

Animal Control Bylaw 1289, 2021

1353

THIS DOCUMENT HAS BEEN REPRODUCED FOR CONVENIENCE ONLY and is a consolidation of “Animal Control Bylaw 1289, 2021” with the following amending bylaw:

Bylaw Number	Dated Adopted	Section Amended
1353	February 3, 2026	-Definition of Farm Animal -Definition of Poultry -Fees moved to Fees and Charges Bylaw -Removal of skunks -Addition of domestic ferret

Individual copies of any of the above bylaws are available from the Corporate Services Department of the District of Sparwood. For legal purposes, copies of the original bylaws should be obtained.

DISTRICT OF SPARWOOD
Animal Control Bylaw 1289, 2021

A Bylaw to regulate and impose requirements in relation to animals in the District of Sparwood.

The Council of the District of Sparwood, in open meeting assembled, enacts as follows:

PART 1 TITLE

1.1. This Bylaw may be cited as "Animal Control Bylaw 1289, 2021."

PART 2 INTERPRETATION

2.1. General

2.1.1. The headings used in this Bylaw are for convenience only and do not form part of this bylaw and are not to be used in the interpretation of this Bylaw.

2.1.2. Any enactment referred to herein is a reference to an enactment of the Province of British Columbia and regulations thereto, as amended, revised, consolidated, or replaced from time to time, and any Bylaw referred to herein is a reference to a Bylaw of the District of Sparwood, as amended, revised, consolidated, or replaced from time to time.

2.1.3. Unless otherwise defined in this Bylaw, terms used herein shall have the meanings as set out in the *Community Charter* or the *Local Government Act*, as applicable.

2.2. Definitions

2.2.1. In this Bylaw:

"Animal" means any member of the animal kingdom, other than a human being.

"ACO or Animal Control Officer" means any person appointed by Council as an Animal Control Officer, and includes a Bylaw Enforcement Officer.

"At Large" means in or upon a highway, public place, or in or upon the lands or premises of any person other than the Owner of the Animal without the express or implied consent of that person.

"CAO" or "Chief Administrative Officer" means the person appointed by Council as the Chief Administrative Officer for the District, or their lawful deputy, including any person appointed as Acting Chief Administrative Officer.

"Cat" means a domestic member of the feline species.

"Chicken Enclosure" means an electric fence that fully encloses a Coop.

"Coop" means a fully enclosed weather proof structure, that is no larger than 10 meters square in floor area and 2 meters high, and that is adequate to prevent the entry of wildlife or other Animals, and prevents the escape of Urban Hens contained within.

"Council" means the Council of the District of Sparwood.

"Dangerous Dog" means a Dog that

- (a) has killed or seriously injured a person;
- (b) has killed or seriously injured a Domestic Animal while in a public place or private property not occupied or owned by the Dog's Owner;
- (c) an ACO has reasonable grounds to believe is likely to kill or seriously injure a person (e.g. has bitten, attacked, or aggressively pursued a person or Animal without provocation).

Added by
Bylaw 1216

"Dog" means a domestic member of the canine species.

"Domestic Animal" means all Animals that have been domesticated for agricultural purposes or to be Kept as pets, and who have not become feral..

"District" means the District of Sparwood.

"District Office" means the District Office located at 136 Spruce Avenue, Sparwood, BC.

Replaced by
Bylaw 1353

"Farm Animal" means a Domesticated Animal normally raised or Kept for food, milk, or a beast of burden and without limiting the generality of the foregoing includes any horse, mule, donkey , llama, swine, sheep, goat, cow, or other animal of the bovine species, bees, and poultry, excepting Dogs and Cats.

"Hen" means a female chicken.

"Keep" means to own, possess, harbour, or have care and control.

"Kennel" means a place, building, or structure for the training, breeding, boarding, or care of Animals.

"Owner" means any person

- (a) To whom a licence has been issued pursuant to this Bylaw; or
- (b) Who Keeps an Animal.

"Person" means a natural person, corporation, partnership, or firm.

Added by
Bylaw 1353

"Poultry" means all birds or fowl normally raised for food or egg production, and without limiting the generality of the foregoing, includes geese, ostriches, emus, turkeys, ducks, peafowl and artificially reared partridge, quail and pheasant, excepting Urban Hens.

"Pound" means the facilities established by the CAO from time to time as the facilities to

constitute the pound under this Bylaw.

"Poundkeeper" means any person appointed by the CAO to operate the Pound, including any ACO.

"Rooster" means a male chicken.

"Urban Area" means lands located within the District of Sparwood where agricultural operations, including but not limited to the Keeping of livestock, are neither a permitted or discretionary use under the Bylaws of the District of Sparwood.

"Urban Hens" means a Hen that is Kept for non-commercial purposes within an Urban Area in the District of Sparwood.

"Urban Hen License" means a license issued by the District of Sparwood that authorizes the license holder to keep Urban Hens within the District of Sparwood.

"Wild or Exotic Animal" means any Animal listed in Schedule "A", attached hereto and forming part of this Bylaw.

"Zoning Bylaw" means the District of Sparwood's current Zoning Bylaw.

PART 3 MAXIMUM NUMBER OF PERMITTED CATS, DOGS, URBAN HENS, AND ANIMALS

- 3.1. No Person or household shall Keep more than three (3) Dogs at a time, whether licenced or not, except as part of the operation of a Kennel or Pound. Dogs will not count toward this limitation until they reach four (4) months of age.
- 3.2. No Person or household shall Keep more than three (3) Cats at a time, whether licenced or not, except as part of the operation of a Kennel or Pound. Cats will not count toward this limitation until they reach four (4) months of age.
- 3.3. No Person or household shall Keep more than five (5) Urban Hens, except as part of the operation of a Kennel or Pound. Urban Hens will not count toward this limitation until they reach four (4) months of age.
- 3.4. No Person or household shall Keep more than five (5) Animals in total, except as part of the operation of a Kennel or Pound. Cats and Dogs that have not reached four (4) months of age, and any Urban Hens, will not count towards this limitation.
- 3.5. No Person shall establish, operate, or maintain a Kennel within the District:
 - (a) Unless in a zone prescribed in the Zoning Bylaw that includes Agriculture as a permitted use; or
 - (b) Unless it is a pet shop or animal hospital within a zone prescribed in the Zoning Bylaw as a permitted use.

- 3.6. The CAO may establish, maintain, and operate permanent or temporary Pound facilities for the impounding of Animals at any place and upon any premises deemed appropriate.

PART 4 DOG OWNER RESPONSIBILITIES & LICENCING

- 4.1. When the ACO determines that a Dog is a Dangerous Dog, the ACO will issue written notice to said Dog Owner advising them of the Dangerous Dog declaration, the requirements of this Bylaw with respect to Dangerous Dogs, and their right to appeal the ACO's decision to Council.
- 4.2. Such requirements for Owner's of Dangerous Dogs are as follows:
- (a) Keep the Dangerous Dog within a locked Dog enclosure incapable of being accessed by Domestic Animals and any person;
 - (b) Ensure the Dangerous Dog remains snugly muzzled when out of its enclosure or residence, and secured by a collar and leash with a maximum length of 1 meter;
 - (c) Ensure the Dangerous Dog does not enter into public parks, sports fields, and school grounds at any time;
 - (d) Post a warning sign, in accordance with Schedule "B" of this Bylaw, visible to the public at the front and back of the property where the Dangerous Dog resides.
- 4.3. After 1 year of being declared a Dangerous Dog, the Owner may apply to the ACO for withdrawal of the designation provided that:
- (a) The District has received no further complaints in regard to that Dog's behavior; and
 - (b) The owner provides the District with proof and documentation that the Owner and the Dog have successfully completed a course by a recognized and accredited institution or trainer to address the aggressive behavior.
- 4.4. No Person shall Keep a Dog, four (4) months of age or older, within the boundaries of the District unless a valid and subsisting licence and Dog tag has been issued for such Dog.
- 4.5. Every Dog licence and corresponding tag issued under this Bylaw shall expire on the 31st day of December in the calendar year for which the licence was issued. At the start of each calendar year, the annual Dog licence fee is due and payable on or before January 15.
- 4.6. The Owner of a Dog that was acquired after the start of the calendar year, and is four (4) months of age or older, shall be required to acquire a Dog licence within 30 days from the date of acquisition.
- 4.7. Every Owner of a Dog who resides in the District for more than 30 days in a calendar year, and brings their Dog into the District, shall obtain a licence for each such Dog provided they are four (4) months of age or older. This requirement shall be waived if the Dog is licensed in the municipality they normally reside.

- 4.8. An application for a licence under this Bylaw shall be submitted to the District Office and be accompanied by a licence fee, as per the applicable schedule in the Fees and Charges Bylaw 1322, 2023 as amended. Upon receipt of the application and payment of the prescribed fee, the District shall issue a numbered Dog licence and corresponding licence tag to the applicant.

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- 4.9. Every licence and corresponding licence tag issued under this Bylaw is valid only in respect of the Dog for which it was issued, as described on the licence application. A licence and tag may be transferred to another Dog provided the appropriate form and transfer fee, as per the applicable schedule in the Fees and Charges Bylaw 1322, 2023 as amended from time to time.

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- 4.10. The Owner of a Dog that a licence has been issued for under this Bylaw shall affix, and keep affixed, the licence tag on the Dog by a collar, harness, or other suitable device.

- 4.11. Deleted by
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- 4.12. The Owner of a female Dog in heat shall, at all times while the Dog is in heat, Keep the Dog securely confined within a building or enclosure capable of preventing the Dog's escape and entry of other Dogs.

PART 5 URBAN HEN OWNER RESPONSIBILITIES AND PERMITTING

- 5.1. No person shall Keep an Urban Hen within the boundaries of the District unless they obtain a valid, non-transferable permit for Keeping Urban Hens for a specific property within a One Family Residential Zone (as identified in the Zoning Bylaw).

- 5.2. Urban Hen permit applications must include the following:

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- a site plan identifying Hen Enclosure and Coop dimensions, other structures, and identified setbacks;
- the permit fee, as per the applicable schedule in the Fees and Charges Bylaw 1322, 2023 as amended from time to time; and
- written proof of support of all contiguous property owners at the time of permit application.

- 5.3. Urban Hen permits must be renewed annually. Renewal applications must include the following:

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- the permit renewal fee, as per the applicable schedule in the Fees and Charges Bylaw 1322, 2023 as amended from time to time;
- written proof of support of all contiguous property owners at the time of permit renewal application.

- 5.4. No Person shall Keep Urban Hens unless:

- (a) They are a resident of the property. Only one Coop is permitted per property;

- (b) They do not sell, trade, or barter manure, meat, or other products derived from the Urban Hens, excepting eggs. The sale of eggs derived from Urban Hens is permitted as long as such activities are compliant with all Municipal, Provincial, and Federal laws or regulations;
- (c) All neighborhood health, environmental, or nuisance problems are avoided;
- (d) The Urban Hens are Kept in a secured Chicken Enclosure at all times and secured within a Coop from sunset to sunrise;
- (e) The Coops, which are considered accessory buildings, are in compliance with this Bylaw and the accessory building regulations in the Zoning Bylaw;
- (f) Chicken Enclosures and Coops are located in the rear yard as defined in the Zoning Bylaw;
- (g) Chicken Enclosures and Coops are maintained in good repair and sanitary condition, free from vermin and obnoxious smells or substances;
- (h) Chicken Enclosures and Coops are constructed in a manner that would reasonably prevent wildlife entry and prevent rodents and animals from harbouring underneath or within its walls;
- (i) They ensure that all food sources are kept securely within a building;
- (j) They ensure the timely and appropriate removal of leftover food, debris, and manure;
- (k) They ensure the slaughter, euthanization, and burying of an Urban Hen does not occur on their property;
- (l) They avoid depositing Urban Hen manure in the District's sanitary system;
- (m) They ensure no Roosters are Kept under any circumstances.

S.5. An ACO may revoke an Urban Hen permit if they issue a non-compliance notice and the licence holder fails to rectify the matter within 30 days.

5.6. An Urban Hen renewal permit may be refused if the applicant has been the subject of 3 or more non-compliance notices or fines in a calendar year.

5.7. In the event that an Urban Hen permit is revoked, or not renewed, the Owner will be given 30 days to rehome the Urban Hens. In such instances, all costs and expenses associated with the removal shall be the responsibility of the Owner.

PART 6 GENERAL REGULATIONS

6.1. No Person shall Keep or sell any Wild or Exotic Animal within the boundaries of the District.

6.2. No Owner of an Animal shall cause or permit the Animal to be running At Large or off leash, tether, or other suitable restraining device unless in a designated off-leash area for that

Animal or on the Owner's property.

- 6.3. No Owner of an Animal shall leave their Animal unattended while chained, tethered, muzzled, or within a vehicle without adequate ventilation or measures to prevent the Animal from suffering excessive cold or heat related injury.
- 6.4. The Owner of an Animal shall be responsible to ensure that their Animal is not howling, barking, meowing, or making any other noises:
 - a) continuously for a period of more than 5 minutes;
 - b) sporadically for a period of more than 15 minutes;
 - c) In a manner that disturbs the quiet, peace, rest, enjoyment, comfort, or convenience of the public or person in the area.
- 6.5. No Person shall Keep an Animal that injures a Person or Domestic Animal, excepting for on the Owner's property.
- 6.6. No Person shall Keep an Animal and allow it to graze on unfenced land unless such Animal is securely tethered.
- 6.7. No Person or Owner shall Keep or permit to be Kept, any Farm Animal unless in a zone prescribed in the District's Zoning Bylaw that includes Agriculture as a permitted use.
- 6.8. Where an Animal defecates on a highway, public place, or lands of any person other than the Owner of the Animal, the Person having care, custody, or control of the same shall immediately remove the excrement and dispose of it in a sanitary manner.
- 6.9. No Person shall store manure unless it is in a fully enclosed structure and in a manner that does not generate excessive heat or odor.
- 6.10. No Person, other than an Animal's Owner, shall remove any form of identification on or affixed to an Animal.
- 6.11. No Person shall Keep an Animal suffering from an infectious or contagious disease on any parcel of land in the District unless Kept securely confined within a building or enclosure capable of preventing the infected Animal's escape and the entry of other Animals.

PART 7 ANIMAL CONTROL OFFICER DUTIES

- 7.1. An ACO may seize and impound any Animal running At Large in the District.
- 7.2. Any Person being the Owner of an Animal, or, not being the Owner and who seizes an Animal on such person's property may take such Animal to the municipal Pound to be impounded.
- 7.3. The ACO may accept and impound any such Animal provided that such person enters into an agreement in a form acceptable to the ACO indemnifying the District from any and all claims relating to the seizure and impoundment of such Animal.

- 7.4. Any Animal seized and impounded pursuant to this section shall be Kept at the municipal Pound or at a location approved by the ACO.
- 7.5. The ACO shall provide adequate water, food, and shelter for any Domestic Animal impounded under this Bylaw while detained at the municipal Pound.
- 7.6. When any Animal is impounded the ACO shall prepare an impoundment notice and shall deliver such notice to the Owner, if the Owner can be identified. In the event the Owner cannot be identified, the notice will be posted at the municipal Pound and on the District's Facebook page or website.
- 7.7. Excepting a notice relating to a Dog seized or impounded pursuant to the Local Government Act, every impoundment notice shall state the fees to be charged by the ACO, and the cost for any Dog licence that is required.
- 7.8. Any person claiming an Animal from the municipal Pound shall pay the applicable fines, impoundment, and boarding fees prior to the applicable Animal being released to its Owner.
- 7.9. Daily boarding fees are applicable to any portion of a calendar day where the Animal is in the care of the Pound, as per the applicable schedule in the Fees and Charges Bylaw 1322, 2023 as amended from time to time.
- 7.10. Excepting a Dog seized or impounded pursuant to the Local Government Act, in the event that impoundment and other applicable fees are not paid within 120 hours from the time of impoundment, the ACO shall do as follows:
- (a) Post a notice at the Pound, municipal Office, and other places deemed appropriate, indicating that the Animal will be offered for sale. Such notice to include date and time that acceptance of offers will close.
 - (b) That in the event there is more than one offer, the highest offer will be accepted.
 - (c) The lowest acceptable price will be the outstanding fees accruing to date of sale.
 - (d) Such notice of sale may be posted at any time after impoundment of any Animal, but in no case shall such sale occur within 144 hours of such impoundment. Any Person purchasing an Animal from the ACO shall be required to enter into a release and indemnity agreement satisfactory to the ACO.
 - (e) In the event that the Animal is not disposed of by way of sale, then the ACO shall dispose of such Animal in a humane manner, which may include placement of such Animal to an organization deemed suitable to the ACO for the purposes of adoption services provided that such person or organization enters into a release and indemnity agreement satisfactory to the ACO.
- 7.11. An ACO may enter on any property at any reasonable time for the purpose of ascertaining

Replaced by
Bylaw 1353

whether the regulations and requirements of this Bylaw are being observed.

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7.14. The ACO shall maintain the following records:

- (a) A description of every Animal seized and impounded under this Bylaw and the date and time each Animal was received by the Pound;
- (b) The name of the Person or Persons taking or sending any Animal to be impounded;
- (c) The date and time each Animal impounded was redeemed, sold, destroyed, or otherwise disposed of by the ACO;
- (d) The name of every Person redeeming any Animal and the amount paid by such person;
- (e) The name of every Person purchasing any impounded Animal and the amount paid by such Person;
- (f) The amount of impoundment and maintenance fees, costs, and charges connected with each impounded Animal.
- (g) Deleted by
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PART 8 OFFENCES AND PENALTIES

8.1. Upon conviction of an offence under this Bylaw, a person is liable to pay

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- (a) a fine of not more than ten thousand dollars (\$10,000);
- (b) the fine as set out in the District's Municipal Ticket Information Bylaw 1290, 2021, as amended from time to time; or
- (c) the fine as set out in the District's Bylaw Enforcement Notice Bylaw 1333, 2024, as amended from time to time.

8.2. Every day during which there is an infraction of this Bylaw shall constitute a separate offence.

8.3. A Person shall be deemed to have committed an offence under this Bylaw if :

- (a) attempting to take or remove, or taking or removing , any Animal from the custody of the ACO, other authorized person, or the municipal Pound; or
- (b) resisting or interfering with an ACO in the course of performing their duties.

PART 9 SEVERABILITY

9.1 . If a portion of this Bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed, and the remainder of this Bylaw is deemed to have been adopted without the severed section, subsequent, paragraph, s paragraph, or phrase.

PART 10 REPEAL

10.1. Animal Control Bylaw 821, 2000 and all amendments thereto are hereby repealed and replaced by this Bylaw.

READ A FIRST TIME this 19th day of October 2021.

READ A SECOND TIME this 19th day of October

READ A THIRD TIME 19th day of October

ADOPTED this 2ⁿ d day of November 2021.

ORIGINAL SIGNED

Schedule "A" -Wild or Exotic Animals

The following list of animals constitutes "wild or exotic" animals for purposes of this Bylaw. The list includes all such animals whether bred in the wild or in captivity, and also includes their hybrids with domestic species. The words in parentheses are intended to act as examples only and are not to be construed as limiting the generality of the group.

1. Non-human primates (gorillas and monkeys)
2. Felids, except the domestic cat
3. Canids, except the domestic dog
4. Ursidae (bears)
5. Elephants
6. Pinnipeds (such as seals or walruses)
7. Crocodilians (such as alligators and crocodiles)
8. Marsupials (such as kangaroos and opossums)
9. Venomous Snakes, Reptiles, Amphibians, and Arachnids
10. Ungulates, except domestic goats, sheep, pigs, cattle, horses, mules, and donkeys
11. Hyenas
12. Mustelids (such as skunks, weasels, otters, and badgers), except the domestic ferret.
13. Procyonids (such as raccoons and coatis)
14. Edentates (such as anteaters, sloths, and armadillos)
15. Viverrids (such as mongoose, civets, and genets)
16. Cetaceans (such as whales, porpoises, and dolphins)
17. Struthioniformes, Rheiformes, and Casuariiformes (Ostriches, Rheas, and Cassowaries)
18. Falconiformes (such as hawks, falcons, and eagles)
19. Strigiformes (such as owls)
20. Rodentia, except the hamster, guinea pig, domestic rat and mouse
21. Chiroptera (bats)
22. Lagomorphs, except the domestic rabbit

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Schedule "B" - Dangerous Dog Warning Sign

WARNING



**DANGEROUS
DOG**
