

CORPORATION OF THE CITY OF NEW WESTMINSTER



ANIMAL CONTROL BYLAW NO. 7037, 2005

EFFECTIVE DATE: September 19, 2005

CONSOLIDATED FOR CONVENIENCE ONLY
(November 15, 2011)

This is a consolidation of the **bylaws** listed below. The amendment bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws on this subject.

<u>AMENDMENT BYLAW</u>	<u>EFFECTIVE DATE</u>
7222	March 10, 2008
7297	March 2, 2009
7491	October 24, 2011

The bylaw numbers highlighted in this consolidation refer to the bylaws that amended the principal Bylaw No. 7037. The number of any amending bylaw that has been repealed is not referred to in this consolidation.

Obtainable from the City Clerk's Office

CORPORATION OF THE CITY OF NEW WESTMINSTER

BYLAW NO. 7037, 2005

A bylaw to regulate the keeping of animals, establish and operate a pound,
provide for the licensing of dogs and for
the impounding and prevention of cruelty to animals

WHEREAS the Community Charter SBC 2003, Chapter 26 authorizes a local government to regulate, prohibit and impose requirements in relation to animals;

NOW THEREFORE the City Council of the Corporation of the City of New Westminster in open meeting assembled **HEREBY ENACTS AS FOLLOWS:**

- 100.** This bylaw may be cited as “ **ANIMAL CONTROL BYLAW NO. 7037, 2005**”.
- 200.** Animal Control Bylaw 6849, 2003 Bylaw and amendments thereto are hereby repealed.

Part I

DEFINITIONS

- 300.** In this bylaw, unless the context otherwise requires:

“**Act**” means the Local Government Act R.S.B.C. 1996 c. 323 as amended from time to time;

“**Aggressive Behavior**” means snarling, growling, or pursuing another **animal** or person;

“**Animal**” means any member of the animal kingdom, other than a human being;

“**Animal Control Officer**” means a person appointed by Council for the purpose of administering the provisions of this Bylaw;

“**At large**” means when not on the property of the owner; or

- (i) not under the immediate charge and control of a responsible and competent person; or
- (ii) not under the direct control or within the immediate vicinity of the owner when in an authorized off-leash area;

“**City**” means the Corporation of the City of New Westminster, a municipal corporation duly created by Letters Patent issued on December 24, 1872;

“**Community Charter**” means the Community Charter SBC2003, Chapter 26, as amended from time to time;

“**Continuous Sound**” means any noises or sound continuing for a period of, or periods totaling, three minutes or more of any fifteen minute period;

“**Council**” means the Municipal Council of the **City** duly constituted pursuant to the provisions of the **Act**;

“**Dangerous Dog**” means a **dog** as defined in the **Community Charter**;

“**Dog**” means any **animal** of the canine species irrespective of age or sex;

“**Domestic Animal**” means an **animal** that is tame or kept, or that has been or is being sufficiently tamed or kept, to serve some purpose for people;

“**Enclosure**” means a structure at least 1.8 meters in height having a concrete or asphalt floor and wire or steel mesh sides and roof, which is sufficient to prevent the entry of young children or the escape of a **dog** enclosed therein .

“**Identification**” means:

- (i) a collar or tag worn by a cat which includes the name, current address and telephone number of the **owner**;
- (ii) a traceable tattoo; or
- (iii) a traceable microchip;

“**Impound**” means seize, deliver, receive, or take into the **pound** or other suitable place of confinement by the **Animal Control Officer**;

“**Keep**” means harbour, house, display, possess or offer for sale;

“**Licence**” means a licence tag for a **dog** issued by the **Animal Control Officer**;

“**Muzzled**” means fastened or controlled so as to prevent biting by means of a humane fastening or covering device of adequate strength placed over the mouth;

“**Off Leash Area**” means an area of **City** owned property designated by signs, which defines the geographic area and or times that dogs are permitted off-leash;

“**Owner**” means any person who owns or **keeps** an **animal**, or any person who allows or permits any **animal** to be **kept** about their house lands or premises;

“**Peace Officer**” means a Police Officer or Constable of the New Westminster Police Service, or other person so employed for the preservation and maintenance of the public peace;

“**Pound**” means the City’s **Animal Shelter**;

“**Special Needs Dog**” means any **dog** trained by a recognized and accredited institution to provide assistance to a hearing or visually impaired or physically challenged person;

“**Sterilized**” means any spayed or neutered animal for which a certificate has been issued by a veterinarian indicating that the **animal** has been **sterilized**;

“**Unlicensed Dog**” means any **dog** for which the **licence** fee for the current year has not been paid, or any **dog** which is not wearing a **licence** tag for the current year;

“**Vicious Dog**” means:

- (i) any **dog** which has bitten another **animal** or human being without provocation; or
- (ii) any **dog** with a known propensity, tendency or disposition to attack without provocation other **animals** or humans; or
- (iii) any dog that displays unprovoked **aggressive behavior**;
- (iv) any dog listed in Schedule “ A “ of this Bylaw;

“**Wild Animal**” means those **animals** listed in Schedule “D” attached to and forming part of this Bylaw, whether bred in the wild or in captivity, and includes their hybrids with domestic species;

PART II

LICENSING

400. Every person within the City who owns or keeps a dog shall obtain a valid licence for the dog by applying in writing to the Animal Control Officer on the form provided and paying the prescribed fee as set out in Schedule “ B “ of this Bylaw.

400.1 Upon application and payment of all prescribed fees the, Animal Control Officer shall issue to the owner of the dog a numbered licence tag stamped for the current year, and the owner shall securely affix and keep affixed the licence tag to the dog’s collar.

400.2 Every person applying for a licence for a sterilized dog must present a certificate from a qualified veterinarian confirming that the dog has been sterilized.

400.3 Every person who has obtained a licence for an unsterilized dog and, within six (6) months of the purchase of the licence, presents a certificate from a qualified veterinarian certifying that the dog has been sterilized, shall be entitled to a refund of the difference in the licence fees between a sterilized dog and an unsterilized dog.

- 400.4** Every owner of a dog that has been certified by a qualified veterinarian as being too old or physically unable to undergo the necessary surgery to sterilize the dog shall be able to obtain a licence for the dog upon payment of the required fee for a sterilized dog as the case may be.
- 400.5** Every owner of a cat shall ensure that the cat wears identification at all times.
- 401.** The Animal Control Officer shall issue to an owner of a dog a replacement licence upon payment of the fee set out in Schedule “B” of this bylaw after being satisfied that the original licence has been lost or stolen.
- 402.** The licence fees paid for any dog are not refundable except for the rebate allowed by subsection 400.3 of this bylaw.
- 403.** An owner of a dog may transfer a valid licence, only if;
- 403.1** the dog is currently licensed by another municipality in the Province of British Columbia and the owner surrenders such licence and pays the fee set out in Schedule “ B “ of this Bylaw; or
- 403.2** the owner replaces a licensed dog which has died, applies to the Animal Control Officer for transfer of the licence and pays any applicable fees.
- 404.** A licence shall be required but no fee payable for a Special Needs Dog.
- 405.** The Animal Control Officer shall maintain a record of all licenses issued pursuant to this Bylaw, including the names and addresses of all dog owners, the description and licence number of all dogs, and the date that the licence was issued and the fee which was paid.
- 406.** No person shall without lawful excuse, remove, obscure or deface a valid licence which has been affixed to a dog’s collar, or any identification worn by any other animal.
- 407.** A licence issued pursuant to this Bylaw shall be valid from 01 January and shall expire on the 31st day of December of the year in which it is issued.

Part III

CONTROL

- 500.** No owner of an animal shall permit the animal to be at large in the City or to trespass on any private property.

500.1 Without limiting the generality of Section 500, no owner of an unsterilized cat shall permit the unsterilized cat to be at large in the City.

501. Every person who owns, keeps or has the custody, care or control of a dog, shall keep the dog on a leash and under control while on any highway, school property, park or other public place in the City.

502. Every person who owns, keeps or has the custody, care or control of a dog, may allow their dog to be off-leash in a designated off leash area provided that the person:

- (a) carries a leash; and
- (b) keeps the dog in view at all times; and
- (c) maintains effective control of the dog so that the dog immediately returns signaled or called; and
- (d) immediately leashes the dog if it displays any aggressive behavior; and
- (e) carries a bag or other means to pick up and properly dispose of any excrement left by their dog in the off leash area.

503. Every person who owns, keeps or has the custody, care or control of a vicious dog shall;

503.1 not permit or allow the vicious dog to be on any highway or in any other public place, including a designated off leash area, unless the vicious dog is effectively muzzled to prevent it from biting another animal or human;

Bylaw No. 7222, 2008

503.2 at all times while the vicious dog is on the owner's premises, keep the vicious dog securely confined indoors or confined outdoors in an enclosed pen or other structure that is adequately constructed to prevent the entry of any unauthorized person **including small children** or to prevent the vicious dog from escaping.

504. No owner of a dangerous dog shall allow the dangerous dog to be in a designated off leash area in the City at any time.

505. Every person who owns, keeps or has the custody, care or control of a dog, shall immediately remove and dispose of, in a waste container, or by other sanitary means, any excrement deposited by the dog on any place off the owner's property.

Part IV

PROHIBITION OF CRUELTY AND PERFORMANCES INVOLVING ANIMALS

600. No person shall keep any animal unless the animal is provided with:

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- 600.1** clean potable drinking water at all times and suitable food of sufficient quality and quantity to allow for normal growth and maintenance of normal body weight;
- 600.2** food and water receptacles which are kept clean and disinfected and located so as to avoid contamination by excreta;
- 600.3** the opportunity for daily exercise sufficient to maintain good health, including the opportunity to be unfettered from a fixed area for a reasonable length of time each day, while not running at large;

Bylaw No. 7222, 2008

- 600.3.1** no chaining or tethering of unattended dogs.
- 600.4** immediate veterinary medical care when the animal exhibits signs of pain or suffering.
- 601.** No person shall keep an animal outside for extended periods of time unless the animal is provided with outside shelter that:
 - 601.1** ensures protection from heat, cold and water and water vapour that is appropriate to the animal's weight and type of coat and provides sufficient space to allow the animal the ability to turn about freely and to easily stand, sit and lie in a normal position;
 - 601.2** is at least 1 1/2 times the length of the animal and at least the animal's length in width, and at least as high as the animal's height measured from the floor to the highest point of the animal when standing in a normal position, plus 10%;
 - 601.3** is in an area providing sufficient shade to protect the animal from the direct rays of the sun at all times; and
 - 601.4** is regularly cleaned and sanitized and from which all excreta is removed at least once a day.
- 602.** No person shall cause an animal to be tied or fastened to a fixed object where a choke collar or choke chain forms part of the securing apparatus, or where a rope, chain or cord is directly tied around the animal's neck.
- 603.** No person shall cause an animal to be confined in an enclosed space, including a vehicle, without adequate ventilation.
- 604.** No person shall transport an animal in a vehicle inside or outside the passenger compartment unless it is adequately confined or unless it is secured in a body harness or other manner of fastening which is adequate to prevent the animal from falling off of or from the vehicle or otherwise injuring itself.

605. No person shall operate or carry on any show, exhibition, performance, carnival or circus within the City where any animals, including, without limitation, wild animals perform, fight or otherwise participate, except for:

605.1 an Agricultural Fair, Pet Show, Magician Show or Children’s Petting Zoo in which domestic animals or companion animals perform or are exhibited, provided that:

605.1.1 the Animal Control Officer has been provided with a letter dated no more than three (3) months earlier than the day of the proposed performance, which has been signed by a qualified veterinarian in the Province of British Columbia, certifying that the domestic animals or companion animals are in good health.

606. No person shall keep any wild animal within the City.

Part V

IMPOUNDING OF ANIMALS

700. The Animal Control Officer may seize and impound :

700.1 any animal found at large in the City;

700.2 an unleashed dog found on any highway or public place;

700.3 an unlicensed dog elsewhere than on the premises of the owner;

701. If an animal is known to have inflicted a bite on another animal or person, it shall be kept in isolation, and if it is determined that the animal is suffering from rabies or any other incurable disease, the Animal Control Officer may immediately destroy such animal.

701.1 Except where the Animal Control Officer has made an application to the Provincial Court for an order that a dangerous dog be destroyed or has determined that the dangerous dog suffers from rabies or other incurable disease and is to be destroyed, the owner of a dangerous dog impounded pursuant to the provisions of Section 701 of this Bylaw, may reclaim such dangerous dog after the 21-day impounding period, or at such earlier time as the Animal Control Officer may determine, on application to the Animal Control Officer and upon establishing proof of ownership of the dangerous dog, payment of the fees set out in the Schedules to this Bylaw and delivery to the Animal Control Officer of an executed statement in the form prescribed by **Schedule “E”** attached to and forming part of this Bylaw.

- 701.2** If the dangerous dog which has been impounded pursuant to the provisions of Section 701 of this Bylaw is not reclaimed after the 21-day impounding period, or at such earlier time as the Animal Control Officer may determine, the Animal Control Officer may, at any time thereafter, cause such dangerous dog to be destroyed; except that where the owner of such dangerous dog requests a further period of time in which to construct an enclosure for the dangerous dog, the Animal Control Officer may extend the time limited to reclaim the dangerous dog for a period of not more than 30 days upon receiving payment in advance of all fees prescribed in the applicable Schedules attached to and forming part of this Bylaw.
- 702.** The Animal Control Officer shall keep every impounded animal in the pound for a minimum of ninety-six (96) hours after impoundment unless;
- 702.1** it is reclaimed sooner by the rightful owner, or;
- 702.2** it is suffering from an incurable disease or severe injury.
- 703.** Subject to the provisions of this bylaw, an impounded animal may be reclaimed by an owner after:
- 703.1** providing satisfactory proof of ownership and where applicable, proof of sterilization of the animal, and;
- 703.2** paying the impoundment and maintenance fees as set out in **Schedules "B "** and **"C "** attached to this bylaw, and;
- 703.3** paying in addition to the impoundment and maintenance fees, the required licence fee for any unlicensed dog.
- 704.** The Animal Control Officer may destroy, offer by sale, or transfer to another animal shelter, any impounded animal which remains unclaimed after the expiration of the minimum impoundment period.
- 705.** The Animal Control Officer may remove, euthanize and cremate any animal received from an owner after payment of the fees set out in **Schedule "C"** of this Bylaw are made to the City.
- 706.** The Animal Control Officer shall ensure that:
- 706.1** during the period of impoundment, every animal is provided with sufficient water and food;
- 706.2** a written record is maintained which records the descriptions, date, time and location of each impoundment of any animal;
- 706.3** a record of all dispositions whether by destruction, private sale or transfer is kept. Such record shall include the names and addresses of the person purchasing or reclaiming any impounded animal;

- 706.4** any companion animal over five (5) months of age, offered for sale by the City, is sterilized at the purchaser's expense, prior to completion of sale and release from the pound;
- 706.5** all reasonable steps are taken to encourage the purchaser of a companion animal that is under five (5) months of age, to have the companion animal sterilized at the appropriate time;
- 706.6** a record of all moneys received pursuant to this bylaw is kept.
- 707.** The Animal Control Officer shall upon satisfactory proof of sterilization and within (1) month of release, reimburse an owner that portion of the impoundment fee charged for an unsterilized cat equal to the cost of sterilization charged on impoundment.

Part VI

GENERAL PROVISIONS

- 800.** The Animal Control Officer may, at all reasonable times, enter onto any real property within the **City**, for the purposes of ascertaining whether the provisions of this Bylaw are being complied with.
- 801.** No person shall keep more than three (3) dogs on any parcel of land or real property containing residential housing.
- 802.** No person shall make or cause, or permit to be made or caused, by a dog or other animal or bird, any noise or continuous sound which disturbs or tends to disturb the quiet, peace, rest, comfort, convenience or enjoyment of the neighbourhood or of persons in the vicinity.
- 803.** Every person who takes or rescues any animal, or attempts to take or rescue any animal lawfully in the custody of the Animal Control Officer, or who interferes with, obstructs or impedes an Animal Control Officer in the lawful performance of their duties is guilty of an offense under this Bylaw.
- 804.** Every person who violates any of the provisions of this Bylaw or who suffers or permits anything to be done in contravention or violation of this Bylaw, or who neglects or refrains from doing anything required to be done under the provisions of this Bylaw shall be guilty of an offense punishable on summary conviction and liable to a fine not exceeding \$2000.00
- 804.1** Notwithstanding the generality of section 503 every person who violates sections 503.1 or 503.2 of this Bylaw is liable to a fine of not more than \$500.00 and not less than \$250.00 for each offense.

805. If any Court of competent jurisdiction declares any phrase, sentence or section of this Bylaw invalid, the invalid portion shall be severed and the severance shall not affect the validity of the remainder.

SCHEDULE “ A “

NEW WESTMINSTER ANIMAL CONTROL BYLAW 7037, 2005

VICIOUS DOGS

The following are deemed to be “vicious dogs” for the purposes of this Bylaw, and includes any dog of mixed breeding which includes but is not limited to the following breeds:

1. Pit Bull
2. Pit Bull Terrier
3. American Pit Bull Terrier
4. Staffordshire Bull Terrier
5. American Staffordshire Terrier
6. Cane Corso
7. Italian Mastiff
8. Presa Canarios
9. Fila Brasileiro
10. Argentinian Dogo

Bylaw No. 7297, 2009

SCHEDULE "B"

NEW WESTMINSTER ANIMAL CONTROL BYLAW 7037, 2005

Annual Licence Fees

	Paid on or Before March 1st	Paid After March 1st	Initial Licence
Male/Female Dog	\$60.00	\$80.00	\$30.00
Sterilized Dog	\$20.00	\$30.00	\$20.00
Dangerous Dog - Male/Female	\$200.00	\$250.00	\$100.00
Dangerous Dog – Sterilized	\$150.00	\$200.00	\$75.00
Any Special Needs Dog	No Charge		

Impoundment Fees

	1st Offence	2nd Offence	Subsequent Offences
Licensed Dogs	\$40.00	\$70.00	\$135.00
Unlicensed Dogs	\$80.00 plus Licence Fee		
Dangerous Dogs	\$250.00	\$500.00	
Vicious Dogs	\$250.00	\$500.00	\$1000.00
Sterilized Cat with Identification	\$10.00		
Sterilized Cat without Identification	\$30.00		
Unsterilized Cat with Identification	\$100.00		
Unsterilized Cat without Identification	\$125.00		
For Each Companion Animal (excluding dogs/cats)	\$10.00		
For Any Other Animal	\$50.00 plus any additional costs incurred		

Other Fees

Replacement tag	\$1.00
Transfer of Valid Dog Licence	\$1.00

BYLAW NO. 7491, 2011

SCHEDULE " C "

NEW WESTMINSTER ANIMAL CONTROL BYLAW 7037, 2005

Maintenance Fees

Dog	\$12.00
Vicious/Dangerous Dog	\$30.00
Cat	\$8.00
Small Animal (pocket pet)	\$5.00

The above fees are per day/per animal. Any veterinary fees incurred while in the care of Animal Services must be paid in full prior to release.

Removal/Disposal

Dog	\$50.00
Cat	\$20.00
Small Animal (pocket pet)	\$5.00

The above fees do not include applicable taxes.

SCHEDULE “ D “

NEW WESTMINSTER ANIMAL CONTROL BYLAW 7037, 2005

WILD ANIMALS

The following list of animals constitutes “wild animals” for the purposes of this Bylaw. 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. Alligators, caimans, crocodiles (crocodilia);
2. apes, lemurs, gorillas and monkeys (primates); excludes humans;
3. anteaters, armadillos, and sloths (edentata);
4. badgers, polecats, otters, wolverines, weasels (mustelidae); excludes descended skunks and domestic ferrets, minks and ermines;
5. bats (chiroptera)
6. bears (carnivora);
7. beavers, porcupines, squirrels, muskrat, marmots, and gophers (rodentia); excludes domestic hamsters, guinea pigs, chinchillas, rats and mice;
8. cassowaries, ostriches, emus, rheas (struthioniformes);
9. cats, including lions, jaguars, cheetah, tigers, hyenas, mountain lion, lynx, bobcat, ocelot and leopard (feloidea); excludes domestic cats;
10. civets, genets, meerkat, mongooses (viverrids);
11. camel, hippopotamus, tapir, rhinoceros or hyrax (ungulata); excludes domestic goats, sheep, pigs, cattle, horses, llamas, alpacas, mules and donkeys;
12. dogs, including bush dogs, dingos, racoon dogs, African wild dogs, coyotes, jackals, foxes and wolves; excludes domestic dogs;
13. dolphins, porpoises and whales (cetaceans);
14. elephants including Asian and African (proboscidae);
15. falcons, peregrines, gyrfalcons, kestrels, hawk, condor, eagle, vultures (falconiformes);
16. hares, pikas and rabbits; excludes domestic rabbits (lagomorpha);
17. hedgehogs, moles and shrews (insectivora); excludes African Pygmy Hedgehogs;
18. kangaroos, wombats, bandicoots, opossums (marsupialia);

- excludes sugar gliders;
19. owls (strigiformes);
 20. raccoons and coatimundi (procyonids);
 21. seals and walrus (pinnipedia);
 22. venomous, frogs and salamanders (amphibia);
 23. venomous lizards and skinks (sauria);
 24. venomous turtles, tortoises and terrapins (chelonia);
 25. venomous snakes, boas, pythons (serpentia).

SCHEDULE “ E “

NEW WESTMINSTER ANIMAL CONTROL BYLAW 7037, 2005

APPLICATION FOR RELEASE OF DANGEROUS DOG

1. I, _____,
(Name of Owner)

of _____,
(Address of Owner)

in the City of New Westminister, British Columbia, apply for the release of a

(Colour, Breed, and Sex of Dog)

which has been impounded pursuant to the Community Charter SBC 2003, Chapter 26.

2. I am the owner of the above-described dog.

3. I am aware that the dog is a “dangerous dog” within the meaning prescribed by the Community Charter, and I am aware of the responsibility and potential liability which rests with me in keeping or harbouring such dog.

4. In consideration of the release of such dog to me, I acknowledge, covenant, and agree with the City of New Westminister that I:

- (a) have constructed on the premises where such dog will be kept an “enclosure” within the meaning prescribed by Bylaw No. 7037, 2005;

- (b) will, at all times when the said dog is not effectively muzzled, on a leash and under the direct and continuous charge of a person who is competent to control the dog, keep such dog indoors or within a securely closed and locked enclosure;

SCHEDULE " E "

NEW WESTMINSTER ANIMAL CONTROL BYLAW 7037, 2005

APPLICATION FOR RELEASE OF DANGEROUS DOG (cont'd)

- (c) will save harmless and indemnify the City of New Westminster, its Animal Control Officer, and any of its officers, employees, agents, or elected or appointed officials from and against any and all actions, causes of action, proceedings, claims, demands, losses, damages, costs or expenses whatsoever and whomsoever brought in any way arising from or caused by the release of such dog to me or in the keeping or harbouring of such dog by me and, without limiting the generality of the foregoing, for any personal injury or death inflicted on any other animal or any person by such dog or any damage to property caused by such dog; and

- (d) am aware that if such dog is ever again found to be at large or not confined as hereinbefore provided, the dog may be seized and an application made to the Provincial Court for an order that the dog be destroyed.

5. I submit the sum of \$ _____ in payment of all impounding fees payable by me pursuant to Bylaw No. 7037, 2005.

Signature of Owner

Dated this _____ day of _____, 20____.

Signature of Animal Control Officer
(or authorized agent)

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