

THE CORPORATION OF THE VILLAGE OF SALMO

BYLAW #707

A by-law of the Corporation of the Village of Salmo to regulate the keeping and care of service dogs and emotional support animals within the Village limits.

WHEREAS Council deems it in the best interest of the Village of Salmo for the control of animals.

NOW THEREFORE, the Council of the Village of Salmo, in open meeting assembled, hereby ENACTS AS FOLLOWS:

PART 1 CITATION

This Bylaw may be cited for all purposes as “Village of Salmo Animal Control Bylaw #699 Addendum, 2019”

PART 2 DEFINITIONS

Animal Control Bylaw #699 Part 2 is hereby amended to include the following definitions:

“EMOTIONAL SUPPORT ANIMAL” or “ESA”	Emotional support animal means a companion Animal that a mental health professional has determined provides a benefit for an individual with a disability.
“LIVESTOCK EMOTIONAL SUPPORT ANIMAL” or “LESA”	means an Emotional Support Animal that is Livestock;
“SERVICE DOG”	means a dog that has been certified under the <i>Guide Dog and Service Dog Act</i> , SBC 2015, c. 17;

PART 3 AUTHORITIES

Animal Control Bylaw #699 Part 3, 3.2.1 is hereby amended to include the following legislation and regulations:

- (h) *Animal Care Act*
- (i) *BC Guide Dog and Service Dog Act*
- (j) *Human Rights Code*
- (k) *Charter of Rights and Freedoms*

PART 4 ANIMALS AND BIRDS – GENERAL

4.1 General Prohibition – All Animals and Birds

4.1.1 Section 4.1.1 is amended by adding the following as subsection (d):

- (d) that an ESA or LESA is to be transported in the uncovered, exterior part of any vehicle except when confined to a fully-enclosed cage designed for travel and where the cage is securely fastened to the vehicle.

The following is added as sections 4.6, 4.7 and 4.8:

4.6 Service Dogs

Service Dogs are exempted from the requirement to obtain a Village license.

4.7 Emotional Support Animals

4.7.1 License and Permit Requirements

- (a) All persons wishing to keep a Livestock Emotional Support Animal (LESA) must apply to the Village office for a LESA permit by submitting an Application for Livestock Emotional Support Animal (LESA) Permit form (see Schedule A attached).
- (b) A pair of LESA animals is permitted per household, provided compliance with section 5.1.1 (a) and (b) is achieved.
- (c) All LESA applications must meet the specific criteria as outlined in Section 4.7.4 (a)(b) (c) (d) (e) (f) (g) and (h).
- (d) All persons must obtain a LESA permit prior to obtaining a Livestock Emotional Support Animal.
- (e) Applications are to be reviewed and approved by the Chief Administrative Officer (CAO).
- (f) Staff may issue a LESA permit upon receiving a complete application and being satisfied that a person requires the assistance of a Livestock Emotional Support Animal and meets all requirements. Staff may deny a LESA permit to any applicant that does not meet all of the requirements.
- (g) For certainty, an ESA or LESA permit does not give owners the same rights as owners of qualified service animals. For example:
 - a. a LESA permit does not entitle the permit holder to take a LESA off the permit holder's property,
 - b. an ESA or LESA permit does not entitle the permit holder to enter into businesses with an ESA or LESA, or board transport vehicles such as BC Transit buses with a ESA or LESA.

4.7.2 Dogs, cats, rabbits and poultry

Dogs, cats, rabbits and poultry that are emotional support animals do not require an ESA permit, subject to the following conditions:

- (a) dogs require a proper Village dog licence,

- (b) dogs, cats, rabbits, chickens and birds who function as an ESA or LESA are to be included in the number of permissible pets allowed per household as described in Sections 5.1, 5.3 and 6.1.3 (b) of this Bylaw.

4.7.3 Birds

Birds whose role is that of an ESA do not require a permit, but are subject to the General Requirements in this bylaw and to section 4.7.1 (g)(ii).

4.7.4 Livestock Emotional Support Animal (LESA)

(a) Livestock Emotional Support Animals require a LESA permit, the application for which must be in the form outlined in Schedule “A” attached and must include the following supporting information:

- i. An original letter from a licensed psychologist, psychiatrist, clinical counsellor or other duly-licensed and/or certified mental health professional stating the requirement for the animal is part of an ongoing treatment plan for a disability;
- ii. A Veterinary Certificate as proof that the animal is receiving proper veterinary care;
- iii. Diagrams of housing structures and site plan showing that the animals will be suitably housed in a structure that conforms with applicable Village bylaws and meets the particular requirements and needs of the animal. If applicable, a Building Permit is required.
- iv. A written plan for disposal or use of animal waste/manure detailing how it is being properly disposed of and will not accumulate on the owner’s property.
- v. An original letter from a home-owner outside the Village, including name and address, stating that they will provide an alternate home outside Village limits in case the permit is revoked or the owner is unable to care for the animal for any reason.
- vi. Copies of letters or notices to adjacent properties, including names and addresses, date sent and advising their right to provide comments to the Village regarding the LESA. See Schedule B attached. Notices must include:
 - a. notice of any noises or odours that could result from housing the animal on the property that may impact the use and enjoyment of said neighbouring properties;
 - b. notice of any communicable diseases that could be spread by the animal;
 - c. information regarding all safety precautions that will be undertaken to ensure the animal is not a danger; and

- d. notice that owners and occupiers of the immediately adjacent properties have a right to provide comments to the Chief Administrative Officer within 30 days of receiving the notification.
 - vii. If applicable, an original letter from the applicant's landlord or strata council stating that the applicant has obtained their permission to keep a LESA.
 - viii. In the event that the owner is a minor, the application must be made by a parent or guardian on the minor's behalf.
 - (b) The owner must ensure that planning and development requirements are met on the property being used to house the animal, including the requirements set out in Village zoning and animal control bylaws.
 - (c) The Village, by its officers, employees or other persons authorized by Council, may enter on and inspect property to confirm initial or ongoing compliance with 4.7.3 (a)(iii and iv), (b) and (e). Any such inspection will be done in accordance with Section 16 of the *Community Charter*.
 - (d) Tenants must work out an arrangement with their landlord or condominium association to keep a LESA as the permit does not require them to be allowed on the property.
 - (e) The LESA Permit must be displayed by the owner in the animal's stall or housing structure and available to the Bylaw Enforcement Officer at all times.
 - (f) On lots where livestock is not permitted per the Village's Zoning and Animal Control Bylaws, only the following types of livestock may be permitted as a LESA:
 - i. A pair of miniature, pygmy or dwarf goat breeds weighing up to 25 kg (55 pounds).
 - ii. No other type of livestock.
- 4.7.4 A LESA permit fee totalling \$150 per application and all supporting documentation per section 4.7.6 must be submitted with the LESA License Application. The permit fee will be refunded to the applicant should the application not be approved less a \$25 processing fee.
- 4.7.5 An annual LESA licence fee of \$50 per animal is due and payable by January 31st each year after. Animals will receive a license tag.
- 4.7.6 The following types of animals and birds are allowed as an ESA or LESA:
- (a) Emotional Support Animals – dogs, cats, rabbits, chicken breeds, parrot breeds.
 - (b) Livestock Emotional Support Animals (LESA) – A pair of miniature, pygmy or dwarf goat breeds weighing up to 25 kg (55 pounds).

4.8 Removing Excrement

- 4.8.1 If an Animal defecates on any public or private property other than the property of its Owner, the Owner shall remove such faeces immediately.
- 4.8.2 If an Animal is on any public or private property other than the property of its Owner, the Owner shall have in his possession a suitable means of facilitating the removal of the Animal's feces.

PART 5 HOUSEHOLD PETS

5.1 Maximum Number of Household Pets

Section 5.1.1 is amended as follows:

- 5.1.1 Subject to the maximums per species in this Part and to any strata bylaw passed pursuant to the *Strata Property Act* respecting the number of household pets permitted in a strata unit, a person may keep:
 - (a) a maximum of four (4) household pets in a one-family dwelling or two-family dwelling consisting of dogs, cats or rabbits or a combination thereof;
 - (b) All ESA and LESA animals, including birds and chickens, are to be considered household pets and counted as part of the maximum number of household pets allowed per section 5.1.1 (a).

PART 6 POULTRY

6.1 General Prohibition

Section 6.1 is amended as follows:

A new 6.1.1 is added and the other sections become 6.1.2, 6.1.3, 6.1.4 and 6.1.5 respectively.

- 6.1.1 Types of poultry allowed within the village limits subject to section 6.1.2 (a)(b):
 - (a) Chicken breeds,
 - (b) No other breeds of poultry.

Sections 6.1.2, 6.1.3 (a)(b), and 6.1.4 (a)(b) are amended as follows:

- 6.1.2 A person must not keep chickens:
 - (a) on a parcel with an area of less than 696.77 square metres (7,500 square feet); or
 - (b) in, upon, or under any structure used for human habitation.
- 6.1.3 Every person keeping chickens must ensure that:
 - (a) such chickens do not create a nuisance; and

- (b) all lands and premises where such chickens are kept, are maintained in a sanitary condition at all times, and that excrement is not permitted to accumulate and cause, in the opinion of the Medical Health Officer or other Village delegate, an objectionable odour or nuisance.

6.1.4 A person must:

- (a) ensure that all Ministry of Agriculture regulations are strictly adhered to with respect to the keeping of chickens. Updated information can be found at <https://www2.gov.bc.ca/gov/content/industry/agriculture-seafood/animals-and-crops/animal-production/poultry>, and it is the responsibility of all poultry owners to keep up to date with training and regulatory requirements; proof must be presented yearly.
- (b) not keep more than 6 of any kind of chickens at any one time.

PART 8 PENALTIES

Animal Control Bylaw #699 Part 8 is hereby amended to include the following:

- 8.4 Pursuant to section 8.1, upon summary conviction, the Village may request that the BCSPCA seize, impound and dispose of any livestock animal who contravenes the requirements for a LESA or any unlicensed LESA. Seized animals will:
- (a) Be taken into the custody of the BCSPCA and the owner will be given the opportunity to complete the licensing process within 10 business days, provided the animal is eligible for consideration as a LESA.
 - (b) If not claimed, be provided for sale, other distribution or destruction.
- 8.5 The owner of a seized animal will be held responsible for all costs related to the seizure, including any legal costs incurred, in addition to any fine or penalty levied.

PART 9 ENACTMENT

Animal Control Bylaw #699 Part 9 is hereby amended to include the following:

- 9.4 This Bylaw amendment shall come into full force and effect on the final adoption thereof.

READ A FIRST TIME

READ A SECOND TIME

READ A THIRD TIME

RECONSIDERED AND FINALLY ADOPTED

this 11th day of June, 2019

this 11th day of June, 2019

this 11th day of June, 2019

this 18th day of June, 2019

Originally Signed By:

Diana Lockwood

Mayor

Anne Williams

Chief Administrative Officer

I HEREBY CERTIFY THIS TO BE A TRUE COPY OF THE “VILLAGE OF SALMO ANIMAL CONTROL AMENDMENT BYLAW #707, 2019”.

Originally Signed By:

Anne Williams

Chief Administrative Officer

SCHEDULE A

VILLAGE OF SALMO

BYLAW #707

APPLICATION FOR LIVESTOCK EMOTIONAL SUPPORT ANIMAL (LESA) PERMIT

First Name	Last Name	Date of Application
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Street Address	P.O. Box	Phone:
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Salmo, BC, V0G 1Z0

I hereby submit an application to keep a livestock emotional support animal at the residence noted above. (Submission requirements are on the back of this form.)

TYPE OF LIVESTOCK ANIMAL

Please select the appropriate animal. Per Bylaw 707, these are the only animals that may be permitted as a LESA:

Miniature, pygmy or dwarf breeds goats up to 25 kg (55 pounds) _____

Attached are (See page 3 for details of what each item should include):

A letter from a licensed and/or certified mental health professional stating an Emotional Support Animal is prescribed as part of a treatment plan.* _____

A Veterinary Certificate stating the animal(s) are in good health. _____

A letter, including name and address, where an alternate home is available. _____

Support letters from neighbours on all adjoining properties and across the street assuring that the animal will not negatively impact their enjoyment of their properties. _____

Visual proof that the animal will be suitably housed in a structure that conforms with applicable Village bylaws. (Photo, construction drawing) _____

Letter of consent from a landlord, if applicable _____

*Full details of your treatment plan are not necessary. It is sufficient to provide letter from your mental health professional stating that as part of your course of treatment for a disability they are prescribing an Emotional Support Animal.

Signature of Applicant

For Office Use Only:

Date Received: _____

All Documents Received: Yes _____ No _____

Description of additional information required:

Date Required by: _____

Planning and Development requirements have been reviewed:

Requirements Met _____

Requirements Not Met as: Not possible to meet _____ or Additional information required _____

Description of additional information required to meet planning and development requirements:

Council Meeting Review Date (if required): _____

Application for Permit: Approved _____ Not Approved _____ Date: _____

Signature of Approving Officer: _____

Applicant notified date: _____

Permit issued date: _____

Schedule A – Continued

Acceptable proof is:

1. An original letter from owner's Mental Health Professional.
2. An original or copy of the Veterinary Certificate.
3. Copies of letters or notices to adjacent properties, addresses, date sent and advising their right to object to the LESA per Schedule C.
4. Letter from alternative housing option provider.
5. Photographs.
6. Diagrams of housing structures and site plan.
7. Copy of building permit, if applicable.
8. Written plan for disposal or use of any manure produced.
9. An original letter from the landlord and/or condominium association, if applicable, advising consent to keep the LESA.

SCHEDULE B

SAMPLE – NOTICE OF APPLICATION FOR A LESA TO SURROUNDING PROPERTIES

Date: _____, 20__

To Property Owner at: _____, Salmo, BC
(Street address)

From (Name): _____

Property Owner at: _____, Salmo, BC
(Street address)

Please be advised that application has been made to the Village of Salmo to allow a Livestock Emotional Support Animal (LESA) to be kept at the above property.

The LESA will be a: _____
(Type of Animal)

The animal will be kept at the above address in a suitable structure.

Possible impacts this livestock animal could have on your enjoyment of your property include:
(Please describe types of noise, smell, communicable diseases, safety precautions you are taking and any other measures you are taking to minimize impact on surrounding properties.)

Possible Issue	Description or precautions being undertaken
Noise	
Smell	
Possible communicable diseases that could be spread by the animal	
Safety precautions being undertaken to ensure the animal is not a danger to you or others	
Other Comments or Information	

Please be advised that you have 30 days from the above date to provide your comments in writing to the Chief Administration Officer at the Salmo Village, Box 1000, Salmo, BC V0G 1Z0.

Applicant's Signature