

THE CORPORATION OF THE DISTRICT OF BURNABY

BYLAW NO. 9609

A BYLAW to regulate the keeping of dogs
and other animals

The Council of The Corporation of the District of
Burnaby ENACTS as follows:

1. This Bylaw may be cited as BURNABY ANIMAL CONTROL BYLAW
1991.

2. (1) In this Bylaw, unless the context otherwise requires,

"dog" includes any male or female dog of any age;

"dwelling unit" has the meaning assigned to it in
Burnaby Zoning Bylaw and includes the lot on which the
dwelling unit is located;

"Licence Inspector" means any employee of The
Corporation of the District of Burnaby assigned to that
position;

"muzzled", when describing a dog, means fastened or
controlled around the mouth so as to prevent the dog
from biting;

"owner", includes a person who possesses or harbours a
dog or other animal or poultry;

"pound" means any building or enclosure for the
detention of animals that is established as a pound by
the Corporation;

"poundkeeper" means the person appointed by Council to
enforce and carry out the provisions of this Bylaw and
includes any assistant employed by the poundkeeper;

"unlicensed dog" means any dog for which a licence for
the current year has not been procured under this Bylaw,
but does not include a dog wearing a current licence
issued by any other municipality in British Columbia;

"vicious dog" means

- (a) a dog that without provocation has bitten or caused injury to a human being or to a domestic animal, but does not include a dog that has bitten or injured a trespasser, and
- (b) a Staffordshire Bull Terrier, an American Pit Bull Terrier and any dog generally recognized as a pit bull or pit bull terrier and includes a dog of mixed breed with predominant pit bull or pit bull terrier characteristics;.

(2) This Bylaw does not apply to

- (a) a specially trained dog that is used as a guide dog by a person whose sight or hearing is impaired or who is blind or deaf,
- (b) a dog certified by a recognized training establishment as a handicap assistance dog, or
- (c) a dog belonging to and actively working for a police force having jurisdiction in British Columbia.

3. (1) The owner of a dog that is over the age of four months shall obtain a licence annually.

(2) A dog licence shall be procured by applying to the Licence Inspector on the form provided and paying the applicable fee as set forth in Schedule "A" hereof.

(3) Every dog licence shall expire on the 31st day of December in the year for which it was issued.

(4) The owner shall place and keep around the neck of every dog the current license tag issued by the Licence Inspector.

(5) Every person applying for a licence for a neutered or spayed dog shall present written certification from a licensed veterinarian that

- (a) the dog has been neutered or spayed, or
- (b) the dog is too old or physically unable to undergo the necessary surgery.

(6) Every person who has obtained a licence for an unaltered dog and paid therefor the fee specified Schedule "A" is entitled to a refund of the difference between the fee paid and the fee for a neutered or spayed dog if, before the expiration of the licence year and within six months after the purchase of the licence, he or she presents a certificate in writing from a licensed veterinarian certifying that the dog for which the licence was issued has been neutered or spayed.

(7) Fees paid for a dog licence are not refundable except for the rebate allowed when a dog has been spayed or neutered.

4. (1) The Licence Inspector shall maintain a record of all licences issued showing the licence number, the name and address of the owner, the date of issue of the licence, a description of the dog and the fee paid.

(2) The Licence Inspector may issue a replacement license tag upon payment of a fee of \$1.00 and upon being satisfied by the owner:

(a) that the original tag has been lost or stolen, or

(b) that he or she has a valid licence for that dog issued by another jurisdiction.

(3) No person shall without lawful excuse remove a license tag affixed to any dog.

(4) Where the owner of a dog in respect of which a licence has been issued under this Bylaw ceases to be the owner, the licence shall be cancelled.

(5) The owner of a licensed dog that dies may transfer the licence to a replacement dog upon application to the Licence Inspector and payment of any applicable fee.

5. (1) Every owner of a dog shall keep it on a leash not longer than 2 m while on a highway or public place.

(2) Every owner of a vicious dog shall keep it muzzled while on a highway or public place.

(3) Every owner of a dog that leaves or deposits excrement on any property other than property of the owner shall

immediately remove such excrement and dispose of it on her or his own property or in a sanitary manner.

(4) No owner, possessor or harbourer of a dog shall allow the dog to enter any park, recreation ground or beach area that the Parks and Recreation Commission has designated as a place where dogs are not permitted and signs have been posted.

6. (1) No owner or occupier of a dwelling unit shall harbour or keep or allow to be kept more than two dogs over the age of four months.

(2) For the purpose of subsection (1), a dog that is fed or sheltered for 72 hours or more shall be deemed to be harboured.

(3) No owner or occupier of a dwelling unit shall harbour or keep or allow to be kept more than four cats over the age of four months.

(4) No owner or occupier of a dwelling unit shall harbour or keep or allow to be kept more than two poisonous or venomous animals and such an animal shall be kept in a secure container whenever it is outside the dwelling unit.

7. Every owner of a vicious dog shall, while the dog is on the owner's premises, keep the dog securely confined either

(a) indoors, or

(b) within a fenced yard in an enclosure that is

(i) capable of preventing inadvertent entry by any person including a child,

(ii) adequately constructed to prevent the dog from escaping or inflicting harm on any person or domestic animal, and

(iii) posted with a sign at each point of entry advising that a vicious dog is within.

8. No owner of a horse, mule, ass, cattle, sheep, goat, swine, rabbit, monkey, guinea pig, gerbil, hamster, mouse, rodent or other animal or poultry shall permit the animal or poultry, other than a cat, to be at large in the municipality.

9. (1) The poundkeeper may seize and impound

- (a) any unlicensed dog;
- (b) any dog found upon a highway or public place and not on leash;
- (c) any vicious dog found upon a highway or public place and not muzzled;
- (d) any vicious dog not confined as required by section 7;
- (e) any horse, mule, ass, cattle, sheep, goat, swine, rabbit, monkey, guinea pig, gerbil, hamster, mouse, rodent or other animal or poultry unlawfully at large.

(2) When an order that a dog be killed is applied for under the Livestock Protection Act, the poundkeeper may seize and keep the dog until the Court has decided the matter.

(3) The poundkeeper shall keep every impounded animal or poultry in the pound for at least 72 hours after seizure, unless sooner reclaimed as herein provided.

(4) The poundkeeper may

- (a) keep any vicious dog for up to ten days after it has been seized and impounded in order to determine whether the animal is a threat to health and safety in the community; and
- (b) before releasing the dog, require the owner to prove that she or he has a place to keep the dog as required by section 7.

(5) The owner of an impounded animal or poultry other than a vicious dog may reclaim the animal or poultry by providing personal identification, identifying the animal being claimed and

- (a) applying to the poundkeeper at the pound when the same is open for business and before the expiration of 72 hours after seizure;
- (b) providing proof of ownership of the dog or other animal or poultry;

- (c) paying an impoundment fee as specified in Schedule "B" at the time of applying for the release of the animal;
- (d) paying the current licence fee, if any, and if not already paid; and
- (e) paying a maintenance fee as specified in Schedule "C" for each day or part of a day that the dog, horse, mule, ass, cattle, sheep, goat, swine, rabbit, monkey, guinea pig, gerbil, hamster, mouse, rodent or other animal or poultry is impounded.

(6) If the owner does not reclaim a dog or other animal or poultry within the time provided in subsection (5), the poundkeeper may forthwith sell or otherwise dispose of the dog or other animal or poultry; but an owner may reclaim a dog or other animal or poultry after the expiry of the time provided in subsection (5) if the animal has not been disposed of by the poundkeeper.

(7) Notwithstanding subsection (6), the poundkeeper shall not release any dog or other animal or poultry to any person or institution for use in scientific or medical research.

10. The poundkeeper shall

- (a) supply each impounded dog or other animal or poultry with adequate food and water while it is impounded;
- (b) keep a book or register in which is recorded a description of each dog or other animal or poultry impounded, destroyed, sold or reclaimed, the date, time and place of such impounding, destroying, selling or reclaiming, the name and address of the person reclaiming or purchasing the dog or other animal or poultry, and the price paid by the person reclaiming or purchasing the dog or other animal or poultry;
- (c) keep a record of all moneys received pursuant to this Bylaw;
- (d) pay to the Corporation all moneys received pursuant to this Bylaw unless otherwise authorized by the Corporation; and

- (e) keep the pound open for business from 9:00 o'clock in the forenoon until 6:00 o'clock in the afternoon on Monday, Tuesday, Wednesday, Thursday and Friday, and on Saturdays from 9:00 o'clock in the forenoon until 12:00 o'clock noon; except that the pound may be closed on statutory holidays.

11. The Corporation may retain the proceeds of any sale or disposition of any dog or other animal or poultry; but where the proceeds exceed the cost to the Corporation of the licence fees, impounding fees, maintenance fees and cost of such sale or disposition, the owner may, within three months after the day upon which the animal or poultry was seized and impounded, claim the balance.

12. The poundkeeper may at all reasonable times enter upon any property in the Municipality

- (a) to ascertain if there is an unlicensed dog on the property;
- (b) to seize and impound any unlicensed dog;
- (c) to investigate an allegation that an animal on the premises is being abused or neglected;
- (d) for the purpose of conducting inquiries when she or he knows or has reason to believe that a dog harboured or kept on the property has attacked, bitten, harassed, savagely pursued or acted in a vicious manner towards a person or other animal or poultry;
- (e) for the purpose of determining if a dog, horse, mule, ass, cattle, sheep, goat, swine, rabbit, monkey, guinea pig, gerbil, hamster, mouse, rodent or other animal or poultry is unlawfully at large;
- (f) to seize and impound any dog, horse, mule, ass, cattle, sheep, goat, swine, rabbit, monkey, guinea pig, gerbil, hamster, mouse, rodent or other animal or poultry unlawfully at large;
- (g) to ascertain whether the number of animals on the property exceeds the number permitted under this Bylaw, and where excess is found, the poundkeeper shall give 14 days notice to comply with the Bylaw.

13. No person shall rescue or attempt to rescue or interfere with any dog or other animal or poultry seized and impounded under the provisions of this Bylaw, or interfere with or obstruct or impede the poundkeeper in the execution of his or her duties.



14. It is unlawful for any person to be in possession of any dog or other animal or poultry that has been impounded by the poundkeeper when the dog or other animal or poultry has not been redeemed in accordance with the provisions of this Bylaw.

15. Any person may, upon paying the disposal fee specified in Schedule "D", have the poundkeeper dispose of the dead body of any animal or poultry.

16. Every person who violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention or violation of any of the provisions hereof or who neglects to do or refrains from doing anything required to be done by any of its provisions is guilty of an offence punishable on summary conviction and shall be liable to a fine not exceeding \$500.00.

17. Bylaw No. 5556, being "Burnaby Dog Tax and Pound Bylaw 1969", and Bylaw No. 306 being "Burnaby Pound Bylaw 1921", are repealed.

Read a first time this 12th day of NOVEMBER 1991
Read a second time this 18th day of NOVEMBER 1991
Read a third time this 18th day of NOVEMBER 1991
Reconsidered and adopted this 25th day of NOVEMBER 1991


MAYOR

CLERK

SCHEDULE "A"

Annual Licence Fee for Dogs

	<u>Paid Before March 1, 1992</u>	<u>Paid on or after March 1, 1992</u>
(1) Male or female dog	\$32.50	\$41.50
(2) Neutered or spayed dog	13.00	16.50

SCHEDULE "B"

Fee for Impoundment

- | | | |
|-----|---------------------------------------------------------------------------|---------------------------|
| (1) | For a licensed dog | |
| | (a) first impoundment | \$ 29.00 |
| | (b) second impoundment | 57.00 |
| | (c) third and subsequent impoundments | 116.00 |
| (2) | For an unlicensed dog | |
| | (a) first impoundment | \$ 57.00 plus licence fee |
| | (b) second impoundment | 116.00 plus licence fee |
| | (c) third and subsequent
impoundments | 173.50 plus licence fee |
| (3) | For each horse, mule, ass, cattle,
sheep, goat, swine or monkey | \$20.00 |
| (4) | For each rabbit, guinea pig, gerbil,
hamster, mouse, rodent or poultry | \$2.00 |
| (5) | For any animal not listed in (1),
(2), (3) and (4), including a cat | \$25.00 |
| (6) | For special equipment used, if any,
to effect the impounding | \$10.00 |
| (7) | For each vicious dog | |
| | (a) first impoundment | \$100.00 |
| | (b) each subsequent impoundment | \$200.00 |

SCHEDULE "C"

Maintenance Fee

- | | | |
|-----|------------------------------------------------------------------------------|------------------------------------|
| (1) | For each dog | \$6.50 per day or
part of a day |
| (2) | For each horse, mule, ass,
cattle, sheep, goat, swine | \$4.00 per day or
part of a day |
| (3) | For each rabbit, guinea pig,
gerbil, hamster, mouse,
rodent or poultry | \$.25 per day or
part of a day |
| (4) | For any animal not listed in
(1), (2) or (3), including a cat | \$2.75 per day or
part of a day |

SCHEDULE "D"

Removal, Disposal and Cremation Fees

- | | | |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| (1) | For each dead body of a horse, mule
ass, cattle, sheep, goat or swine | \$50.00 |
| (2) | For each dead body of any other animal
or poultry not included in item (1), but
excluding dogs or cats | \$2.00 |
| (3) | There shall be payable in respect of
the animals or poultry described in
items (1) and (2) in addition to the
fee specified therein, all costs of
removal and disposal | |
| (4) | Notwithstanding anything in this
Schedule contained, licenced
veterinarians and other agencies
approved by Council shall pay for the
disposal of animals and poultry | \$.25 per pound
With minimum
charge of \$6.25 |
| (5) | For each dead body of a cat or dog | \$.26 per pound
With minimum
charge of \$6.50 |