



City of Port Moody

Bylaw No. 3343

A Bylaw to regulate the keeping of domesticated Dogs and Cats within the City of Port Moody.

WHEREAS:

- pursuant to section 8(3)(k) of the *Community Charter*, S.B.C. 2003, c. 26 (the "*Community Charter*"), Council for the City of Port Moody has authority to regulate, prohibit, and impose requirements in relation to Animals;
- pursuant to section 48 of the *Community Charter*, Council of the City of Port Moody has the authority to provide for the seizure of Animals and establish fees to be paid in relation to seized Animals;
- pursuant to section 49 of the *Community Charter*, Council of the City of Port Moody has the authority to regulate and control Dangerous Dogs; and
- pursuant to section 15 of the *Community Charter*, Council of the City of Port Moody has authority to establish licensing requirements;

NOW THEREFORE the Council of the City of Port Moody, enacts as follows:

1. Citation

- 1.1 This Bylaw may be cited as "City of Port Moody Animal Control Bylaw, 2024, No. 3343".

2. Repeal

- 2.1 City of Port Moody Animal Control Bylaw No. 2677 and all amendments thereto are hereby repealed.

3. Definitions

- 3.1 In this Bylaw, unless the context otherwise requires:

"Aggressive Behaviour" means any behaviour by a Dog that intimidates or demonstrates a threat of harm directed at a person or a Domestic Animal and includes snarling, growling, or pursuing a person or Domestic Animal.

“Aggressive Dog” means a Dog that 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; or
- b) has caused a Minor Injury to a person or another Animal or has demonstrated a propensity, tendency, or disposition to do so.

“Altered Cat” means a male Cat that has been neutered, or a female Cat that has been spayed.

“Altered Dog” means a male Dog that has been neutered, or a female Dog that has been spayed.

“Animal” has the same meaning as defined in the *Community Charter*.

“At Large” means an Animal which is:

- a) not restrained by means of a Leash where the Animal is located in a Public Place;
- b) not restrained by means of a Leash where the Animal is on private property, other than property owned or occupied by the Owner of that Animal, or where the private property Owner has given permission for the Animal to not be on a Leash;
- c) on unenclosed land owned or occupied by the Owner of the Animal, and not restrained in a manner to prevent it from roaming; or
- d) a Vicious Dog or Dangerous Dog that is on private property and not contained in an Enclosure or securely confined within a dwelling.

“Bite” or “Biting” means contact with a person or Domestic Animal, that includes, but is not limited to, bruising, breaking, or puncturing of the skin, caused by the teeth of an Animal.

“Bylaw Enforcement Officer” means a member of the Port Moody Police Department, or a person appointed by Council as a Bylaw Enforcement Officer.

“Bylaw Manager” means the person appointed as the Manager of Building, Bylaw, and Licensing, or their designate.

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

“City” means the City of Port Moody.

“Competent Adult” means someone over the age of nineteen (19) years.

“Council” means the Council for the City.

“Dangerous Dog” has the same meaning as defined in the *Community Charter*.

“Deliver” means to send by regular or registered mail, or to leave with a person, or deposit in a mailbox or mail slot at the person’s residence or place of business.

“Distress” means one or more of the following forms of suffering:

- a) deprived of adequate food, water, shelter, ventilation, light, space, exercise, care, or veterinary treatment;
- b) kept in conditions that are unsanitary;
- c) not protected from excessive heat or cold;
- d) injured, sick, or in pain; or
- e) abused or neglected.

“Dog” means a member of the *canis familiaris* family, commonly known as a domesticated dog.

“Dog Licence” means a Dog Licence issued by the City in accordance with section 7 of this Bylaw consisting of a tag issued by the City which is impressed or stamped with a unique number.

“Domestic Animal” has the same meaning as defined in the *Community Charter*.

“Enclosure” means a structure that is:

- a) at least two (2) metres in height, width, and length;
- b) constructed of rigid materials;
- c) designed with secure sides, top, and bottom;
- d) locked to prevent unauthorized entry;
- e) suitable to confine the Dog and to prevent the Dog from escaping; and
- f) not constructed of invisible fencing systems.

“Fees Bylaw” means the City of Port Moody Fees Bylaw as amended from time to time.

“Fire Department” means Port Moody Fire Rescue.

“Guard Dog” means a Dog that is specifically trained for or used primarily for the purposes of guarding property, including residential, commercial, and industrial property.

“Impound” includes seizing and detaining.

“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.

“Licence Year” means the period between January 1 and December 31 in any year.

“Livestock” means cattle, goats, horses, sheep, swine, llamas, alpacas, ostriches, and game.

“Minor Injury” means a physical injury to a person or Domestic Animal that includes, but is not limited to, pinches, minor localized bruising, shallow punctures, or lacerations in one direction only.

“Muzzle” means a humane basket-style fastening or covering device that:

- a) encloses the nose and mouth of the Dog;
- b) is strong enough and well-fitted enough to prevent the Dog from biting;
and
- c) does not interfere with the breathing, panting, or vision of the Dog or with the Dog’s ability to drink.

“Off-Leash Area” means an area where a sign is posted by the City indicating a specific geographic area where a Dog may be in a Public Place and not be restrained by a Leash.

“Owner”, in relation to an Animal, means a person:

- a) to whom a Dog Licence has been issued under this Bylaw;
- b) who owns, is in possession of, or has the care or control of an Animal, temporarily or permanently;
- c) who harbours, shelters, permits, or allows an Animal to remain on or about that person’s land or premises; or
- d) who is the custodial parent or legal guardian of a child under the age of eighteen (18) years who owns, is in possession of, or has the care or control of an Animal.

“Permanent Identification” means identification for an Animal in the form of a visible tattoo or a microchip that contains the contact information of the Owner.

“Poultry” includes a domestic fowl, waterfowl, pigeons, and peafowl, but excludes species of birds that are normally kept inside a dwelling.

“Public Place” includes 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:

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

“Special Needs Assistance Animal” means a special needs Animal as defined in the *Guide Animal Act*, R.S.B.C. 1996, c. 177.

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

- a) immediately returns when called by the Owner of the Dog; and
- b) is not displaying Aggressive Behaviour.

“Veterinarian” means a person who is registered and in good standing with the College of Veterinarians of British Columbia to practice veterinary medicine.

"Vicious Dog" means a Dog that:

- a) has, without provocation, caused a Minor Injury to a person on more than one occasion;
- b) has, without provocation, caused a Minor Injury to a Domestic Animal on more than one occasion;
- c) the Bylaw Manager has reasonable grounds to believe that, based on repeated Aggressive Behaviour, is likely to cause a Minor Injury on more than one occasion to a person or Domestic Animal or is likely to cause a Serious Injury to a person or Domestic Animal; or
- d) is a Dangerous Dog.

"Zoning Bylaw" means the City of Port Moody Zoning Bylaw as amended from time to time.

4. Licensing of Dogs

- 4.1 The Owner of every Dog shall obtain a licence for the Dog from the City by registering, describing, and licensing it with the City 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 the number of the licence. Every applicant for a licence shall pay a licence fee as prescribed in the Fees Bylaw.
- 4.2 Licensing fees will be required as prescribed in the Fees Bylaw for Aggressive, Vicious, and Dangerous Dogs.
- 4.3 If a Dog is deemed Aggressive, the existing licence will be considered invalid, and a new licence must be obtained in accordance with the Dog's designation.
- 4.4 If a Dog is deemed Vicious, the existing licence will be considered invalid, and a new licence must be obtained in accordance with the Dog's designation.
- 4.5 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.
- 4.6 No person shall keep, own, have in their possession, or harbour in the City any Dog, unless it has been licensed as aforesaid, and a tag has been obtained.
- 4.7 Every Owner of a Dog shall ensure that a valid and readable Dog licence metal tag is displayed on the Dog at all times by affixing it to the Dog by collar, harness, or other similar device.
- 4.8 A person who, without authority, removes a Dog licence metal tag from any Dog, shall be guilty of a breach of this Bylaw.
- 4.9 Any person who has obtained a tag as provided in this Bylaw and has lost the tag may apply to the Bylaw Manager for a replacement tag. The Bylaw Manager may issue a replacement tag upon payment of a fee as prescribed in the Fees Bylaw.

- 4.10 Where the Owner of a licensed Dog sells or otherwise ceases to be the Owner of the Dog, the licence shall become cancelled.

5. Care and Control of Dogs

- 5.1 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 City, regardless of whether the Owner has entrusted the care and custody of the Dog to any other person. 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 that such Leash is Under the Control of the Owner or their agent.
- 5.2 Every Owner using an Off-Leash Area in a Public Place is responsible for the actions of the Dog. 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.
- 5.3 No person shall suffer or permit any Dog, of which they are the Owner, possessor, or harbourer, to cause any injury to any person or Domesticated Animal anywhere in the City.
- 5.4 No person shall suffer or permit any Dog to leave or deposit excrement any place other than the property of the Owner, unless the Owner takes immediate steps to remove such excrement and to dispose of same in a sanitary manner.
- 5.5 No person shall keep, harbour, or have in their possession 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.
- 5.6 No person shall suffer or permit any Dog, of which they are the Owner, possessor, or harbourer to make any noise anywhere in the City that disturbs the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood or of a person or persons in the vicinity.
- 5.7 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.
- 5.8 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:
- a) to ensure protection from heat, cold, and wet that is appropriate to the Animal's weight and type of coat;
 - b) 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%;
 - c) in an area to provide sufficient shade to protect the Animal from the direct rays of the sun at all times;
 - d) that is regularly cleaned and sanitized, including the daily removal of excrement; and

- e) with access to clean potable drinking water at all times and suitable food of sufficient quantity and quality.
- 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.
- 5.11 Every Owner of an Animal must obey all posted signs that apply to that Animal while in a Public Place.
- 5.12 No Owner of an Animal shall abandon that Animal on any property owned or vested in the City.
- 5.13 Every Owner of a Dog who bites a person or Domestic Animal must remain at the scene of the bite until the person or Domestic Animal is provided medical care or attention if necessary.

6. Vicious Dogs

- 6.1 Every Owner of a Vicious Dog must be a Competent Adult.
- 6.2 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; and
 - b) to have the Vicious Dog photographed, and the photo retained at City Hall for identification purposes.
- 6.3 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.
- 6.4 Every Owner of a Vicious Dog shall, within five (5) days after the Dog has been declared Vicious, have a licensed Veterinarian tattoo or implant an electronic identification microchip in the Animal and provide the added identification information to the Bylaw Enforcement Officer prior to a licence being issued for that Vicious Dog.
- 6.5 Every Owner of a Vicious Dog shall immediately notify a Bylaw Enforcement Officer when that Dog is At Large.

6.6 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 a Competent Adult; or
- b) outdoors within a locked Enclosure constructed to prevent the escape of the Dog and capable of preventing the entry of any person not in control of the Dog.

6.7 When the Owner of a Vicious Dog takes the Vicious Dog off the Owner's property, the Owner shall at all times:

- a) have the Dog securely muzzled;
- b) have the Dog on a Leash that does not exceed 1.2m in length in a manner that prevents it from chasing, injuring, or biting other Domestic Animals or humans; and
- c) ensure that the Dog is under the control of a person over the age of nineteen (19) years.

7. Aggressive Dogs

7.1 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 Bylaw.

7.2 Every Owner of an Aggressive Dog shall ensure that at all times that the Dog is on the Owner's property, the Dog is:

- a) securely confined indoors; or
- b) securely confined outdoors on the premise within a fenced area sufficient to prevent the escape of the Dog and Under the Control of a Competent Adult.

7.3 Every Owner of an 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 Animals or a human; and
- c) Under the Control of a Competent Adult.

8. Revoking Dog Licences

8.1 The Bylaw Manager may revoke a Dog Licence in respect of any Dog whose Owner has failed to pay any licensing or impoundment fees under this Bylaw, and not reinstate that Dog Licence until all fees are paid.

8.2 Where a Dog is licensed and is subsequently deemed to be an Aggressive Dog or a Vicious Dog, the Dog Licence applicable to that Dog will become invalid and the Owner of that Dog must apply to the City for a new Dog Licence.

8.3 If a Dog Licence is revoked under this Bylaw, the City shall deliver notice of the revocation to the Owner at the address indicated on the Dog Licence application.

9. Seizure of Dogs

- 9.1 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.
- 9.2 After making a seizure, a Bylaw Officer shall deliver the Dog to the Animal Shelter and retain the Dog for a period of up to four (4) days (96 hours). If the Dog has not been claimed, with any and all fees, penalties, or other amounts owing paid in full, the City may put the Dog up for adoption.
- 9.3 A Bylaw Officer who has reason to believe that a Dog for which the licence for the current year has not been paid, or a Dog that does not have attached to it a metal tag, has taken refuge on any premises, may request that the Dog be delivered to the Bylaw Manager immediately. Any person refusing or interfering with the Bylaw Manager's request or seizure of the Dog shall be deemed to commit an offence under this Bylaw.
- 9.4 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. If the Owner does not comply with the request, the Bylaw Officer may, subject to this Bylaw or the *Community Charter*, seize the Dog and impound the same.
- 9.5 It shall be lawful for the Bylaw Manager, Bylaw Officer, or any Police Officer or any other person duly authorized by the City 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 prior to destruction upon application to the Bylaw Manager and upon proof of ownership and upon payment of the licence fee for the current year and the expenses incurred in impounding and maintaining such Dog, as prescribed in the Fees Bylaw.
- 9.6 The Owner of any Licensed Dog impounded under this Bylaw may reclaim the Dog upon application to the Bylaw Manager and upon providing proof of ownership and payment of the expenses incurred in impounding and maintaining such Dog as prescribed in the Fees Bylaw.
- 9.7 It shall be the duty of the Bylaw Manager to keep a record of each Dog impounded, the date and hour of impounding, the description of the Dog, the name of the person from whom the Dog had been seized, and the manner in which such Dog is disposed of. This record shall be open to inspection by the City or their appointed agents.

10. Animal Defecation

10.1 Every Owner of an Animal that defecates in a Public Place or on any private property without the consent of the Owner of that property, shall immediately remove the excrement and dispose of it in a sanitary manner.

11. Transportation of Animals

11.1 No person may transport an Animal in a vehicle outside the passenger compartment unless it is confined in a pen or a cage, or unless it is secured in a body harness or other manner of fastening to prevent it from jumping or falling off the vehicle or otherwise injuring itself.

12. Confinement of Animals

12.1 No person may cause, permit, or allow an Animal to be confined in an enclosed space, including a motor vehicle or boat, unless:

- a) there is adequate ventilation to prevent the Animal from suffering discomfort, Distress, or heat- or cold-related injury; and
- b) such enclosed space or vehicle, if stationary, shall be in an area providing sufficient shade to protect the Animal from the direct rays of the sun at all times.

13. Care of Animals

13.1 No person may keep an Animal unless the Animal is provided with:

- a) clean potable drinking water at all times and suitable food of sufficient quantity and quality to allow for normal growth and the maintenance of normal body weight;
- b) food and water receptacles kept clean and disinfected and located so as to avoid contamination by excreta;
- c) the opportunity for periodic exercise sufficient to maintain good health, including the opportunity to be unfettered from a fixed area and exercised regularly under appropriate control;
- d) necessary veterinary medical care when the Animal exhibits signs of pain, suffering, or Distress;
- e) daily opportunities for social contact with people or Animals; and
- f) clean and sanitary living conditions, including the removal of excrement.

13.2 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:

- a) to ensure protection from heat, cold, and wet that is appropriate to the Animal's weight and type of coat;
- b) 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%;
- c) in an area that provides sufficient shade to protect the Animal from the direct rays of the sun at all times;
- d) that is regularly cleaned and sanitized including the daily removal of excrement; and
- e) that contains dry bedding that will assist with maintaining normal body temperature.

13.3 No person shall cause, permit, or allow an Animal to be tethered, hitched, tied, or fastened to a fixed object:

- a) in such a way that the Animal is able to leave the boundaries of the Owner's property;
- b) where a choke, prong, or shock collar or a chain forms part of the securing apparatus or where a rope or cord is tied directly around the Animal's neck;
- c) except with a collar or harness that is properly fitted to the Animal and attached in a manner that will not injure the Animal or enable the Animal to injure itself;
- d) except with a tether of sufficient length to enable the full and unrestricted movement of the Animal; or
- e) while the Animal is unattended at any time.

13.4 No person shall cause, permit, or allow an Animal to be in Distress.

14. Cat Control

14.1 No person may be or become an Owner of any Cat that is actually or apparently over the age of six (6) months unless:

- a) the Cat has been spayed or neutered by a Veterinarian; or
- b) the person is not normally resident in the City and, while in the City for any temporary period or periods, ensures that the Cat is not permitted to be running At Large in the City.

14.2 Every Owner of a Cat must ensure that the Cat, if it is whether pursuant to a breeder's permit issued under this Bylaw or otherwise, is not permitted to be running At Large within the City.

15. Cat Identification

15.1 Every Owner of a Cat shall, for ensuring that their 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.

15.2 It is unlawful for any person other than the Owner of a Cat or the Bylaw Manager to remove any identification worn by a Cat.

16. Poultry and Livestock

16.1 No person shall keep Livestock or Poultry on or in any residentially zoned property.

17. Offence and Penalty

17.1 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 Ten Thousand Dollars (\$10,000.00) or a term of imprisonment not exceeding six (6) months or both; and each day which any contravention continues shall be deemed a separate offence.

17.2 Offences for which tickets can be issued and fines imposed are prescribed in the Municipal Ticket Information Authorization Bylaw.

18. Severability

18.1 If a portion of this Bylaw is found invalid by a court, it will be severed, and the remainder of the Bylaw will remain in effect.

Read a first time this 27th day of February, 2024.


Read a second time this 27th day of February, 2024.

Read a third time this 27th day of February, 2024.

Adopted this 12th day of March, 2024.



M. Lahti
Mayor



S. Lam
Corporate Officer