

# **CONSOLIDATED FOR CONVENIENCE**

## **CITY OF PORT MOODY**

### **BYLAW NO. 2677**

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A Bylaw to Regulate the Keeping of Certain Animals Within the City of Port Moody

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**WHEREAS** under the provisions of Section 703 [*Animal Control Authority*] of the Local Government Act and Sections 8 [*Fundamental Powers*] (3)(k) and Section 49 [*Special powers in relation to dangerous dogs*], the Council is given broad powers to regulate or prohibit the keeping of certain animals within the municipality; and amendments thereto;

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

**NOW THEREFORE**, the Municipal Council pursuant to the powers vested in it by the Community Charter, hereby enact as follows:

**1. Title**

This Bylaw may be cited for all purposes as “City of Port Moody Animal Control Bylaw No. 2677”.

**2. Repeal**

Bylaw No 1050, cited as “City of Port Moody Pound Bylaw, 1970, No. 1050” is hereby repealed.

**3. Definitions:**

For the purposes of this bylaw, the following words and terms shall have the meaning hereby assigned to them, with appropriate changes in number or gender as required by the context:

- a. **“Aggressive Dog”** means a dog which meets one or more of the following conditions:
  - (a) has, aggressively, pursued or harassed a person or other animal or has demonstrated a propensity, tendency or disposition to do so;
  - (b) has caused a non-serious injury to a person or another animal or has demonstrated a propensity, tendency or disposition to do so.

- b. **“At Large”** means with reference to any domestic animal other than a spayed or neutered cat:
  - (a) not being under the direct care and control of the Owner or their agent while in a public place;
  - (b) not being secured by a leash suitable to the dog’s size and strength and under the control of the owner or his agent at any time when the dog is in a public place, or on private property other than that which is owned by the owner of the dog.
- c. **“Bee”** means any of a variety of hairy-bodied insects, characterized by specialized structures for gathering nectar and pollen from flowers
- d. **“Competent Adult”** means someone over the age of 19 years.
- e. **“Dangerous Dog”** means a dog that
  - (a) has killed or seriously injured a person,
  - (b) has killed or seriously injured a domestic animal, while in a public place or while on private property, other than property owned or occupied by the person responsible for the dog, or
  - (c) an animal control officer has reasonable grounds to believe is likely to kill or seriously injure a person.
- f. **“Dog”** means an animal of the canine species, irrespective of sex or age;
- g. **“Dog Run”** means the designed fenced area designated in Schedule A.1 of the bylaw in which dogs are allowed to be off-leash while under the verbal control of their handlers.
- h. **“Domestic Animal”** includes dog, cat, household animal, and livestock.
- i. **“Enclosure”** means:
  - (a) a locked pen or other structure that has secured sides and a secure top, and, if it has no bottom secured to the side, the sides must be embedded in the ground to a minimum depth of four hundred and fifty (450) millimeters and constructed to prevent the entry of young children and the escape of a vicious dog.
  - (b) the locked pen or other structure shall not be within one (1) meter of the property line or with (5) meters of a neighbouring dwelling unit.
- j. **“Impounding”** means delivering, receiving or taking into the Pound by the pound keeper.
- k. **“kennel”** means a commercial business that is set up for the boarding, breeding and/or training of dogs.

- i. **“Leash”** means a device, or use of a device, made of metal, nylon or other similar strong material no more than 3 meters in length and of sufficient strength and design to restrain the size and strength of a dog for which it will be used. One end must remain securely affixed to a collar or harness securely attached to the animal with the other end held by a person capable of controlling the dog at all times.
- m. **“Licenced Dog”** means any dog for which the current year’s licence has been paid.
- n. **“Municipality”** means the City of Port Moody.
- o. **“Muzzle”** means prevented from biting by means of a fastening or covering device of adequate strength secured over the mouth.
- p. **“Neutered Dog”** means any dog certified as spayed by a qualified Veterinary.
- q. **“Off Leash Areas”** means the designated unfenced areas of the City as set out in Schedules A.1, A.2, A.3, and A.4 of the Bylaw where dogs are allowed to be off leash while under the verbal control of their handlers.
- r. **“Pound”** means the facility or facilities for the care, containment or destruction of domestic animals established pursuant to Section 707 of the Local Government Act.
- s. **“Poundkeeper”** means the person or body corporate appointed from time to time under this bylaw for the purpose of enforcing and carrying out the provisions of this bylaw, and shall include any assistant Poundkeeper or a Bylaw Officer appointed as such.
- t. **“Public Place”** means any lands or premises owned by or in the possession of the Municipality.
- u. **“Veterinarian”** means any certified member of the Canadian Veterinarian Association.
- v. **“Vicious Dog”** mean a dog which meets one or more of the following conditions:
  - (a) has seriously injured a person or a domestic animal while in a public place or while on private property, other than property owned by the person responsible for the dog;
  - (b) which an Animal Control Officer has reasonable grounds to believe is likely to seriously injure a person.

#### **4. Licencing of Dogs**

1. The owner of every **dog** shall obtain a licence for the dog from the **Municipality**, by registering, describing and licencing it with the **Municipality**, no later than the 31st of January every calendar year or as soon thereafter as such **dog** shall attain the age of four (4) months. The initial issuance of a licence will be by way of a permanent metal tag, which will be stamped with a number of the licence. Every applicant for a licence shall pay a licence fee as prescribed in the Fees Bylaw.
2. Licencing fees will be required as prescribed in the Fees Bylaw for aggressive, vicious and dangerous dogs.
3. If a dog is deemed aggressive or vicious the existing licence will be considered invalid, and a new licence must be obtained in accordance with the dog's designation.
4. Every licence shall be distinguished by a number and a record shall be kept of all licences issued and for the purpose of identification, a general description of the dog, with respect to which such licence was issued.
5. No person shall keep, own, have in their possession or harbor in the Municipality, any dog, unless it has been licenced as aforesaid, and a tag has been obtained.
6. Every person receiving a tag as provided shall cause the same to be securely attached to the dog, respect to which it has been issued, by means of a collar fastened about the neck of such dog.
7. A person who, without authority removes such metal tag from any dog, shall be guilty of a breach of this bylaw.
8. Any person who has obtained a tag as provided in this bylaw and has lost the same, may apply to the Pound keeper, for another tag in place of the one so lost. The Pound keeper may issue to such person applying therefore a replacement tag upon payment by such person of a fee as prescribed in the Fees Bylaw.
9. Where the owner of a dog with respect to which a licence is issued under this bylaw, sells or otherwise ceases to be the owner of the dog, the licence shall, with respect to that dog, become cancelled.

#### **5. Care and Control of Dogs** **Amended by BL3159**

1. Except in areas specifically designated by a posted notice as being off-leash areas, every owner is responsible for ensuring that their dog is not, at any time, running at large within the Municipality, whether or not the owner has entrusted the care and custody of the dog to any other person and, every owner is responsible for ensuring that the dog is secured by a collar and leash suitable to the dog's size and strength and such leash is under the control of the owner or their agent.

2. Every owner using an off-leash area in a public place is responsible for the actions of the dog and the consequences thereof. The Owner must at all times, ensure that the dog is under full voice control and have in their possession a leash suitable for the restraint of the dog. Dogs designated vicious or aggressive, are prohibited from the use of any off-leash areas.
3. No person shall suffer or permit any dog to leave or deposit excrement, manure or dung on any place other than the property of the owner, unless the owner takes immediate steps to remove such excrement, manure or dung and to dispose of same in a sanitary manner.
4. No person shall keep, harbor or have in their possession:
  - (a) any dog suffering from any infectious or communicable disease, unless such dog is in isolation on the owner's property and is undergoing treatment for the cure of such disease;
5. No person shall suffer or permit any dog, of which they are the owner, possessor or harbor to make any noise, anywhere in the Municipality which disturbs the quiet, peace, rest, enjoyment, comfort, or convenience of the neighborhood or of a person or persons in the vicinity.

**Subsection 6 added by BL3159**
6. No person may cause, permit, or allow an animal to be confined in an enclosed space, including a motor vehicle or boat, unless there is adequate ventilation.

**Subsection 7 added by BL3159**
7. No person may keep an animal which normally resides outside, or which is kept outside for short to extended periods of time, unless the animal is provided with outside shelter:
  - 5.7.1 to ensure protection from heat, cold, and wet that is appropriate to the animal's weight and type of coat;
  - 5.7.2 that is at least twice the length of the animal in all directions, and at least as high as the height of the animal measured from the floor to the highest point of the animal when standing in a normal position, plus 10%;
  - 5.7.3 in an area to provide sufficient shade to protect the animal from the direct rays of the sun at all times;
  - 5.7.4 that is regularly cleaned and sanitized, including the daily removal of excrement; and
  - 5.7.5 with access to clean potable drinking water at all times and suitable food of sufficient quantity and quality.

## 6. Vicious Dogs

1. Every owner of a vicious dog must be a competent adult.
2. On the first business day after a dog has been declared vicious, the owner shall attend City Hall:

- (a) to pay the licence fee as set out in the Fees Bylaw;
  - (b) to have the vicious dog photographed and the photo retained at City Hall for identification purposes.
- 3. Every owner of a vicious dog shall notify a Bylaw Officer within three (3) days should the vicious dog be moved, sold or transferred to another person or dies.
- 4. Every owner of a vicious dog shall within five (5) days after the dog has been declared vicious have a licenced veterinarian tattoo or implant an electronic identification microchip in the animal and provide a copy of the information contained thereon to the Bylaw Enforcement Officer prior to a licence being issued for that vicious dog.
- 5. Every owner of a vicious dog shall immediately notify a Bylaw Officer when that dog is running at large.
- 6. The owner of a vicious dog shall ensure that when the dog is on the property of the owner, it is either securely confined:
  - (a) indoors and under the control of competent adult or;
  - (b) outdoors within a locked enclosure as defined by this Bylaw, constructed to prevent the escape of the dog and capable of preventing the entry of any person not in control of the dog.
- 7. When off the property of the owner, the owner of a vicious dog shall at all times:
  - (a) have the dog securely muzzled;
  - (b) have it on a leash which does not exceed one point two (1.2) meters in length in a manner that prevents it from chasing, injuring or biting other domestic animals or humans;
  - (c) ensure that the dog is under the control of a person over the age of nineteen (19) years.

## **7. Aggressive Dogs**

- 1. On the first business day that City Hall is open after a dog has been declared an aggressive dog, or that a person becomes the owner of an aggressive dog, the owner shall attend City Hall to pay a licence fee set out in the Fees and Charges Bylaw.
- 2. Every owner of an aggressive dog, shall ensure that at all time that the dog is on the owner's property, the dog is:
  - (a) securely confined indoors; and,
  - (b) when outdoors, it is securely confined on the premise within a fenced area sufficient to prevent the escape of the dog and is under the control of a competent adult.

3. Every owner of a aggressive dog, shall ensure that at all times that the dog is off the owner's property, the dog is:
  - (a) securely muzzled;
  - (b) on a leash in a manner preventing it from jumping, injuring or biting other domestic animal or a human;
  - (c) under the control of an adult that is competent to control the aggressive dog.

#### **8. Establishment of A Pound**

1. Council may, at any time and from time, by resolution appoint a Poundkeeper to operate and maintain the Pound for and on behalf of the Municipality and may enter into an agreement with the Poundkeeper for the provisions of such services that such agreement is otherwise in compliance with Section 707 of the Local Government Act, as amended from time to time.

#### **9. Seizure Of Dogs**

1. A Bylaw Officer or any police constable may seize any dog in any of the following circumstances:
  - (a) An unlicensed dog;
  - (b) A dog running at large while on a highway or in any public place;
  - (c) A dog straying or trespassing on private property not owned by the owner of the dog;
  - (d) A dog on unfenced land and not securely tethered or contained where required to do so by this bylaw; or
  - (e) A dog that is suffering.
2. After making such a seizure, a Bylaw Officer shall deliver such dog to the Pound and retain the same for a period of up to 7 days. If the dog has not been claimed, including payment of any and all fees, penalties or other amounts owing, the Municipality may put the dog up for adoption.
3. A Bylaw Officer, may, where he has reason to believe that a dog for which the licence for the current year has not been paid, or a dog which does not have attached to it a metal tag, has taken refuge on any premises, request that the dog be delivered to him immediately. Any person refusing or interfering with the Poundkeeper's request or seizure of the dog shall be deemed to commit an offence under this bylaw.
4. When a complaint is received that a dog is dangerous or diseased, a Bylaw Officer shall investigate the complaint, and if satisfied that such complaint is well founded, shall request the owner of such dog to destroy the same or to keep it in confinement on his own premises. In the case of non-compliance of the owner with such request, the Bylaw Officer may, subject to this Bylaw or the Community Charter, seize the dog and impound the same.

5. It shall be lawful for the Poundkeeper, Bylaw Officers or any Police Constable or any other person duly authorized by the Municipality to destroy, at once, a diseased or dangerous dog found at large. The owner of any unlicensed dog impounded under this bylaw may reclaim this 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 prescribed in the Fees Bylaw.
6. The owner of any licensed dog impounded under this bylaw may reclaim the same upon application to the Poundkeeper and on proof of ownership and the expenses incurred in impounding and maintaining such dog as prescribed in the Fees Bylaw.
7. It shall be the duty of the Poundkeeper to keep a record in which he shall enter, each dog impounded, the date and hour of impounding, the description of the dog, the name of the person from whom seized, and the manner in which such dog is disposed of and such record shall be open to inspection by the municipalities or their appointed agents.
9. The Poundkeeper and Bylaw Officers, may enter and inspect, at all reasonable times during any day of the week, any real property within the City, in order to ascertain whether this Bylaw is being complied with.

**10. Cat Control**

1. No person may be or become an owner of any cat that is actually or apparently over the age of six months unless:
  - (a) the cat has been spayed or neutered, as the case may be, by a veterinarian, or
  - (b) the person holds a valid breeders permit for an unspayed or neutered cat as provided for in this Bylaw; or
  - (c) the person is not normally resident in the City and, while in the City for any temporary period or periods, ensures that his or her cat is not permitted to be running at large in the City; or
  - (d) any person who owns unspayed or neutered cats who is a member of a registered Cat Fanciers Association shall be exempt from the requirement of breeding permits provided the person has complied with the regulations under Business Licence Bylaw No. 1508 with reference to cat kennels.
2. Every owner of a cat must ensure that the cat, if it is unspayed or neutered, whether pursuant to a breeder's permit issued under this Bylaw or otherwise, is not permitted to be running at large within the Municipality.

**11. Cat Identification**

1. Every owner of a cat shall, for ensuring that his or her cat bears sufficient identification to allow any person finding the cat running at large to identify and contact the owner, identify the cat by a means satisfactory to the City. Cat



identification shall at a minimum take the form of a collar bearing the cat's name, along with the owner's address and telephone number and shall be worn by the cat at all times when the cat is not on the property of its owner. Other acceptable forms of identification shall include a traceable tattoo or microchip.

2. It is unlawful for any person other than the Owner of a cat or the Poundkeeper to remove any identification worn by a cat pursuant to section 34 of this Bylaw.

## **12. Cat Breeding Permits**

1. The Poundkeeper may prescribe the form of application required by any person who wishes to obtain a cat breeding permit that will exempt that person from the provisions of section 32 during the life of the permit.
2. The Poundkeeper may, upon receiving an appropriate application form and the fees for a cat breeding permit specified in section 32 ii), issue a cat breeding permit, which permit will be valid for a period of one (1) year from the date of issuance.
3. An Owner who holds a cat breeding permit is responsible for ensuring that his or her cat, to which the permit relates, is not permitted to be running at large in the City.
4. Users of the incinerator shall do so under the control of the Poundkeeper and shall pay fees prescribed in the Fees Bylaw.

**Section 13 deleted by BL2969**

14. Any Pound keeper who impounds or confines any of the animals hereinbefore mentioned under this bylaw, and neglects or refuses to find, provide and supply the same with good and sufficient food, water and shelter, as hereinbefore provided, shall be subject to the penalties imposed by this bylaw, and to immediate dismissal.

## **15. Offences and Penalties**

1. Any person who contravenes any provision of this Bylaw or who suffers or permits any act or thing to be done in contravention of any provisions of the Bylaw or who refuses or neglects to perform any obligation, imposed by this Bylaw commits an offence is liable upon summary conviction to a fine not exceeding Five Thousand Dollar (\$5,000.00) or a term of imprisonment not exceeding Three (3) month or both; and each day which any contravention continues shall be deemed a separate offence.
  2. Offences for which tickets can be issued and fines imposed are prescribed in the Municipal Ticket Information Utilization Bylaw.
- 16.** This bylaw shall come into force and effect on the date of adoption thereof.

**Bylaw 2677 ADOPTED**  
**AMENDMENT NO. 1, 2013, 2862**  
**AMENDMENT No. 2, 2013, 2969**  
**AMENDMENT No. 3, 2018, 3159**

June 24, 2008  
**ABANDONED**  
November 26, 2013  
July 24, 2018