

# ANIMAL CONTROL BYLAW

## Bylaw No. 1497 and amendments thereto

### CONSOLIDATED FOR CONVENIENCE ONLY

This is a consolidation of the bylaws listed below. The amending bylaws have been consolidated with the original bylaws for convenience only.

Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws on this subject.

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<u>BYLAW NO.</u>	<u>ADOPTED</u>
1497	December 15, 1992
1571	July 20, 1993
1638	December 20, 1994
1733	December 19, 1995
1800	December 17, 1996
2110	March 18, 2003
2399	December 16, 2008
2534	March 20, 2012
2552	April 3, 2012

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The bylaw numbers in **bold** at the end of the clause refer to the bylaws that amended the principal bylaw.

# ANIMAL CONTROL BYLAW

## *Consolidated Copy - Bylaw No. 1497 and amendments*

### A Bylaw to Provide for the Control and Licensing of Animals and the Operation of Pound Facilities.

WHEREAS pursuant to section 524 of the Municipal Act, R.S.B.C. 1979, c. 290, the Council has the authority to provide for the collection of licence fees from and the issue of licences to a person who owns, possesses or harbours a dog;

AND WHEREAS pursuant to section 525 of the Municipal Act, R.S.B.C. 1979, c. 290, a licence issued under section 524 is for the calendar year in which the licence was issued;

AND WHEREAS pursuant to section 933 (1) of the Municipal Act, R.S.B.C. 1979, c. 290, the Council has the authority by bylaw to regulate or prohibit the keeping of dogs, horses, cattle, sheep, goats, swine, rabbits or other animals, and define areas in which they may be kept or may not be kept;

AND WHEREAS pursuant to section 932 (s) of the Municipal Act, R.S.B.C. 1979, c. 290 the Council may require that the owner, possessor or harbourer of a dog shall keep it on leash or under control of a competent person while on a highway or public place;

AND WHEREAS pursuant to section 933 (2) of the Municipal Act, R.S.B.C. 1979, c. 290 the Council may by bylaw

- (a) provide for the impounding of unlicensed dogs, and of dogs, horses, cattle, poultry, rabbits and other animals unlawfully at large;
- (b) establish, maintain and operate facilities as pounds in the municipality;
- (c) regulate and fix fines to be levied by pound keepers;
- (d) provide for the sale or destruction of animals impounded where prescribed fines or other charges are not paid within a reasonable time;

AND WHEREAS pursuant to section 933 (1) (g) of the Municipal Act, R.S.B.C. 1979, c. 290 the Council has the authority to regulate or prohibit kennels or other places for the keeping, training, care, breeding or boarding of dogs or other animals and define areas in which those places are permitted or are not permitted;

AND WHEREAS pursuant to section 932 of the Municipal Act, R.S.B.C. 1979, c. 290 the Council may by bylaw

- (a) prevent or prohibit nuisances;
- (b) regulate or prohibit the making or causing of noises in the municipality;

NOW THEREFORE the Council of The Corporation of the District of Pitt Meadows, in open meeting assembled, ENACTS AS FOLLOWS:

**THE CORPORATION OF THE CITY OF PITT MEADOWS**

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### PART 1- TITLE

1.1 This Bylaw may be cited as the "**Animal Control Bylaw No. 1497, 1992**".

### PART 2 - INTERPRETATION

2.1 In this Bylaw

"animal" means a dog, horse, sheep, goat, mule, ass, swine, rabbit, poultry, cow or other animal of the bovine species;

"Collector" means the Collector of the Corporation or any person authorized by Council to perform the duties assigned in this Bylaw to the Collector;

"Corporation" means The Corporation of the District of Pitt Meadows;

"Council" means the Council of The Corporation of the District of Pitt Meadows;

"dog" means any member of the canine species over the age of 6 months, but excluding a Seeing Eye Dog or Personal Assistant Dog; (**Bylaw No. 1800**)

"dog shelter" means any erection, house, kennel, building or structure in which dogs are kept or harbored;

"enclosure" means a fence or structure at least 1.8 meters in height suitable to confine a vicious dog and prevent the injury of a person by that vicious dog;

"impounded" means seized, delivered, received or taken into the Pound or into the custody of the Pound Keeper or any officer;

"incurable disease" means any disease, sickness, injury or mutilation which would inevitably result in death, including without limitation, rabies;

"keeping" means owning, possessing, having the care, custody or control of, or harbouring;

"kennel" means a place for the keeping, training, care, breeding or boarding of four or more dogs on any parcel of land within the Municipality;

"Municipality" means the District of Pitt Meadows;

"neutered male dog" means a male dog that has been castrated and certified as neutered by any licenced veterinarian;

"officer" means any person appointed by Council as a bylaw enforcement officer or bylaw inspector and includes any constable or police officer;

"owner" means any person

- (a) to whom a licence for a dog has been issued under this Bylaw;
- (b) who owns, is in possession of or has the care, custody or control of any animal;

**THE CORPORATION OF THE CITY OF PITT MEADOWS**

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### PART 2 - INTERPRETATION Cont'd.

(c) who harbours or allows any animal to remain about his house land or premises;

"Pound" means a facility, building, structure or enclosure suitable for the impounding and keeping of animals and established as a Pound by Council;

"Pound Keeper" means any person appointed by Council as the Pound Keeper and includes any assistant Pound Keeper and any officer appointed as a Pound Keeper pursuant to the provisions of this Bylaw;

"spayed female dog" means any female dog certified as spayed by any licenced veterinarian;

"unlicensed dog" means any dog for which the licence for the current year has not been paid or any dog which does not have affixed to its collar or harness a valid and subsisting licence tag;

"vicious dog" means:

- (i) any dog with a known propensity, tendency or disposition to attack, without provocation, other domestic animals or humans; or
- (ii) any dog which without provocation has bitten another domestic animal or human; or
- (iii) a Pit Bull Terrier, American Pit Bull Terrier, Pit Bull, Staffordshire Bull Terrier, American Staffordshire Terrier or any dog of mixed breeding that includes any of the aforementioned breeds;

"Zoning Bylaw" Deleted as per **Bylaw No. 2534, 2012**

### PART 3 - LICENSING OF DOGS

#### Licences

- 3.1 No person shall keep any dog unless a valid and subsisting licence has been obtained under this Bylaw for that dog.
- 3.2 Every licence and corresponding licence tag issued under this Bylaw shall expire on the 31st day of December of the year in which it was issued.
- 3.3 Every licence and corresponding licence tag issued under this Bylaw is valid only in respect of and shall be worn only by the dog for which it was issued and is not transferable to another dog or to an owner other than the person to whom the licence or corresponding licence tag was issued.

#### Fees

- 3.4 The owner of every dog shall pay an annual licence fee for that dog assessed as follows:
  - (a) for each neutered male dog, a fee of \$35.00 (\$17.50) will be deducted if paid before March 1);
  - (b) for each spayed female dog, a fee of \$35.00 (\$17.50) will be deducted if paid before March 1);

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### Fees Cont'd.

- (c) for each male dog other than a neutered male, a fee of \$65.00 (\$17.50) will be deducted if paid before March 1);
  - (d) for each female dog other than a spayed female, a fee of \$65.00 (\$17.50) will be deducted if paid before March 1). **(Bylaw No. 2110)**
- 3.5 The reductions set out in section 3.4 of this Bylaw shall not be applicable if, in any calendar year, a dog has not been licenced
- (a) within six months from the date of its birth;
  - (b) within two weeks of its acquisition by its owner;
  - (c) subject to section 3.8, within two weeks from the date on which the owner moves into the Municipality.
- 3.6 Where a dog in respect of which a licence was issued under section 3.4 is neutered or spayed after the licence fee is fully paid by the owner, the Corporation shall repay the owner to whom the licence was issued the difference between the rate that was paid and the rate that would have been paid if the dog had been neutered or spayed originally, provided the owner requests payment prior to September 30th of the current year. **(Bylaw No. 1800)**
- 3.7 Where a dog is not six months old until after the 30th day of September in the current licence year, or a dog has been moved into the Municipality after the 30th day of September, or an unlicensed dog is acquired after the 30th day of September, the licence fee shall be 50% of the applicable fee in section 3.4.
- 3.8 Where a valid licence has been issued in respect of a dog by any municipality of British Columbia other than the Corporation, the licence fee in respect of that dog for the current year is \$5.00. **(Bylaw No. 2110)**

### Duties of Collector

- 3.10 The Collector is responsible for receiving licence fees and issuing licence tags.
- 3.11 Upon receipt of the prescribed fee and a completed application in the form as shown in Schedule A, attached hereto and made a part of this Bylaw, signed by the owner, the Collector shall issue a licence and a corresponding licence tag denoting the number of the licence and the calendar year for which the licence is valid.

### Licence Tag

- 3.12 Every owner of a dog in respect of which a licence has been issued under this Bylaw shall, while the licence is valid, affix and keep affixed on the dog, by collar, harness or other suitable device, the licence tag issued.
- 3.13 No person other than the owner of a dog shall remove the licence tag affixed on that dog by the owner.

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### Replacement Licences

- 3.14 The Collector may issue a replacement licence or licence tag upon
- (a) being satisfied by the owner that the original licence or licence tag issued by the Collector in respect of that dog has been lost or stolen;
  - (b) receipt or a fee of \$5.00; and **(Bylaw No. 2110)**
  - (c) receipt of a completed application form.
- 3.15 If the person to whom the licence was issued sells or otherwise ceases to be the owner of a dog, the licence is deemed to be cancelled and the new owner of that dog shall obtain a re-issued licence and corresponding licence tag in respect of that dog upon submitting a completed application form.

### Unlicensed Dogs - On Property

- 3.16 Where he has reason to believe that an unlicensed dog has taken refuge on any premises, the Pound Keeper may request the occupant of the premises
- (a) to satisfy him that a licence has been obtained and a licence tag has been issued for that dog; or
  - (b) to deliver the dog to him; and where any dog is found to be on any such premises as set out above, no person shall
  - (c) fail or refuse to produce any licence or licence tag issued for a dog;
  - (d) fail or refuse to deliver any dog to the Pound Keeper; or
  - (e) resist or interfere with the Pound Keeper in impounding any dog.

## **PART 4 - KENNELS AND DOG SHELTERS**

- 4.1 No person shall keep more than three dogs at one time on any parcel of land within the Municipality, unless such person is the operator of a kennel in accordance with Bylaw No. 1087, cited as the "Pitt Meadows Kennel Regulation Bylaw, 1986, No. 1087".

## **PART 5 - CONTROL OF ANIMALS**

- 5.1 For the purpose of this Bylaw, a dog is deemed to be at large where it is not under control by being
- (a) on the property of its owner;
  - (b) securely held on a leash not exceeding three metres (9.8 feet) by a person who is competent to control it so that it is unable to roam; or
  - (c) securely confined within an enclosure.

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### PART 5 - CONTROL OF ANIMALS Cont'd.

- 5.2 Every person owning or keeping any dog shall prevent that dog from trespassing on any highway, public property or private property and whenever such dog is found to be so trespassing by the Pound Keeper, that dog shall be deemed to be at large for the purposes of this Bylaw.
- 5.3 For the purposes of this Bylaw, any animal other than a dog is deemed to be at large where such animal
- (a) is led, driven or strays on any highway or public place and is not under the direct and continuous charge of a person who is competent to control it; or
  - (b) trespasses on any highway, public place or private property (whether or not such animal is under the direct and continuous charge of a person who is competent to control it).
- 5.4 Every person owning or keeping any animal shall prevent that animal from becoming at large in the Municipality.
- 5.5 Subject to Part 6 of this Bylaw, every person owning or keeping any dog shall prevent that dog from being on any school grounds or on any public property within the Municipality unless the dog is held on a leash not exceeding 3 meters (9.8 feet) by a person who is competent to control it.
- 5.6 No person who owns or keeps a vicious dog shall permit or allow the vicious dog to be on any highway or in any public place or any other place that is not owned or controlled by that person, unless the dog is on a leash and muzzled to prevent it from biting another animal or human.
- 5.7 Every person who owns or keeps a vicious dog shall, at all times while the vicious dog in premises owned or controlled by such person, keep the vicious dog securely confined either indoors and under the control of a competent person, or outdoors in an enclosure that is kept locked at all times except when the dog is being placed in or taken from the enclosure.

### PART 6 - GENERAL PROHIBITIONS

- 6.1 The Council may designate all or any part of a park or public place as an area in which no animals shall be permitted and such an area may be marked by signs or other devices.
- 6.2 Every person owning or keeping any animal shall prevent such animal from being in an area designated pursuant to section 6.1.
- 6.3 The Pound Keeper may seize and impound any animal that is found on any designated land, in contravention of section 6.1.
- 6.4 The Pound Keeper shall retain in a Pound any animal seized and impounded pursuant to this section and shall not release any such animal except in accordance with the provisions of this Bylaw.
- 6.5 The owner and any person having the care, custody or control of a dog shall immediately remove any excrement deposited by that dog and shall deposit the excrement in a suitable private refuse container.

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### **PART 6 - GENERAL PROHIBITIONS Cont'd.**

- 6.6 Section 6.5 shall not apply to excrement deposited on land owned by and in the exclusive possession of the owner or the person having the care, custody or control of the dog that deposited the excrement.

### **PART 7 - THE POUND**

- 7.1 The Pounds listed in Schedule B attached hereto and made a part of this Bylaw are hereby established as Pounds for the Corporation.

### **PART 8 - THE POUND KEEPER**

- 8.1 The Council may appoint by resolution a Pound Keeper or Pound Keepers, and such assistants as may be required, all at such salary or remuneration as Council may determine.

- 8.2 The Chief Constable and all members of the Police Force of the Corporation are hereby appointed as Pound Keepers.

#### **Contracting Out**

- 8.3 The Council may enter into an agreement with any person for the purpose of
- (a) maintaining and operating a Pound;
  - (b) managing the Pound; and
  - (c) providing for the collection, distribution and payment of any revenue and expenditures derived from the operation of the Pound.

#### **Duties of the Pound Keeper**

- 8.4 Every Pound Keeper, when required by the Council, shall give a bond to the Corporation, in the sum of one hundred dollars (\$100.00), that he will well and faithfully account for and pay over to the Corporation all monies which he shall receive by virtue of his office, and shall, upon request by the Collector, produce to the Collector all financial records concerning the collection of fees.
- 8.5 Every Pound Keeper shall pay over to the Collector all monies received by him by virtue of his office if and when instructed to do so, and shall at all times produce his books for the inspection of Council or the Collector when required to do so.
- 8.6 Whenever any seizure or impoundment of an animal has been made as provided by this Bylaw, it shall be the duty of the Pound Keeper to daily furnish the animal with sufficient food, water, shelter and attendance during the whole period the animal continues to be impounded, and for so doing the Pound Keeper shall be entitled to demand and receive from the owner a maintenance fee established by Council.
- 8.7 No person shall remove or attempt to remove any animal that is in the lawful custody of a Pound Keeper.
- 8.8 No person shall resist or interfere with a Pound Keeper in the performance of his duties under this Bylaw.

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### PART 9 - IMPOUNDING

#### Authority to Seize

9.1 The Pound Keeper may impound any unlicensed dog or any animal which is found by him to be at large within the Municipality pursuant to sections 5.1, 5.2 or 5.3 of this Bylaw.

#### Duty to Inform Owner

9.2 Upon impounding any animal and subject to section 9.3 of this Bylaw, the Pound Keeper shall, within a reasonable period of time, inform the owner of that animal that the animal has been impounded.

9.3 Where the owner of an impounded animal is unknown to the Pound Keeper, he

- (a) shall cause a notice of impoundment to be posted on the notice board at the main entrance to the Municipal Hall and the Pound; and
- (b) may cause a notice of impoundment to be published in a newspaper circulating in the Municipality, or broadcast on a radio or television station received in the Municipality.

9.4 The notices referred to in section 9.2 shall include a description of the impounded animal, and shall specify the place where, and the date after which, the impounded animal will be put up for sale or destroyed if not claimed, with such date being not less than two clear days after the date on which the notice was published, posted or broadcast.

9.5 Where the Pound Keeper posts a notice in accordance with section 9.3 (a), he shall be deemed to have informed the owner of the animal of the impoundment as required by section 9.2.

9.6 The Pound Keeper shall retain any impounded animal for a period of 72 hours, and if such animal is not reclaimed within the 72 hours, the Pound Keeper may

- (a) allow it to be delivered to any person by means of sale or auction; or
- (b) destroy the animal.

#### Impoundment Fees

9.7 The owner of any impounded animal may reclaim the animal at any time prior to its sale or destruction, by providing proof of ownership and paying the following, where applicable,

- (a) an impounding fee of \$30.00 for the first impoundment of a licensed dog and \$60.00 in the case of an unlicensed dog, \$50.00 for the second impoundment of the same dog, and \$70.00 for the third and any subsequent impoundment of the same dog in any given year; **(Bylaw No. 1733)**
- (b) where a livestock hauler has been used to impound the animal, the fee of \$50.00;
- (c) maintenance costs:
  - (i) for a dog - \$25.00 per day or portion of a day; **(Bylaw No. 2399)**

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### Impoundment Fees Cont'd.

- (ii) for any animal other than a dog - \$10.00 per day or portion of a day;
- (d) a licence fee, as required by this Bylaw, where the impounded animal is a dog and the dog is unlicensed; and
- (e) any fine or penalty imposed under this Bylaw;
- (f) notwithstanding the above, where a vicious dog has been impounded, the impounding fee shall be \$250.00. **(Bylaw No. 1638)**

### Destruction of Diseased Animals

- 9.8 The Pound Keeper may destroy any animal suffering from an incurable disease upon certification of the animal's condition by a licenced veterinarian.

### Destruction of Vicious Dogs

- 9.9 Where the Pound Keeper or officer finds a dog
- (a) running at large, and
  - (b) attacking or viciously pursuing a person or a domestic animal, he may kill the dog.

### Duty of Pound Keeper to Keep Records

- 9.10 The Pound Keeper shall keep a record book in which he shall record the following information:
- (a) the licence number and description of each dog impounded;
  - (b) the description of each other animal impounded;
  - (c) the name of the person who brought or caused the animal to be impounded;
  - (d) the day on which the animal was received, reclaimed, sold or destroyed;
  - (e) the fees paid by the reclaiming party; and
  - (f) the amount of the proceeds of the sale, if any.
- 9.11 No liability shall attach to the Pound Keeper or the Corporation for any animal destroyed in accordance with the provisions of this Bylaw.
- 9.12 An officer may enter any land, building or premises between the hours of 8:00 a.m. and 6:00 p.m. for the purpose of ascertaining that the regulations of this Bylaw are being observed.

**PART 10 – BEEKEEPING  
(Bylaw No. 2552)**

- 10.1 In this Bylaw:
- (a) unless the context otherwise requires, the definitions set out in the *Bee Act* shall apply; and
  - (b) “nucleus colony” means a colony of not more than five (5) removable frames primarily used for rearing and storing queen bees.
- 10.2 Every person who owns, possesses or keeps bees and every person on whose property bees are kept shall:
- (a) maintain the bees in such a condition so as to reasonably prevent undue swarming or aggressive behavior by bees;
  - (b) ensure that the bees are requeened if they are subject to undue swarming or aggressive behaviour; and
  - (c) provide adequate water to prevent the bees from seeking water from neighbourhood swimming pools, birdbaths, ponds or other bodies of water.
- 10.3 No person shall locate a hive within 7.5 metres of any property line except where the hive is situated either:
- (a) 2.5 metres or more above the adjacent ground level, or
  - (b) less than 2.0 meters above the adjacent ground level and behind a solid fence or hedge more than 2.0 metres in height running parallel to any property line and extending at least 6.0 metres beyond the hive in both directions.
- 10.4 No Person shall keep more than:
- (a) two (2) colonies and two (2) nucleus colonies on a parcel of land with an area less than 1,000 square metres (0.1 hectares);
  - (b) four (4) colonies and four (4) nucleus colonies on a parcel of land having an area more than 1,000 square metes (0.1 hectares).
- 10.5 The License Inspector, Bylaw Inspector, Assistant Director of Strategic Services or other official appointed by Council for such purpose may enter at all reasonable times upon any property in order to determine whether or not the provisions of this Bylaw are being obeyed.

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### PART 11 - PENALTIES

- 11.1 Every person who contravenes a provision of this Bylaw is guilty of an offence upon summary conviction and is liable for the
- (a) first offence to a fine not exceeding \$200.00; **(Bylaw No. 1571)**
  - (b) second offence to a fine not less than \$150.00 and not exceeding \$250.00; and
  - (c) third offence and any subsequent offences to a fine not less than \$200.00 and not exceeding \$300.00, and costs of prosecution.

### PART 12 - SEVERABILITY

- 12.1 If any section, subsection or clause of this Bylaw is declared or held to be invalid by a court of competent jurisdiction, then that invalid portion shall be severed and the remainder of this Bylaw shall be deemed to have been enacted and adopted without the invalid and severed section, subsection or clause.

### PART 13 - REPEAL

- 13.1 Bylaw No. 877, cited as the "Pitt Meadows Dog Licensing and Dog Control Bylaw, 1981 No. 877", and all amendments thereto, are hereby repealed.

**THE CORPORATION OF THE CITY OF PITT MEADOWS**

#26661v3

**SCHEDULE A**

Application for Licence

(Sections 3.11, 3.14, 3.15)



**THE CORPORATION OF THE DISTRICT OF PITT MEADOWS**

NEW  N    RENEWAL  R    REPLACEMENT (DUPLICATE)  D    CHANGE (UPDATE)  U    CANCEL  C

OWNER NAME AND ADDRESS

PREVIOUS LICENCE

┌  
└

DOG NAME:			
BREED:			
COLOUR:			
TELEPHONE NO.	RATE CLASS	VET. CERT.	TATTOO NO.

YEAR	TAG NO.	
YEAR	TAG NO.	



**THE CORPORATION OF THE DISTRICT OF PITT MEADOWS**  
 12007 HARRIS ROAD  
 PITT MEADOWS, B.C. V3Y 2B5  
 PHONE 465-2423

DUE

DISCOUNT DATE

DOG LICENCE FOR

FEE ENCLOSED

MUNICIPAL TREASURER \_\_\_\_\_

PLEASE RETURN COMPLETE FORM WITH PAYMENT.  
 CHEQUES SHOULD BE MADE PAYABLE TO  
 THE CORPORATION OF THE DISTRICT OF PITT MEADOWS

SEE REVERSE FOR IMPORTANT INFORMATION.

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**SCHEDULE B**

List of Pounds in the Municipality

(Section 7.1)

1. Countryside Kennel  
558 Prairie Avenue,  
Port Coquitlam, B.C. V3C 3V4  
**(Bylaw No. 2399)**