

VILLAGE OF SILVERTON

ANIMAL AND POULTRY REGULATION BYLAW NO. 460 - 2009

A Bylaw to provide for the regulation of poultry and other animals within the Village of Silverton.

WHEREAS Council may regulate, prohibit and impose requirements in relation to animals further to sections 8(3)(k), 47, 48 and 49 of the *Community Charter*, including bylaw enforcement and related matters further to sections 260 – 275 of the *Community Charter*;

NOW THEREFORE the Council of the Village of Silverton in open meeting assembled, **ENACTS AS FOLLOWS:**

1.0 SHORT TITLE

1.1 This Bylaw may be cited for all purposes as the "Animal and Poultry Regulation Bylaw No. 460, 2009".

2.0 DEFINITIONS

2.1 **Animal** includes rabbits, Poultry, Fur Bearing Animals and Farm Animals, but does not include dogs or cats.

At Large means being elsewhere than on the lands or premises of the Owner of the Animal and:
(1) not under the immediate control of a person competent to control it;
or
(2) securely confined within an enclosure.

Council means the Council of the Village of Silverton.

Fur Bearing Animal means any animal kept or raised for the purposes of commercial fur production without limiting the generality of the foregoing includes, fox, mink, marten, nutria, skunk, chinchilla and fisher.

Farm Animal means a domesticated animal normally raised or kept for food, milk or as a beast of burden and, without limiting the foregoing, includes cattle, donkeys, goats, horses, mules, oxen, buffalo, sheep, fallow deer, reindeer and swine but does not include Poultry.

Keep means to lodge, possess, harbor, board, bring upon or feed on a regular basis on a parcel of land.

Owner means any person who keeps an Animal.

Parcel means any lot, block or other area in which land is held or into which land is subdivided.

Poultry means a bird normally kept for the purpose of providing meat or eggs and includes domestic fowl, ducks, geese, turkeys and pigeons.

**Poultry
Coop**

means a chicken coop or other all-weather structure that:

- (a) fully encloses the Poultry and prevents the Poultry from escaping;
- (b) provides proper ventilation and sufficient space for the Poultry;
- (c) prevents the entry of vermin;
- (d) permits easy access for the purposes of cleaning and maintenance; and
- (e) provides a safe and humane living environment for the Poultry.

**Poultry
Licence**

means a Village of Silverton Poultry Licence in the form attached to this Bylaw as Schedule "A".

Poultry Run means a chicken run or other structure that:

- (a) fully encloses the Poultry and prevents the Poultry from escaping;
- (b) allows the Poultry to move about and graze;
- (c) provides proper ventilation; and
- (d) permits easy access for the purposes of cleaning and maintenance.

Village means the Village of Silverton.

3.0 REGULATION OF POULTRY

3.1 No person shall keep any Poultry within the Village except in accordance with this Bylaw.

3.2 The Owner of any Poultry shall not permit, suffer or allow that Poultry to:

- (a) stray, trespass or be unlawfully At Large on a highway or other public place;
- (b) stray or trespass on private property; or
- (c) graze or move about on unfenced land unless contained in a Poultry Run.

3.3 No person shall keep a rooster.

3.4 No person shall keep more than twelve (12) Poultry on any Parcel.

3.5 Any Parcel upon which Poultry is kept must have the following:

- (a) a single family detached dwelling located upon it;
- (b) a minimum frontage of twelve (12) metres;
- (c) a minimum depth of twenty (20) metres.

3.6 All Poultry must be kept in a Poultry Coop unless grazing on fenced land or within a Poultry Run.

3.7 A Poultry Coop must be located at least:

- (a) one (1) metre away from the rear lot line of the Parcel upon which the Poultry Coop is located if the rear lot line is at least twenty-three (23) metres distant from the adjacent dwelling;
- (b) three (3) metres away from the rear lot line of the Parcel upon which the Poultry Coop is located if the rear lot line is less than twenty-three (23) metres distant from the adjacent dwelling or if the adjoining parcel is vacant;
- (c) in any case, three (3) metres away from any side lot line of the Parcel upon which the Poultry Coop is located.

3.8 All dead Poultry must be disposed of properly and promptly, and in any event within twenty-four (24) hours of death.

3.9 If an Owner has reasonable grounds to believe that Poultry is infected with a communicable disease, the Owner must immediately consult a veterinarian licenced to practice in British Columbia to diagnose the condition of the Poultry. If the diagnosis confirms that the Poultry is infected with a communicable disease, the Owner must immediately notify the Public Health Department of the Interior Health Authority and must comply with any order or direction of a Public Health Inspector.

3.10 No person shall keep Poultry unless that person has obtained a Poultry Licence and has paid in full the annual licence fee of ten dollar (\$10.00).

3.11 A Poultry Licence shall be valid for a period of one (1) year from the date of its issuance and shall at all times be subject to the provisions of this Bylaw.

3.12 No person who keeps Poultry shall permit, suffer or allow the Poultry or any matter or thing related to the Poultry to be or become a nuisance.

4.0 REGULATIONS AND RESTRICTIONS OF OTHER ANIMALS

4.1 No person shall keep Farm Animals, Fur Bearing Animals or rabbits within the Village.

5.0 OFFENCES AND PENALTIES

5.1 Any person who contravenes a provision of this Bylaw commits an offence.

5.2 With respect to a prosecution in accordance with the *Offence Act*,

- (a) the maximum fine for all offences under this Bylaw is Ten Thousand (\$10,000.00) Dollars;
- (b) the minimum fine for any offence is:
 - (i) One Hundred Dollars (\$100.00) for a first contravention, and
 - (ii) Two Hundred Dollars (\$200.00) for a second or subsequent contravention.

5.3 In addition to a penalty under section 5.2, Council may revoke the Poultry Licence of a person who contravenes a provision of this Bylaw. A person whose Poultry Licence is revoked is not entitled to the refund of any fees paid, and is not permitted to apply for a Poultry Licence for a period of one (1) year following the date of revocation.

6.0 MISCELLANEOUS

- 6.1 The headings in this Bylaw are inserted for convenience of reference only and shall not affect the interpretation of this Bylaw.
- 6.2 This Bylaw comes into force on the date of its adoption.
- 6.3 "Village of Silverton Dog, Poultry and Other Animal By-law, 1972, No. 117", and amendments thereto, is hereby repealed.
- 6.4 All schedules attached to this Bylaw form a part of this Bylaw.
- 6.5 If a section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by a decision of a court of competent jurisdiction, such decision shall not effect the validity of the remaining portions of the Bylaw.

READ A FIRST TIME THIS 20th DAY OF OCTOBER, 2009.

READ A SECOND TIME THIS 20th DAY OF OCTOBER, 2009.

READ A THIRD TIME THIS 17th DAY OF NOVEMBER, 2009.

ADOPTED THIS 01st DAY OF DECEMBER, 2009.

Mayor

Administrator

DRAFT