

UNOFFICIAL CONSOLIDATED

THE CORPORATION OF THE DISTRICT OF BURNABY

BYLAW NO. 9609

A BYLAW to regulate the keeping of dogs and other animals

(Consolidated for convenience with Bylaw No. 9826, 9848, 9962, 10131, 10300, 10387, 10485, 10689 10828, 10940, 11033, 11065, 11149, 12015, 12289, 12502, 12867, 13151, 13295, 13541, 13892 and 14070)

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 City of Burnaby assigned to that position; (Bylaw No. 13295)

“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;

“pet store” **REPEALED** (Bylaw No. 13892)

“pound” means any building or enclosure for the detention of animals that is established as a pound by the City; (Bylaw No. 13295)

“pound keeper” means the person appointed by Council to enforce and carry out the provisions of this Bylaw and includes any assistant employed by the pound keeper;

“tether”, when used as a noun, means a leash, rope, chain, line, cord or other similar device by which an animal is attached to a stake or other stationary object

or to a pulley run or running line, and, when used as a verb, means to attach an animal by means of a leash, rope, chain, line, cord or other similar device to a stake or other stationary object or to a pulley run or running line; (Bylaw No. 12015)

“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 and renewal licence shall expire on the 31st day of December in the year for which it was issued. (Bylaw No. 13295)
- (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 or transfer of licence for a neutered or spayed dog shall present written certification from a licensed veterinarian that
(Bylaw No. 13295)

(a) the dog has been neutered or spayed, or

(b) the dog is too old or physically unable to undergo the necessary surgery.

Where a person applies for a licence electronically on the City's website the written certification need not be provided at that time, but shall be presented to the City if and when requested by the Licence Inspector.
(Bylaw No. 13295)

(6) Every person who has obtained a licence for an unaltered dog and paid therefore 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 the fee specified in Schedule 'A' 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.

(Bylaw No. 13295)

(3) REPEALED. (Bylaw No. 13295)

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- (4) Where the owner of a dog in respect of which a licence has been issued under this Bylaw ceases to be the owner, may be transferred to the new owner of the dog upon payment of the transfer fee set out in Schedule “A”, but shall otherwise be cancelled. (Bylaw No. 13295)
 - (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 the transfer fee set out in Schedule “A”. (Bylaw No. 13295)
- 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, park or other public place. (Bylaw No. 13295)
 - (2A) Every owner of a dog shall ensure that the dog does not without provocation physically attack any person or other animal. (Bylaw No. 13295)
 - (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.
 - (5) Notwithstanding subsection (1) and section 9(1) a dog is not required to be on a leash
 - (a) in that part of Confederation Park shown as a permitted off-leash area on the plan attached hereto as Schedule “1”; (Bylaw No. 12289)
 - (b) in that part of Robert Burnaby Park shown as a permitted off-leash area on the plan attached hereto as Schedule “2”; (Bylaw No. 12289)
 - (c) in that part of Burnaby Fraser Foreshore Park shown as a permitted off-leash area on the plan attached hereto as Schedule “3”; (Bylaw No. 13151)

- (d) in that part of Barnet Marine Park shown as a permitted off-leash area on the plan attached hereto as Schedule “4” at all hours that it is open to the public between October 1 and April 30, and from dawn to 10:00 a.m. and 6:00 p.m. to dusk on weekdays other than statutory holidays and from dawn to 10:00 a.m. on weekends and statutory holidays between May 1 and September 30, during the period commencing May 1, 2007 and ending September 30, 2009; (Bylaw No. 12289)
 - (e) in that part of Burnaby Fraser Foreshore Park shown as a permitted off-leash area on the plan attached hereto as Schedule “5”; (Bylaw No. 12289)
 - (f) in that part of Taylor Park shown as a permitted off-leash area on the plan attached hereto as Schedule “6”; (Bylaw No. 12289)
 - (g) in that part of Malvern Park shown as permitted off-leash area on the plan attached hereto as Schedule “7”; (Bylaw No. 12502)
 - (h) in that part of David Gray Park shown as a permitted off-leash area on the plan attached hereto as Schedule “8”; (Bylaw No. 12502)
 - (i) in that part of Confederation Park shown as a permitted off-leash area on the plan attached hereto as Schedule “9”; (Bylaw No. 13151)
 - (j) in that part of Warner Loat Park shown as permitted off-leash area on the plan attached hereto as Schedule “10”; (Bylaw No. 13151)
 - (k) in that part of Burnaby Heights park shown as permitted off-leash area on the plan attached hereto as Schedule “11”. (Bylaw No. 13151)
- (6) The owner or possessor of any dog that is lawfully not on a leash pursuant to subsection (5) shall
- (a) keep the dog under control by verbal command at all times, and
 - (b) ensure that the dog does not cause injury to any person or other animal or damage to any property.

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6. (Bylaw No. 9848)
- (1) For the purpose of this section, an animal that is fed or sheltered for 72 hours or more shall be deemed to be harboured.
 - (2) No owner or occupier of a dwelling unit shall harbour or keep or allow to be kept in the dwelling unit
 - (a) more than three dogs over the age of four months, or (Bylaw No. 13295)
 - (b) more than four cats over the age of four months.
 - (3) No person shall harbour or keep a poisonous or venomous animal. (Bylaw No. 13295)
 - (4) No owner or occupier of a dwelling unit shall harbour or keep or allow to be kept in the dwelling unit more than two snakes and, if the snakes are fed live rodents, no more than four rodents shall be kept in the dwelling unit at any time.
 - (5) No owner of any dog shall permit that dog to disturb the quiet, peace, enjoyment or comfort of the surrounding neighbourhood, or of persons residing in the vicinity, by barking. (Bylaw No. 10689)
- 6.A (Bylaw No. 9848)
- (1) No person shall operate or carry on a circus exhibition, show or any other performance where a wild animal, including but not limited to an animal listed in Schedule E of this Bylaw, is used or appears.
 - (2) No person shall operate or carry on a pony ride or petting zoo unless he or she
 - (a) has provided to the Chief Licence Inspector a letter dated no more than three months earlier than the day of the proposed performance signed by a member in good standing of the British Columbia Veterinary Medical Association certifying that the ponies or other animals are in good health, and
 - (b) has been issued a permit by the Chief Licence Inspector.

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- 6.B No person shall sell, harbour or keep any of the animals listed in Schedule “D”.
(Bylaw No. 13295)
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 an animal or poultry shall permit the animal or poultry, other than a cat, to be at large in the municipality. (Bylaw No. 13295)
9. (1) The pound keeper 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 dog, cat or other animal harboured or kept or allowed to be kept contrary to section 6; (Bylaw No. 10387)
 - (f) any horse, mule, ass, cattle, sheep, goat, swine, rabbit, monkey, guinea pig, gerbil, hamster, mouse, rodent or other animal or poultry unlawfully at large. (Bylaw No. 10387)
 - (g) any dog tethered contrary to section 15A(8). (Bylaw No. 12015)

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- (2) When an order that a dog be destroyed is applied for under the Community Charter, the pound keeper may seize and keep the dog until the Court has decided the matter. (Bylaw No. 13295)
 - (3) The pound keeper 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 pound keeper may
 - (a) keep any vicious dog for up to twenty-one 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 (Bylaw No. 13295)
 - (b) before releasing the dog, require the owner
 - (i) to pay all fees payable under this Bylaw for the impoundment and maintenance of the dog; and
 - (ii) to satisfy the pound keeper that she or he has a place to keep the dog as required by section 7. (Bylaw No. 13295)
 - (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 pound keeper 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 pound keeper 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 pound keeper.
 - (7) Notwithstanding subsection (6), the pound keeper shall not release any dog or other animal or poultry to any person or institution for use in scientific or medical research.
 - (8) Before releasing any animal that was impounded because of a contravention of Section 6 restricting the number of animals that may be harboured or kept in a dwelling unit, the pound keeper shall be satisfied that the number of animals that may be kept at that dwelling unit will not be exceeded. (Bylaw No. 10387)
10. The pound keeper 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 City all moneys received pursuant to this Bylaw unless otherwise authorized by the City; and (Bylaw No. 13295)
 - (e) REPEALED. (Bylaw No. 13295)
11. REPEALED. (Bylaw No. 13295)
12. The pound keeper 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 pound keeper shall give notice to comply with the Bylaw. (Bylaw No. 13295)
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 pound keeper 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 pound keeper when the dog or other animal or poultry has not been redeemed in accordance with the provisions of this bylaw.
15. REPEALED. (Bylaw No. 13295)
- 15.A (Bylaw No. 10387)
- (1) In this section “animal” means any bird, reptile or mammal other than a human being.
 - (2) Every person who keeps a dog in a kennel, pen or run area or similar confining place, whether within or outside a building, shall ensure that

the kennel, pen or run area is cleaned regularly and that excreta does not accumulate.

- (2a) Every person who keeps a dog shall ensure that the dog is provided with the opportunity for exercise sufficient to maintain good health; and, without limiting the generality of the foregoing, every person who keeps a dog in a kennel, pen, run area or similar confining place, whether within or outside a building, shall ensure that the dog is periodically exercised away from the place of confinement.
- (3) Every person who keeps an animal shall ensure that the animal is provided with
 - (a) clean potable drinking water at all times and a sufficient quantity of suitable food to allow for normal growth and the maintenance of normal body weight;
 - (b) clean receptacles for food and water;
 - (c) necessary veterinary care when the animal exhibits signs of injury, pain or suffering that require medical attention.
- (4) Every person who keeps a dog that spends time outdoors shall ensure that the dog, while outdoors, has shelter from the heat, cold and wet and that the shelter has sufficient space to allow the dog to turn freely and to easily stand, sit and lie.
- (5) No person shall use a choke collar on a dog except when walking or training the dog.
- (6) No person shall confine an animal in an enclosed space, including a motor vehicle, without adequate ventilation.
- (7) No person shall transport a dog outside the passenger compartment in a truck unless
 - (a) the dog is confined or securely fastened in a body harness to prevent the dog from falling off the vehicle or otherwise being injured, and
 - (b) the dog has a non-metallic material on which to stand and sit.
- (8) No person shall: (Bylaw No. 12015)

- (a) keep a dog tethered while unattended for more than one hour in any day;
 - (b) keep a dog tethered for more than one hour in any day, whether attended or not, on property used for any purpose other than residential use;
 - (c) tether a dog with a choke collar, training collar, or studded collar or otherwise than with a collar that is properly fitted to that dog and attached in a manner that will not injure the dog or enable the dog to injure itself by pulling on the tether; or
 - (d) tether a dog except with a tether of sufficient length to enable the full and unrestricted movement of the dog.
- 15.B The Superintendent of the Burnaby shelter of the British Columbia Society for the Prevention of Cruelty to Animals is hereby designated as an animal control officer pursuant to and for the purposes of section 49 of the Community Charter. (Bylaw No. 11149 and 13295)
- 15.C REPEALED (Bylaw No. 13892)
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 \$10,000.00. (Bylaw No. 13295)
- 16.A REPEALED. (Bylaw No. 13295)
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

W.J. Copeland
MAYOR

C.A. Turpin
CLERK

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SCHEDULE "A" (Bylaw No. 14070)

LICENCE FEES FOR DOGS

Licence Fees for Dogs	Before March 1st Rate (\$)	After March 1st Rate (\$)
<u>Annual Licence Fees</u>		
Unaltered dog	61.00	73.00
Spayed or neutered dog	31.00	43.00
Spayed or neutered vicious dog	116.00	116.00
Unaltered vicious dog	174.00	174.00
<u>Licence Transfer Fees</u>		
Transfer to new owner	13.00	13.00
Transfer to replacement dog	13.00	13.00
<u>Replacement Licence Tag Fee</u>	7.00	7.00

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Schedule “B” (Bylaw No. 14070)

Fee for Impoundment	Rate (\$)
<u>For a licensed dog</u>	
(a) first impoundment	59.00
(b) second impoundment	174.00
(c) third and subsequent impoundments	347.00
<u>For an unlicensed dog</u>	
(a) first impoundment	113.00
(b) second impoundment	231.00
(c) third and subsequent impoundments	346.00
<u>For each vicious dog</u>	
(a) first impoundment	231.00
(b) each subsequent impoundment	462.00
<u>For all other animals</u>	
(a) first impoundment	24.00
(b) second impoundment	70.00
(c) third and subsequent impoundments	139.00
For special equipment used, if any, to effect the impounding	13.00

Schedule “C” (Bylaw No. 14070)

Maintenance Fees	Rate (\$)
<u>Per day or part of a day:</u>	
(a) For each dog	18.00
(b) For each cat or small animal	7.00
(c) For any animal not listed in (a) or (b)	13.00

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SCHEDULE “D” (Bylaw No. 13295)

List of Prohibited Animals

- all non-human primates
- all felidae, except the domestic cat
- all canidae, except the domestic dog
- all ursidae (bears)
- all proboscidea (elephants)
- all pinnipedia (seals, walrus)
- all marsupials
- all edentates (anteaters)
- all xenarthra (such as sloths, armadillos and tamanduas)
- all monotremata (spiny anteater and platypus)
- all venomous or poisonous reptiles and amphibians
- all venomous and poisonous invertebrates (black widow spiders, tarantulas)
- all ungulates, except the bison and domestic breeds of cow, goat, sheep, pig, horse, mule, donkey, ass, llama and alpaca
- all hyaenidae (hyenas)
- all hyracoidean (hyraxes)
- all mustelidae (skunks, weasels, otters, wild ferrets), except the domestic ferret
- all procyonidae (raccoons, coatimundis)
- all viverridae (civets and genets)
- all herpestidae (mongooses)
- all cetacean (whales, porpoises, dolphins)
- all chiroptera (bats), colugos (flying lemurs) and scandentia (treeshrews)
 - all lagomorphs (rabbits and hare), except the domestic rabbit

SCHEDULE “E”

BYLAW 9848

The following list of animals includes all such animals whether wild or captive bred and also includes all their hybrids with domestic species. The words in parentheses are only examples of a particular group and are not to be construed as limiting the generality of the group.

- all non-human Primates (such as gorillas and monkeys)
- all Felids, except the domestic cat
- all Canids, except the domestic dog
- all Ursids (bears)
- Elephants
- all Pinnipeds (such as seals, fur seals and walruses)
- all Crocodylians (such as alligators and crocodiles)
- all Marsupials (such as kangaroos and opossums)
- all Snakes
- all Artiodactylus Ungulates, except domestic goats, sheep, pigs and cattle
- all Perissodactylus Ungulates, except the domestic horse, mule and ass
- Hyaenas
- all Birds, except domestic pigeons and poultry
- all Mustelids (such as raccoons and coatis)
- all Edentates (such as anteaters, sloths and armadillos)
- all Viverrids (such as mongooses, civets and genets)

SCHEDULE "F"

REPEALED. (Bylaw No. 13295)