



## Council Member Report

For the Committee of the Whole Meeting of February 22, 2018

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**To:** Committee of the Whole

**Date:** February 19, 2018

**From:** Councillor Thornton-Joe

**Subject:** Proposed Animal Control Bylaw Amendments

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### BACKGROUND

Council is considering whether or not to undertake amendments to the Animal Control Bylaw resulting from a motion proposed at the December 14, 2017 Committee of the Whole. Council gave consideration the Resource Implications report from staff at the February 15, 2018 Committee of the whole meeting and referred the matter to the February 22<sup>nd</sup> meeting for further discussion, and to allow for the provision of the specific details of each amendment.

These changes are recommendations from the BCSPCA New Model Animal Responsibility Bylaws report which came out in September 2017 and through my discussions with staff from the BCSPA. Surrey is the municipality that has the most updated bylaws in regards to animal welfare. A reminder that these changes reflect animal welfare and animal nuisance bylaws and may not be congruent with what people want that work for them. How the report was done was that the BCSPCA combined effective bylaws from across B.C. into one easy-to-use document, with the goal of creating safe and humane communities.

### General Amendments

The Model Animal Responsibility Bylaw, attached as Appendix A, is used by B.C. municipalities and regional districts to update their animal care and control bylaws. Appendix B attached is a news story referencing this.

Amendments proposed to the City's Bylaw involve:

1. Change the name of our bylaw from Animal Control Bylaw to Victoria Animal Responsibility Bylaw. Surrey did this in 2017. It is not just about controlling animals but the responsibilities owners have when they have animals.
2. Under Section 12 of the City of Victoria Animal Control Bylaw Page 7 under Tying Animals, change our wording from:  
12 (1) A person must not hitch, tie or fasten an animal to a fixed object by a rope, chain or cord that is directly tied around the animal's neck or to a choke collar.  
(2) A person must not hitch, tie or fasten an animal to a fixed object as the primary means of confinement for an extended period of time.

To wording in Surrey bylaw 44:

44. No Owner shall cause, permit, or allow a Dog:
- (a) to be hitched, tied, or fastened to a fixed object in such a way that the Dog is able to leave the boundaries of the Owners property;
  - (b) to be hitched, tied, or fastened to a fixed object where a Choke Collar forms part of the securing apparatus, or where a rope or cord is tied directly around the Dog's neck; or be tethered other than with a collar that is properly fitted to that Dog and attached in a manner that will not injure the Dog or enable the Dog to injure itself by pulling on the tether;
  - (c) to be hitched, tied, or fastened to a fixed object except with a tether of sufficient length to enable the full and unrestricted movement of the Dog;
  - (d) to be hitched, tied, or fastened to a fixed object unattended at any time; or
  - (e) to be hitched, tied, or fastened to a fixed object for longer than four (4) hours within a 24 hour period.

3. Add a section called: Limit on Pets. In BCSPCA Animal Responsibility Bylaw on page 9 and 10, it states:
- 1. No person shall keep or allow to be kept on any real property more than a total of six (6) cats and dogs over the age of twelve (12) weeks, and a reasonable number of small and aquatic animals, unless they are a licensee, community cat caregiver, veterinary clinic or animal shelter.
  - 2. If a person is providing temporary care for more than a total of six (6) cats and dogs over the age of twelve (12) weeks, they shall notify the animal bylaw officer with the number and species of animals, reason and estimated length of time they will be providing care.

The Duncan bylaw states under their Possession of Animals Section

- 3. No person shall keep, or allow to be kept on any Lot more than six (6) Companion Animals, consisting of not more than three (3) dogs over the age of eight (8) weeks and not more than five (5) cats over the age of twelve (12) weeks.
- 4. No person shall keep, or allow to be kept on a Lot:
  - a. More than twelve (12) rabbits
  - b. More than four (4) guinea pigs
  - c. Any Poultry or roosters, other than up to six (6) hens, if each hen is kept in accordance with this bylaw; and the person holds a valid license issued pursuant to this bylaw
  - d. Any ungulate
  - e. Mink or chinchilla.

Despite section 4. C., a person may keep on lot up to ninety (90) racing pigeons if that person is a member in good standing of a certified pigeon racing club.
- 5. Add in our bylaw the definition for an aggressive dog, a dangerous dog and a vicious dog as listed in the Surrey bylaw.
 

"Aggressive Dog" means a Dog that:

  - a. Has without justifiable provocation displayed Aggressive Behavior towards a person or animal; or
  - b. Has without justifiable provocation caused a minor injury to a person or animal.

"Dangerous Dog" means a Dog that:

  - a. Has killed or seriously injured a person;

- b. Has killed or seriously injured an animal, while in a public place or while on private property, other than property owned or occupied by the person responsible for the dog;
- c. Has previously been deemed a vicious dog and has since attacked or caused injury to a person or animal after being deemed a vicious dog; or
- d. As defined in the Community Charter S.B.C. 2003c.26, as amended.

“Vicious Dog” means a dog that:

- a. Has without justifiable provocation caused a serious injury to a person or animal; or
- b. Has a known propensity, tendency or disposition to attack without justifiable provocation; or
- c. Has on more than one occasion caused a minor injury to a person or animal; or
- d. Has while running at large, aggressively pursued or harassed a person without justifiable provocation or has demonstrated a propensity, tendency or disposition to do so as deemed by and Animal Control Officer or Animal Shelter Manager.

And add in our Animal Control Bylaw in Section 5 on Dangerous Dogs (Page 12), wording similar to the Surrey bylaw 18-21 to add aggressive, dangerous and vicious dog language.

- 6. In our Animal Control Bylaw under Part 3-Animal Welfare add a section titled Animal Cruelty and add working such as Surrey bylaw 48 which states:

48. Notwithstanding any other provision of this bylaw, no person shall:

- a. abandon any animal
- b. tease, torment, or provoke and animal;
- c. cause, permit or allow an animal to suffer, or
- d. train or allow any animal to fight.

- 7. And lastly, under our Outdoor Shelter Requirements in section 10 to change the wording in our bylaw which states:

10. 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, and
- c. protection from the direct rays of the sun.

To add wording stating that:

- 1. A person responsible for an animal shall ensure that the animal has protection from all the elements;
- 2. No person responsible for an animal shall permit the animal to suffer from hyperthermia, hypothermia, dehydration, discomfort, or exertion causing unnecessary pain, suffering or injury.

Please refer to the following appendices attached to this report; Appendix C – Animal Control Bylaw No. 11-044, City of Victoria; Appendix D – Surrey Dog Responsibility Bylaw Review; Appendix E – Duncan Animal Control Bylaw; and, Appendix F – City of Vancouver Animal Control Bylaw No. 9150

## Chickens and Bees

In the BCSPCA Animal Responsibility Model Bylaw, in the section on Urban Chickens and Urban Bees, it prefaces by stating:

Local and sustainable food systems are a vital part of vibrant, healthy communities. Trade-offs can exist when permitting residents in urban areas to house hens and bees. Some of the issues include noise, swarms and attracting pests and wildlife such as flies, rodents, raccoons and bears. A well-managed system ensures that goals related to local food are met and risks are mitigated. Education is a crucial aspect of implementing bylaws with the possibility for neighbour-related conflicts. Electric fencing may be required dependent on the bear issues in the municipality.

### Keeping of Urban Hens:

3. The keeping of up to five (5) hens is permitted provided that no neighbourhood health, environmental or nuisance problems result. Universities are not restricted to the number of hens for educational purposes.
4. A person who keeps one (1) or more hens, up to a maximum of five (5) must;
  - 4.1 be a resident of the property where the hens are kept;
  - 4.2 keep no more than five (5) hens on any parcel of land despite the number of permissible dwelling units on that parcel;
  - 4.3 not keep a rooster;
  - 4.4 ensure that all hens are kept within a secure coop from sunset to 7:00 am;
  - 4.5 ensure that each hen remains at all other times in a coop or pen;
  - 4.6 not permit a hen within a residential dwelling unit or on a balcony or deck;
  - 4.7 provide a coop and a pen each with a minimum of 0.37 square metres in floor area and 0.92 metres in height per hen;
  - 4.8 provide each hen with consistent access to a nesting box and its own perch that is at least fifteen (15) centimetres long;
  - 4.9 not keep a hen in a cage unless for the purposes of transport of the hen;
  - 4.10 ensure that the coop and pen are situated in a backyard only which has a continuous fence that is in accordance to the Zoning Bylaw;
  - 4.11 ensure that the coop is situated in accordance with the accessory building setbacks identified in the Zoning Bylaw;
  - 4.12 ensure that the coop and pen are situated at least three (3) metres away from any windows or dwelling doors;
  - 4.13 ensure that the coop and pen are fully enclosed by electric fencing and situated no less than one (1) metre from the electric fencing per the Zoning Bylaw;
  - 4.14 maintain each coop and pen in good repair and sanitary condition, and free from vertebrate wildlife and obnoxious smells and substances;
  - 4.15 construct, situate and maintain each coop and pen such that it is secure from other animals and prevents any rodent from harbouring underneath or within it or within its walls;
  - 4.16 not sell any manure or meat derived from the hens;
  - 4.17 secure all hen food that is stored outdoors from wildlife;
  - 4.18 ensure the timely removal of leftover food, debris and manure from each coop and pen;
  - 4.19 store manure within a fully enclosed structure in a manner that does not generate excessive heat or odour; ensuring that no more than 0.085 cubic metres (3 cubic feet) is stored at a time;

- 4.20 not deposit manure in the municipality's sewage or storm drain system and remove all other manure not used for composting or fertilizing;
  - 4.21 not slaughter or euthanize a hen on the property;
  - 4.22 not dispose of a deceased hen other than by delivering it to a veterinarian, a landfill in a sealed bag, a farm, an abattoir or other facility with the ability to lawfully dispose of the carcass;
  - 4.23 not bury a hen on the property
  - 4.24 follow biosecurity procedures recommended by the Canadian Food Inspection Agency, and
  - 4.25 register the hens with the animal bylaw officer.
- This is a model bylaw by the BCSPCA to ensure animal welfare and deal with nuisance animals.

However, other cities have adopted bylaws that are less stringent and does not include electric fencing. Appendix G attached is the City of Vancouver Guidelines for Keeping of Backyard Hens

#### Keeping of hens:

7.16 A person who keeps one or more hens must:

- (a) provide each hen with at least 0.37 m<sup>2</sup> of coop floor area, and at least 0.92 m<sup>2</sup> of roofed outdoor enclosure;
- (b) provide and maintain a floor of any combination of vegetated or bare earth in each outdoor enclosure;
- (c) provide and maintain, in each coop, at least one perch, for each hen, that is at least 15 cm long, and one nest box;
- (d) keep each hen in the enclosed area at all times;
- (e) provide each hen with food, water, shelter, light, ventilation, veterinary care, and opportunities for essential behaviours such as scratching, dust-bathing, and roosting, all sufficient to maintain the hen in good health;
- (f) maintain each hen enclosure in good repair and sanitary condition, and free from vermin and obnoxious smells and substances;
- (g) construct and maintain each hen enclosure to prevent any rodent from harbouring underneath or within it or within its walls, and to prevent entrance by any other animal;
- (h) keep a food container and water container in each coop;
- (i) keep each coop locked from sunset to sunrise;
- (j) remove leftover feed, trash, and manure in a timely manner;
- (k) store manure within a fully enclosed structure, and store no more than three cubic feet of manure at a time;
- (l) remove all other manure not used for composting or fertilizing; - 11 -
- (m) follow biosecurity procedures recommended by the Canadian Food Inspection Agency;
- (n) keep hens for personal use only, and not sell eggs, manure, meat, or other products derived from hens;
- (o) not slaughter, or attempt to euthanize, a hen on the property;
- (p) not dispose of a hen except by delivering it to the Poundkeeper, or to a farm, abattoir, veterinarian, mobile slaughter unit, or other facility that has the ability to dispose of hens lawfully;
- or
- (q) not keep a hen in a cage.

Also within our Capital Region:

City of Victoria: It is lawful to keep poultry (chickens, ducks, and geese). Roosters are prohibited. There is no maximum number of poultry permitted, but the number must be consistent with use for personal egg consumption.

Esquimalt: Up to 7 Urban Hens can be kept on any parcel of land zoned for Single or Two Family Residential Use. Roosters are prohibited. There are specific rules regarding coop/run enclosures in Esquimalt. Please read the Bylaw (Section 32) before constructing or locating a chicken coop/run.

Oak Bay: You can keep up to 5 or 10 hens depending on your lot size. Roosters are prohibited. There are specific rules about hen enclosures in Oak Bay. You must also register your chickens with Oak Bay Municipal Hall. Please read the Bylaw (Section 26) before constructing your chicken coop.

\*Victoria, Esquimalt and Oak Bay does not permit the sale or advertising of eggs / manure / meat products.

Nanaimo bylaw states:

Notwithstanding Section 8(a), a maximum of six (6) chickens or ducks may be kept on a lot less than 0.4 Hectares (1 acre) in size but where the lot is less than 450 m<sup>2</sup> (4843.75 ft<sup>2</sup>) no more than four (4) chickens or ducks may be kept, provided that:

- (1) No roosters, cocks, or cockerels, or peacocks, and the like, are kept on the property;
- (2) A minimum enclosure of 0.37 m<sup>2</sup> (4 ft<sup>2</sup>) must be provided per chicken or duck;
- (3) Any structure containing chickens or ducks, whether portable or stationary is subject to the setback requirements of the zone;
- (4) Structures housing chickens or ducks must be kept clean, dry, and free of odours;
- (5) Areas within and around structures are kept free of vermin;
- (6) Any diseased chicken or duck is killed and the carcass destroyed;
- (7) No slaughtering of chickens or ducks occurs on the property;
- (8) Chicken and duck manure and waste products are composted or disposed of to prevent odours; and,
- (9) Chickens or ducks are not permitted within a dwelling unit

We may need to do more consultation for this bylaw.

See pages 27 of the BCSPCA Model Animal Responsibility Bylaw under Keeping of Urban Bees pages 27-28.

We may need to do more consultation for this section.

### **Vehicles for Hire Bylaw**

BCSPCA receives complaints about the health condition of horses pulling carriages. Through the years, the BCSPCA has worked with us to make changes to improve the conditions for these working horses. In recent amendments, we have added that all carriages must have the name of the company easily on display so the public can easily identify the company if they would like to lodge a complaint or express a concern. BCSPCA often has only information such as "the brown and white horse" with name of company. To better identify the exact horse, the BCSPCA recommends that the following amendment be added to our Vehicle for Hire bylaw:

Identification of horses and horse drawn vehicles:

Each horse while transporting passengers must display an identification number which is visible and legible. This identification number must correspond with the name, description and health record of the horse and is to be provided to the licensing officer and SPCA at the beginning of the

season. Appendix H attached to this report is the City of Victoria's current *Vehicles for Hire Bylaw*. See Part 4 starting on page 16.

Respectfully submitted,



Councillor Thornton-Joe

**List of Attachments:**

- Appendix A – BCSPCA Model Animal Responsibility Bylaw
- Appendix B – BCSPCA News Story
- Appendix C – Animal Control Bylaw No. 11-044
- Appendix D – Surrey Dog Responsibility Bylaw Review
- Appendix E – Duncan Animal Control
- Appendix F – City of Vancouver Animal Control Bylaw No. 9150
- Appendix G – City of Vancouver Guidelines for Keeping of Backyard Hens
- Appendix H – City of Victoria's current *Vehicles for Hire Bylaw*. See Part 4 starting on page 16.