

**“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;

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

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**“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;

**“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;

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**“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;

**“Run at Large” or “Running at Large”**, when used with reference to any animal means being unlawfully at large or being elsewhere than on the premises of a person owning said animal and not being under the immediate care, custody and control of an owner or a responsible and competent adult person;

**“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 and includes potbellied pigs;

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



**“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. REGULATIONS

- (a) Except as provided in this section, or as indicated in Schedules A and B, 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 three (3) urban hens as regulated in Schedule A, or a combination thereof are permitted.
  - (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

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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 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.

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- (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.
- (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) No person shall keep bee hives on a lot within the City, except as authorised under the City's *Bee Keeping Bylaw #4987*.
- (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.

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- (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.
- (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.

3. **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.

4. **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.

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- (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.
- (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.
- (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.

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- (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.

5. **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:
- (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.

6. **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.
- (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 Manager 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.



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- (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.
- (d) (ii) If the owner of the animals remains unknown at the specified date of sale, the Poundkeeper shall sell all the impounded animals.
- (e) The Poundkeeper shall be responsible for providing the Manager 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:
  - (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.

7. **PROCEEDS OF SALE**

The proceeds of the sale of any impounded animal shall be forwarded to the Manager 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 Manager of Finance within three (3) months from the date of sale;
  
- (d) toward the General Municipal Revenue fund.

8. **GENERAL PROVISIONS**

- (a) The Manager 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 Manager 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.

9. **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 Manager 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;

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- (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.
- (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

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than \$10,000.00, or imprisonment of not more than 6 months upon summary conviction.

10. **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:

11. **CITATION**

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

12. **SEVERABILITY**

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.

13. **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 8<sup>th</sup> day of November, 2010.**

**READ A SECOND TIME this 8<sup>th</sup> day of November, 2010.**

**READ A THIRD TIME this 8<sup>th</sup> day of November, 2010.**

**ADOPTED this 22<sup>nd</sup> day of November, 2010.**

**"W. LIPPERT"**

**"P. BRIDAL"**

\_\_\_\_\_  
**Mayor:**

\_\_\_\_\_  
**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 3 hens, except as an agricultural use within an agricultural zone as established by the Zoning Bylaw.
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.

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

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 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**

**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 'D'**  
**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\_\_.

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**Subject:** FW: Urban Hen bylaw information  
**Attachments:** oledata.mso

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**From:** Clint Kanester [mailto:CKanester@vernon.ca]  
**Sent:** January 17, 2011 1:50 PM  
**To:** Sharon Shepherd  
**Cc:** Patti Bridal  
**Subject:** RE: Urban Hen bylaw information

Hi Sharon - there has been very little impact to this point, although we do have some properties where we know there are hens, that will need to have permits, and we need to view the properties to make sure that they meet the bylaw requirements. We don't have a lot of "urban" hen advocates, and in most cases unless we had a complaint about them, they probably won't comply with the bylaw voluntarily (if they have had hens already that we don't know about)....

The \$2,000.00 that was set aside was never used, as by the time the bylaw was passed, it was almost the end of the year, and the tender for the Animal Pound services could not be put in place that early. The contract for that work is just being drawn up now for a Feb 1<sup>st</sup> start up....

If you have any other questions, please don't hesitate to contact me directly.

Thanks

*Clint Kanester*

Manager - Bylaw Enforcement



2900 32nd Avenue  
Vernon, BC V1T 2L5

Phone - 250-550-3645

Fax - 250-550-3506

E-Mail - [ckanester@vernon.ca](mailto:ckanester@vernon.ca)

 Please consider the environment before printing this email.