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## TOWN OF SIDNEY

### BYLAW NO. 1965

#### **A BYLAW TO PROVIDE FOR THE CONTROL AND LICENCING OF ANIMALS AND THE OPERATION OF POUND FACILITIES IN THE TOWN OF SIDNEY**

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WHEREAS Council may, pursuant to Section 703, 707 and 707.1 of the *Local Government Act*, R.S.B.C. 1996 Chapter 323, and Sections 8, 47, 48 and 49 of the *Community Charter*, regulate the keeping of animals, regulate animal nuisances, licence dogs and provide for animal pounds.

NOW THEREFORE the Council of the Town of Sidney in open meeting assembled, enacts as follows:

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**PART I CITATION**

- 1.0 This Bylaw may be cited for all purposes as Town of Sidney "**Animal Licence and Control Bylaw No. 1965, 2010**".

**PART II INTERPRETATION****2.0 DEFINITIONS:**

**Animal** - includes a farm animal, dog, cat, rodent, fur bearing animal and wild animal.

**Animal Control Officer** - means a person designated by Council as an animal control officer for the Town of Sidney or agent being employed or assigned to enforce this Bylaw and includes any bylaw enforcement officers of the Town of Sidney and includes any peace officer.

**At Large** - means in a public place unless the animal is under the immediate control of the owner, or on private property without the consent and knowledge of the owner or occupier of the private property.

**Bantam** - means any domestic fowl, which is a miniature of a standard breed and is raised primarily as a pet and not for food or egg production.

**Bee** - means any of a various winged, hairy-bodied insects of the order Hymenoptera, characterized by specialized structures for gathering nectar and pollen from flowers.

**Bird** - includes a bantam, ornamental bird, pigeon, dove, show bird and any type of poultry.

**Collector** - means the Treasurer-Collector of the Town of Sidney or any person authorized by Council to perform the duties assigned in this Bylaw to the Collector.

**Council** - means the Council of the Town of Sidney.

**Dangerous Dog** - means a dog that:

- (a) has killed or seriously injured a person, or has aggressively pursued or harassed a person without provocation; or
- (b) an animal control officer has reasonable grounds to believe is likely to kill or seriously injure a person; or
- (c) while in a public place or while on private property, other than property owned or occupied by the person responsible for the dog, has killed or seriously injured a domestic animal; or
- (d) has been found, previously to be a dangerous dog and whose owner has received notice of that fact, and that again bites, attacks or endangers the safety of humans or domestic animals.

**Dog** - means an animal of the canine species.

**Dog Licence** - means a licence for a dog for the current licencing year that has been paid for and has been issued by the Town of Sidney.

**Dog Owner** - means any person:

- (a) Whose name appears on a dog licence;
- (b) Who is in possession of a dog;
- (c) Who has the care, custody or control of a dog; or
- (d) Who possesses, harbours or allows a dog to remain about a house, land or premises owned or occupied by that person.

**Enclosure** - means a fence or structure of at least six feet (6) in height forming an enclosure capable of preventing the entry of a child under the age of ten (10) years and adequately constructed to prevent a dog from escaping.

**Farm Animal** - means an animal that is generally raised on a farm and without limiting the generality of the foregoing includes: cattle, horses, swine, sheep, goats, mules, and donkeys.

**Guide Dog** - means a dog used by a disabled person to assist that person in avoidance of hazards, and includes a dog for which a certificate has been issued under *Guide Animal Act S.B.C. 1996, Chapter 177* and a puppy being trained to become a guide dog under the auspices of the Canadian Guide Dogs for the Blind B.C. Branch or a successor organization.

**Hen** - means a domesticated female chicken that is at least four (4) months old. Does not include roosters.

**Hen Coop** - means a covered and enclosed structure for the purpose of providing indoor shelter for Hens. Does not include a Hen Outdoor Run.

**Hen Enclosure** - means a fully enclosed structure used for keeping Hens consisting of a Hen Coop and a Hen Outdoor Run.

**Hen Outdoor Run** - means an enclosed structure that is attached to, and accessible from the Hen Coop and is fully enclosed by wire fencing or similarly protective material, including from above, where hens are restricted to a specific outside area which also provides protection from predators.

**Impounded** - means seized, delivered, received or taken into the Pound or into the custody of the Pound Keeper or any Officer.

**Incurable Disease** - means any disease, sickness, injury or mutilation, which would inevitably result in death, including without limitation, rabies.

**Leash** - means a line, chain, harness or rope that does not exceed a length of 15 feet or 4.5 metres that is of sufficient strength to restrain a dog without breaking.

**Licensed Dog** - means a Dog that is wearing, either on its collar or harness, a tag on which is stamped figures corresponding to a dog Licence for that specific dog.

**Keeping** - means owning, possessing, having the care, custody or control of, or harbouring.

**Kennel** - means a place for the training, care, breeding or boarding of dogs.

**Municipality** - means the Town of Sidney.

**Neutered Male Dog** - means a male dog certified as neutered by a licenced veterinarian.

**Officer** - means any person appointed by Council as a Bylaw Enforcement Officer or Bylaw Inspector and includes any Constable or Police Officer.

**Park** - means and includes, for the purpose of this Bylaw, public parks, playgrounds, green space, driveways, paths, buildings or other land.

**Pigeon** - means all birds or the species Columbidae including doves.

**Police Dog** - means any dog owned by the Royal Canadian Mounted Police or Municipal Police Force and trained to assist Police on investigations.

**Poultry** - means all such birds or fowl and without limiting the generality of the foregoing includes: chickens, turkeys, geese, ducks, quail, hens, and pheasant.

**Pound** - means a facility, building, structure or enclosure suitable for the impounding and keeping of animals and established pursuant to this Bylaw or any vehicle used by the Pound Keeper.

**Pound Keeper** - means any person appointed by Council and any person or persons acting under the direction of the Pound Keeper.

**Rabbit** - means a burrowing gregarious herbivorous mammal of the hare family.

**Unlicensed Dog** - means a dog, which is not a Licensed Dog.

**Zoning Bylaw** - means the Town of Sidney Zoning Bylaw.

**PART III GENERAL****3.0 GENERAL:**

- (a) The Council does hereby authorize:
  - i The establishment, maintenance and operation of facilities for the impoundment of Animals at such place or places and upon such premises, as Council may determine, by resolution;
- (b) The appointment, by resolution, of a Pound Keeper to maintain and operate the Pound or Pounds established under this Bylaw;
- (c) The making of an agreement with such persons, firms, societies or corporations as may be fit for the purpose of maintaining and operating a Pound, for regulating the conduct of the Pound, and providing for the collection, distribution and payment of revenue and expenditures derived from the operation of the Pound; and
- (d) Any Pound Keeper in charge of the Pound shall impound and detain all Animals delivered to him and shall furnish them with reasonable food, water, shelter and care.

**PART IV CARE, CONTROL, LICENCING AND IMPOUNDING OF ANIMALS****4.0 CARE OF ANIMALS:**

- (a) No person may keep any animal unless the animal is provided with:
  - i clean potable drinking water at all times and suitable food of sufficient quality and quantity to allow for normal growth and the maintenance of normal body weight;
  - ii food and water receptacles that are kept clean and disinfected and located so as to avoid contamination by excreta;
  - iii the opportunity for periodic exercise sufficient to maintain good health; and
  - iv necessary veterinary medical care when the animal exhibits signs of pain or suffering.
- (b) No person may keep any animal which normally resides outside, or which is kept outside for short to extended periods of time, unless the animal is provided with outside shelter:
  - i that ensures protection of the animal from heat, cold and inclement weather that is appropriate to the animal's weight and type of coat, such shelters to provide sufficient space to allow the animal the ability to turn about freely and to easily stand, sit and lie in a normal position;
  - ii that is at least one and one half times the length of the animal and at least the animal's length in width, and at least as high as the animal's height measured from the floor or ground to the highest point of the animal when standing in a normal position, plus ten percent (10%); and
  - iii that is in an area to provide sufficient shade to protect the animal from the direct rays of the sun at all times.
- (c) Any animal pen and run area must be cleaned and sanitized regularly and all excreta must be removed at least once a day.
- (d) No person may cause an animal to be hitched, tied or fastened by any rope, chain or cord that is directly tied around the animal's neck or to a choke collar.
- (e) No person shall allow animal excrement to accumulate on or about the land or premises where an animal is kept.
- (f) No person shall cause an animal to be confined in an enclosed space, including an automobile, without adequate ventilation.
- (g) No person may cause or allow any animal owned or harboured by them to be on any private lands and premises without the consent of the owner or occupier of the lands and premises.

- (h) No person shall own, possess or harbour any animal suffering from any infectious or contagious disease unless such animal is in isolation and under treatment for the cure of such disease.
- (i) No person shall use a leg-hold or killing trap or snare within the Town of Sidney.
- (j) No person shall keep any animal hitched, tied or fastened to a fixed object as the primary means of confinement for an extended period of time.

#### **4.1 CONTROL OF DOGS:**

- (a) A Dog Owner must not permit, suffer or allow a dog to be at large unless accompanied by and under the effective control of a competent person by means of a leash not exceeding 2.44m (8 ft.) in length or by means of a retractable leash not exceeding 7.62m (25 ft.) in length when fully extended.
- (b) A Dog Owner must not permit, suffer or allow their dog to harass or molest a person or an animal.
- (c) No person shall keep more than four dogs over the age of four months on any parcel of land within the Town of Sidney.
- (d) The owner of a dog shall not cause or allow any dog to defecate on any street, lane, park, public school ground or any other public place, or on any private property other than the property of the dog owner or the person having control of the dog, unless the person shall immediately remove the excrement.
- (e) A Dog Owner must not permit, suffer or allow their dog to be in a Town of Sidney Park unless it is kept in effective control as required in Sec 4.1 (a) or unless the Park is designated as an off leash park as per Section 4.6.
- (f) No person shall permit any dog by its calls, cries, barks or other noises to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbours.
- (g) The owner of a female dog must not permit, suffer or allow their dog while it is in heat to be in any place other than a building, cage, fenced-in, area or other place from which the dog cannot escape so that she can not come in contact with other dogs.

#### **4.2 DANGEROUS DOGS**

- (a) A Dog Owner of a Dangerous Dog shall at all times, while the dog is not on land or premises owned or occupied by the dog owner, keep the dog muzzled to prevent it from biting another animal or human;
- (b) A Dog Owner of a Dangerous Dog shall at all times, while the dog is on land or premises owned or occupied by the dog owner, keep the dog securely confined either indoors or in an enclosure; and
- (c) Any owner, harbourer, or possessor of a dangerous dog shall advise the Pound Keeper within one (1) week of any changes of address within the Town of Sidney, which involves the relocation of the dog.

#### **4.3 LICENCING OF DOGS:**

- (a) No person shall own, possess or harbour an unlicensed dog within the boundaries of the Town of Sidney;
- (b) No person shall allow any excrement to remain on any public place or private property other than that owned by the dog owner;
- (c) No person shall keep more than four (4) dogs on any property;
- (d) A person who owns, possesses or harbours any Dogs before the first day of January in each year shall obtain a Dog Licence in accordance with the provisions of this Bylaw;
- (e) A dog Licence issued pursuant to this Bylaw is valid for the Licencing Year in which it is purchased and shall expire on the 31<sup>st</sup> day of December in that licence year;

- (f) Application for and the issuance of a Dog Licence shall be the responsibility of the Collector, the Pound Keeper and such other persons as may be appointed by Council;
- (g) Every person who obtains a Dog Licence shall be given a tag which shall be, at all times, fastened to a collar or harness worn by the dog for which the dog Licence was obtained;
- (h) The number on the Dog Licence shall correspond to the stamped number on the tag;
- (i) Where a Dog Owner finds that the tag issued by the Town has been lost, destroyed or mutilated, the Dog Owner shall acquire for the remainder of the current licencing year a replacement tag, upon producing proof of purchase of a valid Dog Licence and upon payment of a prescribed fee;
- (j) The Dog Licence Fees pursuant to this Bylaw shall be those set out in **Schedule "A"** attached to and forming part of this Bylaw; and
- (k) Notwithstanding Section 4.3(a) of this Bylaw, the following Dogs need not have a Dog Licence:
  - i. A trained guide Dog owned or utilized by a blind person; and
  - ii. A Dog owned and utilized as an R.C.M.P. or municipal police service dog.

#### **4.4 CATS:**

- (a) No person shall keep, harbour or have in his possession any cat suffering from any infectious or contagious disease, unless such cat is in isolation and under treatment for the cure of such disease; and
- (b) No person shall keep shelter or harbour more than four (4) cats over the age of four (4) months on any parcel within the Town of Sidney.

#### **4.5 IMPOUNDING:**

- (a) The Pound Keeper may seize and impound any dog, which is found by him to be at large within the Town;
- (b) The Pound Keeper, upon seizure and impoundment of a dog at large, shall make every effort to inform the dog owner, if known, that the dog has been seized and impounded;
- (c) If after the expiration of not less than seventy-two (72) hours the Impounded Dog is not claimed, the Pound Keeper may, on the expiration of this period, destroy or place such dog for adoption;
- (d) The Pound Keeper, upon receiving a certificate from a qualified veterinarian that an impounded dog is suffering from infectious or contagious disease, may immediately destroy that Impounded dog;
- (e) The Pound Keeper may, upon receipt of a dog delivered to him by a Peace Officer or a member of the general public, deal with that dog in the same manner as other dogs received and retained by him pursuant to this Bylaw;
- (f) The Pound Keeper shall maintain a log book, in which he shall record the description of every dog impounded, the name of the person who impounded the dog, the time and location of the impoundment, the fees owing and the manner of disposal of the impounded dog; and
- (g) The impoundment fees and maintenance fees for dogs, shall be those set out in **Schedule "B"**, attached to and forming part of this Bylaw.

#### **4.6 OFF LEASH AREA:**

Peter Grant Park shall be designated as an off leash area for any dog other than a dangerous dog.

### **PART V CONTROL AND IMPOUNDING OF FARM ANIMAL, POULTRY AND RABBITS**

#### **5.0 CONTROL OF FARM ANIMALS:**

- (a) No person shall suffer or permit any Farm Animal owned by him or in his charge to:
  - i. Stray or trespass on a highway;

- ii. Stray or trespass in a public place;
  - iii. Stray or trespass on private property; and
  - iv. Graze on unfenced land, unless they are securely tethered.
- (b) No person shall keep or harbour any farm animals, poultry, or rabbit on any parcel of land, excluding Hens.

### 5.1 **CONTROL OF BEES:**

- (a) No person shall keep or harbour Bees on any parcel of land under 750 square metres; and
- (b) No person shall keep or harbour Bees in excess of two (2) beehives on any parcel of land over 750 square metres.

### 5.2 **IMPOUNDING OF FARM ANIMALS, POULTRY, RABBITS AND BEES:**

- (a) The Pound Keeper or any other designated person may seize and impound Farm Animals, Poultry, Rabbits or Bees found in contravention of Part IV and V of this Bylaw;
- (b) An impounded Farm Animal, Poultry or Rabbits may be reclaimed by their owner, upon proof of ownership and paying to the Pound Keeper. The impoundment fees and maintenance fees for Farm Animals, Poultry or Rabbits as set out in ***Schedule "B"***;
- (c) The Pound Keeper shall inform the owner, if known, of the impoundment of their Animal;
- (d) If, after the expiration of not less than seventy-two (72) hours, the Impounded Farm Animals, Poultry or Rabbits have not been claimed and the impoundment fees and the maintenance fees not paid, the Pound Keeper may destroy or advertise for sale such Animals by public auction, for the best price that can be obtained provided such price exceeds the amount of the impoundment fees and the maintenance fees;
- (e) A sale shall be deemed to be duly advertised by publishing notice of the sale in at least one issue of the newspaper circulating in the Town. There shall be at least three (3) business days between the date of the notice and the date of the sale; and
- (f) The Pound Keeper shall maintain a log book in which he shall record the number and description of Impounded Farm Animals, Poultry or Rabbits; the date, time and location of the impoundment; and the impoundment fees and maintenance fee owing.

### 5.3 **CONTROL OF HENS:**

- (a) A resident must first apply for and obtain a Hen-Keeping Permit from the Town of Sidney prior to acquiring Hens and keeping them at any location.
- (b) A new Hen-Keeping Permit shall be required in the event of the construction of a new Hen Enclosure, or an alteration in the siting or size of an existing Hen Enclosure.
- (c) A maximum of five (5) Hens are permitted to be kept on a property where permitted by this bylaw.
- (d) Hens are permitted only on properties where a Single-Family Dwelling, as defined in the Zoning Bylaw, is the primary use on the property.
- (e) Hens may not be kept on any parcel of land having an area less than 550 square metres.
- (f) The owner of the hens must reside on the parcel where the hens are to be kept or the occupant must have written permission from the property owner.
- (g) No person shall keep Hens on a parcel of land unless they are kept in a Hen Enclosure which:
  - i. Is located at least 3 metres from side lot lines.
  - ii. Is located at least 3 metres from the rear lot line.
  - iii. Is located at least 4.5 metres from any door or window of a residential building.
  - iv. Is located in the rear yard of the parcel, as defined by the Zoning Bylaw.
  - v. Is not more than 2.4 metres in height.
  - vi. Provides each Hen with at least 0.37 square metres (4 square feet) of Hen Coop floor area.
  - vii. Provides each Hen with at least 0.92 square metres (10 square feet) of Hen Outdoor Run area.
  - viii. Occupies an area of land not exceeding 9.2 square metres (99 square feet).

- (h) Any person keeping Hens on a parcel of land shall comply with the following requirements:
  - i. The Hen Enclosure shall be maintained in good repair; shall be kept free from vermin; and shall be regularly cleaned to minimize obnoxious smells and substances.
  - ii. Any manure shall be stored in a pest and vermin proof container.
  - iii. Unused manure shall be removed from the parcel in a timely manner.
  - iv. Hens shall be kept for personal use only and the sale of eggs, manure, meat, or other products derived from Hens shall not be permitted on the parcel.
  - v. The storage of food supply for Hens shall be kept in a pest and vermin proof container.
  - vi. No Hens shall be slaughtered or buried on the parcel.
  - vii. No Hens shall be kept in any building used for human habitation.
- (i) Any person keeping Hens shall:
  - i. Provide each Hen with food, water, light, ventilation, and care sufficient to maintain the Hen in good health.
  - ii. Immediately consult a licensed veterinarian in the event that a Hen becomes infected with an infectious or communicable disease.
- (j) No person shall permit any Hens under their control to:
  - i. Run at large, stray, or graze on any highway, park, or public space.
  - ii. Trespass on any private property.

## PART VI FEEDING WILDLIFE

### 6.0 FEEDING WILDLIFE

- (a) A person must not, within the Town of Sidney, intentionally feed or leave food out for the purposes of feeding:
  - i Raccoons;
  - ii Deer;
  - iii Seagulls;
  - iv Canada Geese;
  - v Swans;
  - vi Ducks;
  - vii rock doves (pigeons);
  - viii crows; or
  - ix feral rabbits.
- (b) Section 6(a) does not apply to a person who is engaging in hunting or trapping wildlife in accordance with the Wildlife Act and its regulations.

## PART VII ENFORCEMENT

### 7.0 OFFENCES:

Information may be laid:

- i. In accordance with the procedures set out in the *Offence Act*; or
- ii. By means of a ticket under the *Local Government Act* or *Community Charter*.

The *Offence Act*, where applicable, shall apply to proceedings under this Bylaw.

### 7.1 PENALTY:

Except as otherwise provided in this Bylaw, any person who violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention of this Bylaw, or who refuses, or omits or neglects to fulfil, observe, carry out or perform any duty or obligation imposed by this Bylaw



shall be liable on summary conviction to a fine not exceeding two thousand dollars (\$2,000.00) but not less than the fines set out in the Schedule in the Municipal Ticket Information Bylaw.

## 7.2 **INSPECTION:**

- (a) No persons shall obstruct or interfere with the Pound Keeper in the performance of his duties; and
- (b) The Pound Keeper may enter, at all reasonable times, upon any property subject to this Bylaw in order to ascertain whether this Bylaw is being obeyed.

## PART VIII REPEAL, SEVERABILITY AND HEADINGS

### 8.0 **REPEAL:**

That Town of Sidney "Animal Licence and Control Bylaw No. 1792, 2004" and all amendments thereto are hereby repealed.

### 8.1 **SEVERABILITY:**

Any section, subsection, sentence, clause or phrase of this Bylaw, which is for any reason held to be invalid by the decision of any Court of competent jurisdiction, may be severed from the balance of this Bylaw without affecting the validity of the remaining portions of this Bylaw.

### 8.2 **HEADINGS:**

Section headings, the table of contents and parenthetical expression do not form part of this Bylaw. They are included for convenience only and must not be used in interpreting this Bylaw.

Introduced and read a first time this	26 <sup>th</sup>	day of	April, 2010.
Read a second time this	26 <sup>th</sup>	day of	April, 2010.
Read a third time this	26 <sup>th</sup>	day of	April, 2010.
Reconsidered and finally adopted this	10 <sup>th</sup>	day of	May, 2010.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CORPORATE ADMINISTRATOR

## **SCHEDULE A**

### **DOG LICENCE FEES**

#### **LICENCE FEES:**

1. The owner of every dog shall pay an annual licence fee for that dog assessed as follows:
 

(a) For each neutered male or spayed female dog	\$25.00
(b) For each male dog other than a neutered male	35.00
(c) For each female dog other than a spayed female;	35.00
2. For every licence fee paid by the last working day in February a discount will be applied; 5.00
3. No licence fee shall be charged for guide dogs or police dogs;
4. Where a dog has been moved into the Town between the first (1<sup>st</sup>) day of March and the thirtieth (30<sup>th</sup>) day of June, the licence fee shall be as follows
 

(a) For each neutered male or spayed female dog	20.00
(b) For each male dog other than a neutered male	30.00
(c) For each female dog other than a spayed female; and	30.00
5. Where a dog is not six (6) months old until after the thirtieth (30<sup>th</sup>) day of June in the current licence year, or a dog has been moved into the Town after the thirtieth (30<sup>th</sup>) day of June, the licence fee shall be as follows:
 

(a) For each neutered male or spayed female dog	10.00
(b) For each male dog other than a neutered male	20.00
(c) For each female dog other than a spayed female	20.00

### **HEN-KEEPING PERMIT FEE**

1. Hen-Keeping Permit \$100.00

## SCHEDULE B

### IMPOUNDMENT AND MAINTENANCE FEES

#### THE IMPOUNDMENT FEES AND MAINTENANCE FEES FOR DOGS SHALL BE AS FOLLOWS:

##### IMPOUNDMENT FEES:

First impoundment in a calendar year	\$ 35.00
Second impoundment in the same calendar year	50.00
Third impoundment in the same calendar year	100.00
Each subsequent impoundment in the same calendar year	200.00

##### MAINTENANCE FEES:

A maintenance fee in respect of each day or part of a day of the period of impoundment:

The owner of the dog must pay any licence fee applicable if the fine is for an unlicensed dog.	10.00
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#### THE IMPOUNDMENT FEES AND MAINTENANCE FEES FOR CATS, BIRDS, FARM ANIMALS AND ANY OTHER ANIMAL SHALL BE AS FOLLOWS:

##### IMPOUNDMENT FEES:

Cats	\$ 15.00
Poultry or Birds	5.00
All other animals not otherwise stated	5.00

##### MAINTENANCE FEES:

Cats	5.00
Poultry or Birds	3.00
All other animals not otherwise stated	3.00