

CORPORATION OF THE CITY OF NEW WESTMINSTER



ANIMAL CARE AND CONTROL BYLAW NO. 7586, 2013

EFFECTIVE DATE: May 27, 2013

CONSOLIDATED FOR CONVENIENCE ONLY
(July 12, 2018)

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>
8026, 2018 (changes throughout)	June 25, 2018

The bylaw numbers highlighted in this consolidation refer to the bylaws that amended the principal Bylaw No. 7586, 2013. The number of any amending bylaw that has been repealed is not referred to in this consolidation.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. 7586, 2013**

A bylaw to regulate the keeping of animals, establish and operate
the Animal Shelter, 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 Westminister in open meeting assembled **HEREBY ENACTS AS FOLLOWS:**

1. This bylaw may be cited as **“Animal Care and Control Bylaw NO. 7586, 2013”**
2. Animal Control Bylaw 7037, 2005 Bylaw and amendments thereto are hereby repealed.

3. DEFINITIONS

3.1 In this bylaw, unless the context otherwise requires:

“Aggressive Behaviour” includes snarling, growling, baring teeth or pursuing another animal or person;

“Aggressive Dog” means a dog that:

- i. has, without provocation, displayed aggressive behaviour toward a person or domestic animal; or
- ii. has, without provocation, caused a minor injury to a person or domestic animal;

“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;

“Animal Shelter” means the City facility established for the holding of impounded animals as set out in this bylaw;

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“At Large” means:

- i. when not on the property of the owner, and not on a leash; other than in an authorized off leash area; or
- ii. uncontained and not under the immediate charge and control of a responsible person or competent person; or

“Bylaw Officer” means a member of the New Westminster Police Department or such person appointed by council as a Bylaw Officer, Animal Control Officer, or Parking Patrol Officer;

“Cat” means a member of the felis catus family and commonly known as the domestic house cat;

“City” means the Corporation of the City of New Westminster and the geographical area within the boundaries of the City;

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

“Community Charter” means the Community Charter, SBC 2003, Chapter 26, as amended from time to time;

“Council” means the Municipal Council of the City;

“Dangerous Dog” means a dangerous 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 adequate to prevent the entry of young children or the escape of a dog enclosed therein;

“Fees and Rates Bylaw” means the current City Fees & Rates Bylaw No. 7553, 2013 as amended by Council from time to time;

“Hen” means a domesticated female chicken;

“Identification” means:

- i. a collar or tag worn by a cat or dog which includes the name, current address and telephone number or the owner;

- ii. a traceable tattoo;
- iii. a traceable microchip; or
- iv. a valid dog licence issued by a municipality;

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

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

“Licence” means a licence tag for a dog issued by the City of New Westminster;

“Leash” means a device of sufficient strength and design to restrain the animal for which it is being used, where one end is securely affixed to the animal and the other end is being securely held by the owner of the animal;

“Minor Injury” means a physical injury to a person or domestic animal that consists of pinches, minor localized bruising, scratches, shallow punctures, or lacerations in one direction only;

“Muzzled” means prevented from biting by means of a humane fastening or covering device, of adequate strength, placed securely 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 to be unrestrained by a leash;

“Owner” means any natural person or body corporate:

- i. who is the licensed owner of an animal;
- ii. who has legal title to an animal;
- iii. who has possession or custody of an animal, either temporarily or permanently;
- iv. who harbours an animal;
- v. who allows an animal to remain on their premises; or
- vi. where an animal is being kept or harboured by or in the possession or custody of a person under the age of 18 years, the custodial parent or legal guardian of that person;

“Peace Officer” means a member of the New Westminster Police Department, Bylaw Officer, Animal Control Officer, Parking Patrol Officer, or other person so employed for the preservation and maintenance of public peace;

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“Permanent Identification” means a visible traceable tattoo on the animal or a microchip implanted in the animal that contains the contact information of the owner;

“Poultry” means domesticated fowl collectively; especially those valued for their meat and eggs, such as chickens, turkeys, ducks, geese, and guinea fowl;

“Public Place” means a highway, street, lane, boulevard, park, or any other real property owned, held, vested in, or operated, managed or administered by, the City or by a school located within the City;

“Serious Injury” means a physical injury to a person or domestic animal that:

- i. consists of deep punctures, lacerations in more than one direction, or broken bones; or
- ii. requires sutures or cosmetic surgery;

“Service Dog” means any dog trained by a recognized and accredited institution:

- i. as a law enforcement dog; or
- ii. to provide assistance to a hearing or visually impaired, physically or developmentally challenged person;

“Sterilized” means spayed or neutered;

“Supervisor” means the Senior Animal Control Officer; Coordinator, Parking and Animal Services; or Supervisor, Parking and Animal Services;

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“Therapy Dog” mean any dog trained and certified as a therapy dog by an institution recognized by the supervisory, and actively working as such;

“Under Control” means, in respect of any dog, such circumstances where the dog:

- i. immediately returns when called or signaled by the owner of the dog;
and

- ii. is not displaying aggressive behaviour

“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;

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“Vicious Dog” means a dog that:

- i. has, without provocation, caused a serious injury to another domestic animal or a human being;
- ii. has, without provocation, caused a minor injury to another domestic animal or a human being on more than one occasion;
- iii. the Animal Control Officer has reasonable grounds to believe that, based on repeated aggressive behavior, is likely to cause a minor injury on more than one occasion to a domestic animal or human being, or is likely to cause a serious injury to another domestic animal or human being; or
- iv. is a dangerous dog

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

4. LICENSING AND IDENTIFICATION OF ANIMALS

4.1 Every owner shall obtain a valid licence for the dog(s) by applying in writing to the City of New Westminster on the form provided and paying the prescribed fee as set out in the Fees and Rates Bylaw.

4.1.1 Every licence issued under this bylaw shall be for that calendar year specified thereon and shall expire on December 31 of that year.

4.1.2 The owner shall securely affix and keep affixed the licence tag to the dog’s collar.

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

4.1.4 Every owner of a dog that 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 a sterilized dog.

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- 4.2** Every owner of a cat shall ensure that the cat has permanent identification.
- 4.3** The City shall issue to an owner of a dog a replacement licence upon payment of the fee set out in the Fees and Rates Bylaw after being satisfied that the original licence has been lost or stolen.
- 4.4** Licence fees are not refundable or pro-rated.
- 4.5** An owner of a dog may transfer a valid licence, only if:
- 4.5.1** the dog is currently licenced by another municipality in the Province of British Columbia and the owner surrenders such licence and pays the fee set out in the Fees and Rates Bylaw; or
 - 4.5.2** the owner replaces a licenced dog which has died, applies with the City for a transfer of the licence and pays any applicable fees.
- 4.6** The City shall maintain a record of all licences 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.
- 4.7** 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.

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5. CONTROL

- 5.1** Every owner of an animal shall:
- 5.1.1** ensure that the animal is not at large in the City or trespass on any private property;
 - 5.1.2** ensure that the animal is not on any property that is unfenced and not able to securely contain the animal while unattended.

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- 5.2** Owners of sterilized cats with permanent identification are exempt from the requirements of Section 5.1.

- 5.3** Every owner of a dog shall:
- 5.3.1** have in their possession, a suitable means of facilitating the removal of the dog feces when on any place off the owner's property;
 - 5.3.2** provide proof of compliance with section 5.3.1 when requested by a bylaw officer; and
 - 5.3.3** immediately remove and dispose of, in a waste container or by other sanitary means, any feces deposited by the dog on any place off the owner's property.
- 5.4** Except when in a designated off leash area, every owner of a dog shall secure the dog by a collar and leash and keep the dog under control while not on the owner's property.

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- 5.5** Despite section 5.1, an owner may allow his or her dog to be at large within a designated off leash area if the owner:
- 5.5.1** carries a leash;
 - 5.5.2** keeps the dog in view at all times;
 - 5.5.3** keeps the dog under control; and
 - 5.5.4** is able to and does immediately leash the dog if the dog displays any aggressive behavior; and
 - 5.5.5** ensures the dog is wearing a collar or harness.
- 5.6** Every owner shall ensure that their dog does not:
- 5.6.1** display aggressive behavior towards a person or domestic animal;
 - 5.6.2** cause a minor injury to a person or domestic animal; or
 - 5.6.3** cause a serious injury to a person or domestic animal.
- 5.7** Section 5.6 does not apply to a peace officer acting in the course of his duty.
- 5.8** Every owner of a female dog in heat must:

- 5.8.1** while on the premises of the owner, confine the dog in an enclosed pen or other structure that is adequately constructed to prevent the female dog in heat from escaping and prevent the entry of any other dog from gaining access to it; and
- 5.8.2** keep the dog out of all designated off leash areas.
- 5.9** Every owner of a whelping female dog must, where the dog has, at any time during the whelping period or any previous whelping period, displayed aggressive behaviour, keep the dog confined to premises under the control of the owner.
- 5.10** Every owner of a diseased animal must, where the disease poses a threat to the health or safety of a person or domestic animal, ensure that the diseased animal does not leave the property or premises of the owner other than for the purpose of visits of a veterinarian, in which case the animal must be transported in a manner as to ensure that it does not come into contact with another person or domestic animal.

6. AGGRESSIVE DOGS

- 6.1** Where a dog meets the definition of an aggressive dog, the bylaw officer may issue written notice to the owner of that dog advising the owner of the requirements of this bylaw with respect to aggressive dogs.
- 6.2** Every owner of an aggressive dog shall:
 - 6.2.1** secure the dog by a collar and leash that is a maximum length of one (1) metre when not on the owner's property;
 - 6.2.2** ensure that the dog is not at large within the City at any time;
 - 6.2.3** keep the dog muzzled when in a designated off leash area; and
 - 6.2.4** within thirty (30) calendar days of receiving notice that their dog is an aggressive dog, ensure the dog has permanent identification and provide the identification information to the bylaw officer.

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- 6.2.5** notify the City in writing within ten (10) days if the dog dies or is disposed of in any manner; and
- 6.2.6** in the case of transfer of ownership of the aggressive dog:
 - 6.2.6.1** notify the prospective owner that the dog has been designated as an aggressive dog prior to the transfer of ownership; and

6.2.6.2 notify the City of the address to which the dog is being moved after the transfer of ownership within ten (10) days of the transfer.

6.3 After one year of receiving notice that their dog is an aggressive dog, the owner of the aggressive dog may apply to the supervisor for relief from the requirements of sections 6.2.1 and 6.2.3 provided that:

6.3.1 the City has received no further complaints in regard to that dog's aggressive behaviour;

6.3.2 proof and documentation is provided that the owner and the dog have successfully completed a course by a recognized and accredited institution or trainer to address the dog's aggressive behaviour.

6.4 If a dog displays aggressive behavior again after relief has been granted pursuant to section 6.3, the requirements of section 6.2 shall permanently apply.

7. VICIOUS DOGS

7.1 Where a dog meets the definition of a vicious dog, the bylaw officer may issue written notice to the owner of that dog advising the owner of the requirements of this bylaw with respect to vicious dogs.

7.2 Every owner of a vicious dog shall:

7.2.1 secure the dog by a collar and leash that is a maximum length of one (1) metre when not on the owner's property;

7.2.2 ensure that the dog is not at large within the City at any time;

7.2.3 ensure that the dog is not in a designated off leash area in the City at any time;

7.2.4 keep the dog effectively muzzled to prevent it from biting another animal or human when not on the owner's property;

7.2.5 post a clearly visible sign at all points of entry onto any premises where the dog is being kept, temporarily or permanently, warning that there is a vicious dog on the premises;

7.2.6 at all times while the vicious dog is on the person'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.

- 7.2.7 within thirty (30) calendar days of receiving notice that their dog is a vicious dog, ensure the dog has permanent identification and provide the identification information to the bylaw officer.

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- 7.2.8 notify the City in writing within ten (10) days if the dog dies or is disposed of in any manner; and
- 7.2.9 in the case of transfer of ownership of the vicious dog,
 - 7.2.9.1 notify the prospective owner that the dog has been designated as a vicious dog prior to the transfer of ownership; and
 - 7.2.9.2 notify the City of the address to which the dog is being moved after the transfer of ownership within ten (10) days of the transfer.

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- 7.3 The owner of any dog that has been designated as a vicious dog may, within fourteen (14) calendar days of receiving notice of the designation, make written submissions to the supervisor requesting that the designation be removed or changed.
- 7.4 After reviewing the submissions by the owner of the dog under section 7.3, the supervisor may:
 - 7.4.1 uphold the designation of the dog as a vicious dog;
 - 7.4.2 rescind the designation of the dog as a vicious dog; or
 - 7.4.3 substitute the designation of a vicious dog with the designation of an aggressive dog.

8. DANGEROUS DOGS

- 8.1 Where a dog meets the definition of a dangerous dog, the bylaw officer may issue written notice to the owner of that dog advising the owner of the requirements of this bylaw with respect to dangerous dogs.
- 8.2 Every owner of a dangerous dog shall:

- 8.2.1** secure the dog by a collar and leash that is a maximum length of one (1) metre when not on the owner's property;
- 8.2.2** ensure that the dog is not at large within the City at any time;
- 8.2.3** ensure that the dog is not in a designated off leash area in the City at any time;
- 8.2.4** keep the dog effectively muzzled to prevent it from biting another animal or human when not on the owner's property;
- 8.2.5** post a clearly visible sign at all points of entry onto any premises where the dog is being kept, temporarily or permanently, warning that there is a dangerous dog on the premises;
- 8.2.6** at all times while the dog is on the person's premises, keep the dog securely confined indoors or confined outdoors in an enclosure;
- 8.2.7** within thirty (30) calendar days of receiving notice that their dog is a dangerous dog, ensure the dog has permanent identification and provide the identification information to the bylaw officer;
- 8.2.8** have the dangerous dog photographed and the photo retained at the animal shelter for identification purposes; and
- 8.2.9** provide to the bylaw officer proof of liability insurance in the amount of not less than one million (\$1,000,000) dollars for the period of the dog license, over the premises where the dangerous dog is kept, to cover any claims arising out of dog bites or dog attacks that could be caused by the dog.

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- 8.2.10** notify the City in writing within ten (10) days of the event if the dog dies or is disposed of in any manner; and
- 8.2.11** in the case of transfer of ownership of the dangerous dog:
 - 8.2.11.1** notify the prospective owner that the dog has been designated as a dangerous dog prior to the transfer of ownership; and
 - 8.2.11.2** notify the City of the address to which the dog is being moved after the transfer of ownership within ten (10) days of the transfer.
- 8.4** The bylaw officer and supervisor are hereby designated by Council as animal control officers for the purposes of section 49 of the Community Charter.

9. GUARD DOGS

9.1 Every owner of a guard dog shall:

9.1.1 prevent the dog from leaving the property of the owner by ensuring:

9.1.1.1 the dog is confined within the premises and such premises are reasonably secure against unauthorized entry;

9.1.1.2 the premises is completely fenced by means of a 1.8 meter fence constructed in accordance with City bylaws and any gates in such fence are reasonably secured against unauthorized entry; or

9.1.1.3 the dog is securely confined in an area within the property that is adequate to ensure that the dog cannot escape;

9.1.2 post warning signs advising of the presence of a guard dog on the, with lettering clearly visible from the lesser of the curb line of the property and 50 feet from the premises, are posted at each driveway or entranceway to the property and at all exterior doors of the premises; and

9.1.3 notify the supervisor before bringing the dog onto premises under control of the owner;

9.1.3.1 of the address of the property which the guard dog will be guarding, the approximate hours during which the guard dog will be performing guard duties, the breed, age, sex and dog licence number of the dog and the full names, addresses and telephone numbers of the owner and any other individual who will be responsible for the guard dog while it is on guard duty; and

9.1.3.2 written approval has been granted by the supervisor.

10. PROHIBITION OF CRUELTY AND PERFORMANCES INVOLVING ANIMALS

10.1 Every owner shall provide to the animal:

10.1.1 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;

10.1.2 food and water receptacles which are kept clean and disinfected and located so as to avoid contamination by excreta; and

10.1.3 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.

10.2 No person shall leave an animal unattended while:

10.2.1 chained or tethered;

10.2.2 muzzled;

10.3 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.

10.4 Every owner must provide immediate veterinary medical care when an animal exhibits signs of pain or suffering.

10.5 No owner shall keep an animal outside for extended periods of time unless the animal is provided with outside shelter that;

10.5.1 ensures protection from heat, cold, water, or water vapor and that is appropriate to the animal's weight and type of coat; and

10.5.1.1 is in an area providing sufficient shade to protect the animal from the direct rays of the sun at all times; and

10.5.1.2 provides sufficient space to allow the animal the ability to turn about freely and to easily stand, sit, and lie in a normal position; and

10.5.1.3 the shelter is at least 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 normal position, plus 10%; and

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10.5.1.4 which contains dry bedding that will assist with maintaining normal body temperature.

10.5.2 is regularly cleaned and sanitized and from which all excreta is removed at least once a day.

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10.6 No owner shall cause an animal to be confined in an enclosed space, including a motor vehicle or boat unless,

10.6.1 the temperature in the enclosed space is suitable to the breed, coat length, age and condition of the specific animal and,

10.6.2 there is adequate ventilation and water, sufficient to prevent the animal from suffering discomfort or heat or cold related injury.

10.7 No person shall transport a living animal on the running board, fender, hood, truck bed or other exterior part of a motor vehicle unless a suitable cage, carrier or guard rail is provided and is attached adequately to protect that animal from falling or being thrown from the vehicle or otherwise injuring itself.

10.8 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;

10.8.1 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;

10.8.1.1 the supervisor has been provided with written notice dated no more than three (3) months earlier than the day of the proposed performance, certifying that the domestic animals or companion animals are in good health; and

10.8.1.2 written approval has been granted by the supervisor.

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

10.10 No person in care and control of an animal shall abandon that animal within the City.

10.11 No person shall keep a rooster within the City.

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10.12 No person shall permit an animal to suffer from:

10.12.1 thermal distress;

10.12.2 dehydration; or

10.12.3 discomfort or exertion causing unnecessary pain, suffering or injury.

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10.13 No person shall:

10.13.1 tease, torment, provoke, punch, kick or choke an animal;

10.13.2 cause, permit, or allow an animal to suffer; or

10.13.3 use harsh physical or verbal corrections to train any animal.

11. IMPOUNDING OF ANIMALS

11.1 A bylaw officer may seize and impound any animal:

11.1.1 which is unlicensed, if there is a requirement that it be licensed;

11.1.2 unlawfully at large on a highway or in a public place;

11.1.3 straying or trespassing on private property;

11.1.4 on unfenced land and not securely tethered or contained; or

11.1.5 that is subject to, or appears to be, suffering that the bylaw officer considers cannot be otherwise reasonably addressed.

11.2 An animal that is seized pursuant to section 11.1.5 may be destroyed if the bylaw officer considers that the animal is subject to, or appears to be, suffering that the bylaw officer considers cannot be otherwise reasonably addressed.

11.3 If an impounded animal is known to have inflicted a bite on another animal or person, it may be kept in isolation, and if it is determined that the animal is suffering from rabies or any other incurable disease, the bylaw officer may immediately bring such animal to a qualified veterinarian to be humanely destroyed;

11.3.1 Except where the bylaw 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 11.1 of this bylaw, may reclaim such dangerous dog after the twenty-one (21) day impounding period, or at such earlier time as the bylaw officer may determine, on application to the bylaw officer and upon establishing proof of ownership of the dangerous dog, payment of the fees set out in the Fees and

Rates Bylaw and delivery to the bylaw officer of an executed statement in the form prescribed by Schedule "B" attached to and forming part of this bylaw;

- 11.3.2** If the dangerous dog which has been impounded pursuant to the provisions of Section 11.1 of this bylaw is not reclaimed after the twenty-one (21) day impounding period, or at such earlier time as the bylaw 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 bylaw officer may extend the time limited to reclaim the dangerous dog for a period of not more than thirty (30) calendar days upon receiving payment in advance of all fees prescribed in the Fees and Rates Bylaw.
- 11.4** The City shall keep every impounded animal in the animal shelter for a minimum of ninety-six (96) hours after impoundment unless:
 - 11.4.1** it is reclaimed sooner by the rightful owner; or
 - 11.4.2** it is suffering from an incurable disease or severe injury.
- 11.5** Subject to the provisions of this bylaw, an impounded animal may be reclaimed by an owner after:
 - 11.5.1** providing satisfactory proof of ownership and where applicable, proof of sterilization of the animal;
 - 11.5.2** paying the impoundment and maintenance fees as set out in the Fees and Rates Bylaw, and;
 - 11.5.3** paying, in addition to the impoundment and maintenance fees, the required licence fee for any unlicensed dog.
- 11.6** The sole cost and expense of an impounded or detained animal is the responsibility of the animal's owner, and must be paid in full before the animal is released, if the City deems it necessary that the animal:
 - 11.6.1** requires any treatment deemed necessary by the City;
 - 11.6.2** requires an examination by a veterinarian;
 - 11.6.3** requires urgent veterinary care to alleviate any pain or suffering as recommended by a veterinarian; or

11.6.4 is subject to, or appears to be, suffering that the bylaw officer considers cannot be otherwise reasonably addressed.

11.7 The City may have the animal humanely destroyed, offered by sale, or transfer to another animal shelter, any impounded animal which remains unclaimed after the expiration of the minimum impoundment period.

11.8 The City may remove and have cremated any animal received from an owner after payments of fees set out in the Fees and Rates Bylaw are made to the City.

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11.9 The City may refuse to release an animal to its owner if:

11.9.1 the owner of the animal has not paid all fees imposed in relation to impoundment of the animal; or

11.9.2 the animal is unlicensed and is required to be licensed under this bylaw; or

11.9.3 ninety-six (96) hours has passed from the time the animal was impounded; or

11.9.4 the ownership of the animal has been relinquished to the City.

11.10 A person who finds and takes control or possession of a stray animal or an aggressive, vicious or dangerous dog in the City shall immediately provide the City with:

11.10.1 a description or photograph of the animal; and

11.10.2 the information contained on the identification, if the animal is wearing identification.

11.11 If a person takes control or possession of a stray animal and is unable to reunite the animal with its owner within 24 hours of taking possession, the person must upon request, surrender the animal to the City.

12. PENALTIES AND ENFORCEMENT

12.1 Every bylaw officer is authorized in accordance with section 16 of the Community Charter at all reasonable times and with reasonable notice to enter onto any property within the City, for the purposes of ascertaining whether the provisions of this bylaw are being complied with.

12.2 A bylaw officer is hereby authorized to issue orders in writing to every person who owns, keeps, or has custody, care or control of an animal which is in contravention of

this bylaw, and said person shall be responsible for the carrying out every requirement of every such order.

- 12.3** No owner shall keep more than three (3) dogs on any parcel of land or real property.
- 12.4** Every owner of an animal, other than a service animal, must obey all posted signs in a public place.
- 12.5** Every owner of an animal shall ensure that the animal does not produce 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.
- 12.6** Every person who takes any animal, or attempts to take any animal that is lawfully in the custody of a bylaw officer, or who interferes with, obstructs or impedes a bylaw officer in lawful performance of their duties is guilty of an offense under this bylaw.
- 12.7** Every owner of an animal shall, at the request of a bylaw officer, produce identification and state correctly his or her name and address.

12.7.1 If the owner cannot produce identification, then the owner shall state correctly his or her name and address.

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- 12.8** 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 commits an offence and upon summary conviction shall be liable to a fine not exceeding \$10,000.00.

12.8.1 a violation that is committed or continued on more than one day constitutes a separate violation for each day on which it is committed or continued.

13. EXEMPTIONS FOR WILD ANIMALS

- 13.1** This bylaw does not apply to the premises of a City facility.
- 13.2** The prohibition against keeping wild animals in Schedule "A" of this bylaw does not apply to:
 - 13.2.1** the premises of a veterinarian if the veterinarian is providing temporary care for a wild or exotic animal.

14. GENERAL

14.1 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.

Adopted May 27, 2013

SCHEDULE "A"

NEW WESTMINSTER ANIMAL CARE AND CONTROL BYLAW 7586, 2013

WILD OR EXOTIC ANIMALS

The following list of animals, and any hybrids thereof, constitutes "wild or exotic 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 but not limited to, servals, lions, jaguars, cheetahs, tigers, hyenas, mountain lions, lynxes, bobcats, ocelots and leopards (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 (lagomorpha); excludes domestic rabbits;
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. snakes (excludes non-venomous snakes native to British Columbia) and venomous reptiles, boas, pythons (serpentia);
23. venomous, frogs and salamanders (amphibia);
24. venomous lizards and skinks (sauria);
25. venomous turtles, tortoises and terrapins (chelonia).

SCHEDULE "B"

NEW WESTMINSTER ANIMAL CARE AND CONTROL BYLAW 7586, 2013

APPLICATION FOR RELEASE OF DANGEROUS DOG

1. I, _____,
(Name of Owner)

Of _____,
(Address of Owner)

in the City of New Westminster, 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 Westminster that I:
 - (a) have constructed on the premises where such dog will be kept an "enclosure" within the meaning prescribed by Bylaw No. 7586, 2013;
 - (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 "B"

NEW WESTMINSTER ANIMAL CARE AND CONTROL BYLAW 7586, 2013

APPLICATION FOR RELEASE OF DANGEROUS DOG (cont'd)

- (c) will save harmless and indemnify the City of New Westminster, its bylaw 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.
 - (e) will provide to the supervisor proof of liability insurance in the amount of not less than one million (\$1,000,000) dollars for the period of the dog license, over the premises where the dangerous dog is kept, to cover any claims arising out of dog bites or dog attacks that could be caused by the dangerous dog.
5. I submit the sum of \$ _____ in payment of all impounding fees payable by me pursuant to Bylaw No. 7586, 2013.
6. The dangerous dog has been photographed and the photo retained at the Animal Shelter for identification purposes.

Signature of Owner

Dated this ____ day of _____, 20__.

Signature of Animal Control Officer
(or authorized agent)