



THE CORPORATION OF THE CITY OF PORT COQUITLAM

BYLAW NO. 3670

*A Bylaw to regulate the keeping of animals in the City
and to provide for the operation of a Pound facility*

WHEREAS under the provisions of the Community Charter, the Council is given broad powers to regulate and prohibit the keeping of certain animals within the Municipality;

AND WHEREAS it is considered both desirable and expedient to establish a pound, regulate the operations of the said Pound, and to regulate and prohibit the keeping of certain animals within the municipality;

NOW THEREFORE the Municipal Council of the Corporation of the City of Port Coquitlam, in open meeting assembled, enacts as follows:

CITATION

1. This Bylaw may be cited for all purposes as the "Animal Control Bylaw, 2009, No. 3670".

DEFINITIONS

2. In this Bylaw:

Aggressive Dog means:

- (i) a Dog with a known propensity, tendency or disposition to attack without provocation, cause injury or otherwise threaten the safety of humans or Domestic Animals;
- (ii) a Dog which has, without provocation, bitten, inflicted injury, assaulted, pursued or otherwise attacked a human or Domestic Animal;
- (iii) a Dog which is owned primarily or in part for the purpose of Dog fighting or has been or is being trained for Dog fighting.

Animal Control Officer means a person appointed by the Council from time to time for the purpose of enforcing this Bylaw, and includes a Bylaw Enforcement Officer;

At large means, in reference to a Domestic Animal other than a spayed or neutered Cat, that the animal is not in or upon the premises of its Owner and is not under the care and control of

its Owner, and, in the case of Dogs, that the Dog is not secured on a leash to its Owner while off the property of its Owner;

BC SPCA means the British Columbia Society for the Prevention of Cruelty to Animals;

Cat means any animal of the species *felis domesticus* irrespective of sex or age;

City means the lands within the municipal boundaries of the City of Port Coquitlam, or the Corporation of the City of Port Coquitlam, as the context may require;

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

Dog means any animal of the species *canis familiaris* irrespective of sex or age;

Dog Owner means any person who owns or has in his or her possession a Dog, or any person harbouring or allowing a Dog to remain about his or her house or premises;

Domestic Animal means any animal tamed and kept as a domestic pet, and includes a Dog or Cat but does not include a Farm Animal as defined in this Bylaw;

Dwelling Unit means a single-family dwelling, townhouse, condominium, or apartment.

Enclosure means a fence or structure at least 1.8 metres in height suitable to confine an Aggressive Dog and prevent the entry of young children.

Farm Animal means any cattle, horse, sheep, goat, swine, donkey, mule, or llama; any fowl or poultry; any rabbit, hare, mink, or otter; and includes without limitation any other animal raised for food or for the use of humans.

Kennel means a parcel where four or more Dogs are kept;

Neutered Male Dog means any Dog of the male sex certified by a Veterinarian as unable to reproduce;

Owner means any person who owns or has in his or her possession a Domestic Animal, or any person harbouring or allowing a Domestic Animal to remain about his or her house or premises;

Pound means the premises, including land and buildings where animals impounded or received under this Bylaw are to be kept;

Poundkeeper means the person appointed from time to time under this Bylaw for the purpose of operating the Pound and enforcing and carrying out provisions of this Bylaw related to the impoundment of Dogs, other Domestic Animals, and Farm Animals;

Spayed Female Dog means any Dog of the female sex certified by a Veterinarian as unable to reproduce;

Veterinarian means any certified member of the Canadian Veterinarian Association.

ESTABLISHMENT OF POUND

3. The Council may by resolution from time to time designate premises, either within the City or within another municipality, as the City's pound.
4. Before designating premises within another municipality as the City's pound, the Council shall first obtain consent to such designation from the Council of that municipality.

APPOINTMENT OF POUNDKEEPER

5. The Council may by resolution from time to time appoint a Poundkeeper to operate and maintain the Pound for and on behalf of the City.
6. The Council may enter into an agreement with the Poundkeeper for the provision of poundkeeping and related services.

POWERS OF POUNDKEEPER

7. The Poundkeeper has the following powers under this Bylaw:
 - (a) to employ such employees and agents as the Poundkeeper deems necessary to enable it to carry out its powers and duties pursuant to this Bylaw;
 - (b) to appoint employees or agents as assistant Poundkeepers for the purpose of fulfilling the requirements of this Bylaw;
 - (c) to take into impoundment any Domestic Animal found in a place or in such circumstances as to constitute a violation of this Bylaw;
 - (d) to retain any impounded Domestic Animal for the prescribed period unless the Domestic Animal is sooner claimed by its Owner in accordance with this Bylaw;
 - (e) where an impounded Domestic Animal remains unclaimed by its Owner for more than the prescribed period, to either cause the Domestic Animal to be destroyed or, provided the Domestic Animal is not diseased and is not an Aggressive Dog or Dangerous Dog, to offer the Domestic Animal to the general public for adoption;
 - (f) to issue Dog licences and to assess, levy and collect all fees, fines, charges and other amounts prescribed by this Bylaw;

(g) to administer and enforce the provisions of this Bylaw related to poundkeeping.

8. The Poundkeeper may refuse to accept a Domestic Animal for impoundment from any person other than an Animal Control Officer, Bylaw Enforcement Officer, or police officer unless he receives satisfactory proof that the Domestic Animal by its condition or its situation is subject to impoundment under the provisions of this Bylaw.

DUTIES OF POUNDKEEPER

9. The Poundkeeper has the following duties under this Bylaw:

(a) to insure that all Domestic Animals kept in the Pound receive humane treatment, including:

- (i) adequate living conditions;
- (ii) adequate food and water,
- (iii) medication or veterinary treatment where necessary to protect other Domestic Animals in the Pound, provided that the requirement for veterinary treatment does not extend to the need to provide major surgical or life-saving procedures,

(b) to maintain and make available upon request of the City, adequate records of all Domestic Animals impounded by the Poundkeeper and all Domestic Animals retained in the Pound;

(c) to maintain the operation of the Pound from 9:00 a.m. to 6:00 p.m., seven days per week.

(d) to remit to the City all fees, fines, charges or other monies collected pursuant to this Bylaw or in accordance with any agreement entered into pursuant to this Bylaw.

(g) to verify that an impounded Dog is properly licensed before it is returned to its Owner.

10. If the Poundkeeper should fail to perform any of the duties required of him or her by this Bylaw, or should perform the duties in a negligent or fraudulent manner, Council may, by resolution, rescind the appointment as Poundkeeper and appoint a successor to the position of Poundkeeper.

APPOINTMENT OF ANIMAL CONTROL OFFICER

11. The Council may by resolution from time to time appoint one or more Animal Control Officers to administer and enforce the provisions of this Bylaw.

POWERS OF ANIMAL CONTROL OFFICER

12. An Animal Control Officer may at all reasonable times enter on and inspect private property within the City in order to ascertain whether this Bylaw is being complied with.

13. Where the Animal Control Officer identifies any Domestic Animal being kept contrary to this Bylaw, including any Dog that is not licensed as required by this Bylaw, the Animal Control Officer may impound such Domestic Animal or exercise any other authority granted to the Animal Control Officer by this Bylaw.
14. An Animal Control Officer, Bylaw Enforcement Officer or police officer may, on behalf of the City, exercise the authorities in the *Community Charter* regarding Dangerous Dogs as defined therein.
15. Where an Animal Control Officer determines that a Dog is an Aggressive Dog, the Animal Control Officer may by written notice order the Owner to keep the Dog confined to the Owner's property, or to property within the control of the Owner, and to comply with the other requirements of this Bylaw regarding Aggressive Dogs.
16. Where an Animal Control Officer determines that a Domestic Animal is diseased and that such disease may pose a danger to other Domestic Animals, Farm Animals or humans, the Animal Control Officer may by written notice order the Owner of such Domestic Animal to keep the same confined to the Owner's property or to property within the control of the Owner;
17. Where a person fails to comply with an order made by the Animal Control Officer pursuant to section 14 or 15 of this Bylaw, the Animal Control Officer may forthwith impound the Aggressive Dog or diseased Domestic Animal.
18. Where an Aggressive Dog or diseased Domestic Animal is impounded pursuant to section 16 of this Bylaw, the Animal Control Officer shall, within 96 hours of such impoundment, apply to the Provincial Court for an order directing that the Aggressive Dog or diseased Domestic Animal be destroyed;
19. Where an application to the Provincial Court is made pursuant to section 18 of this Bylaw, the Animal Control Officer shall provide the Owner of the Aggressive Dog or diseased Domestic Animal with not less than 24 hours written notice of the application date and time in order that the Owner may have the opportunity to speak to the application for an order for destruction;
20. A notice issued pursuant to section 19 of this Bylaw shall be deemed to have been received by the Owner if served in accordance with the following procedures:
 - (a) if the name and address of the Owner is known to the Animal Control Officer, by delivery of the notice by hand, by courier, or by registered mail to the Owner at that address; or
 - (b) where the name and address is not known to the Animal Control Officer, by leaving a copy of the notice with any adult person at the address from which the Aggressive Dog or diseased Domestic Animal was seized and impounded or, where an adult is not present at that address, by affixing a copy of the notice to any entry door of the premises at such address;

CONTROL OF DOGS

21. Every Owner of a Dog shall prevent the Dog from being or running at large.
22. Every Owner of a Dog shall keep the Dog from trespassing upon private property whether running at large or held on a leash secured to its Owner.
23. Where a Dog leaves or deposits any excrement on any public place or private property other than the property of the Owner, the Owner shall immediately take steps to remove such excrement and dispose of it in a sanitary manner.
24. Every Owner of a female Dog in heat shall confine the Dog within the Owner's premises, within premises under the Owner's possession and control, or within an Enclosure contained within the Owner's property provided that such property is fenced or secured so as to prevent any Dog from gaining access to the Kennel.

AGGRESSIVE DOGS

25. No person shall keep or own any diseased or Aggressive Dog within the City unless the Dog is kept sufficiently secured so as to prevent it from endangering the safety of any person or other animal.
26. No Owner of an Aggressive Dog shall permit or allow the 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 secured on a leash to its Owner and muzzled to prevent it from biting another animal or a human.
27. Every Owner of an Aggressive Dog shall, at all times while the Dog is on the premises owned or controlled by such person, keep the Dog securely confined either indoors, 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.
28. Every person who owns, keeps, or has custody or control of an Aggressive Dog shall immediately notify an Animal Control Officer, Bylaw Enforcement Officer, the Poundkeeper, or a police officer when that Dog is at large.
29. Subject to section 14, if an Animal Control Officer or Bylaw Enforcement Officer receives sufficient evidence that a Dog by its behaviour or temperament qualifies as an Aggressive Dog as defined in this Bylaw, the Animal Control Officer or Bylaw Enforcement Officer may issue a corresponding notice of designation to the Owner of the Dog.
30. Upon receipt of a notice under the preceding section, the Dog Owner shall comply with the provisions of this Bylaw regarding Aggressive Dogs.

31. An appeal from a designation made under section 29 lies to the Council or to a duly authorized subcommittee of the Council.

LICENSING OF DOGS

32. No person shall own, keep, or possess within the City any Dog over the age of six months unless a current licence has been issued for the Dog pursuant to this Bylaw.
33. Every Owner of a Dog shall, on or before March 1st of each year or as soon thereafter as such Dog shall attain the age of six months, apply to the City or the Poundkeeper to license the Dog for that calendar year.
34. The City shall maintain a record of each Dog licence issued, and for the purpose of identification, such record shall include: the name of the Owner; the address of the Owner; a general description of the Dog including the sex, colour, breed if known; and the name given to the Dog by the Owner.
35. Every application for a licence shall be accompanied by a licence fee as follows:
- (a) For each Neutered Male Dog or Spayed Female Dog, a fee of \$32.00;
 - (b) For all other male or female Dogs, a fee of \$80.00.
36. For licences applied for after March 1st of any year, a \$15.00 penalty fee will be assessed in addition to the fees prescribed in section 35, provided that such a penalty will not apply where:
- (a) satisfactory evidence is provided to confirm that the Dog for which the licence is sought attained the age of six (6) months within 30 days of the application date; or
 - (b) satisfactory evidence is provided to confirm that the Owner established residence in the City within 30 days of the application date; or
 - (c) satisfactory evidence is provided to confirm that the Dog for which the licence is sought was acquired by the Owner within 30 days of the application date.
37. No licence fee shall be charged to the Owner of a certified guide Dog or certified assistance Dog.
38. Where an Owner has taken up residence in the City within the current year and possesses a Dog that is currently licensed in another jurisdiction, the Owner shall be issued a City Dog licence without charge upon application for same and upon surrender of the old licence tag to the City.
39. Every person applying for a licence for a Neutered Male Dog or Spayed Female Dog shall, in order to qualify for the licence fee applicable to such a Dog, present a certificate in writing from a Veterinarian certifying that the Dog is unable to reproduce.
40. Every person who has obtained a licence for an unneutered male Dog or unspayed female Dog may, before the expiration of the licence period and within six months of the purchase of the

licence, present to the City a certificate from a Veterinarian certifying that the Dog is unable to reproduce, in which case the Owner shall be entitled to a refund of the difference between the fee charged for a spayed or neutered Dog and the fee charged for a Dog which is not spayed or neutered.

41. Every licence issued pursuant to this bylaw shall expire on December 31st of the year of issue.
42. The City shall issue a licence tag for each Dog licensed under this Bylaw.
43. Every licence tag shall be distinguished by a serial number, which shall be clearly marked on the tag together with the calendar year for which the tag has been issued.
44. Every Owner of a licensed Dog shall cause the Dog to wear around its neck a suitable collar to which the licence tag shall be attached.
45. The replacement fee for a lost or defaced licence tag is \$5.00.
46. Subject to sections 56 and 57 of this Bylaw, no person other than the Poundkeeper, Animal Control Officer, Bylaw Enforcement Officer, or police officer, during the performance of his or her duties under this Bylaw, shall keep, possess, or harbour any unlicensed Dog within the City.
47. Where the Owner of a Dog that is licensed under this Bylaw sells, gives away, or otherwise disposes of the Dog, and ceases to be the Owner of the Dog, the licence for that Dog is automatically cancelled.

KENNELS

48. No person, or owner, tenant or occupier of real property shall keep or permit to be kept more than three Dogs in or at an individual Dwelling Unit within the City.
49. No person, or owner, tenant or occupier of real property shall keep or permit to be kept more than three Dogs on or at an individual parcel within the City.
50. The use of land or buildings or other premises for Kennel purposes is subject to the provisions of the Zoning Bylaw No. 3630, as amended from time to time.
51. No person shall operate a Kennel within the City unless he has applied for and received from the Council a licence for that purpose.
52. Before issuing a Kennel licence to an applicant the Council may request an inspection report from the branch of the BC SPCA having jurisdiction within the City.
53. If the premises that are the subject of the Kennel licence application are reported by the BC SPCA to be unsuitable for the operation of a Kennel, the Council may refuse the Kennel licence application.

54. The licence fee for a Kennel is \$100.00 regardless of the number of Dogs kept therein.
55. In addition to the provisions of this Bylaw, Kennels operating on a commercial basis are subject to the provisions of the Business Bylaw No. 3453.

IMPOUNDMENT OF DOGS

56. The Poundkeeper, Animal Control Officer, Bylaw Enforcement Officer, police officer or other person may seize any Dog found at large in the City.
57. Any person who seizes a Dog pursuant to the preceding section shall as soon as possible deliver such Dog to the Poundkeeper, who shall impound and keep the Dog as provided in this Bylaw.
58. A Dog is deemed to be impounded as soon as it is seized by an Animal Control Officer, Bylaw Enforcement Officer or police officer. All related fees and penalties in this Bylaw apply to such impoundment.
59. When complaint is made to the Animal Control Officer that a Dog is diseased, he or she shall investigate the matter, and if he or she is satisfied that such complaint is well-founded, shall request the Dog Owner to destroy such Dog or to keep it in confinement on his or her own premises.
60. In case of non-compliance of the Owner with a request under the preceding section, the Animal Control Officer may seize and impound the Dog and within 48 hours of such impoundment the Animal Control Officer or Poundkeeper shall apply to the Provincial Court for an order directing that the Dog be destroyed.
61. Where an application to the Provincial Court is made pursuant to section 60 of this Bylaw, the Animal Control Officer shall provide the Owner of the diseased Dog with not less than 24 hours written notice of the application date and time in order that the Owner may have the opportunity to appear at and speak to the application for an order for destruction.
62. The Animal Control Officer or the Poundkeeper shall give or send to the Owner of such Dog a written notice of intention to apply for the said destruction order at least 24 hours prior to the said application being made, and an opportunity shall be given to the said Owner to show cause why such order should not be granted.
63. A notice issued pursuant to section 60 of this Bylaw shall be deemed to have been received by the Owner if served in accordance with the following procedures:
 - (a) if the name and address of the Owner is known to the Animal Control Officer, by delivery of the notice by hand, by courier, or by registered mail to the Owner at that address; or

(b) where the name and address is not known to the Animal Control Officer, by leaving a copy of the notice with any adult person at the address from which the diseased Dog was seized and impounded or, where an adult is not present at that address, by affixing a copy of the notice to any entry door of the premises at such address.

64. The Poundkeeper, Animal Control Officer, Bylaw Enforcement Officer, or police officer may destroy at once any diseased Dog found at large in the City.
65. If an impounded Dog is not reclaimed by its Owner within 96 hours of its impoundment, the Poundkeeper may destroy the Dog or offer it to the public for sale or adoption.
66. The Owner of any unlicensed Dog impounded under this bylaw may reclaim his or her Dog upon application to the Poundkeeper and upon proof of Ownership and upon payment of the licence fee for the current year and the expenses he incurred in impounding and maintaining such Dog, as follows:
 - (i) A pound fee of \$100.00 for a first impoundment;
 - (ii) A pound fee of \$150.00 for a second impoundment;
 - (iii) A pound fee of \$200.00 for a third impoundment; and
 - (iv) A pound fee of \$250.00 for each subsequent impoundment;
 - (v) A board fee of \$20.00 for each day or part thereof in which a Dog is kept in the pound.
67. The Owner of any licensed Dog impounded under this bylaw may reclaim his or her Dog upon application to the Poundkeeper and upon proof of Ownership and the expenses incurred in impounding and maintaining such Dog, as follows:
 - (i) A pound fee of \$75.00 for a first impoundment;
 - (ii) A pound fee of \$100.00 for a second impoundment;
 - (iii) A pound fee of \$150.00 for a third impoundment; and
 - (iv) A pound fee of \$200.00 for each subsequent impoundment;
 - (v) A board fee of \$20.00 for each day or part thereof in which a Dog is kept in the pound.
68. The Owner of any Aggressive Dog impounded under this Bylaw may reclaim his or her Dog upon application to the Poundkeeper and upon proof of Ownership and upon payment of the licence fee for the current year, if the licence fee has not been paid, and the expenses incurred in impounding and maintaining such Dog, as follows:
 - (i) A pound fee of \$250.00 for a first impoundment;
 - (ii) A pound fee of \$500.00 for a second impoundment;
 - (iii) A pound fee of \$1,000.00 for each subsequent impoundment;
 - (iv) A board fee of \$20.00 for each day or part thereof in which a Dog is kept in the pound.
69. For each Dog taken into impoundment, the Poundkeeper shall record the following information, as applicable:

- (i) the date, hour, and location of the impoundment,
- (ii) the breed of the Dog, if known;
- (iii) a general description of the Dog, including any identifying marks or tattoos;
- (iv) any microchip identification found on the Dog;
- (v) any name tag or Dog licence tag.
- (vi) the name and address of the Owner if known;
- (vii) any fees, fines or other charges incurred in connection with the impoundment and detention of the Dog,
- (viii) the final disposition of the Dog (returned to Owner, adopted, destroyed).

70. The Poundkeeper's impoundment records shall be open to inspection by the City at all reasonable times.

FARM ANIMALS

71. The use of land or buildings or other premises for keeping Farm Animals is subject to the provisions of the Zoning Bylaw No. 3630, as amended from time to time.

72. No person shall allow any Farm Animal to run at large within the City.

73. The Poundkeeper may impound any Farm Animal running at large within the City and it shall be the duty of the Poundkeeper to detain the same, until the Owner or Owners thereof shall have paid the following sums together with any expenses incurred in the seizing and impounding of the Farm Animal:

(a) For impounding stallions, horses, donkeys, bulls, cows, heifers, goats, rams, sheep, swine, and mules, \$35.00 each.

(b) For geese, ducks, fowl, domestic poultry, and rabbits, \$10.00 each.

74. When Farm Animals are impounded under this Bylaw it shall be the duty of the Poundkeeper, daily to furnish the same with food, water, and shelter during the whole time the Farm Animals continue to be impounded and for this service the Owner of the Farm Animals shall be assessed and pay to the Poundkeeper the following in addition to the impoundment and daily board fees specified in section 73 of this Bylaw:

(a) For any cattle, horse, sheep, goat, swine, donkey, mule, or llama: \$20.00 per day or part thereof.

(b) For any fowl or poultry and any rabbit, hare, mink, or otter: \$5.00 per day or part thereof.

75. If the impounded Farm Animal is a milk cow, the Poundkeeper shall insure that the cow is milked twice a day in accordance with good dairy practice. Any milk obtained may be disposed of at the Poundkeeper's sole discretion and the Owner of the cow shall have no claim against the Poundkeeper on this account.

76. In all cases where the Poundkeeper has impounded any Farm Animal pursuant to the provisions of this bylaw, he shall maintain such animal at the pound for a minimum period of 96 hours.
77. The Owner of the Farm Animal may redeem the animal upon proof of Ownership and by paying the charges of the Poundkeeper as set out under this bylaw together with additional expenses incurred by the Poundkeeper in the apprehension or care of such animal.
78. Notwithstanding any charges and additional expenses imposed, should any Farm Animal not be reclaimed at the end of the 96-hour period, it shall be lawful for the Poundkeeper to cause such animal to be sold or destroyed, and after deducting his or her own charges if any and the costs of any such sale, he shall pay any surplus to the Owner, provided that if the Owner is unknown he shall pay the surplus to the City.

OTHER DOMESTIC ANIMALS

79. No person shall keep:
- (a) any venomous snakes;
 - (b) more than four non-venomous snakes;
 - (c) a total of more than four rats, mice or other rodents

in any household or on any parcel of land in the City, other than on premises licensed as a pet shop or on school premises.

80. If a Domestic Animal is off the property of its Owner and in the opinion of the Animal Control Officer, Bylaw Enforcement Officer, police officer or other person the said animal through its temperament, behaviour, or situation poses a danger to other Domestic Animals, Farm Animals or humans, the Animal Control Officer, Bylaw Enforcement Officer, police officer or other person may seize such Domestic Animal and shall as soon as possible deliver such animal to the Poundkeeper, who shall impound and keep the animal as provided in this Bylaw.
81. The provisions of sections 58 through 70 of this Bylaw regarding impoundment of Dogs apply, with the necessary changes, to the impoundment of Domestic Animals pursuant to section 80 of this Bylaw, including the application of impoundment fees and daily board fees.

OFFENCE

82. Any person who violates any provision of this Bylaw commits an offence.

REPEAL

83. The “City of Port Coquitlam Pound and Animal Regulation Bylaw, 1970, No. 1020” is repealed.

Read a first time by the Municipal Council this 26th day of January, 2009.

Read a second time by the Municipal Council this 26th day of January, 2009.

Read a third time by the Municipal Council this 26th day of January, 2009.

Adopted by the Municipal Council of the Corporation of the City of Port Coquitlam this 9th day of February, 2009.

G. MOORE

Mayor

S. RAUH

Corporate Officer