



THE CORPORATION OF THE VILLAGE OF FRUITVALE

BYLAW 922, 2020

A Bylaw to Provide for the Regulation, Restriction, and Prohibition of the Keeping of Animals in the Village of Fruitvale

WHEREAS it is deemed desirable to regulate the keeping of animals and poultry in the Village of Fruitvale;

AND WHEREAS the Council of the Corporation of the Village of Fruitvale deems it advisable to enact regulations regarding same;

NOW THEREFORE, Council of the Corporation of the Village of Fruitvale, in open meeting assembled, ENACTS AS FOLLOWS:

PART 1 – TITLE

This Bylaw shall be known and cited for all purposes as “Animal Responsibility Bylaw No. 922, 2020”.

PART 2 – SEVERABILITY

Each section of this Bylaw shall be severable. If any provision of this Bylaw is held to be illegal or invalid by a Court of competent jurisdiction, the provision may be severed, and the illegality or invalidity shall not affect the validity of the remainder of this Bylaw.

PART 3 – DEFINITIONS

In this Bylaw, unless the context requires otherwise:

“**Agents**” means those persons other than the Village and BC SPCA who have been authorized by the Village to sell Dog licenses.

“**Animal**” means a mammal, bird, or reptile, but does not include human.

“**Animal Control Officer**” means a Special Constable or other designated employee of the BC SPCA acting in the capacity of Poundkeeper for the Village.

“**Assistance Dog**” means a Guide Animal, as defined in the *Guide Animal Act of British Columbia* and amendments thereto, trained or in training as a practical companion for a person who lives with a disability and whilst acting in that capacity.

“**At Large**” means being elsewhere than on the premises of its Owners and not secured on a leash to a competent person.

“**BC SPCA**” means The British Columbia Society for the Prevention of Cruelty to Animals, West Kootenay & District Branch.

“**Bees**” means bees of any species.

“**Village**” means The Corporation of the Village of Fruitvale.

“Collector” means the Collector of The Corporation of the Village of Fruitvale and may include the BC SPCA and any other person being so authorized by Council.

“Competent Person” means a person of sufficient age, capacity, height, and weight to ensure an Animal under their control will be obedient to their commands or to physically restrain the Animal if required.

“Coop” means a weather-proof structure with walls and a roof used for the shelter of Hens.

“Dangerous Dog” means a Dog which has been deemed to be dangerous by the Poundkeeper, Animal Control Officer, or Police Officer as defined herein and includes:

- a) any Dog with a known propensity, tendency, or disposition to attack without provocation either domestic animals or humans;
- b) any Dog which has bitten another domestic Animal or human without provocation;
- c) any Dog that the Poundkeeper, Animal Control Officer, or Police Officer has reasonable grounds to believe is likely to kill or seriously injure a person; or
- d) any Dog which is owned primarily, or in part, for the purpose of Dog fighting or has been or is being trained for Dog fighting.

“Dog” means any animal of the zoological family “Canidae” over the age of four (4) months.

“Domestic Animal” means an animal that is:

- a) tame or kept, or that has been or is being sufficiently tamed or kept, to serve some purpose for the use of people, and
- b) designated by order of the Lieutenant Governor in Council to be a domestic animal.

“Exotic Animal” means:

- a) alien invasive species as defined by the Spheres of Concurrent Jurisdiction – Environment and Wildlife Regulation, BC Reg 144/2004;
- b) controlled alien species as defined by the Controlled Alien Species Regulation, BC Reg 94/2009; and
- c) wildlife species identified in Schedule “B” or “C” to the Designation and Exemption Regulation, BC Reg 168/90.

“Hen” means a domesticated female chicken that is at least four (4) months old.

“Hobby Kennel” means a Kennel where a maximum of five Dogs are kept for breeding or show and where the Owner is a member of the Canadian Kennel Club, or for the boarding or training of Dogs.

“Impounded” means seized, delivered, received or taken into the Pound or in the custody of the Poundkeeper.

“Kennel” means any building or structure for the accommodation of four (4) or more Dogs with any fenced animal runs.

“Kennel License” means a business license issued for the keeping or harbouring of four (4) or more Dogs in a Kennel.

“Leash” means a line or chain, or use of a line or chain, that does not exceed 6 feet (1.83 metres) in length and is of sufficient strength to restrain a Dog without breaking.

“License” means a license issued by the Village for a Dog.

“Notice of Offence” means a “Bylaw Notice” but may also mean a Municipal Ticket Information, Notice of Bylaw Infraction or other ticketing provisions as may be authorized from time to time by the Council of the Village.

“Outdoor Enclosure” means an open-air area attached to and forming part of a Coop having a bare earth or vegetated floor for Hens to roam, that has a roof and is enclosed with chicken wire or other fencing material.

“Own” means the Ownership, custody, control, possession, or harbouring of any animal within the Village.

“Owner” means a person who owns, or has in their custody, or under their control, or harbours, any animal within the Village.

“Park” means and includes a public park, playground, beach, wading pool, and other public recreational places or facilities under the care, custody, and jurisdiction of the Village or the Regional District of Kootenay Boundary.

“Police Officer” means a member of the Royal Canadian Mounted Police or any other member of a police force having jurisdiction in British Columbia.

“Poultry” means domestic fowl, such as chickens, turkeys, ducks or geese, raised for eggs.

“Pound” means any building or enclosure established as a Pound by the Village and includes the facilities of the BC SPCA.

“Poundkeeper” means the person appointed from time to time under this or any other bylaw for the purpose of enforcing and carrying out the provisions of this bylaw and shall include the BC SPCA.

“Premises” means the place or address of the Owner referred to in any application for a license.

“Puppy” shall mean any animal of the family “Canidae” of the age of four (4) months or younger.

“Rooster” means a male chicken.

“Special Constable” means a BC SPCA employee or municipal employee authorized to exercise the authorities of a Special Constable pursuant to Section 9 of the *Police Act*.

“Unlicensed Dog” means any Dog for which the license fee for the current year has not been paid or any Dog which is not wearing a license tag for the current year.

“Village” means the Village of Fruitvale or the area within its jurisdiction.

PART 4 – APPLICATION

PART 4A – ANIMAL WELFARE

Animal Cruelty

1. Notwithstanding any other provision of this Bylaw, no person shall:
 - a. abandon any animal;
 - b. in any way use poison, air pellet guns, bows and arrows, firearms, sling shots, or similar on any animal;
 - c. tease, torment, beat, kick, choke, or provoke an animal;
 - d. cause, permit, or allow an animal to suffer; or
 - e. train or allow any animal to fight.

Keeping of Animals

2. No Household shall keep more than six (6) Companion Animals, consisting of a combination of Dogs, cats, rabbits, or any other type of SPCA approved companion animal. Urban chickens and Bees are not considered as companion animals.

Basic Animal Care Requirements

3. The Owner of an Animal must ensure that the Animal is provided with:
 - a. sufficient, clean, potable drinking water;
 - b. suitable food of sufficient quantity and quality to allow for normal growth and the maintenance of normal body weight;
 - c. clean and disinfected food and water receptacles that are located so as to avoid contamination by excreta;
 - d. the opportunity for regular exercise sufficient to maintain good health; and
 - e. necessary veterinary care to maintain the health and comfort of the Animal or when the Animal exhibits signs of pain, injury, illness, or suffering.

Outdoor Shelter Requirements

4. An Owner of an Animal must ensure that the Animal has protection from all elements and must not allow the Animal to suffer from hyperthermia, hypothermia, dehydration, discomfort, or exertion causing unnecessary pain, suffering, or injury.
5. A person must not keep an Animal outside, unless the Animal is provided with a shelter that provides:
 - a. protection from heat, cold, and wet that is appropriate to the Animal’s weight and type of coat;

- b. sufficient space to allow the Animal the ability to turn about freely and to easily stand, sit, and lie in a normal position that is at least two times the length of the Animal in all directions, and at least as high as the Animal's height measured from the floor to the highest point of the Animal when standing in a normal position, plus 10%;
 - c. protection from the direct rays of the sun at all times; and
 - d. bedding that will assist with maintaining normal body temperature.
6. A person may not confine a Dog to a pen for a period in excess of 10 hours within any 24-hour period.

Sanitation Requirements

7. A person must not keep an Animal in a shelter, pen, cage, or run unless the shelter, pen, cage, or run is clean, sanitary, and free from vermin.

Tying Animals

8. A person must not cause, allow, or permit an Animal to be:
- a. tethered to a fixed object or vehicle where:
 - i. a choke collar forms part of the securing apparatus, or
 - ii. a rope, cord, or chain is tied directly around an Animal's neck; or
 - iii. the Animal's collar or harness is not properly fitted or is attached in a manner that could injure the Animal or enable the Animal to injure itself by pulling on the tether.
 - b. tethered to a fixed object, except with a tether of sufficient length to enable the Animal to sit, stand, and lie normally;
 - c. tethered to a fixed object for longer than 4 hours within a 24-hour period;
 - d. tethered to a traffic control device or support thereof, any fire hydrant or fire protection equipment, handrails or any other object in such a way as to obstruct the public or create a nuisance; or
 - e. tethered within 3 meters of an entrance or exit from any public building.

Transport of Animals in Motor Vehicles

9. No person shall:
- a. transport any Animals in a motor vehicle outside the passenger compartment or in an uncovered passenger compartment unless the Animal is adequately confined in a Pen or cage which is securely fastened to the vehicle, or secured in a body harness or other manner of fastening adequate to prevent the Animal from jumping or falling off the vehicle or otherwise injuring itself; or
 - b. keep an Animal confined in an enclosure, including a motor vehicle, without adequate ventilation by means of open windows or operating mechanical device that supplies fresh or cooled air to prevent the Animal from suffering distress, discomfort, or heat related injury. Such enclosed space or vehicle, if stationary, shall always be in an area providing sufficient shade to protect the Animal from direct rays of sun and prevent the Animal from exhibiting signs of distress.

Traps

10. A person must not use, set, or maintain a trap, or device that is designed to capture an Animal by the foot, leg, or neck.

Animal Performances

11. No person shall operate or carry on a public show, exhibition, carnival, or performance, whether temporary or permanent, in which Animals are required to perform tricks, fight, participate in, or otherwise accompany exhibitions or performances for the entertainment of an audience; however, nothing in this Section shall prohibit or restrict the following:
 - a. exhibitions, parades, or performances involving horses or ponies or in which individuals ride horses or ponies;
 - b. exhibitions involving Dogs;
 - c. displays or showings of animals in agricultural fairs or pet shows; or
 - d. magic acts;provided that the exhibition, parade, or performance in no way causes an Animal to be treated in an inhumane manner.

PART 4B – DOGS**Keeping of Dogs**

12. No person shall keep more than three (3) Companion Dogs over the age of 8 weeks. This Section does not apply to a person operating a:
 - a. Kennel or Hobby Kennel;
 - b. licensed veterinary clinic; or
 - c. working cattle ranch or farm.

Exemptions

13. This Bylaw does not apply to a Dog belonging to and actively working for a government law enforcement agency having jurisdiction in BC.
14. Any Owner of a Dog used as a certified guide animal pursuant to the *Guide Animal Act* is exempt from the licensing fees set out in this Bylaw.

Exercising Dogs from a Motor Vehicle or Bicycle

15. A person must not:
 - a. exercise a Dog by allowing it to run next to a moving motor vehicle; or
 - b. exercise a Dog by allowing it to run next to a bicycle, unless the Dog is attached to the bicycle by an apparatus that always allows the person to retain two-handed control of the bicycle.
16. Section 15(b) does not apply to a person exercising a Dog in a Designated Off-Leash Dog Area if the Dog is not tethered and bicycle riding is allowed in the area.

Dogs on Private Property

17. The Owner of a Dog must not allow the Dog to trespass on any private property.

Dogs in public places

18. The Owner of a Dog must not allow the Dog to be in a public place unless the Dog is on a Leash with one end securely affixed to a collar or harness securely attached to the Dog, and the other end held by a Competent Person.
19. Every Owner of a Dog must ensure that any person who has care, custody, or control of their Dog is a Competent Person.

20. Despite Section 18, the Owner of a Dog may allow the Dog to be off-leash in areas designated by signage as off-leash areas, so long as the Dog is under the effective control of a Competent Person such that it will obey verbal or hand commands to come when directed to do so.
21. No person may permit a Dog in their care or custody to obstruct other users of a pathway or Village sidewalk.

Dogs damaging public property

22. The Owner of a Dog must not allow the Animal to damage or destroy any building, structure, tree, shrub, plant, or turf in a public place.
23. The Owner of a Dog must compensate the Village for any and all damage done by that Dog to Village property in violation of Section 30.

Dogs chasing or harassing

24. No Owner may permit their Dog to chase, harass, molest, attack, injure, or kill a Person or Animal.

Dogs in heat

25. Every Owner of a female Dog in heat must ensure that the Dog remains within an enclosed building or Pen until she is no longer in heat.
26. The Owner of a female Dog in heat may allow the Dog to leave the building or Pen in order to urinate or defecate on the Owner's private lands, or go for a walk, if a Competent Person:
 - a. firmly holds the Dog on a Leash, and
 - b. immediately returns the Dog to the building or pen upon completion of the urination, defecation, or walk.

Noisy Dogs

27. In addition to the requirements of the Anti-Noise Bylaw, the Owner of a Dog must not allow the Dog to bark, howl, or cry
 - a. for ten minutes or more without significant periods of rest; or
 - b. otherwise in such a manner as to cause a nuisance.
28. In addition to the requirements of the Anti-Noise Bylaw, No Owner may permit their dog to bark during evening hours.

Dog Waste

29. The Owner of a Dog must not allow the Dog to defecate:
 - a. in a public place; or
 - b. on any private property other than the property of the Owner unless the Owner immediately removes the excrement and lawfully disposes of it.
30. Dog waste disposal. Dog waste is to be taken to household and disposed of properly or in a designated dog waste bin provided by the Village.

Dog Grooming

31. A person who grooms a Dog in a public place must remove and lawfully dispose of any hair or other debris that result from the grooming process.

Obtaining Dog licences

32. Every Owner of a Dog shall hold a valid licence for each Dog owned and shall procure the same by making an application to the Village and supplying the following information:
 - a. Name;
 - b. Breed;
 - c. Colour;
 - d. Sex; and
 - e. A certificate signed by a qualified veterinary surgeon if the Dog has been spayed or neutered.
33. When a Dog has been deemed to be dangerous, an Owner shall provide proof of spay or neuter of the Dog and proof of liability insurance in the sum of \$1,000,000 (One Million Dollars) specific to the Dangerous Dog before a licence may be issued for a Dangerous Dog.
34. The Owner of a Dog over the age of 4 months must hold a valid licence issued by the Village for the Dog.
35. Every licence expires on December 31 of the calendar year for which the licence is issued.
36. A person may obtain a licence for a Dog by:
 - a. applying to the Village for a licence; and
 - b. paying the fee prescribed in Schedule A.
37. Where an Owner has a valid Dog licence issued by another municipality, on surrender of such license to the Collector and payment of \$5.00, the owner shall receive a replacement license for the current year. A reduced fee for replacement of a license issued in another municipality shall not apply to a Dog previously deemed dangerous in another municipality and the full license amount shall apply to such Dog.
38. An Owner may obtain a replacement licence tag if a valid licence tag is lost or destroyed by paying the replacement dog tag fee.

Collars and licence tags

39. A licence consists of a written receipt and a licence tag designed to be attached to a Dog collar.
40. The Owner of a Dog over the age of 4 months must not allow the Dog to be anywhere except on premises normally occupied by the Owner unless the Dog wears a collar with a valid licence tag attached to the collar.
41. If a Dog does not wear a collar to which the licence tag is attached in a conspicuous place, it shall be presumed not to be licensed until the contrary is proven.
42. A person must not remove a collar or licence tag from a Dog, unless that person is:
 - a. the Owner;
 - b. a person authorized by the Owner;
 - c. the Poundkeeper; or
 - d. an Animal Control Officer.

PART 4C - KENNEL REGULATIONS

Enclosures and Structures

43. Any Kennel and run area must be regularly cleaned and sanitized and all excreta removed at least once a day.
44. No Kennel is permitted within fifty (50) metres of any dwelling house, church, school, or public building, other than that occupied by the Owner of a Kennel duly licensed by the Village.
45. No person shall keep or maintain a Kennel without first having applied for and obtained a Kennel licence. The application for such licence shall be accompanied by the fee, which shall be in addition to any other fee provided for by this Bylaw.

Kennels and Hobby Kennels

46. All persons operating a Kennel or Hobby Kennel within the Village must have a valid licence issued pursuant to this Bylaw and must comply with this Bylaw.
47. No person shall use any premise as a Kennel or Hobby Kennel for the keeping, training, care, breeding, hospitalization, or boarding of Dogs on any parcel of land within the Village unless the parcel is specifically permitted by the Village of Fruitvale Zoning Bylaw.
48. Any person operating a Kennel must first obtain a Village business licence and satisfy all other applicable Village bylaws and provincial regulations.
49. Any person or persons operating a Hobby Kennel must be engaged only in the breeding of their own Dogs, must hold a current membership with the Canadian Kennel Club, and shall have no more than five Dogs, all of which must be licensed.
50. Floors of all structures or rooms used in a Kennel or Hobby Kennel to accommodate Dogs shall be of a sanitary construction, provided with drainage, and approved by the local health authorities.

PART 4D - DANGEROUS DOGS

Designating dangerous Dogs

51. An Animal Control Officer may designate a Dog as a Dangerous Dog if the Dog:
 - a. bites a human or animal without provocation;
 - b. has a known propensity, tendency, or disposition to attack a human or animal without provocation; or
 - c. has previously been designated as a Dangerous Dog and endangers the safety of a human or animal.
52. A designation under Section 51 may be for any period that an Animal Control Officer considers appropriate, considering:
 - a. the circumstances of the incident,
 - b. the severity of the incident, and
 - c. any previous incidents.
53. After designating a Dog as a Dangerous Dog, an Animal Control Officer must inform the Owner of the Dog in writing of:
 - a. the designation and its length; and
 - b. the responsibilities of the Owner of a Dangerous Dog.

Dangerous Dog licences

54. When a Dog has been deemed to be dangerous, an Owner shall provide proof of spay or neuter of the Dog and proof of liability insurance in the sum of \$1,000,000 (One Million Dollars) specific to the Dangerous Dog before a licence may be issued for a Dangerous Dog.

Control of Dangerous Dogs

55. Except as allowed under Section 56 and subject to Section 57, the Owner of a Dangerous Dog must not allow the Dangerous Dog to be in a public place or on any private lands and premises unless the Dog is:
- a. firmly held by a person competent to restrain the Dog on a leash not exceeding 2.4 metres in length, and
 - b. properly fitted with a humane basket muzzle that allows the Dog to pant and drink.
56. A person may allow a Dangerous Dog to be in areas of private lands or premises that are exclusively owned or occupied by that person so long as the Dog is securely confined:
- a. indoors;
 - b. on a deck that is no less than 3 metres above ground level; or
 - c. in a rear yard and inside a pen, enclosure, or fenced area that
 - i. is adequately constructed to prevent the Dog from escaping,
 - ii. is locked to prevent casual entry by another person, and
 - iii. has been inspected and approved by an Animal Control Officer.
57. A person must not allow a Dangerous Dog to be:
- a. on school grounds,
 - b. within 30 metres of any playground apparatus.

Duties of a Dangerous Dog Owner

58. The Owner of a Dangerous Dog must:
- a. allow an Animal Control Officer or the Poundkeeper to photograph the Dog, on demand;
 - b. provide an Animal Control Officer or the Poundkeeper with the Owner's new address within two working days of moving to a new residence;
 - c. provide an Animal Control Officer or the Poundkeeper with the name, address, and telephone number of the new Owner within two working days of selling or giving away the dog;
 - d. provide an Animal Control Officer or the Poundkeeper with a veterinarian's certificate of the death within two working days of the death of the dog; and
 - e. immediately advise an Animal Control Officer or the Poundkeeper if the dog is loose or has bitten or attacked any person or animal.

PART 4E – CATS**Keeping of Cats**

59. No person shall keep more than three (3) Cats as Companion Animals over the age of 12 weeks. This Section does not apply to a person operating a:
- a. licensed veterinary clinic; or

- b. working cattle ranch or farm.

Identification of the Keeping of Cats

- 60. Every Owner of a Cat shall affix, and keep affixed, sufficient identification on the Cat by means of a collar, harness, traceable tattoo, microchip, or other suitable device, such that a Person finding the cat At Large in the Village can identify and contact the Owner.
- 61. Every Owner of a Cat apparently over the age of 6 months, shall upon request by the Animal Control Officer, provide evidence to the Animal Control Officer's satisfaction, that such Cat has identification in accordance with Section 4 of this Bylaw.
- 62. Every Owner of an outdoor Cat must have the Cat spayed or neutered.

PART 4F – RABBITS

Keeping of Rabbits

- 63. A maximum of three (3) Rabbits are permitted on lands within the Village.
- 64. Every Owner of an outdoor Rabbit must have the Rabbit spayed or neutered.

Outdoor Shelter Requirements

- 65. An Owner of a Rabbit must ensure that the Rabbit has protection from all elements and must not allow the Animal to suffer from hyperthermia, hypothermia, dehydration, discomfort, or exertion causing unnecessary pain, suffering, or injury.
- 66. A person must not keep rabbits in an outdoor pen, cage, or run, unless the pen, cage, or run is securely enclosed to prevent the escape and to ensure the safety of the rabbits from predators
- 67. A person must not keep an Animal outside, unless the Animal is provided with a shelter that provides;
 - a. protection from heat, cold, and wet that is appropriate to the Animal's weight and type of coat;
 - b. sufficient space to allow the Animal the ability to turn about freely and to easily stand, sit, and lie in a normal position that is at least two times the length of the Animal in all directions, and at least as high as the Animal's height measured from the floor to the highest point of the Animal when standing in a normal position, plus 10%;
 - c. protection from the direct rays of the sun at all times; and
 - d. bedding that will assist with maintaining normal body temperature.

PART 4G – OTHER ANIMALS

OTHER COMPANION ANIMALS

Keeping of other companion animals

- 68. A maximum of three (3) three other companion animals such as pigs, lizards, snakes, large turtles, Rabbits are permitted on lands within the Village.

Other Animals in public places

69. The Owner of a snake or other reptile must not allow the snake or other reptile to be in a public place unless the Animal is securely confined in a cage or other container.
70. The Owner of an Other Animal, must not allow the Animal to be in a public place unless the Animal is under the direct control of a Competent Person.
71. Every Owner of an outdoor animal that fits into the other animal category must seek SPCA approval first and then Village approval before allowing the animal to be considered as an outdoor animal.

Prohibited Animals

72. No person shall either on a temporary basis or permanent basis:
 - a. breed;
 - b. possess;
 - c. ship;
 - d. release;
 - e. exhibit for entertainment; or
 - f. display in public;any Exotic Animal.
73. Despite the prohibitions in Section 72 of this Bylaw, an Exotic Animal may be kept at or on:
 - a. premises operated by the BC Society for the Prevention of Cruelty to Animals ("BC SPCA");
 - b. a veterinary hospital under the control of a veterinarian registered as a member of the BC Veterinary Medical Association; or
 - c. premises operated by the RCMP or municipal police forces; but a person must not permit an Exotic Animal to run At-Large.

PART 4H – URBAN CHICKENS**Keeping of Chickens**

74. A maximum of 4 Hens are permitted on lands within the Village.
75. No person is permitted to keep any rooster on lands within the Village except on lands zoned to allow for agriculture.
76. No person shall Own, keep, or harbour any Hens upon a two-family residential property, such as a duplex, unless the rear yard of the two-family property is fully fenced, and the portion of the rear yard intended solely for use by the Hen Owner is also separated by fencing.
77. No person owning, keeping, or harbouring Hens upon a residential zoned parcel shall sell any manure derived from the keeping of Hens, but may give the manure to another party without receiving any compensation in return.
78. No property Owner or person owning, keeping, or harbouring Hens upon any residential zoned parcel shall suffer or permit:
 - a. the slaughtering of any Hen upon the property.
 - b. the burial of any Hen upon the property; or
 - c. the disposal of any Hen in an unlawful manner.

Registration of hens

79. A person may not keep a Hen unless that person first submits a completed Hen registration application to the Village and receives validation from the Village.
80. The Village may not validate a Hen registration application form unless satisfied that:
 - a. the applicant is the Owner of the lot and resides on the lot on which the Hens will be kept, or the applicant resides on the lot and has written consent from the Owner of the lot to keep Hens on the lot;
 - b. a valid British Columbia Poultry Premises Identification number obtained from the Ministry of Agriculture is provided to the Village for the lot; and
 - c. all other required information on the Village's Hen application form has been provided.
81. A validated Hen registration is not transferable from one person to another or from one lot to another.
82. Every validated Hen registration under this Bylaw will terminate if the Owner or occupier of the lot named in the registration changes.

Coops and enclosures

83. A person who keeps Hens shall:
 - a. ensure that a Coop and Outdoor Enclosure is provided on the lot;
 - b. ensure the Coop and Outdoor Enclosure are situated within a completely fenced rear yard with a minimum fence height of 1.2 metres and not greater than 2 metres;
 - c. ensure that the Coop is sited within the required setbacks identified in "Village of Fruitvale Zoning Bylaw No. 846," as amended;
 - d. provide each Hen with at least 0.37 square metres (4 square feet) of interior, fully enclosed Coop floor area and at least 0.92 square metres (10 square feet) of fully enclosed Outdoor Enclosure area;
 - e. provide each Hen with at least one nest box and one perch, that is at least 15 centimetres (6 inches) long, within a Coop;
 - f. maintain the Coop and Outdoor Enclosure in good repair and in a sanitary condition, free from vermin and noxious or offensive smells and substances;
 - g. ensure the Coop is not visible from any highway or street; and
 - h. ensure the Coop and Outdoor Enclosure are secured from sunset to sunrise.
84. No person owning, keeping, or harbouring Hens on any residential zoned parcel shall suffer or permit the Hens to remain outside of the fully enclosed indoor portion of the structure, pen, or enclosure (as described in Section 83 during night time hours (between dusk and dawn)).

PART 4I – BEES**Keeping of Bees**

85. A person who keeps bees must:
 - a. provide adequate water for the bees on the person's property; and
 - b. maintain the bees in a condition that will reasonably prevent swarming.

86. The keeping of Bees is permitted in all Zones of the Village.
87. A person who keeps Bees must:
 - a. locate the beehive in the rear yard of the property, or in the best location as determined by the Regional Apiary Inspector.
 - b. provide adequate water for the bees on the person's property;
 - c. maintain the Bees in a condition that will reasonably prevent swarming; and
88. Any beehive must be sited so as to allow a clear flight path of at least 7.5 metres straight ahead from the front of the beehive to any property line and 3.0 metres for the side and rear of the beehive to any property line, except where the beehive is:
 - a. sited behind a solid fence that is 2.0 metres in height running parallel to any property line and extending at least 6.0 metres beyond the front of the beehive in both directions, in which case the 7.5 metre setback may be reduced to 3.0 metres, and the 3.0 metre setback may be reduced to 1.0 metre; and
 - b. elevated such that the underside of the beehive is raised a minimum of 2.5 metres above ground level, in which case the 7.5 metre setback may be reduced to 3.0 metres.
89. A maximum number of beehives/colonies permitted on any parcel of land is two (2).

PART 4J – WILDLIFE

Feeding wildlife

90. A person must not intentionally feed or leave food out for the purposes of feeding
 - a. deer;
 - b. raccoons;
 - c. squirrels;
 - d. feral rabbits;
 - e. bears, coyotes, cougars, wolves, or other animals designated as dangerous wildlife under the *Wildlife Act*, RSBC 1996, c. 488; or
 - f. Feral Cats or Cats without identification.
91. A person must not keep, or allow to be kept, any animal feed outside a building unless it is stored in a fully enclosed container that is capable of keeping out rats, bears, raccoons, and other wildlife.

PART 4K - SEIZING AND IMPOUNDING ANIMALS

Authority to seize and impound

92. An Animal Control Officer may seize
 - a. a Dog if the Owner does not hold a valid licence for the Dog as required by this Bylaw,
 - b. an animal that is in a public place in contravention of any Section of this Bylaw,
 - c. an animal that is on any private lands or premises without the consent of the occupier or Owner of the lands or premises, or

- d. an animal that is on unfenced land and not securely tethered or contained.
93. The Poundkeeper shall impound any animal seized under Section 92 and delivered to the pound by an Animal Control Officer and may impound any animal brought to the pound by any other person.

Releasing an animal before its arrival at the pound

If the Owner or the agent of the Owner appears and claims an animal that has been seized at any time before the animal has been taken to the pound, an Animal Control Officer must release the animal to the Owner or agent if the person:

- a. proves Ownership of the animal to the satisfaction of the Animal Control Officer or, in the case of an agent, satisfies the Animal Control Officer of the agent's authority to redeem the animal;
 - b. pays any applicable licence fees; and
 - c. pays to the Animal Control Officer half of the applicable impoundment fee described in Schedule A.
94. Section 94 does not apply if the animal that has been seized is a Dangerous Dog.

Informing the Owner of impoundment

95. If the Poundkeeper knows the name and address of the Owner of an animal which has been impounded, the Poundkeeper will inform the Owner verbally or by mail within 24 hours of the impoundment.

Redeeming an animal from the pound

96. The Owner of an impounded animal or the Owner's agent may redeem the animal from the pound by
- a. proving Ownership of the animal to the satisfaction of the Poundkeeper or, in the case of an agent, satisfying the Poundkeeper of the agent's authority to redeem the animal, and
 - b. paying to the Poundkeeper
 - i. any applicable licence fees,
 - ii. the applicable impoundment fees prescribed in Schedule A,
 - iii. the applicable maintenance fees prescribed in Schedule A for each day or part of a day that the animal was impounded,
 - iv. the costs of any special equipment, resources, or boarding facilities required to seize, impound, or maintain the animal, and
 - v. any veterinary costs incurred in respect of the animal during the impoundment period.
97. Despite Section 97, the Poundkeeper may detain a Dangerous Dog for a period of up to 14 days before allowing the Owner or the Owner's agent to redeem the animal.

No liability for injury to the animal

98. No provision of this Bylaw shall be construed as making the Poundkeeper, an Animal Control Officer, or the Village liable to the Owner of any animal for injury to, sickness, or death of the animal.

Disposition of unredeemed animals

- 99. An animal becomes the property of the Village if it is not redeemed within 96 hours after
 - a. its impoundment, or
 - b. the expiration of an impoundment period set under Section 979.
- 100. If an animal becomes the property of the Village under Section 100, the Poundkeeper may
 - a. sell it on behalf of the Village,
 - b. give it away, or
 - c. put it to death in a humane manner.

Euthanization of impounded animals

- 101. The Poundkeeper may have an impounded animal humanely euthanized at any time if
 - a. a registered veterinarian certifies that the animal is suffering from an infectious or contagious disease, or
 - b. the Poundkeeper is satisfied that the animal has been so seriously injured that its death is imminent.

Prohibition against breaking into the pound

- 102. A person must not
 - a. break open or in any manner directly or indirectly aid or assist in breaking open the pound,
 - b. enter the pound without the permission of the Poundkeeper, or
 - c. take or release any animal from the pound without the consent of the Poundkeeper.

Prohibition against hindering the Poundkeeper or officers

- 103. A person must not hinder, delay, or obstruct
 - a. the Poundkeeper,
 - b. an Animal Control Officer, or
 - c. a Bylaw Enforcement Officerin the performance of their duties under this Bylaw.
- 104. Without limiting the generality of Section 104, a person must not
 - a. release an animal from a trap set by an Animal Control Officer, or
 - b. tamper with, damage, move, or remove a trap set by an Animal Control Officer.

PENALTIES AND ENFORCEMENT

- 105. This Bylaw may be enforced by an Animal Control Officer, and any other person or class of persons designated by Council to enforce Village bylaws.

Provision of information

- 106. If a person occupies premises where a Dog is kept or found, the person must provide the following information when requested by an Animal Control Officer, bylaw officer, or police officer:
 - a. the person's name, address, and telephone number;

- b. if the person is not the Dog Owner, the Dog Owner's name, address, and telephone number;
 - c. the number of Dogs kept on the premises;
 - d. the breed, sex, age, name, and general description of each Dog kept on the premises;
 - e. whether each Dog kept on the premises is licenced.
107. If a person has apparent custody of a Dog, the person must provide the following information when requested by an Animal Control Officer, bylaw officer, or police officer:
- a. the person's name, address, and telephone number;
 - b. if the person is not the Dog Owner, the Dog Owner's name, address, and telephone number;
 - c. the place where the Dogs owned or in the custody of the person are kept;
 - d. the breed, sex, age, name, and general description of each Dog owned or in the custody of the person;
 - e. whether each Dog owned or in the custody of the person is licenced.

Entering property for inspection

108. In accordance with Section 16 of the *Community Charter* but without limiting Section 49 of the *Community Charter* an Animal Control Officer at reasonable times may enter onto and into real property to inspect and determine whether the requirements and prohibitions of this Bylaw are being complied with.

Offences

109. No person shall hinder, delay, or obstruct in any manner, directly or indirectly, an Animal Control Officer from carrying out their duties and powers under this Bylaw, including, without limitation:
- a. providing false information;
 - b. unlocking or unlatching or otherwise opening a vehicle or enclosure in which an impounded Animal has been placed;
 - c. removing or attempting to remove any Animal from the possession of an Animal Control Officer; or
 - d. removing, or attempting to remove, an Animal from the Pound except in accordance with this Bylaw.
110. A person commits an offence and is subject to the penalties imposed by this Bylaw, the Bylaw Notice Enforcement Bylaw, and the *Offence Act* if that person
- a. contravenes a provision of this Bylaw,
 - b. consents to, allows, or permits an act or thing to be done contrary to this Bylaw, or
 - c. neglects or refrains from doing anything required by a provision of this Bylaw.
111. Each day that a contravention of a provision of this Bylaw continues is a separate offence.

PART 5 – REPEAL

The Village of Fruitvale Dog Tax and Regulation Bylaw No. 728, 2006 and all amendments thereto, are hereby repealed.

The Village of Fruitvale Bee Keeping Bylaw No. 911, 2019 and all amendments thereto, are hereby repealed.

READ A FIRST TIME this 5th day of October, 2020.

READ A SECOND TIME this 5th day of October, 2020.

READ A THIRD TIME this 8th day of February, 2020.

RECONSIDERED, FINALLY PASSED AND ADOPTED this 8th day of March, 2020.

Mayor

Chief Administrative Officer

Certified a true copy of the Village of Fruitvale By-law entitled "Animal Responsibility Bylaw No. 922, 2020".

Dated this 8th day of March, 2021.

Chief Administrative Officer

THE CORPORATION OF THE VILLAGE OF FRUITVALE
Schedule "A" to Bylaw 922, 2020

Category	Description	Fee
Dog Licence Fees	Spayed or neutered Dog	\$25.00
	Unspayed or unneutered Dog	\$75.00
	Dangerous Dog	\$200.00
	Duplicate Licence	\$5.00
Kennel Licence	Kennel Licence	\$60.00
Impoundment Fees	First time impoundment in a licensing year	\$30.00
	Second time impoundment in a licensing year	\$60.00
	Third time impoundment in a licensing year	\$100.00
	Unlicensed Dog	\$150.00
Impoundment Fees (for Dangerous Dogs)	First time impoundment in a licensing year	\$200.00
	Second time impoundment in a licensing year	\$500.00
	Third time impoundment in a licensing year	\$1,000.00
	Unlicensed Dog	\$750.00
Pound Maintenance	Impoundment fee per day, or part day, after the first day	\$10.00
	Impoundment fee for a Dangerous Dog per day, or part day, after the first day	\$30.00