

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5922

A bylaw to amend "Animal Regulation and Animal Pound Bylaw Number 5252, 2010"

WHEREAS the Corporation of the City of Vernon has deemed it necessary to amend the "Animal Regulation and Animal Pound Bylaw Number 5252, 2010."

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

1. This bylaw may be cited for all purposes as the **"Animal Regulation and Animal Pound (Prohibitions Against Feeding Wildlife) Amendment Bylaw 5922, 2022"**.
2. Animal Regulation and Animal Pound Bylaw Number 5252, 2010 is hereby amended as follows:
  - (a) **Section 1. DEFINITIONS** be amended to **ADD** the definitions for **"Attractant"**, **"Farm Operations"**, **"Feral Animal"** and **"Wildlife"** as shown in **RED** on attached Schedule '1' forming part of this bylaw; and
  - (b) **SCHEDULE G** be added as shown in **RED** on the attached Schedule '2' forming part of this bylaw.

READ A FIRST TIME this                      6<sup>th</sup> day of September, 2022

READ A SECOND TIME this                      6<sup>th</sup> day of September, 2022

READ A THIRD TIME this                      6<sup>th</sup> day of September, 2022

ADOPTED this              day of                      , 2022

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

\_\_\_\_\_  
Corporate Officer

**SCHEDULE “1”**  
**Attached to and forming part of**  
**Animal Regulation and Animal Pound (Prohibitions Against Feeding Wildlife)**  
**Amendment Bylaw Number 5922, 2022**

**1. DEFINITIONS**

In this bylaw, unless the context otherwise requires:

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

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

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

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

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

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

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

“**Colony**” means queen, brood and accompanying bees;

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

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

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

**SCHEDULE “1”**  
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**Amendment Bylaw Number 5922, 2022**

**“Companion Animal”** means any species of cats, dogs, rabbits, guinea pigs, rodents, reptiles or **Mini Pigs** able to be accommodated within a premise as part of the household but does not include controlled alien species except as regulated under the *Wildlife Act* RSBC 1996, c.488 as amended from time to time; (*Bylaw 5611*)

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

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

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

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

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

**“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;

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

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

**SCHEDULE “1”**  
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**Amendment Bylaw Number 5922, 2022**

**“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;

**“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;

**SCHEDULE “1”**  
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**Amendment Bylaw Number 5922, 2022**

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

“**Urban Hen**” means domesticated female chickens that are at least four months old that are kept on a property other than an agricultural use as defined in the Zoning Bylaw and are as regulated under the provisions of Schedule A of this bylaw.

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

“**Wildlife**” has the meaning prescribed in the *Wildlife Act* RSBC 1996 c.488.

“**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.

**SCHEDULE “2”**  
**Attached to and forming part of**  
**Animal Regulation and Animal Pound (Prohibitions Against Feeding Wildlife)**  
**Amendment Bylaw Number 5922, 2022**

**SCHEDULE ‘G’**  
**Attached to and Forming Part of**  
**Animal Regulation and Animal Pound Bylaw Number 5252, 2010**

**PROHIBITION AGAINST FEEDING WILDLIFE**

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