

STAFF REPORT TO COUNCIL

Report Prepared By: Julia Tippet, Planner
Reviewed By: Jake Belobaba, RPP, MCIP, Director of Development Services
Meeting Date: December 17, 2024
File No: ZBL 3360-23-09
RE: **Proposed Animal Control Bylaw and Consequential Zoning Bylaw Amendments**

RECOMMENDATION:

That Council:

1. Give first, second, and third readings to “Town of Ladysmith Animal Control Bylaw 2024, No. 2167”;
2. Give first and second readings to “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2024, No. 2169”;
3. Direct staff to proceed with scheduling and notification of a public hearing for “Town of Ladysmith Zoning Bylaw 2014, No. 1860 Amendment Bylaw 2024, No. 2169” pursuant to section 464(1) of the *Local Government Act*; and
4. Direct staff to forward “Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2024, No. 2169 to the Ministry of Transportation and Infrastructure, after third reading of the bylaw, pursuant to section 52 of the *Transportation Act*.

EXECUTIVE SUMMARY:

The purpose of this report is to introduce a proposal to repeal and replace the existing “Animal and Poultry Bylaw 1994, No. 1136” with a “Town of Ladysmith Animal Control Bylaw 2024, No. 2167”. The new bylaw would add regulations for the keeping of backyard poultry on certain residential properties, animal welfare, and goats for vegetation management purposes. In addition, this report introduces a proposal for consequential amendments to the “Town of Ladysmith Zoning Bylaw 2014, No. 1860 ” in association with the proposed “Animal Control Bylaw 2024, No. 2167,” including to facilitate the keeping of backyard poultry as an accessory use on residential parcels with single family homes as the principal use within specific residential zones.

PREVIOUS COUNCIL DIRECTION:

Resolution	Meeting Date	Resolution Details
CW 2024-032	2024-05-14	That the Committee recommend that Council: <ol style="list-style-type: none"> 1. Give first, second and third readings to “Town of Ladysmith Animal Control Bylaw 2024, No. 2167”; and 2. Direct staff to bring forward consequential amendments to the “Town of Ladysmith Zoning Bylaw 2014, No. 1860”. <i>Motion Carried.</i>
CW 2023-073	2023-09-12	That the Committee direct staff to return to a future Committee of the Whole meeting with policy options for allowing livestock, under permit, for plant or weed control. <i>Motion Carried.</i>
CS 2023-019	2023-01-24	That Council: ... <ol style="list-style-type: none"> 1. Refer consideration of backyard chickens to a future meeting after the adoption of the Official Community Plan (OCP), when it can be considered as an OCP Implementation Policy.... <i>Motion Carried.</i>
CW 2023-009	2023-01-17	That the Committee recommend that Council refer consideration of backyard chickens to a future meeting after the adoption of the Official Community Plan (OCP), when it can be considered as an OCP Implementation Policy. <i>Motion Carried.</i>
MS 2017-083	2017-11-27	That the Committee recommend that Council introduce an amendment to Animal and Poultry Bylaw 1994, No. 1136 that would permit the raising of hens in backyards in appropriate residential zones in Ladysmith. <i>Motion Defeated.</i>
CS 2017-255	2017-08-21	That Council direct staff to: <ol style="list-style-type: none"> 1. Conduct a public consultation with Town residents on the desirability and possible content of an amendment to the “Animal and Poultry Bylaw 1994, No. 1136” to allow the keeping of hens on residentially zoned properties in the Town of Ladysmith... <i>Motion Carried.</i>

INTRODUCTION/BACKGROUND:

Section 318 of the *Local Government Act* gives local governments the authority to adopt a bylaw that regulates the keeping of animals, including the authority to define areas in which animals may or may not be kept. The current “Animal and Poultry Bylaw 1994, No. 1136” does not permit livestock, including poultry and goats, to reside on properties less than 2.0 acres in size.

Other municipalities on Vancouver Island, such as the City of Duncan and the City of Nanaimo, allow the keeping of backyard chickens and/or poultry on appropriately zoned residential properties or on properties of a certain size. Similarly, the City of Parksville and the City of Port Alberni have adopted bylaws to allow and regulate the use of goats for vegetation control and management. The proposed Animal Control Bylaw and consequential Zoning Bylaw amendments were informed by policies from similar sized and/or nearby municipalities that allow backyard hens and ducks and/or have bylaws for goat vegetation management.

Town of Ladysmith Development Services and Public Works staff met with a local goat vegetation management business at Transfer Beach Park in early 2024 to better understand how goats are

used for vegetation management. The notable points from the meeting with the business owner include the following:

- Sheep tend to eat grass, whereas goats prefer woody and leafy plants.
- The appropriateness of a vegetation control site is determined on a case-by-case basis.
- Leaving the goats onsite overnight depends on property surveillance and the goats' safety.
- Several of the business owner's goats were obtained through a livestock supplier and would otherwise have been butchered¹.
- The Public Works Department would like to explore using goats as a more efficient way to manage vegetation in certain Town-owned areas.

Attachment C contains photographs taken during an outdoor meeting at Transfer Beach Park with a local goat vegetation management business.

Past Council Direction

Past Council direction has included the consideration of adopting bylaws that would allow backyard chickens on appropriate residential zones within the Town of Ladysmith. In 2017, public consultation was carried out under the direction of Council to gauge public interest and possible regulations of an amendment to the "Animal and Poultry Bylaw 1994, No., 1136" that would allow the keeping of hens for specific residential properties. Public engagement results were generally favourable towards the keeping of hens. In a survey carried out by the Town, 82 respondents were in favour of allowing backyard hens and 42 respondents were opposed. Staff brought forward the results of the consultation and a proposal that the Municipal Services Committee (now the Committee of the Whole) recommend to Council that an amendment to the Animal and Poultry Bylaw be introduced to allow raising hens on some residential properties. This proposal was defeated by the Committee.

In January 2023, Council passed resolution 2023-019 directing that backyard poultry be considered at a future meeting once the new OCP was adopted. The new "Town of Ladysmith Official Community Plan Bylaw 2022, No. 2200", which was adopted on May 2nd, 2023, contains a policy (Policy 2.4(ab)) supportive of small urban farms that allow animals such as chickens to encourage food production in public and private lands.

Town staff received direction from the Committee of the Whole on September 12, 2023, to return to the Committee with policy options to allow goats to be used for vegetation management and weed control. This direction came after a residential property had hired a local business employing goats for the removal of invasive plants. On May 15, 2024, staff brought forward an information report and draft Animal Control Bylaw regulating the keeping of up to six backyard poultry on certain residential properties and explicitly allowing goats for vegetation management purposes within the Town. The Committee of the Whole moved the recommendations to proceed to Council for the first, second and third readings of the proposed Animal Control Bylaw

¹ Baby male goats are often butchered because they do not produce milk.

and directed staff to bring consequential amendments to the Zoning Bylaw to align with the proposed Animal Control Bylaw.

PROPOSAL:

Except for the properties within the proposed backyard poultry exclusion areas (Attachment D), the keeping of up to six backyard poultry would be permitted on residential properties where the principal use is a single-family dwelling and where the property falls within any of the following zones: RU-1, R-1, R-1-A, R-2, R-2-B, and R-3. A property must meet all the conditions set out in the proposed Zoning Amendment Bylaw to lawfully keep backyard poultry within the Town. Livestock, defined in the Animal Control Bylaw, will not be permitted on residential properties less than 0.81 hectares in size, except for the temporary keeping of goats for vegetation management practices.

The proposed Animal Control Bylaw includes rules related to the size and siting of coops and pens, adequate animal care, prevention of nuisances, and mitigation of wildlife-associated risks. The bylaw proposes to allow any combination of adult female chickens (hens) and female ducks (also hens). Additionally, the proposed bylaw sets parameters for the number of goats permitted for vegetation control purposes, temporary fencing, wrangling and safe keeping of the goats, and associated business licensing requirements.

Enforcement for the keeping of backyard poultry would be complaint-driven, and staff do not recommend additional licensing requirements for the keeping of backyard poultry.

The draft “Town of Ladysmith Animal Control Bylaw 2024, 2167” and the “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2024, No. 2169” are included as Attachments A and B, respectively.

Staff propose the creation of education programming through the provision of an information handout on the proposed bylaw requirements to promote awareness of rules and best practices associated with the keeping of backyard poultry. See Attachment E for an example of what the information handout could look like.

A breakdown of the proposed Animal Control Bylaw regulations are provided in Table 1.

Table 1: Proposed Animal Control Bylaw regulations in Ladysmith.

Type of Bylaw Provisions	Specific Regulations
<p>Keeping of Backyard Poultry</p>	<ul style="list-style-type: none"> ● Maximum (total) of 6 hens, which includes female chickens and female ducks, are permitted on residential properties that meet the Zoning Bylaw requirements and are outside of the Backyard Poultry Exclusion Area (see Schedule E) ● Written consent from the registered property owner(s) stating the tenant renting the property may keep backyard poultry ● Hens must not be kept in a dwelling or on a balcony, roof or deck ● Hens must remain in their coop and pen except for when typical animal husbandry practices are necessary ● Backyard poultry must not be kept in a cage except for transportation ● Slaughtering of backyard poultry is prohibited, except as ordered by an authority having jurisdiction ● No animal products from the poultry may be sold, except for eggs which must meet the BC Centre for Disease Control guidelines ● Any eggs sold may only be consumed by those who purchased the eggs from the poultry owners (or their household members) ● Separate, clean, wildlife- and vermin-proof food and manure receptacles are required (maximum volumes of 3.0ft³) ● Diseased poultry must be delivered to a veterinarian, landfill in a sealed bag, a farm, an abattoir, or other facility for appropriate disposal ● Backyard poultry must not be left unattended for more than 12 hours

<p>Coops and Pens</p>	<ul style="list-style-type: none"> ● The coop and pen must be fully enclosed with continuous animal-proof fencing ● The coop and pen must be situated to reasonably prevent wildlife entry and must be constructed to prevent rodents from harbouring within or under the structures ● A coop must have adequate litter for nesting and shall be cleaned weekly ● Backyard poultry must be kept in a secure coop from sunset to sunrise ● A pen shall be attached to or surround the coop and provide unobstructed access to the coop ● Coops and pens must not be located: (1) in a front yard; (2) within 1.0 metre of any property line; and (3) within 3.0 metres of any dwelling unit ● A coop shall: <ul style="list-style-type: none"> - Provide a minimum of 0.37m² and 0.6m³ of space per hen - Not exceed 10.0m² in floor area or 30.0m³ in volume - Not exceed 3.0 metres in height - Have adequate nesting space and perches for each hen - Be kept clean and in good repair ● A pen shall: <ul style="list-style-type: none"> - Provide a minimum of 0.93m² and 1.0m³ of space per hen - Not exceed 10.0m² in area - Not exceed 3.0m in height - Be fully enclosed with corrosion-resistant wire fencing materials
<p>Prohibition of Cruelty to Animals</p>	<ul style="list-style-type: none"> ● Animals must be provided with: <ol style="list-style-type: none"> 1. Access to clean drinking water and sufficient quantities and qualities of food to support animal health 2. Sanitary food and water containers 3. Opportunities for adequate exercise 4. Clean bedding material and a warm, dry shelter 5. Veterinary care, as needed ● Animals must be provided with a shelter to protect them from weather and provide shade ● Animals must have access to properly ventilated spaces ● No animal shall be kept tied or hitched to a fixed object as a form of confinement

Goat Vegetation Management	<ul style="list-style-type: none"> • Goats may be used for vegetation clearing up to a maximum of 30 consecutive days • Total number of goats allowed per parcel shall be calculated at 1 goat per 100.0 square metres of parcel area up to a maximum of 30 goats • Goats must be contained within a temporary, animal proof fence while on a work site and must be appropriately cared for • Goats are only permitted to remain overnight if the wrangler or person on site has been trained to wrangle the goats and will remain on site • Overnight enclosed shelters are required to keep goats safe • Businesses using goats for vegetation management must hold a valid business licence with the Town • All dogs must be leashed where goats are at work
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Table 2: Proposed Zoning Amendment Bylaw regulations for Animal Control Changes.

Type of Zoning Provision	Specific Regulations
General Regulations	<ul style="list-style-type: none"> • Coops and Pens are not considered accessory structures, except for the application of the following accessory building/structure regulations: <ul style="list-style-type: none"> - A maximum of 2 accessory buildings are permitted per property - Must be on the same property as the principal use (single-family dwelling) - Must not be used as a dwelling unit - Must meet the attic/roof height regulations for accessory buildings - Must not contain kitchen facilities • One self-contained trailer or recreational vehicle is permitted on a Single-Family Dwelling property to provide temporary accommodation of a goat wrangler, and one animal transport vehicle is permitted for vegetation management practices (up to 30 consecutive days)
Specific Regulations	<ul style="list-style-type: none"> • For produce stands, eggs may now be sold where backyard poultry is a permitted use (limited to one stand per property), in accordance with the Animal Control Bylaw • Where backyard poultry is permitted as an accessory use on residential parcels where the principal use is a single unit dwelling, a total of 6 hens are permitted provided that the following conditions are met: <ul style="list-style-type: none"> - The residential parcel is outside of the Backyard Poultry Exclusion Areas identified in the Animal Control Bylaw, Schedule A; - Backyard poultry must be housed in a coop and pen; - A coop and pen must be located at grade; - Backyard poultry use must meet all requirements established in the Animal Control Bylaw

Backyard Poultry as an Accessory Use in the following Residential Zones (where a Single Unit Dwelling is the principal use and where Backyard Poultry Exclusion Areas do not apply)	<ul style="list-style-type: none"> ● RU-1 ● R-1 ● R-1-A ● R-2 ● R-2-B ● R-3
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ANALYSIS:

For the reasons outlined below, staff are recommending approval of the proposal.

Official Community Plan

Food security is identified as one of the most important actions within the Ladysmith/Stz’uminus Poverty Reduction Strategy (2022) and is recognized within the “Official Community Plan Bylaw 2022, No. 2200”.

Table 1. provides a review of the OCP policies in relation to the keeping of backyard poultry and vegetation management using goats.

Table 1: OCP Policies relating to backyard poultry and vegetation management using goats.

OCP Policy Category and Policies	Comments
Part B: 2.4 General Land Use Policies	
Ecological and Resource Protection	
ab. Encourage food production in public and private lands and buildings. Examples include community gardens, Indigenous harvesting spaces, edible landscaping, permaculture, and small urban farms including those with urban farm animals such as chickens.	Allowing urban chickens encourages small scale food production. This can contribute to local food security and enhance education around home-based food production.
Part C: 4. Policies	
4. Parks and Open Space	
4.19. Consider the following opportunities for use in parks: <ul style="list-style-type: none"> ● New models for promoting and sustaining biodiversity; ● Planting of local and climate-adapted species, and the restoration of habitats; 	Vegetation management using goats can contribute to a more balanced ecosystem by targeting and removing invasive plants and making resources and space available for native and climate-adapted species in Town parks. Employing goats for vegetation management is a model for promoting biodiversity and controlling invasive plant species. Temporary fencing and other control methods can be carefully placed as goats may also eat some materials that have not been targeted for removal.
4.22. Strive to eradicate invasive plants from Town parkland.	The proposed Animal Control Bylaw exempts government authorities, such as the Town of Ladysmith, from the bylaw regulations. This will allow the Town and other government authorities (e.g. BC Hydro) to employ goats for invasive plant removal without limitations. Although goats employed for invasive plant removal may not completely eradicate the invasive species, it can help reduce the abundance and growth of invasive plants. Repetitive use of goats for vegetation control (e.g., having

	the goats graze on the site annually) can reduce the presence and recurrence of some invasive plant species in that area where grazing was permitted.
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Zoning Bylaw

The consequential Zoning Bylaw amendments listed above are proposed to align the Zoning Bylaw with the proposed Animal Control Bylaw. The zoning amendments will facilitate the keeping of backyard poultry in certain residential properties outside the Backyard Poultry Exclusion Areas zoned RU-1, R-1-A, R-2, R-2-B. and R-3 and where the principal use is a single-family dwelling. The amendments will also add definitions for clarity on the additional allowances and will permit the temporary overnight accommodation of a goat wrangler and goats for vegetation management.

Additional Considerations

Rationale for Proposed Backyard Poultry Regulations

The proposed regulations have been designed to ensure adequate space is provided for backyard poultry while limiting proximity to residential dwellings, protecting against potential wildlife conflicts, and addressing concerns associated with health, safety, and associated nuisances.

Some of the primary concerns associated with the keeping of backyard poultry in urban areas include the possibility of attracting wildlife and increasing the incidences of human-wildlife conflicts. Several regulations aim to mitigate these concerns by requiring exclusion areas around places more suitable for wildlife habitat, such as parks and forested lands. A 200.0-metre buffer was applied to the P-3 – Nature Park zone, and currently forested, undeveloped parcels of land. The exclusion areas in Attachment D are based on this buffer and provide separation between wildlife habitat and corridor areas from residential zones that allow backyard poultry. Additional provisions, such as requiring fully enclosed coop and pen structures surrounded by fencing and securing the backyard poultry inside the coop from sunset to sunrise, are intended to prevent wildlife from accessing the hens. Pens and their roofs must consist of corrosion-resistant metal wire with a minimum wire gauge of 14 and a maximum opening of two inches fastened to the structure with corrosion resistant staples to ensure backyard poultry enclosures are strong enough to keep out wildlife, such as raccoons and bears, and to prevent wildlife from becoming entangled in the wire fencing.

The proposed Animal Control Bylaw prohibits the sale of meat, manure, and other backyard poultry products, except for the small-scale selling of eggs in accordance with BC Centre for Disease Control’s “Guidelines for the Sale of Foods at Temporary Food Markets²”. These guidelines establish standards that reduce the risk of illness associated with the consumption of ungraded eggs, such as prohibiting the sale of cracked or dirty eggs that may be contaminated

² BC Centre for Disease Control’s “Guideline for the Sale of Foods at Temporary Food Markets” establish the requirements for the sale of ungraded eggs

with pathogens that could cause an individual to become ill. The sale of eggs is limited to the direct consumer or household of the individual purchasing the eggs.

Rationale for Proposed Goat Vegetation Management

The Animal Control Bylaw proposes limits on the maximum number of goats onsite, proportional to parcel size, to ensure the herd can be adequately managed and contained and to mitigate any potential impacts, such as nuisances, on neighbouring properties. The proposed regulations include a maximum duration of 30 consecutive days for goat vegetation management to ensure the goats do not remain on a parcel in Town for extended periods of time. Measures are also proposed to ensure that, if goats are to remain onsite overnight, that a wrangler or property owner is present and properly trained and equipped to respond to the goats' needs. Goats must be kept inside a temporary shelter overnight to provide the animals with protection from weather and wildlife. Temporary animal-proof fencing made of woven wire, or like materials, must contain the goats while working to ensure they do not consume toxic plants and to provide protection against wildlife and other animals, such as dogs. The bylaw also requires owners to leash dogs where goats are working. In practice, "goats at work" signs will be posted at worksites advising owners to leash their dogs and dog owners can be fined if they allow their dogs to harass or attack the goats. This rule provides an extra layer of protection for goats, as dogs may find ways to breach the temporary fencing or harass goats from the fence line.

Benefits

Backyard Poultry

Allowing backyard poultry supports sustainability and food security, community building and social wellbeing, food waste reduction, and public education. Residents can keep poultry that produce eggs to mitigate high food costs and provide a regular food source. This can also encourage individuals to learn more about sustainable, local food production and animal husbandry practices. Backyard poultry can help control pest and insect populations, complementing urban gardens. Hens can be fed some types of food scraps to reduce food waste (which the Town must otherwise collect and dispose of) and reduce the cost of egg production.

Goats for Vegetation Management

Prescribed goat browsing is an effective and sustainable method of preventing, containing, and suppressing proliferation of invasive and non-native plant species. Goats are browsers and prefer a variety of woody plants, leaves, twigs, and shrubs, which includes some of the most invasive plant species on Vancouver Island including Scotch Broom, Himalayan Blackberry and English Ivy. Goats can help clear dry bramble or vegetation that would otherwise contribute to the risk of forest fires. Additionally, goats can reach difficult, steep terrain that may be less accessible to mechanical equipment and are gentler ecologically when removing vegetation than herbicides and mechanical-based vegetation control measures. The allowance of this practice would also support local businesses established in the region by permitting them to be hired for vegetation removal within the Town of Ladysmith.

The proposed Animal Control Bylaw also includes new regulations that will enhance enforceability of the humane treatment of animals within the Town of Ladysmith.

Challenges

Enforcement

Staff do not believe that licensing for backyard poultry should be required as it would strain existing staff capacity and resources. The proposed bylaw(s), if adopted, can be changed in the future should staff determine that the benefits of backyard poultry licensing necessitate its introduction. The proposed bylaw establishes requirements that must be met by those intending to keep backyard poultry, and these are enforceable with both warnings and—if necessary—fines.

Health Concerns

Public education on illness prevention measures, such as handwashing before and after handling poultry, maintaining the cleanliness of the enclosures, and obtaining veterinary care for ill birds, can help address health concerns associated with keeping backyard poultry. The proposed bylaw contains measures to address such concerns, such as requiring that backyard poultry owners follow the Canadian Food Inspection Agencies biosecurity procedures and obtain veterinary care to prevent or treat pain, suffering or disease of animals.

Wildlife Conservation

The keeping of backyard hens can lead to increased wildlife attractants within urban environments. In response to this threat, staff have established a Backyard Poultry Exclusion Area by buffering areas more suitable for wildlife habitat. Keeping backyard poultry on properties that fall within this area is prohibited in the proposed bylaw.

Staff have assessed the benefits and challenges associated with the proposed Animal Control Bylaw changes and understand that the introduction of animals may lead to an increase in human-wildlife conflicts. It is recommended that the proposed bylaw and consequential Zoning Bylaw amendments be revisited should there be an increase in human-wildlife conflicts, dangerous wildlife sightings, and/or the destruction of wildlife. Staff also recommend that education programming, such as information handouts, be developed and available to the public to ensure backyard poultry are adequately cared for in accordance with the proposed bylaw regulations and that necessary measures to mitigate possible wildlife conflict and health concerns are addressed. Lastly, it is important to understand that other activities that are already permitted, such as storing residential waste bins, pet food and grills outdoors can also contribute to human-wildlife conflicts if not managed properly. Holistically managing all wildlife attractants through public education is essential to ensure the success of the proposed backyard poultry program.

Recommendation

Staff recommend the proposed “Town of Ladysmith Animal Control Bylaw 2024, No. 2167” be given first, second and third readings, and consequential zoning amendments contained in the “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2024, No. 2169” be given first and second readings and proceed to a public hearing as the proposed bylaws are consistent

with the Official Community Plan and can be considered as OCP implementation and the community is anticipated to receive a net benefit from the bylaws' implementation.

ALTERNATIVES:

Council can choose to:

1. Defeat Bylaw 2167 and Bylaw 2169.
2. Elect not to hold a public hearing in accordance with section 464(2) of the *Local Government Act* and direct that staff publish notice of the application in accordance with section 467 of the *Local Government Act*.
3. Defer consideration of the application and refer the proposal to a subsequent meeting of Council.
4. Amend the proposed bylaws and give the bylaws first and second readings as amended.
5. Refer the application back to staff for further review, as specified by Council.

FINANCIAL IMPLICATIONS:

N/A

LEGAL IMPLICATIONS:

Standard requirements for Council consideration and referrals established under provincial legislation have been accounted for in staff's review of the application and in the recommendations of this report. At this time, there are no special legal considerations for this proposal.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

If Council endorses the proposed bylaw amendments as recommended, notice of the public hearing for Bylaw No. 2150 will be provided in accordance with section 466 of the *Local Government Act*, "Town of Ladysmith Development Procedures Bylaw 2008, No. 1667" and "Public Notice Bylaw 2022, No. 2119".

Council can elect not to hold a public hearing under 464(2) of the *Local Government Act* because an OCP amendment is not required to approve the proposed rezoning. However, staff recommend holding a public hearing as the public may have an interest in the proposed amendments, OCP policies supporting the zoning amendments do not explicitly authorize all aspects of the proposal, and there are no material time savings from not holding a public hearing.

INTERGOVERNMENTAL REFERRALS:

The application must be referred to the Ministry of Transportation and Infrastructure as required under section 52 of the *Transportation Act*. Additionally, staff sent a courtesy email to the Ministry of Environment and Climate Change's Conservation Officer Services to request general comments on the allowance of backyard poultry in urban/suburban backyards and the use of goats for vegetation management practices.

The Conservation Officer expressed concerns that chickens, ducks, and other livestock and animal feed are attractants for dangerous wildlife, including bears and cougars. Conservation Officer

Services stated that bears have a strong sense of smell, and in their opinion, introducing backyard poultry and other livestock into the Town would lead to an increase in human-wildlife conflicts and the destruction of more wildlife. Due to these observations, Conservation Officer Services does not support the allowance of backyard poultry and other livestock animals within the Town of Ladysmith. Staff have designed draft regulations and area restrictions where backyard poultry would be permitted to help address some of these concerns.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The proposed Animal Control Bylaw was referred to Bylaw Compliance Officer at the time of its drafting. Bylaw Compliance made minor suggested edits and did not have concerns with the bylaw as proposed.

The Parks and Public Works Departments expressed interest in hiring and using goat vegetation management businesses to help clear invasive plant species in Town parks.

COMMUNITY PLANNING ADVISORY COMMITTEE (CPAC) REVIEW:

As the proposed consequential “Town of Ladysmith Zoning Bylaw 2014, No. 1860, Amendment Bylaw 2024, No. 2169” is Town-initiated, and under the CPAC Terms of Reference, CPAC review of this proposal is not required.

ALIGNMENT WITH STRATEGIC PRIORITIES:

- | | |
|--|---|
| <input type="checkbox"/> Core Infrastructure | <input type="checkbox"/> Economy |
| <input checked="" type="checkbox"/> Official Community Plan Implementation | <input type="checkbox"/> Leadership |
| <input type="checkbox"/> Waterfront Area Plan | <input type="checkbox"/> Not Applicable |

I approve the report and recommendation(s).

Allison McCarrick , Chief Administrative Officer

ATTACHMENT(S):

- A. Draft Animal Control Bylaw, No. 2167
- B. Draft Zoning Amendment Bylaw, No. 2169
- C. Photos of Goats from a Local Vegetation Management Business
- D. Backyard Poultry Exclusion Areas Map
- E. Information Handout Example

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 owned 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".

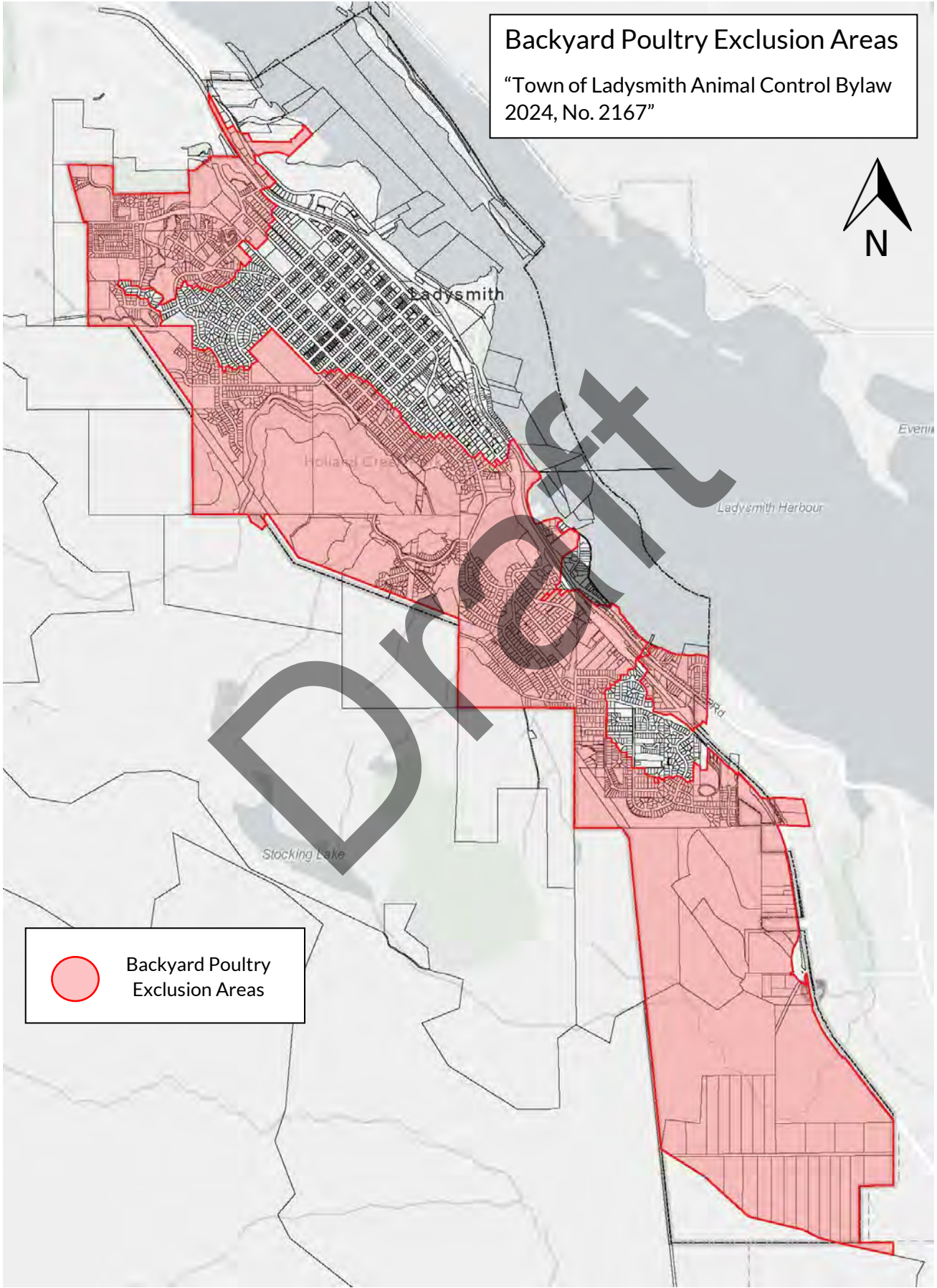
READ A FIRST TIME on the _____ day of _____, 2024
READ A SECOND TIME on the _____ day of _____, 2024
READ A THIRD TIME on the _____ day of _____, 2024
ADOPTED on the _____ day of _____, 2025


Acting Mayor (T. McKay)

Corporate Officer (S. Bouma)

SCHEDULE "A"

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



 Backyard Poultry Exclusion Areas

Attachment B

TOWN OF LADYSMITH

BYLAW NO. 2169

A Bylaw to amend "Town of Ladysmith Zoning Bylaw 2014, No. 1860".

The Council of the Town of Ladysmith in open meeting assembled enacts the following amendments to "Town of Ladysmith Zoning Bylaw 2014, No. 1860":

1. Schedule A – Section 4.1 'Interpretation' is amended by adding the following new terms and definitions, in alphabetical order:

- a) Add a new definition of "Backyard Poultry":

"shall have the same meaning as in "Town of Ladysmith Animal Control Bylaw 2024, No. 2167" and does not include *Farm Use*."

- b) Add a new definition of "Coop":

"shall have the same meaning as in "Town of Ladysmith Animal Control Bylaw 2024, No. 2167."

- c) Change the definition of "Fence" to:

"means a *Structure* providing physical or visual separation or enclosure of a *Parcel* or portion of a *Parcel*, and does not include a *Retaining Wall*, *Landscaping*, or *Pen*."

- d) Add a new definition of "Pen":

"shall have the same definition as in "Town of Ladysmith Animal Control Bylaw 2024, No. 2167."

- e) Change the definition of "Produce Stand" to:

"means a roadside *Structure* for the sale of products produced by *Backyard Poultry Use*, a *Farm Use* or *Urban Agriculture Use*, excluding *Cannabis*."

2. Schedule A – Part 5: General Regulations is amended as follows:

- (a) Add subsection 5.9(j) which states the following:

"A *Coop* and *Pen* used for *Backyard Poultry* are not considered *Accessory Buildings* or *Structures*, except for the application of Sections 5.9(a), (d), (f), (h), and (i) to *Coops* and *Pens*."

(b) Add Subsection 5.17(b) which states the following:

“Notwithstanding Section 5.17(a), one self-contained trailer or recreational vehicle for providing temporary accommodation to a wrangler, and one animal transport vehicle for the purposes of vegetation management shall be permitted on a *Parcel* for the duration of the works, but in any case, for no more than 30 consecutive days per work site.”

3. Schedule A – Part 6: Specific Use Regulations is amended to:

(a) Replace Subsections 6.10(a)(i) and (ii) with the following:

- i) Shall be limited to one such *Use* per *Parcel*, as permitted only where *Backyard Poultry Use*, a *Farm Use*, or *Urban Agriculture Use* is permitted a permitted *Use*.
- ii) Where *Urban Agriculture Use* or *Backyard Poultry Use* is permitted, the *Produce Stand Use* shall be limited to the sale of products grown and eggs laid on the *Parcel*.”

(b) Add Subsection 6.10(a)(vi) which states the following:

- vi) Shall only sell eggs from *Backyard Poultry* in accordance with “Town of Ladysmith Animal Control Bylaw 2024, No. 2167.”

(c) Add Section 6.12 “Backyard Poultry” which includes the following regulations:

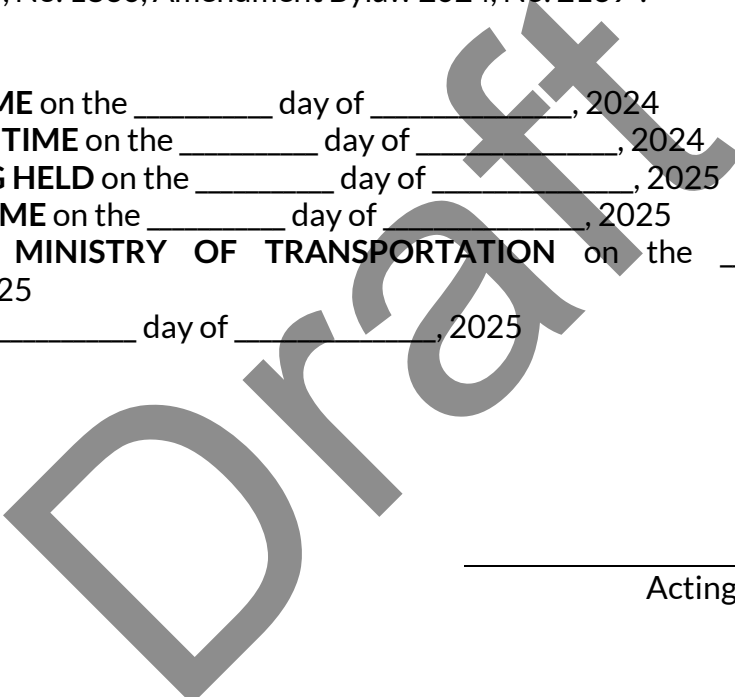
- a) Where *Backyard Poultry* is a permitted *Accessory Use* on a *Residential Parcel* and where the *Principal Use* is a *Single Unit Dwelling*, a maximum of six (6) *Backyard Poultry* shall be allowed on the *Parcel* provided that the following conditions are met:
 - i. The *Residential Parcel* is outside of the *Backyard Poultry* exclusion areas identified in “Town of Ladysmith Animal Control Bylaw 2024, No. 2167” Schedule A.
 - ii. *Backyard Poultry* must be housed in a *Coop* and *Pen*.
 - iii. A *Coop* and *Pen* must be located at *Finished Grade*.
 - iv. *Backyard Poultry Use* shall meet all requirements established in the “Town of Ladysmith Animal Control Bylaw 2024, No. 2167.”

4. Schedule A – Add “*Backyard Poultry*, subject to Part 6, Section 6.12” as a permitted *Accessory Use* in the following *Zones*:
 - a) RU-1
 - b) R-1
 - c) R-1-A
 - d) R-2
 - e) R-2-B
 - f) R-3

Citation

5. This Bylaw may be cited for all purposes as “Town of Ladysmith Zoning Amendment Bylaw 2014, No. 1860, Amendment Bylaw 2024, No. 2169”.

READ A FIRST TIME on the _____ day of _____, 2024
READ A SECOND TIME on the _____ day of _____, 2024
PUBLIC HEARING HELD on the _____ day of _____, 2025
READ A THIRD TIME on the _____ day of _____, 2025
APPROVED BY MINISTRY OF TRANSPORTATION on the _____ day of _____, 2025
ADOPTED on the _____ day of _____, 2025



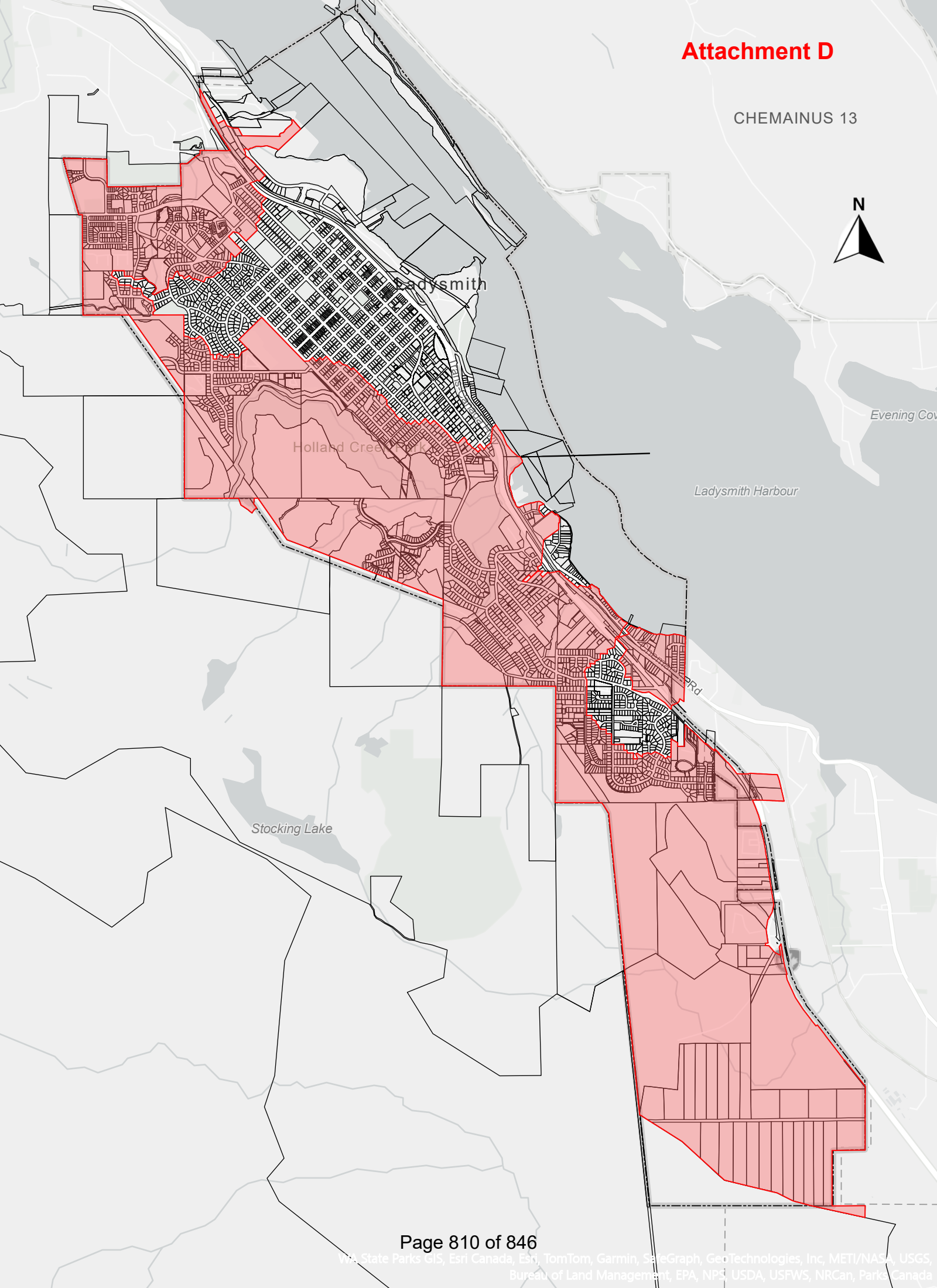
Acting Mayor (T. McKay)

Corporate Officer (S. Bouma)



Attachment D

CHEMAINUS 13



Attachment E

Backyard Poultry Information Guide

The Town of Ladysmith has adopted a new Animal Control Bylaw (Bylaw 2024, No. 2167) that allows the keeping of backyard poultry in certain residential areas. The details and requirements for keeping backyard poultry are contained in the Animal Control Bylaw and the Zoning Bylaw 2014, No. 1860. This guide provides a summary of key considerations for residents thinking about keeping backyard hens (female chickens and ducks) in the Town of Ladysmith.

Benefits and Poultry-Keeping Considerations

Backyard chickens and other urban animals like ducks are supported in the Town’s Official Community Plan to encourage food production and food security. Keeping backyard poultry can also provide opportunities for improved sustainability, community-building, food waste reduction, and education about local food systems and production.

Backyard hens and ducks can attract wildlife and increase incidences of human-wildlife conflicts. The Animal Control Bylaw includes regulations for the keeping of poultry that serve to manage associated risks of wildlife and vermin.

Diseases can pass between poultry and people, so be sure to follow good hygiene practices if you decide to adopt backyard hens.



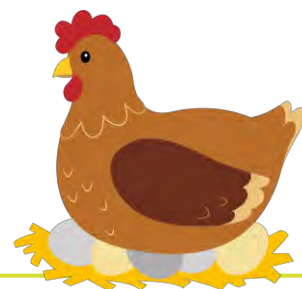
Steps to Keeping Backyard Poultry

Step 1 Review Town bylaws to see if you qualify to keep hens and ducks to make sure you understand the rules:

- Animal Control Bylaw 2024, No. 2167 (includes Backyard Poultry Exclusion Areas as Schedule A).
- Zoning Bylaw 2014, No. 1860.

Step 2 Understand best practices and responsibilities for keeping urban hens and ducks. You can find additional resources on the Town website at INSERT WEBPAGE LINK.

Step 3 If your property is allowed to have backyard poultry, make sure your coop, pen, and all other backyard poultry practices meet all requirements of the bylaws.



Key Rules and Regulations

Each single-family residential property outside of the Backyard Poultry Exclusion Areas can have up to six (6) hens (female chickens and ducks).

Roosters, drakes and chicks/ducklings are not allowed under the new bylaw. Backyard poultry must be kept in an animal/vermin-proof coop and pen. Other specifications for the keeping of backyard poultry are contained within the Animal Control Bylaw 2024, No. 2167.



Coops must provide adequate space, nesting, and perching areas. Details are included in the bylaw.



Pens must be fully-enclosed and provide adequate outdoor space. Continuous animal-proof fencing must enclose coops and pens.



Owners must follow the Canadian Food Inspection Agencies biosecurity procedures and seek veterinary care early, as needed.



Selling eggs is permitted given they meet BC's rules for ungraded egg sales. The eggs, once purchased, shall not be resold.



No slaughtering of poultry or selling of other poultry products.



No coop or pen shall be located in the front yard, within 1.0 metre of any property line or within 3.0 metres of any dwelling.



Enclosures, litter, and other backyard poultry equipment must be kept clean.

General Questions or Complaints

Bylaw Compliance | [Phone: 250.246.6446](tel:250.246.6446)

Zoning Bylaw Questions

Development Services | [Phone: 250.245.6415](tel:250.245.6415)

[Email: ds@ladysmith.ca](mailto:ds@ladysmith.ca)

For wildlife sightings and encounters, contact the Conservation Officer 24 Hour Hotline at 1-877-952-7277.

Best Practices

- ❑ Learn how to prevent and detect disease in backyard flocks.
 - ➔ Prevent contact with wild birds/other animals.
 - ➔ Routinely clean their environment.
 - ➔ Spot signs of disease and contact a veterinarian early.
 - ➔ Keep new hens isolated until you are sure they are healthy.
- ❑ Research how to provide good, healthy living standards for hens and ducks.
 - ➔ Chickens and ducks are social animals and a minimum of two female chickens, or two female ducks should be kept together to enhance their social wellbeing.
- ❑ Take biosecurity precautions to protect your own health.
 - ➔ Always wash your hands before and after handling hens, ducks, or anything in their environment.
 - ➔ Do not eat or drink within their living areas.
 - ➔ Do not allow hens or ducks to enter your home and keep your shoes used for poultry care outdoors.
- ❑ Take steps to reduce and remove wildlife attractants.

