CITY OF KAMLOOPS

ANIMAL CONTROL BYLAW NO. 34-11

Effective Date - 1981 December 1

Consolidated for Convenience Only

This is a consolidation of "Animal Control Bylaw No. 34-11". The amendment bylaws listed below have been combined with the original bylaw for convenience only. This consolidation is not a legal document. The original bylaws should be consulted for all interpretations and applications on this subject.

Amendment Bylaw		**Effective Date**
Bylaw No. 34-12	to address bees	September 28, 1982
Bylaw No. 34-13	kennel regulations	September 27, 1983
Bylaw No. 34-14	cremation service fees	June 25, 1985
Bylaw No. 34-15	fees adjustment	January 7, 1986
Bylaw No. 34-16	fees adjustment	September 1, 1987
Bylaw No. 34-17	licence fees	November 27, 1990
Bylaw No. 34-18	to address pot bellied pigs	August 20, 1991
Bylaw No. 34-19	fees adjustment	December 10, 1991
Bylaw No. 34-20	wild animals	April 5, 1994
Bylaw No. 34-21	cat registration	September 27, 1994
Bylaw No. 34-22	dogs at large and dangerous dog violations	September 12, 1995
Bylaw No. 34-23	fees adjustment	December 12, 1995
Bylaw No. 34-24	bees and kennels	May 14, 1996
Bylaw No. 34-25	noise	October 29, 1996
Bylaw No. 34-26	guide dogs and dogs in parks	April 14, 1998
Bylaw No. 34-29	pigeons	October 17, 2000
Bylaw No. 34-30	dogs in parks	October 2, 2001
Bylaw No. 34-31	to remove dogs from Prince Charles Park	February 4, 2002
Bylaw No. 34-32	to remove references to dogs	June 29, 2004
Bylaw No. 34-35	to remove kennels from bylaw	March 13, 2007
Bylaw No. 34-40	to increase fees for pet cremation services	June 22, 2010
Bylaw No. 34-41	to prevent property nuisance from birds and wild animals fed or attracted on private property	November 23, 2010
Bylaw No. 34-42	Dog Responsibility and Control Bylaw, 2011	May 31, 2011

Bylaw No. 34-43	removes requirement for specific liability insurance for aggressive dogs and requires homeowner insurance and indemnification agreement with City	September 30, 2011
Bylaw No. 34-44	fee increases	January 31, 2012
Bylaw No. 34-45	addition of registered guide/personal assistance dogs	January 22, 2013
Bylaw No. 34-46	to allow beekeeping in urban areas	April 8, 2014

The bylaw numbers in the margins of this consolidation refer to the bylaws that amended the principal bylaw "Animal Control Bylaw No. 34-11, 1981".

This is a consolidated bylaw prepared by the City of Kamloops for information only. To verify the accuracy and currency of this information, please contact Legislative Services at 250-828-3483 or email legislate@kamloops.ca.

CITY OF KAMLOOPS

BYLAW NO. 34-11
(AS AMENDED)

A BYLAW PROVIDING FOR THE LICENSING AND CONTROL OF ANIMALS WITHIN THE CITY OF KAMLOOPS

The Municipal Council of the City of Kamloops, in open meeting assembled, enacts as follows:

1. DEFINITIONS

1.1 General Definitions

In this bylaw, unless the context otherwise requires:

"Animal" includes a farm animal, cat, rodent, fur bearing animal and wild animal.

"At large", "run at large" or "running at large" means not being under the control of the owner, keeper or harbourer either by being securely leashed, tethered or penned, or in the direct and continuous charge of a person, or confined within a building or other enclosure or a fence.

"Bird" includes a bantam, ornamental bird, pigeon, dove, show bird and any type of poultry.

"City" means in accordance with the context either the area incorporated as the City of Kamloops or the said Corporation.

(34-30) "Competent Handler" means a person capable of controlling his/her animal.

"Council" means the Municipal Council of the City of Kamloops.

"Dangerous or Vicious Animal" is an animal which is not in the effective control of any person and which, in the opinion of the poundkeeper, is being a hazard or danger to persons and/or property.

(34-30) "Director of Parks and Recreation Services" means the Director of Parks and Recreation Services for the City, or designate.

"Family" means a group of individuals living under one roof and usually under one head.

"Highway" means a highway as described in the Municipal Act.

1. DEFINITIONS (continued)

1.1 General Definitions (continued)

"Owner" means a person over the age of 16 years who makes application for a licence, on a prescribed form and whose signature appears thereon.

(34-26)
(34-30)

"Park" includes:

(i) every public park, playground, urban forest (including all driveways, roadways, paths and lanes within a public park, playground or urban forest), beach, boulevard, swimming pool (whether indoor or outdoor), water playground, wading pool, community centre, public library, art gallery, museum, arena, exhibition building and all community recreational facilities owned or controlled by the City; and
(ii) any real property acquired and held by the City and dedicated and reserved by it for the use, recreation or enjoyment of the public, or land designated for natural or environmental purposes."

"Person" includes a person, family, firm, corporation or society.

"Pound" means the Municipal Pound established from time to time, being premises used to harbour and maintain animals pursuant to this bylaw.

"Poundkeeper" means the person or persons appointed from time to time to carry out the duties of a poundkeeper, and includes persons acting under the direction of the Poundkeeper.

"Premises" shall be deemed to mean public or private lands but not to include buildings which are private residences.

(34-41)

"Property Nuisance" means any of the following done by, or attributed to, a bird or wild animal:

(i) creation of a health hazard, safety hazard or unsanitary conditions on or at a property;
(ii) defecation on property or on things or persons located on or at a property;
(iii) the roosting, landing, nesting, bedding, or other habitation on, at or of a property; or
(iv) causation of interference with the normal use, comfort, convenience or enjoyment of a property."

1. DEFINITIONS (continued)

1.1 General Definitions (continued)

"Working Cattle Ranch or Farm" means a commercial agricultural enterprise operating on not less than 8 ha (19.768 acres) wholly or partly within the City boundaries and depending on cultivating or pasturing the land.

"Zone Area" means a zone area established under the Zoning Bylaw.

1.2 Specific Definitions

In this bylaw, unless the context otherwise requires:

(34-46) '"Bees" means honeybees kept in an apiary that is registered under the provisions of the *Bee Act*.'

'"Colony" or "beehive" means an enclosed, man-made structure that is typically made up of a series of rectangular frames, in which honeybees live and raise their young.'

"Farm Animal" means a domesticated animal normally raised for food, milk, or as a beast of burden, and without limiting the generality of the foregoing, includes:

Cattle	Mules
Horses	Donkeys
(34-18) Swine, excluding Vietnamese pot bellied pigs	Asses
	Oxen
Sheep	Vietnamese pot bellied pigs
Goats	

"Fur bearing Animal" means any animal kept or raised for the purpose of commercial fur production, except rabbits and chinchillas and, without limiting the generality of the foregoing, includes:

Fox	Nutria
Mink	Skunk
Marten	Fisher

"Fur Farm" means any place where two or more fur bearing animals are kept for commercial purposes.

(34-46) '"Nucleus Colony" means a colony of not more than five (5) removable frames primarily used for rearing and storing queen bees.'

1. DEFINITIONS (continued)

1.2 Specific Definitions (continued)

"Ornamental Bird" means any bird which is normally kept in a cage or aviary, primarily as a show or decorative bird and not for food or egg production, and without limiting the generality of the foregoing, includes:

Canaries	Parrots
Budgies	Cockatoos
Mynah Birds	Ornamental Pheasants

"Pigeon" means all birds of the species Columbidae, including doves.

"Poultry" means all birds or fowl normally raised for food or egg production, and without limiting the generality of the foregoing, includes:

Chickens
Turkeys
Geese
Ducks
Artificially reared grouse, partridge, quail, pheasant or ptarmigan.

"Rodent" means all forms of rodent (except those defined as fur bearing animals in this bylaw) kept as pets, and without limiting the generality of the foregoing, includes:

Rabbits	Hamsters
White Mice	Chinchillas
Guinea Pigs	

"Wild Animal" means any animal or reptile ferae naturae, kept for any purpose other than commercial fur production and includes such animals or reptiles born in captivity.

2. GENERAL

2.1 No person shall keep or harbour any animals, birds or bees except in accordance with the provisions of this bylaw.

2.2 The poundkeeper is hereby empowered to enter any premise in order that he may control, impound or destroy any dangerous, vicious, wounded or sick animal.

2.3 The poundkeeper is hereby empowered to enter any premise or private property in order to take into custody any animal violating this bylaw.

3. FARM ANIMALS

3.1 No person shall keep or harbour any farm animal on any parcel of land in the City unless the said parcel has an area of not less than 0.4047 ha (one acre).

3. FARM ANIMALS (continued)

3.2 No person shall keep or harbour more than two farm animals per 0.4047 ha (one acre) on any parcel of land within the City.

3.3 No person shall keep or harbour any farm animal on any parcel of land in the City which is zoned commercial or industrial as set out in the City Zoning Bylaw, provided that this subsection shall not apply to a person who is engaged in the operation of a veterinary clinic, animal hospital, pound or stockyards in an area permitted by the City Zoning Bylaw.

3.4 No person shall keep or harbour swine on any parcel of land in the City unless such lands are a minimum size of 8 ha. (19.768 acres) or are zoned A 1.

(34-18) 3.4A Vietnamese pot bellied pigs may be kept as a pet on any parcel of land within the City provided that certification is produced upon request to verify the breed as a Vietnamese pot bellied pig.

3.5 Clearance Requirements

3.5.1 No person shall use any building, barn, stable, pen or enclosure for the keeping, housing or harbouring of three or less farm animals unless such building, barn, stable, pen or enclosure is located at least 6 m (19.685 ft.) from any property line of the parcel of land on which the farm animal or animals are kept.

3.5.2 No person shall use any building, barn, stable, pen or enclosure for the keeping, housing or harbouring of more than three farm animals unless such building, barn, stable, pen or enclosure is located at least 46 m (150.919 ft.) from any property line of the parcel of land on which the farm animals are kept.

3.5.3 (a) No person shall keep, house or harbour any farm animal in any building used for human habitation or in any addition or structure attached to any such building.

(b) No person shall keep, house, or harbour any farm animal in any barn, stable, building, pen or enclosure within 7.5 m (24.606 ft.) of any building used as a human habitation.

(c) Notwithstanding subsection (b) above, no person shall keep, house, or harbour any swine in any barn, stable, building, pen or enclosure within 150 m (492.126 feet) of any building used as a human habitation.

3.5.4 The foregoing clearance requirements shall not apply to Vietnamese pot bellied pigs, however, no person shall use any structure or pen or enclosure for the keeping, housing or harbouring of a Vietnamese pot bellied pig unless it complies with the minimum clearance requirements from all property lines of the zone area in which it is located except where such a structure, pen or enclosure is located behind the building line and at least 1.5 m (4.921 ft.) from the side and rear yard lot lines.

3. FARM ANIMALS (continued)

3.6 Control and Impounding

3.6.1 No farm animal owned, housed or harboured by any person or in his charge, shall:

(i) run at large, stray or graze on any highway, boulevard, park or public place within the City.

(ii) trespass on any private property within the City.

(iii) move, when driven unharnessed or unled over any highway in the City without special permit being obtained from Council.

3.6.2 If any farm animal be found running at large, straying or grazing on any highway, boulevard, park or public place or shall be found trespassing on private property or shall be found grazing on unfenced land, it shall be lawful for the Poundkeeper or any other designated person to take such farm animal and lead, drive or convey the same to a Pound or other designated area, and there impound or deliver to the Poundkeeper as the case may be, the same as hereinafter provided.

3.6.3 The owner of any farm animal seized as aforesaid may have the same released, or, if it has been impounded, may redeem the same from the Pound, upon proving ownership and paying to the Poundkeeper the amount of impoundment fees, if any, in respect of such animal, together with the reasonable expenses for driving or conveying and delivering such animal to the Pound and/or a maintenance charge for the care and feeding of such animal for each day or portion thereof, the same shall have been kept in the Pound. Impoundment fees and maintenance charges payable are as follows:

Impoundment Fees Per Animal			Maintenance Charge per Day or Part Day per Farm Animal
First Offence	Second Offence	Third Offence	
in Calendar Year			
$25.00	$50.00	$100.00	$5.00

4. DOGS

(34-32) Repealed. See Dog Responsibility and Control Bylaw No. 34-32, 2004.

5. CATS

5.1 Cats may be kept on any parcel of land within the City subject to the conditions and restrictions set forth in this section.

5.2 Number Permitted

No person shall keep, harbour or have more than two cats on any parcel of land in the City, provided however, that this section shall not apply to a person operating a kennel as described in Section 13 hereof, or a person who is engaged in the breeding of cats and who operates under a name currently registered with the Cat Fanciers' Association, American Cat Fanciers' Association or Canadian Cat Fanciers' Association or who is operating the parcel as a working cattle ranch or farm.

5.3 No person shall keep, harbour or have in his possession any cat suffering from any infectious or contagious disease, unless such cat is in isolation and under treatment for the cure of such disease.

5.4 (a) The owner of any cat may deliver to the Pound any cat owned by him for the purpose of having same cremated at a charge of $10.00 per cat.
(34-14)
(34-19)

(b) The owner of any cat may request the Poundkeeper to pick up his or her cat for the purpose of having the animal humanely destroyed, on payment of a fee in the amount of $14.00.
(34-19)

(34-23) (c) The cremated remains of any cat may be returned to the owner on payment of a fee in the amount of $50.00.

(34-21) 5.5 Cat Registration

5.5.1 Application for voluntary cat registration may be made to any of the poundkeepers of the City or to such other persons as may be appointed by Council from time to time, and the same are hereby authorized to receive such applications and to issue cat registration receipts and tags.

5.5.2 The fee for cat registration in the City of Kamloops for every cat shall be as follows:

(a) a one-time sum of $40 for each male or female cat for the life of said cat.

5.5.3 With every registration there shall be issued a metal tag impressed or stamped with a number corresponding to the number on the receipt issued and with figures denoting the year in respect of which the receipt was issued and with a distinguishing mark to indicate it was issued by the City of Kamloops.

5. CATS (Continued)

Cat Registration (continued)

5.5.4 In the event of a registration tag being lost, a replacement will be provided at a cost of $5 only when the said current registration form is produced indicating the animal's previous registration.

5.5.5 If any registered cat dies or for any reason no longer lives with the registered owner, a registration may be transferred to a new cat providing this occurs in the first year of registration.

5.6 Control and Impounding

5.6.1 Any Poundkeeper in charge of the City Pound shall impound and detain all cats delivered to him and shall furnish them with sufficient food, water, shelter and attendance.

5.6.2 The owner of any cat, if it has been impounded, may redeem the same from the Pound upon proving ownership and paying to the Poundkeeper the amount of $5 per day maintenance charge for the care and feeding of such cat each day or portion thereof the same shall have been kept in the Pound. Impoundment fees payable in addition to the aforesaid maintenance charge are as follows:

First impoundment in any calendar year	$10
Second impoundment in any calendar year	$20
Third and subsequent impoundments in any calendar year	$30

5.6.3 (a) When the Poundkeeper is aware of the name and address of the owner of any registered cat impounded, he shall within 24 hours of the impounding or the first business day thereafter cause the owner to be notified of the impoundment.

(b) Where an unregistered cat is impounded, the Poundkeeper shall hold the cat for 48 hours, thereafter following which time the cat may be sold or humanely destroyed regardless of whether the owner is known within the 48 hour period.

5.6.4 It shall be the duty of the Poundkeeper before making delivery of any cat impounded to obtain from the person claiming the same his name and residence and to enter the same in the pound book together with the date when such cat was impounded and the date when the same was redeemed.

5.6.5 (a) Any registered cat which has not been redeemed after a period of three consecutive days may be sold or humanely destroyed by the Poundkeeper.

5. CATS (Continued)

Control and Impoundment (continued)

(b) Notwithstanding this section, the Poundkeeper may at his discretion destroy any cat immediately where such cat is found to be seriously injured or dangerous.

5.6.6 A person purchasing a cat from a Poundkeeper will be charged a fee of $40 for any cat sold. This fee includes automatic registration of the animal.

5.6.7 The Poundkeeper may refuse to accept cats at any time when it is his opinion that an individual is actively capturing cats within the City.

6. RODENTS

6.1 Rodents may be kept on any parcel of land subject to the following conditions:

(a) They must not be permitted to run at large and must be confined to the property of their owner.

(b) They shall not be kept in any building, structure, pen or enclosure that does not have the minimum clearance from property lines required for buildings in the zone area in which the parcel of land is located.

6.2 No person shall keep, harbour or have in his possession any rodent suffering from any infectious or contagious disease, unless such rodent is in isolation and under treatment for such disease.

6.3 (a) The owner of any rodent may deliver to the Pound any rodent owned by him for the purpose of having the same destroyed, without charge.

(b) The owner of any rodent may request the Poundkeeper to pick up his or her rodent for the purpose of having the animal humanely destroyed, on payment of a fee in the amount of $10.00.

7. FUR BEARING ANIMALS

7.1 No parcel of land may be used for the raising of fur bearing animals unless such lands conform to the uses as set out in the City of Kamloops Zoning Bylaw.

7.2 Soil

7.2.1 No animal pens shall be constructed on a site unless there are at least 1 m (3.281 ft.) of porous soil under the area where the animal pens are to be located, and the area under the pens must be cleared before any building permit is issued.

7. FUR BEARING ANIMALS (Continued)

Drainage

7.2.2 Provision shall be made to carry away all surface and roof drainage to a point beyond the area of the site used for mink pens.

Manure

7.2.3 Manure shall be removed wherever practicable, weather and breeding permitted. Manure, when stored, must be covered by at least four inches of soil, or limed or superphosphated.

Cover

7.2.4 Absorbent cover material shall be maintained under the pens to a depth of at least 50 mm (2 inches), and after each cleanup, the surface of such material shall be removed with the droppings of manure and feed.

Refuse and Garbage

7.2.5 The deposit or accumulation upon any private property of any refuse, discarded building materials, rat feeding or household garbage, is prohibited.

7.3 Feed

(a) All feed mixing, thawing and processing shall be carried out in a room with concrete floor sloped to a drain and with impervious walls to a height of at least 2 m (6.562 ft.). A screened floor drain shall be connected to a satisfactory disposal system. The room shall be screened to prevent entry of flies and vermin.

(b) Dry cereal food shall be stored in closed buildings constructed so as to prevent entry of rats and mice. Frozen and fish products shall be stored in freezers or concrete floored structures constructed and screened to prevent entry of rats, mice and flies.

7.4 Pelting

All waste from pelting shall be buried under one foot of soil or removed in metal containers from the site by a licensed scavenger.

7.5 Control and Impounding

7.5.1 No person shall keep, harbour or have in his possession, any fur bearing animal suffering from an infectious or contagious disease, unless such fur bearing animal is in isolation and under treatment for the cure of such disease.

7. FUR BEARING ANIMALS (Continued)

7.5 Control and Impounding (continued)

7.5.2 (a) The owner of any fur bearing animal may deliver to the Pound any fur bearing animal owned by him for the purpose of having the same destroyed, without charge.

(b) The owner of any fur bearing animal may request the Poundkeeper to pick up his or her fur bearing animal for the purpose of having the animal humanely destroyed, on payment of a fee in the amount of $10.00.

8. WILD ANIMALS

(34-20) 8.1 No person shall keep or harbour any wild animal on any parcel of land in the City unless such person is the holder of a valid permit from the Poundkeeper.

8.2 Permits

8.2.1 Any person desiring a permit for the keeping of a wild animal in accordance with Section 7.1 shall make written application therefor to the Poundkeeper containing the following information:

(a) name and address of the applicant.

(b) legal description of the parcel of land on which the wild animal is to be kept.

(c) type of wild animal to be kept.

(d) verification that the applicant is the holder of a valid permit as required by any federal or provincial agency having jurisdiction over the importing, possessing or owning of the described wild animal if such permits are required. A certificate as to the health and condition of the described wild animal from a local veterinarian is required prior to the issuance of any permit.

In considering the application, the Poundkeeper may request from the applicant such other information as he considers necessary or desirable.

8.2.2 Wild animals shall be confined to the parcels of land specified in the permit.

8.2.3 No permit shall be issued for the keeping of more than two wild animals on any parcel of land.

8.3 Control and Impoundment

8.3.1 No person shall keep, harbour or have in his possession any wild animal suffering from an infectious or contagious disease, unless such animal is in isolation and under treatment for the cure of such disease.

8. WILD ANIMALS (Continued)

8.3 Control and Impoundment (continued)

(34-20) 8.3.2 (a) The owner of any wild animal may deliver to the Pound any wild animal owned by him for the purposes of having the same destroyed, without charge.

(b) The owner of any wild animal may request the Poundkeeper to pick up his or her wild animal for the purpose of having the animal humanely destroyed, on payment of a fee in the amount of $10.00.

8.3.3 No wild animal possessed or harboured by any person or in his or her charge shall be in any of the following places:

(a) all public beaches and/or parks, and

(b) all public buildings and grounds thereof.

8.4 Application Permit Regulations

8.4.1 Any person who owns, possesses or harbours a wild animal shall obtain a permit therefor in accordance with the provisions of this Bylaw.

8.4.2 Where the owner of a wild animal in respect of which a permit has been issued ceases to be the owner or where the wild animal dies, the permit shall be cancelled.

8.4.3 The application fee for a permit for a wild animal is $50.00.

8.4.4 A permit is valid for the calendar year in which it is purchased."

9. POULTRY

9.1 No person shall keep more than the number of head of poultry on any parcel of land in the City than as provided in the following table:

Parcel of Land (Area)	Maximum Poultry Permitted
over 0.4047 ha (one acre)	30 head

(a) No rooster shall be kept in any residential zone.

9.1.1 Notwithstanding Section 9.1 above, commercial poultry farming shall be restricted to A 1 zones, with no limit on the number of poultry raised.

9. POULTRY (Continued)

9.2 Clearance Requirements

9.2.1 No person shall use any structure, pen or enclosure for the keeping of up to thirty head of poultry unless it is located at least 46 m (150.919 ft.) from any highway and at least 7.5 m (24.606 ft.) from any other property line.

9.2.2 No person shall use any structure, pen or enclosure for the keeping of more than thirty head of poultry unless it is located at least 46 m (150.919 ft.) from any other property line, provided that, if the consent of the Minister of Transportation and High ways is obtained, such building, barn, stable, pen or enclosure may be situate at a minimum distance of 43 m (141.076 ft.) from a Controlled Access Highway.

9.2.3 No person shall use any structure, pen or enclosure for the keeping of poultry unless it is located at least 9 m (28.528 ft.) from any human habitation.

9.3 Control and Impounding

9.3.1 No poultry owned, kept or harboured by any person, or under his control, shall:

(i) run at large, stray or graze on any highway, park or public place;
(ii) trespass on any private property.

9.3.2 If any poultry shall be found running at large, straying or grazing on any highway, park or public place, or shall be found trespassing on private property, it shall be lawful for the Poundkeeper or any other designated person to seize such poultry and convey the same to a Pound or deliver the same to the Poundkeeper to be dealt with in accordance with Section 17 of this bylaw.

10. ORNAMENTAL BIRDS

10.1 Ornamental birds may be kept on any parcel of land within the City provided that:

(a) they are housed and enclosed at all times on the parcel on which they are kept.

(b) no special structure or enclosure is required for housing them, except such as are permitted by the Zoning Bylaw or by this bylaw.

11. PIGEONS

11.1 No person shall keep pigeons unless the person has a minimum parcel of 0.4047 ha (one acre) of land;

(i) The maximum number of pigeons permitted is 30 head.

11. PIGEONS (Continued)

11.2 Clearance Requirements

11.2.1 No person shall use any structure, pen or enclosure for the keeping of more than thirty head of pigeons unless it is located at least 23 m (75.459 ft.) from any property line.

11.2.2 No person shall use any structure, pen or enclosure for the keeping of pigeons unless it is located at least 9 m (29.528 ft.) from any human habitation.

11.3 Control

No pigeons owned or kept by any person, or under his control shall:

(i) stray, feed, or roost on any highway or public place;
(ii) trespass on any private property.

(34-29) 11.4 Notwithstanding the foregoing, a maximum of 24 Birmingham Roller pigeons may be kept at Lot 2, Plan 13899 (2255 Valleyview Drive) and Section 10.2 does not apply to the keeping of pigeons on Lot 2, Plan 13899.

12. BEES

(34-24)
(34-46) 12.1 No person shall keep or harbour bees on any parcel of land unless:

(a) The parcel of land is located in one of the following:

(i) Zone Areas A-1, FD, CR-1, CR-2, CR-3, RS-1, RS-1S, RS-2, RS-2A, RS-3, RS-4, RS-5, RT-1, RT-2, or RT-3;

(ii) Zone Areas P-1, P-2, P-3, P-4, or P-8 and associated with a community garden or educational program; or

(iii) As specifically permitted by the City of Kamloops Zoning Bylaw on individual lots.

(b) The parcel of land is equal to or greater than 370 m^2.

(c) In the case of residentially zoned properties, any beehive is located in the rear yard of the property.

12. BEES (Continued)

(d) Any beehive is oriented to face away from adjacent properties, lanes, and streets and is sited so as to allow a clear flight path of at least 7.5 m straight ahead from the front of the beehive to any property line and 3.0 m from the side and rear of the beehive to any property line, except where the beehive is:

(i) Sited behind a solid fence or hedge that is at least 1.8 m in height, in which case the 7.5 m setback may reduced to 6.0 m and the 3.0 m setback may be reduced to 1.0 m; or

(ii) Elevated such that the underside of the beehive is raised a minimum of 2.5 m above ground level, in which case the 7.5 m setback may be reduced to 3.0 m.

12.2 The maximum number of beehives/colonies and nucleus colonies permitted is as follows:

(a) Two (2) beehives/colonies and two (2) nucleus colonies on any parcel of land that is less than 929 m^2.

(b) Four (4) beehives/colonies and four (4) nucleus colonies on any parcel of land that is equal to or greater than 929 m^2 and less than 1,858 m^2.

(c) Six (6) beehives/colonies and six (6) nucleus colonies on parcels equal to or greater than 1,858 m^2 and less than 0.8 ha.

(d) Ten (10) beehives/colonies and ten (10) nucleus colonies on parcels equal to or greater than 0.8 ha and less than 2.0 ha.

(e) Unlimited beehives/colonies and nucleus colonies on parcels equal to or greater than 2.0 ha.

12.3 Every person keeping bees must:

(a) Comply with the *Bee Act*.

(b) Provide a water supply to prevent the bees from seeking water from other sources, such as neighbourhood birdbaths, pool decks, ponds or other sources of water.

(c) Take all reasonable measures to prevent and manage swarming or defensive behaviour by the bees."

13. KENNELS FOR BOARDING, BREEDING AND TRAINING OF CATS AND OTHER ANIMALS

(34-24)
(34-35)

13.1 (a) No person shall use any premises as a kennel for the keeping, training, care, breeding, hospitalization or boarding of cats or other animals on any parcel of land within the City unless the said parcel is specifically permitted by the City of Kamloops Zoning Bylaw.

(34-13)

(b) Any person operating a kennel must first obtain a City Business Licence and satisfy all other City bylaws and provincial regulations applicable to a kennel business.

13.2 Building and Enclosure Construction

Floors of all structures or rooms used to accommodate animals shall be of a sanitary construction, provided with drainage and approved by Health authorities.

14. NOISE CONTROL

(34-25)

No person being the owner, tenant or occupier of real property shall harbour or keep any animal or bird which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the surrounding neighbourhood or the public at large.

(34-41) 14.A PROPERTY NUISANCE

No person or owner or occupier of property shall keep, feed, or otherwise attract birds or wild animals on or to a property such that the birds or wild animals cause property nuisance in relation to another property.

15. HEALTH, CARE AND SANITATION

15.1 Any person keeping, harbouring, housing or feeding any animal or bird shall ensure:

(a) That it is kept, housed and fed in a manner conducive to its good health and well being.

(b) That, if it is injured or suffering from any disease, it is promptly examined and treated.

(c) That structures, pens, or enclosures used to accommodate the same, shall be maintained in a clean and sanitary condition at all times and that all cleanings from such facilities are disposed of in a manner that will not create a nuisance or health hazard.

16. POUNDS

16.1 Any person lawfully performing any act, at the request of the Poundkeeper, to enforce the provisions of this bylaw, shall be deemed to be an assistant Poundkeeper, and shall be entitled to all protection as such.

16.2 The Poundkeeper shall keep a Pound Book, in which the Poundkeeper shall enter a description of every animal impounded by him with the name of the person who took or sent the same to be impounded, the day upon and the manner in which the same was redeemed, discharged, or otherwise dealt with or disposed of, the name of the person and the amount paid by the person redeeming the animal, or if sold, the name of the purchaser, the amount that was paid for the animal.

16.3 The Poundkeeper shall levy and collect the following impounding fees for the impounding of cattle and poultry under this bylaw:

(a) For farm animals belonging to one owner when the number impounded does not exceed five - $25.00 for each animal on first impoundment. Second and third impoundment will be charged at $50.00 and $100.00 respectively.

(b) For poultry - $2.00 per day for each bird.

16.4 The Poundkeeper in charge of the Pound shall furnish or cause to be furnished to all farm animals and poultry impounded in the Pound or other designated area good and sufficient food, water, shelter and attendance and for so doing shall levy and collect from the respective owners of such farm animals and poultry or from the keepers or person in whose charge the said farm animals and poultry ought to be, for the use of the City, the following allowance over and above the fees for impounding, namely:

(1) For each sheep or goat - $5.00 per day.

(2) For poultry - $1.00 per day per head.

(3) For all other farm animals - $5.00 per day per head.

16.5 (1) If the owner of any farm animal impounded, or any other person entitled to redeem the same, shall appear and claim such farm animal at any time before the sale thereof, it shall be the duty of the Poundkeeper, or his assistant, to deliver up the same on receiving the amount in full of the impounding fees and the allowance and expenses chargeable for each and every animal.

(2) The Poundkeeper shall demand and collect from the owners of any animals impounded under this bylaw or from the person in whose charge the same ought to be, the expenses necessarily incurred by him or his assistants in leading, driving or conveying the same to the Pound.

16. POUNDS (Continued)

16.6 It shall be the duty of the Poundkeeper, or his assistant, before making delivery of any impounded farm animal, before sale, to obtain from the person claiming the same, his name and address, and to enter the same in the Pound Book, together with the date when such animal was impounded, and the date when the same was sold or redeemed, as the case may be.

16.7 If no person shall appear to claim an impounded animal within three days after its impoundment, or if the person claiming such animal shall refuse or neglect to pay the impounding fees and the allowance and the expenses chargeable thereon, it shall be the duty of the Poundkeeper to give at least seven days notice of the sale or destruction thereof.

16.8 Such notice shall contain a general description of the animal and shall be posted up in some conspicuous place at the Pound where the same is held and at City Hall. If the animal is a horse, ox, ass, mule, bull or cow, the notice shall be published once, not less than six (6) days before the sale, in a newspaper circulating in the municipality.

16.9 If, at the expiration of the time specified in the said notice, no person shall claim the animal or animals therein described, or if the person claiming the same shall refuse or neglect to pay the impounding fees and the allowances, and expenses and charges accrued on such animal or animals, it shall be lawful for the Poundk¬eeper to sell the same, and the animal or animals shall be offered at public auction and sold to the highest bidder by the Poundkeeper, at the City Pound, and in the event of there being no purchaser, the Poundkeeper shall dispose of or destroy the same.

16.10 If, after the sale of any animal as aforesaid the purchaser does not immediately pay the price bid therefor, no sale shall be deemed to have taken place, then the Poundkeeper shall forthwith cause such animal to be again offered for sale, and so continue until the animal is sold and the price bid paid by the purchaser. In the event of there being no purchaser, the Poundkeeper shall dispose of or destroy the animal.

16.11 No person shall take or let out any animal or animals at any time contained within a Pound without the consent of the Poundkeeper.

COMPLAINTS OF OWNER

17. The owner of any impounded animal may give notice in writing to the Poundkeeper that he intends to complain to a Justice against the person impounding the animal; and on receipt of such notice and on deposit with the Poundkeeper of the amount of the sustenance and other authorized fees and charges, the Poundkeeper shall release the animal, and shall retain the money so deposited subject to the order of the Justice as hereinafter provided.

COMPLAINTS OF OWNER (Continued)

18. Within ten days after giving notice referred to in Section 17, the owner may lodge his complaint as set forth in the notice with a Justice, who thereupon shall institute the like proceedings as are authorized under the Offence Act for Justice making orders for the payment of money; and upon hearing the complaint the Justice may determine the matter of the complaint; and if the Justice adjudges that the animal impounded was illegally impounded as claimed, the Justice shall order the animal (if not released) to be restored to the owner, or (if released) the money deposited with the Poundkeeper to be repaid, and, in either event, the Justice shall order the City to pay the costs of the proceedings and all fees to which the Poundkeeper is lawfully entitled.

19. Nothing in this bylaw shall deprive the owner of any animal impounded of any action, remedy, or right that he may have at common law or otherwise by reason of the same being unlawfully seized, distrained, or impounded; but if any action is brought against a Poundkeeper for anything done by him under this bylaw, he may plead not guilty to the action; and if on the trial of the action it is made to appear that the Poundkeeper, on demand being made on him therefor, gave to the plaintiff or his agent the name of the person who conveyed the animal to the pound, and that he in all respects acted within his duties and powers as such Poundkeeper, judgement shall then be given for him with costs.

20. If any Poundkeeper

(a) impounds, or assists or incites or employs any person to impound any animal in the City, unless the animal was a stray within the boundaries of the City;

(b) purchases, in person or by his agent, or has any interest of any kind in any animal sold by auction at a pound of which he is the Poundkeeper at the time of the sale;

(c) demands or receives any sum for pound notices, sustenance and other fees and charges not authorized by this bylaw;

(d) fails to pay over any money held by him under the provisions of this bylaw for any person after payment of the same has been demanded by or on behalf of such person;

(e) neglects to provide food and water for any animal or works or uses the same in any manner while so impounded;

(f) neglects to milk properly any milch cow or milch goat while such cow or goat is impounded;

(g) omits or neglects to keep books and to make entries therein as required by this bylaw, or makes any incorrect or untrue entry in such books;

(h) knowingly allows any animal infected with any contagious or infectious disease to be in the same enclosure with any impounded animal not so affected;

(i) maliciously and unlawfully impounds any animal;

(j) fails to give any notice required by this bylaw;

COMPLAINTS OF OWNER (Continued)

(k) neglects to do anything required by this bylaw to be done whereby damage is incurred by any person;

he, in addition to any civil liability which he may incur by reason thereof, is guilty of an offence and liable, on summary conviction, to the penalty provided for in Section 21.1 of this bylaw.

21. PENALTIES

(34-15) 21.1 Every person who violates any of the provisions of this bylaw, or who does, suffers or permits any act or thing to be done in contravention or violation of any of the provisions of this bylaw, or who does any act or thing which violates any of the provisions of this bylaw for which a specific penalty has not been designated shall be deemed to have committed an offence against this bylaw
(34-18) and shall be liable, upon summary conviction to a fine not less than $25.00 or more than $2,000.00 and in default of payment thereof forthwith or within such a time as the presiding Provincial Court Judge or Justice of the Peace shall direct, the fine imposed shall be recoverable under the provisions of the Offence Act.

21.2 Each day a violation, contravention or breach of this bylaw continues shall be a separate and distinct offence.

(34-16) 21.3 Notwithstanding the provisions of the preceding subsections of this section, every person who violates any of the provisions of this bylaw may be served with a violation notice and shall be permitted to pay a fee in the amount of:

	1st Violation	2nd Violation	3rd Violation
For every farm animal	$25.00	$50.00	$100.00
Failure to remove fecal matter	$100.00	$200.00	$300.00

in lieu of any penalty which may be imposed by any court of competent jurisdiction, thereby obviating the necessity of proceeding with the prosecution under the Offence Act of the Province of British Columbia.

22. City of Kamloops Bylaws No. 34-7, and all amendments thereto are hereby repealed.

23. This bylaw may be cited for all purposes as "City of Kamloops Animal Control Bylaw No. 34-11, 1981."