

TOWN OF LADYSMITH

BYLAW NO. 2167

A Bylaw to provide for the management and regulations in relation to animals in the Town of Ladysmith

The Council of the Town of Ladysmith in open meeting assembled enacts as follows:

1. Definitions

1.1 In this Bylaw, unless the context otherwise requires:

- (a) "Animal" means any member of the animal kingdom, other than a human being (as defined in the *Community Charter*).
- (b) "Backyard Poultry" means domesticated adult hens permitted on a *Residential Parcel of Land* pursuant to section 3 of this bylaw.
- (c) "Business License" means a license to carry on business issued pursuant to "Business License Bylaw No. 1513, 2003 and all amendments thereto."
- (d) "Intermunicipal Business License" means a business licence issued by the Licence Inspector of the Town of Ladysmith or another participating Local Government to carry on business within the boundaries of any participating municipality and issued pursuant to the Intermunicipal Business License Agreement.
- (e) "Bylaw Enforcement Officer" means a Public Officer, as defined in the *Interpretation Act*, a Peace Officer, and those persons designated by the Town of Ladysmith as Bylaw Compliance Officers from time to time.
- (f) "Coop" means a shelter for *Backyard Poultry* with a solid roof, floor and walls with entries and exits that can be secured with animal proof closures during the evening.
- (g) "Hen" means a domesticated female chicken or domesticated female duck that is at least 4 months old.
- (h) "Livestock" means an animal raised or kept for food, meat, milk or for wool or fiber, or a beast of burden, and includes, alpaca, cattle, donkeys, emus, goats, horses, llamas, mules, ostriches, sheep, or swine, including miniature pigs, and all other animals that are solely used for agricultural purposes. Livestock also includes wild animals kept in captivity for food or commodity production, including bison and ungulates.

- (i) "Pen" means a fully enclosed outdoor space for Backyard Poultry.
- (j) "Residential Parcel" means a parcel zoned to permit a single-family dwelling and excludes properties zoned for agriculture or a *Farm Use* pursuant to the *Agricultural Land Commission Act* and *Agricultural Land Reserve Regulations*.
- (k) "Town" means the Town of Ladysmith.
- (l) "Wildlife" means a wild animal.
- (m) "Wrangler" means a person who transports animals to and from a work site, sets up fencing and provides 24-hour care and security for the animals.

2. General Provisions

2.1 General Provisions:

- (a) A person shall not keep livestock on a Residential Parcel that is less than 0.81 hectares.
- (b) A person must immediately remove and lawfully dispose of any excrement deposited by an animal in their care and custody on any public property or private property not owner or occupied by the owner.
- (c) No person who has removed animal excrement may deposit the excrement into a municipal litter receptacle except where the excrement is securely contained in an impermeable bag or other impermeable container so as not to ooze, leak, or fall out, into a municipal litter receptacle.

3. Keeping of Backyard Poultry

3.1 Notwithstanding subsection 2.1(a) a person may keep Backyard Poultry on a residential parcel, subject to the following provisions:

- (a) No person shall keep Backyard Poultry within the area shown on Schedule A.
- (b) No person shall keep Backyard Poultry without the written consent of the owner of the parcel where the Backyard Poultry is to be located.
- (c) No more than six Backyard Poultry may be kept on Residential Parcel.
- (d) No person shall keep Backyard Poultry within a dwelling unit or on a

balcony, roof, or deck.

- (e) No person shall allow Backyard Poultry outside of a Coop or Pen except to perform typical animal husbandry practices such as wing clipping and veterinary care.
- (f) Coops and Pens shall not be located:
 - i. in a front yard.
 - ii. within 1.0 metre from any property line.
 - iii. within 3.0 metres of any dwelling unit.
- (g) A Coop shall:
 - i. provide a minimum volume of 0.6 cubic metres per hen.
 - ii. provide a minimum floor area of 0.37 square metres per hen.
 - iii. not exceed a maximum floor area of 10.0 square metres or volume of 30.0 cubic metres.
 - iv. not exceed a height of 3.0 metres.
 - v. provide each chicken with its own nesting box and perch that is at least fifteen (15) centimetres long, and each duck with adequate ground-level nesting space.
 - vi. be kept clean, in good repair, and free of vermin.
- (h) A Pen shall:
 - i. provide a minimum volume of 1.0 cubic metres per hen.
 - ii. have a minimum Pen area of 0.93 square metres per hen.
 - iii. not exceed an area of 10.0 square metres.
 - iv. shall not exceed a height of 3.0 metres.
 - v. be fully enclosed at all sides with corrosion-resistant metal wire fencing with a minimum wire gauge of 14 and a maximum opening of 2 inches (5.08 centimeters) securely fastened to the structure with corrosion-resistant fencing staples.
 - vi. be covered with a roof wire fencing meeting the criteria under subsection v.
 - vii. be kept clean, in good repair, and free of vermin.
- (i) A Parcel on which Backyard Poultry are kept must have a continuous animal proof fence that encloses the Coop and Pen.
- (j) A Pen shall be attached to or surround the Coop so as to provide the Backyard Poultry with full and unobstructed access to enter and exit the Coop at their leisure during daylight hours.
- (k) All Backyard Poultry must be kept within a secure Coop from sunset to

sunrise.

- (l) All Backyard Poultry shall be provided with adequate litter within the Coop to nest in which shall be cleaned weekly.
- (m) Food and water receptacles shall be frequently cleaned and disinfected and located so as to avoid contamination by excreta and attraction of vermin.
- (n) The owner must ensure that the Coop and Pen are situated in a way that would reasonably prevent entry by Wildlife and constructed to prevent any vermin from harbouring underneath or within it or within its walls.
- (o) No person shall keep Backyard Poultry in a cage unless for the purposes of transport of the Backyard Poultry.
- (p) Unless ordered to by an authority having jurisdiction, slaughtering Backyard Poultry is prohibited.
- (q) Except for the sale of eggs, no person shall sell any products associated with Backyard Poultry, including manure and meat.
- (r) Backyard Poultry eggs shall be sold in accordance the BC Centre for Disease Control "Guidelines for the Sale of Foods at Temporary Food Markets". In addition to the BC Centre for Disease Control guidelines, the following conditions shall be met:
 - a. The eggs must be produced on the property upon which the Backyard Poultry owner resides.
 - b. The eggs must be only for the consumption of the individual purchasing the eggs and/or that individual's household.
- (s) The owner of Backyard Poultry shall ensure poultry food is stored and secured in vermin-proof and wildlife-proof containers, and that no more than 0.085 cubic metres (3.0 cubic feet) may be stored at a time.
- (t) The owner of Backyard Poultry shall ensure manure is stored in an enclosed vermin-proof and wildlife-proof container that does not generate excessive heat or odour, and that no more than 0.085 cubic metres (3.0 cubic feet) may be stored at a time.
- (u) A person shall not dispose of deceased Backyard Poultry other than by delivering it to a veterinarian, landfill in a sealed bag, a farm, an abattoir, or other facility with the ability to lawfully dispose of the carcass.
- (v) The owner of Backyard Poultry must follow biosecurity procedures

recommended by the Canadian Food Inspection Agency.

- (w) Backyard Poultry shall not be left unattended for periods of more than 12 hours.

4. Prohibition of Cruelty to Animals

4.1 No person shall keep any animal unless the animal is provided with:

- (a) Clean, potable drinking water and food in sufficient quantity and of a recognized nutritional quality to allow for the animal's normal growth and the maintenance of the animal's normal body weight;
- (b) Sanitary food and water receptacles;
- (c) The opportunity for periodic exercise sufficient to maintain the animal's good health;
- (d) Clean bedding material and an area maintained at a temperature warm and dry enough to prevent the animal from suffering discomfort; and
- (e) The necessary veterinary care to prevent or treat pain, suffering, or disease.

4.2 No person shall keep any animal outside for more than 3 hours in any day unless the animal is provided with a shelter that allows the animal to move freely, and stand, sit or lie in a position that:

- (a) Protects the animals from heat, cold and wetness; and
- (b) Is shaded.

4.3 No person shall keep any animal confined in an enclosed space, including a motor vehicle, without sufficient ventilation to prevent the animals from suffering discomfort, heat stroke or injury.

4.4 No person shall keep any animal hitched, tied or fastened to a fixed object where a choke collar or choke chain forms part of the securing apparatus, or where a rope or cord is tied directly around the animal's neck.

4.5 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.

5. Goat Vegetation Management

5.1 Notwithstanding Section 2.1 (a) of this Bylaw, a person may keep goats on any parcel

of land within the Town, on a temporary basis, for vegetation management subject to the following requirements:

- (a) Goats shall be used to clear vegetation for no more than 30 consecutive days.
- (b) For the purposes of vegetation management, the total number of goats permitted on a parcel of land is to be calculated at one (1) goat per 100.0 square metres (1076.4 square feet) of parcel area to a maximum of thirty (30) goats per parcel.
- (c) Goats must be contained within a temporary, animal proof woven wire (or similar material) fence at all times while on a work site or performing their vegetation management activities and must be cared for in a manner consistent with the requirements of the Society for Prevention of Cruelty to Animals and all other applicable regulations and legislation.
- (d) Goats used for vegetation management shall not remain overnight onsite unless a Wrangler or a person living onsite has been trained and equipped to wrangle the goats is present.
- (e) Any goats remaining onsite overnight shall be kept in a portable wildlife-proof enclosed and roofed shelter that is appropriately sized to accommodate each animal.
- (f) Vegetation management using goats shall only be carried out by business holding a valid Business License or Intermunicipal Business License.
- (g) A business providing goat vegetation management services must obtain and maintain third party liability insurance in the amount of \$5,000,000.

6. Application

- 6.1 Any government authority, farm operation, or agriculturally zoned property is exempt from this bylaw.

7. Enforcement

- 7.1 A Bylaw Compliance Officer for the Town may enter onto any property in accordance with the *Community Charter* to inspect and determine whether the provisions of this bylaw are being met.
- 7.2 A person must not obstruct or interfere with a Bylaw Compliance Officer who has entered onto property pursuant to Section 7.1, or other person assisting the Bylaw Compliance Officer.

8. Offences and Penalties

8.1 A person who commits an offence is subject to the penalties imposed by the Bylaw, the Ticket Utilization 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 that is contrary to this Bylaw; or
- (c) neglects, refrains, or omits from doing an act or thing required by a provision of this Bylaw.

8.2 Each day that a contravention of a provision of this Bylaw occurs or continues to occur shall constitute a separate offence.

8.3 The minimum fine that shall be imposed for a contravention of this Bylaw is \$100.00.

8.4 The maximum fine that shall be imposed for a contravention of this Bylaw is \$10,000.00.

8. Repeal

8.1 "Animal and Poultry Bylaw, 1994, No. 1136" is hereby repealed.

9. Citation

9.1 This Bylaw may be cited for all purposes as "Town of Ladysmith Animal Control Bylaw 2024, No. 2167".

READ A FIRST TIME on the 17th day of December, 2024
READ A SECOND TIME on the 17th day of December, 2024
READ A THIRD TIME on the 17th day of December, 2024
ADOPTED on the 18th day of February, 2025





Acting Mayor (T. McKay)



Corporate Officer (S. Bouma)

SCHEDULE "A"

Backyard Poultry Exclusion Areas
"Town of Ladysmith Animal Control
Bylaw 2024, No. 2167"

