

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1735, 2022

A bylaw to regulate the keeping of animals but excluding dogs

WHEREAS Section 8(3)(k) of the Community Charter authorizes the Council of the City of Enderby to, by bylaw, regulate, prohibit and impose requirements in relation animals.

NOW THEREFORE the Council of The Corporation of the City of Enderby, in open meeting assembled, enacts as follows:

1. CITATION

a. This Bylaw shall be cited as “City of Enderby Animal Control Bylaw No. 1735, 2022”.

2. DEFINITIONS AND INTERPRETATION

In this Bylaw:

Backyard Bees means a domestic honey producing bee (from the genus *Apis* of the family Apidae) that are kept on a property, other than an intensive agricultural use, limited agricultural use, or restricted agricultural use as defined in the City of Enderby Zoning Bylaw No. 1550, 2014.

Backyard Hens means domesticated female chickens that are at least four months old that are kept on a property, other than an intensive agricultural use, limited agricultural use, or restricted agricultural use as defined in the City of Enderby Zoning Bylaw No. 1550, 2014.

Beehive means a box or receptacle with movable frames, used for housing a colony of bees.

Beekeeper means a person who owns or controls bees, beehives or beekeeping equipment.

City means the Corporation of the City of Enderby.

Owner means person who owns or has custody, care or control of an animal regulated under this Bylaw.

3. GENERAL

1. All Bylaw Enforcement Officers appointed by the City are hereby authorized to enforce and carry out the provisions of this Bylaw.
2. Every Bylaw Enforcement Officer is hereby authorised to enter, at all reasonable times, upon any property within the municipal boundaries of the City of Enderby subject to this Bylaw and Section 16 of the *Community Charter*, in order to ascertain whether the regulations of this Bylaw are being obeyed.

4. BACKYARD HENS REGULATIONS

1. The keeping of backyard hens shall follow the land use regulations outlined in the City of Enderby Zoning Bylaw No. 1550, 2014 and all other municipal and provincial enactments.
2. Every owner of backyard hens shall provide a coop for the backyard hens, with an outdoor enclosure attached to the coop, which shall meet the following specifications:
 - i. Coops must be fully enclosed and constructed in a manner that:
 - a. Eliminates potential for infiltration from predatory animals and rodents;
 - b. Provides reasonable sound attenuation;
 - c. Ensures proper ventilation and sufficient space for hens; and
 - d. Is accessible for persons to clean and maintain the coop.
 - ii. Coops must provide one perch and one nest per hen.
 - iii. Coops must be accompanied by an attached outdoor enclosure that is enclosed on all sides and entirely covered from above in a manner that will keep predators and rodents out and prevent hens from escaping.
 - iv. Coops must provide a minimum of 0.5 m² (5.38 square feet) per hen inside the coop, and a minimum 1 m² (10.76 square feet) of outdoor enclosure per hen.
3. Backyard hens must be housed completely within either a coop or an outdoor enclosure at all times, and they must not be able to escape.
4. Coops and outdoor enclosures must be kept to a clean and sanitary condition.
5. All hens must be provided with sufficient food, water, shelter, light, ventilation, veterinary care, and opportunities for essential behaviors such as scratching, dust-bathing, and roosting.
6. Feces must be promptly removed and hygienically stored in a sealed container.
7. Manure must be stored within a sealed container, with no more than 0.08 m³ (3 cubic feet) of manure stored at one time, and all manure not used for composting or fertilizing must be immediately removed from the property.
8. Feed for backyard hens must be stored in sealed containers and not located in an area accessible by pests, wildlife or domestic animals.
9. Eggs produced by backyard hens are for personal use only, with commercial sales being expressly prohibited.
10. The slaughtering or burial of backyard hens is prohibited on all residential zoned properties.
11. The keeping of backyard hens is subject to any applicable City of Enderby policies, fees, and bylaws.

12. The keeping of backyard hens is subject to the owner licensing the backyard hen flock with the City and paying the applicable licensing fee prescribed in the City of Enderby Fees and Charges Bylaw No. 1479, 2010. Issuance of the license for the keeping of backyard hens is subject to the following:
 - i. The registered property owner(s) must provide their written consent in cases where the applicant is renting the property on which the backyard hens are proposed to be located; and
 - ii. A City representative or Bylaw Enforcement Officer must inspect the property upon which the backyard hens are proposed to be located to confirm that all requirements of this Bylaw and the City of Enderby Zoning Bylaw No. 1550, 2014 have been satisfied.

5. BACKYARD BEES REGULATIONS

1. The keeping of backyard bees shall follow the land use regulations outlined in the City of Enderby Zoning Bylaw No. 1550, 2014 and all other municipal and provincial enactments.
2. Beehives must be securely located to prevent accidental disturbance or trespass by people and pets, and to prevent damage from wildlife.
3. The beekeeper responsible for the backyard bees on a property must ensure that:
 - i. Beehives are maintained in a condition that will reasonably prevent swarming or aggressive behaviour;
 - ii. Backyard bees are requeened if they are subject to undue swarming or aggressive behaviour;
 - iii. Backyard bees are provided with adequate water to prevent them from seeking water from other sources;
 - iv. They comply with the *Bee Regulation* under the *Animal Health Act* and any other applicable standards adopted by the Province of British Columbia; and
 - v. They register their apiary location with the Province of British Columbia.
4. The Beekeeper must be a resident of the property where the backyard bees are kept.
5. Honey produced by backyard bees is for personal use only, with commercial sales being expressly prohibited.
6. The keeping of backyard bees is subject to any applicable City of Enderby policies, fees, and bylaws.
7. The keeping of backyard bees is subject to the owner licensing the backyard bees with the City and paying the applicable licensing fee prescribed in the City of Enderby Fees and Charges Bylaw No. 1479, 2010. Issuance of the license for the keeping of backyard bees is subject to the following:
 - i. The registered property owner(s) must provide their written consent in cases where the applicant is renting the property on which the backyard bees are proposed to be located; and

- ii. A City representative or Bylaw Enforcement Officer must inspect the property upon which the backyard bees are proposed to be located to confirm that all requirements of this Bylaw and the City of Enderby Zoning Bylaw No. 1550, 2014 have been satisfied.

6. OFFENSES

1. Every person who contravenes or violates any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any provision of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any provision of this Bylaw, commits an offence and, upon conviction, shall be liable to a fine or penalty not to exceed \$10,000, and a jail term of not more than 6 months.
2. Each day the offence continues is considered a separate offence.
3. This Bylaw is enforceable through the City of Enderby Municipal Ticketing Information (MTI) System Bylaw No. 1518, 2013 and the City of Enderby Bylaw Notice Enforcement Bylaw No. 1581, 2015.

7. SEVERABILITY

1. If a section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of a Court of competent jurisdiction, it shall be severed and such decision shall not affect the validity of the remaining portions of this bylaw.

8. EFFECTIVE DATE

1. This bylaw shall come into full force and effect as and from the date of adoption.

READ a FIRST time this 17th day of January, 2022.

READ a SECOND time this 17th day of January, 2022.

READ a THIRD time this 17th day of January, 2022.

ADOPTED this 22nd day of February, 2022.

MAYOR

CORPORATE OFFICER