

THE CORPORATION OF THE VILLAGE OF SALMO

BYLAW #699

A BYLAW OF THE CORPORATION OF THE VILLAGE OF SALMO TO CONTROL THE KEEPING AND CARE OF 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 TITLE

This Bylaw may be cited for all purposes as “**Village of Salmo Animal Control Bylaw #699, 2018**”.

PART 2 DEFINITIONS

ANIMAL CONTROL means any animal control officer, bylaw officer, peace or police officer as assigned by the Village of Salmo.

COUNCIL means the Municipal Council of the Village of Salmo.

DAWN means 1 hour before sunrise as defined by Environment Canada.

DUSK means one hour after sunset as defined by Environment Canada.

FUR-BEARING ANIMAL means a mammal prescribed as a fur bearing animal under the *Animal Act* that is being raised for its fur or meat.

HARBOUR means to keep, store, care for or house an animal either at a permanent and regular residence or at a location used on a temporary basis.

LEASH means a strap, rope, chain or other physical tethering device attached at one end to the collar or harness worn by an animal.

LIVESTOCK means cattle, horses, swine, sheep, goats, bison, farmed game, mules, asses, musk oxen, llamas, alpacas, ostriches, rheas and emus.

OFF-LEASH AREA means a public place designated in this bylaw where animals may be released from a leash during specified times or occasions.

OWNER in respect to an animal, means a person:

- (a) to whom a license for a dog has been issued under the Village’s Dog Licensing and Control bylaw,
- (b) who owns, is in possession of, or has the care or control of an animal,
- (c) who harbours, shelters, permits or allows an animal to remain on or about that person’s land or premises, or
- (d) who 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.

POULTRY means any domesticated birds kept for eggs, meat, feathers, hide or cosmetic or medicinal purposes and includes, but not limited to chickens, turkeys, geese, ducks, artificially raised grouse, partridge, quail, pheasant, ptarmigan, ostriches, rheas and emus.

RABBIT means any member of the long eared, short tailed, burrowing animals of the family *Leporidae* normally raised for food, fur production, hobby or for the purposes of breeding.

PROVOCATION includes:

- (a) taunting, teasing or striking an animal;
- (b) entering or reaching into a vehicle in which an animal has been left by its owner; or
- (c) entering or reaching onto private property where an animal is harboured.

PUBLIC PLACE means a road, sidewalk, pathway, school ground, park, public beach, or other land owned by a government or government agency where the public is invited to enter or portions of private land

where the public is invited to enter including but not limited to, parking lots, sitting areas and building entranceways.

RUNNING AT LARGE WITH REFERENCE TO AN ANIMAL means:

- (a) an animal located elsewhere other than the location it is normally harboured without being confined in a cage or in a vehicle or under the direct charge and control of a responsible and competent person; or
- (b) an animal located on or in a public place, that is not secured on a leash to a responsible and competent person;
- (c) and “run at large” has a corresponding meaning.

TWILIGHT means the period between dawn and sunrise, or between sunset and dusk, when light is still visible in the sky due to sunlight scattering off the atmosphere.

VILLAGE means the Village of Salmo.

WILD OR EXOTIC ANIMAL means any animal listed in Schedule “A” attached to and forming part of this bylaw.

PART 3 AUTHORITIES

3.1 Animal Control Officer and Bylaw Enforcement Officer.

3.1.1 The Council may from time to time, appoint a Bylaw Enforcement Officer to provide the services of an Animal Control Officer, to administer and enforce the provisions of this bylaw.

3.1.2 The Bylaw Enforcement Officer, or any person duly authorized by Council, may:

- (a) issue violation notices for non-compliance with the provisions of this bylaw as detailed in the village’s Municipal Ticketing Bylaw;
- (b) and is authorized to enter at all reasonable times upon any lands within the Village boundary for the purpose of ascertaining whether the requirements of this bylaw are being observed.
- (c) employ the use of lures, baits, nets, sonics, nooses, traps, tranquilizers, or other mechanical devices or means of apprehension of dogs, provided always that such methods, are, in his/her opinion, necessary;
- (d) upon the advice or recommendation of a veterinarian, destroy any animal at large in the municipality, that is suffering from an incurable disease;
- (e) impound any dog found not wearing a valid license tag or any dog found at large in the municipality and to detain such a dog until the owner thereof has paid all fines, penalties, and fees;
- (f) dispose appropriately of any animal as authorized by this bylaw and the Dog Control and Licensing Bylaw.
- (g) seize a dog if the Dog Control Officer believes on reasonable grounds that the dog is a dangerous dog pursuant to Section 707.1 of the *Local Government Act*;
- (h) in addition to the authority under Section 8 of the *Livestock Protection Act*, in relation to a dog that the Dog Control Officer has reasonable grounds to believe is a dangerous dog, apply to the Provincial Court for an order that the dog be destroyed in the manner specified in the order.

3.2 Legislative

3.2.1 The following legislation and regulations are applicable to this bylaw:

- (a) *Local Government Act*
- (b) *Livestock Protection Act*
- (c) *Prevention of Cruelty to Animals Act*
- (d) *Farm Practices Protection (Right to Farm) Act*
- (e) *Trespass Act*

(f) Village of Salmo Consolidated Zoning Bylaw 489, including its amendment Bylaws 540 and 633.

(g) Village of Salmo Dog Licensing and Control Bylaw 585, including its amendment Bylaw 624.

PART 4 ANIMALS AND BIRDS - GENERAL

4.1 General Prohibition – All Animals and Birds

4.1.1 A person must not cause any animal or bird:

(a) to be hitched, tied or fastened to a fixed object:

- i. where a choke collar forms part of the securing apparatus;
- ii. where the securing apparatus is less than 3 metres in length; or
- iii. for a period longer than 1 hour in any 6 hour period;

(b) to be confined in an enclosed space, including a vehicle, without adequate ventilation.

(c) 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.

4.1.2 Every owner of an animal, must ensure that the animal does not:

- (a) kill or injure a person or animal; or
- (b) aggressively pursue or harass a person or animal.

4.1.3 Aviaries in Village of Salmo limits are strictly prohibited.

4.1.4 The raising and keeping of livestock including cattle, horses, swine, sheep, goats, bison, farmed game, mules, asses, musk oxen, llamas, alpacas, ostriches, rheas and emus in the Village of Salmo limits is strictly prohibited on lots under 4.05 hectares (10 acres) and is limited to Zones RR-1 (Rural) and R-2 (Estate Residential).

4.1.5 The raising and keeping fur-bearing animals in the Village of Salmo limits is strictly prohibited except as permitted in Part 5, Section 5.1.1.

4.1.6 The keeping of wild or exotic animals in the Village of Salmo limits is strictly prohibited (please refer to the attached Schedule "A") without a valid permit.

4.2 Basic Animal and Bird Care Requirements

4.2.1 All livestock is subject to the terms and conditions of the *Livestock Protection Act*.

4.2.2 In addition to the requirements of section 4.2.1, a person must not keep an animal or bird unless such animal or bird is provided with:

- (a) clean potable drinking water at all times and suitable food of sufficient quantity and quality to allow for normal growth and the maintenance of normal body weight;
- (b) food and water receptacles which are kept clean and disinfected, and located so as to avoid contamination by excreta;
- (c) the opportunity for periodic exercise sufficient to maintain good health, including the opportunity to be unfettered from a fixed area and exercised regularly under appropriate control; and
- (d) necessary veterinary medical care when such animal or bird exhibits signs of pain or suffering.

4.3 Keeping of Outdoor Animals and Birds

4.3.1 A person must not keep an animal or bird which normally resides outdoors, or which is kept outdoors for extended periods of time, unless such animal or bird is provided with an outdoor shelter:

- (a) which ensures protection from heat, cold and dampness that is appropriate to the weight and type of protective outer coat of such animal;
- (b) which provides sufficient shade to protect the animal from the direct rays of the sun at all times; and
- (c) which is cleaned and sanitized not less than daily, of all excrement.

4.4 Authority to Enter Onto Property

4.4.1 An Animal Control Officer or a Police Officer is authorized to enter, at all reasonable times, onto any property within the Village to determine whether the provisions of this bylaw are being complied with.

4.5 Animals or Birds in Custody

4.5.1 A person must not rescue, or attempt to rescue any animal or bird lawfully in the custody of an Animal Control Officer or any Police Officer.

PART 5 HOUSEHOLD PETS

5.1 Maximum Number of Household Pets

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 – this consists of a maximum of two (2) cats, two (2) dogs or two (2) rabbits in any one household;

5.1.2 The limits prescribed in subsection 5.1.1 do not include any litter of puppies, kittens or bunnies. A litter of puppies, kittens or bunnies that was born to a dog, cat or rabbit in any residence must not be kept past the age of 6 months unless the terms of subsection 5.1.1 (a) and 5.1.3 are met.

5.1.3 Should the resident be the holder of a breeder's licence, the original copy of the breeder's licence must be brought to the Village of Salmo office as proof of such, in which case a Council decision is required to authorize a breeding operation.

5.1.4 Dog Control Bylaw 585 must be referred to for all other regulations and considerations with regards to dog control and licensing.

5.2 Cats – Owner Obligations

5.2.1 Every owner of a cat must:

- (a) ensure that such cat bears sufficient identification to enable any person finding the cat to contact the owner;
- (b) where such cat is actually or apparently over six months of age, ensure that such cat has been spayed or neutered, as applicable, by a veterinarian, unless the owner holds a valid cat breeding permit for the cat; and
- (c) ensure that where such cat is not spayed or neutered, such cat is not permitted to be running at large.

5.2.2 The identification required under subsection 5.2.1 (a) may take the form of, but is not limited to, a collar and tag, tattoo, or microchip implant.

5.3 Rabbits

5.3.1 Every person keeping rabbits in a one-family dwelling, a two-family dwelling or a multiple-family dwelling must ensure that:

- (a) such rabbits do not create a nuisance; and

- (b) all lands and premises where such rabbits 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, an objectionable odour or nuisance.

5.3.2 A family may keep a maximum of two (2) rabbits in a one-family dwelling, two-family dwelling, or a multiple-family dwelling.

PART 6 POULTRY

6.1 General Prohibition

6.1.1 A person must not keep poultry:

- (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.

6.1.2 Every person keeping poultry must ensure that:

- (a) such poultry does not create a nuisance; and
- (b) all lands and premises where such poultry is 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.

6.1.3 A person must:

- (a) ensure that all Ministry of Agriculture regulations are strictly adhered to with respect to the keeping of poultry. 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 poultry at any one time.
- (c) not keep roosters within Village limits at any time.

6.1.4 A person must not feed or encourage habitat for wild turkeys within the village limits.

PART 7 BEEKEEPING

7.1 General Requirements

7.1.1 Every person keeping bees, and the owner of a parcel on which bees are kept, must ensure that the bees are:

- (a) maintained in a condition so as to reasonably prevent undue swarming or aggressive behaviour;
- (b) re-queened as soon as possible if such bees are subject to undue swarming or show signs of aggressive behaviour; and
- (c) provided with adequate water to prevent the bees from seeking water from neighbourhood swimming pools, birdbaths, ponds or other community bodies of water.

7.1.2 Every person keeping bees, and the owner of a parcel on which bees are kept, must ensure that:

- (a) each beehive is located in a rear yard away from the main street;
- (b) each beehive is positioned so that the entrance to the beehive faces away from the closest neighbouring property; and
- (c) where a beehive is located within 8 metres of the property line of an adjacent parcel containing a one-family dwelling, two-family dwelling or multiple-family dwelling, the beehive is located either:
 - i. a minimum of 2.5 metres (8.2 feet) above the ground; or

- ii. behind a solid fence or hedge a minimum of 2.0 metres (6.56 feet) in height running parallel to any parcel line and extending a minimum of 6.0 metres (19.69 feet) horizontally beyond the beehives in both directions.

7.2 Prohibitions

7.2.1 A person must not:

- (a) locate a beehive on any parcel containing a multiple family dwelling;
- (b) keep more than two (2) beehives on a parcel of less than 1,000 square metres (10,763.91 square feet) in area;
- (c) keep more than four (4) beehives on a parcel that is between 1,000 and 2,000 square metres (10,763.91 and 21,527.82 square feet) in area; or
- (d) keep more than six (6) beehives on a parcel that is between 2,000 and 4,000 square metres (21,527.82 and 43,055.64 square feet) in area.

7.2.2 A person must ensure that all Ministry of Agriculture regulations are strictly adhered to with respect to beekeeping, and that proper training has been received prior to the commencement of any beekeeping activities.

It is the responsibility of all beekeepers to keep up to date with training and regulatory requirements; proof must be presented yearly. Updated information can be found at:

<https://www2.gov.bc.ca/gov/content/industry/agriculture-seafood/animals-and-crops/animal-production/bees>.

PART 8 PENALTIES

- 8.1 Any person who contravenes any provision of this bylaw, or who suffers or permits any act or thing to be done in contravention of any of the provisions of this bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw, shall be deemed to have committed an offence against this bylaw and shall be liable, upon summary conviction, to a fine or penalty not less than \$50.00 and not more than \$2,000.00 for each offence.
- 8.2 Any offence under this bylaw which continues for a period in excess of one calendar day shall be deemed to be and is punishable as a separate offence for each and every subsequent day until such infraction ceases.
- 8.3 Notwithstanding any action taken under this Bylaw, any and all infractions are still subject to ticketing under the Village's Municipal Ticket Information Bylaw.

PART 9 ENACTMENT

- 9.1 If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion(s) shall be severed, and the part(s) that is (are) invalid shall not affect the validity of the remainder of this Bylaw.
- 9.2 Bylaw 651, Village of Salmo Animal Control Bylaw, 2014, is hereby repealed.
- 9.2 This Bylaw shall come into full force and effect on the final adoption thereof.

READ A FIRST TIME

this 14th day of August, 2018

READ A SECOND TIME

this 14th day of August, 2018

READ A THIRD TIME

this 20th day of August, 2018

RECONSIDERED AND ADOPTED

this 29th day of August, 2018

Originally Signed By:

Stephen B. White

Mayor

Anne Williams

Chief Administrative Officer

I HEREBY CERTIFY THIS TO BE A TRUE COPY OF THE "VILLAGE OF SALMO ANIMAL CONTROL BYLAW #699, 2018".

Originally Signed By:

Anne Williams

Chief Administrative Officer

SCHEDULE A – WILD AND EXOTIC ANIMALS

The animals listed below are deemed to be wild and exotic animals, regardless of how or where they were acquired or whether they have received any animal training or been otherwise domesticated or for what purpose they are being raised:

1. alligators, caimans, crocodiles (crocodilia);
2. apes, lemurs, gorillas and monkeys (primates);
3. anteaters, armadillos, and sloths (edentata);
4. badgers, polecats, otters, wolverines, weasels (mustelidae); excludes descended skunks and domestic ferrets, minks and ermines;
5. bats (chiroptera);
6. bears (carnivora);
7. beavers, porcupines, squirrels, muskrat, marmots, and gophers (rodentia); excludes domestic hamsters, guinea pigs, chinchillas, rats and mice;
8. boas and pythons (boidae);
9. cassowaries, ostriches, emus, rheas (struthioniformes);
10. cats, including lions, jaguars, cheetah, tigers, hyenas, mountain lion, lynx, bobcat, ocelot and leopard (feloidea); excludes domestic cats;
11. civets, genets, meerkat, mongooses (viverrids);
12. camel, hippopotamus, tapir, rhinoceros or hyrax (ungulata); excludes domestic goats, sheep, pigs, cattle, horses, llamas, alpacas, mules and donkeys;
13. dogs, including bush dogs, dingos, raccoon dogs, African wild dogs, coyotes, jackals, and wolves; excludes domestic dogs;
14. dolphins, porpoises and whales (cetaceans);
15. elephants, including Asian and African (proboscidae);
16. falcons, peregrines, gyrfalcons, kestrels, hawk, condor, eagle, ravens, crows, vultures (falconiformes);
17. venomous or poisonous frogs, toads and salamanders (amphibia);
18. hares, pikas and rabbits; excludes domestic rabbits (lagomorpha);
19. hedgehogs, moles and shrews (insectivora); excludes African Pygmy Hedgehogs;
20. kangaroos, wombats, bandicoots, opossums (marsupialia); excludes sugar gliders;
21. venomous or poisonous lizards (sauria);
22. owls (strigiformes);
23. raccoons and coatimundi (procyonids);
24. seals and walrus (pinnipedia);
25. wild turkeys (meleagris gallopavo);
26. venomous or poisonous snakes, (serpentia);
27. venomous or poisonous spiders, insects, fish and scorpions;
28. venomous or poisonous turtles, green and Hawksbill (Australia), tortoises and terrapins (chelonia).