

WHEREAS Chapter 26, Division 6 of the *Community Charter* authorizes a local government to regulate, prohibit and impose requirements in relation to animals;

NOW, THEREFORE, the Council of the Corporation of the City of White Rock in open meeting assembled hereby enacts as follows:

1. This Bylaw may be cited as “Animal Control and Licensing Bylaw, 2012, No. 1959.”
2. “White Rock Dog Licensing, Control and Impounding By-law, 1989, No. 1161” and amendments thereto are hereby repealed.

INTERPRETATION

3. In this Bylaw:

“altered dog” means a dog that has been spayed or neutered;

“aggressive dog” means a dog that meets any one or more of the following conditions:

- (a) A dog that has attacked, bitten or caused injury, with or without provocation, to a person or has demonstrated a propensity, tendency or disposition to do so;
- (b) a dog that, while running at large, has bitten or caused injury to a domestic animal;
- (c) a dog that, while running at large, has aggressively pursued or harassed a person or domestic animal;
- (d) a dog with a known propensity to attack or injure a person without provocation;
- (e) a dog owned or harboured primarily, or in part, for the purpose of dog fighting or a dog trained for dog fighting;
- (f) a dangerous dog;
- (g) a dog that has been found to be dangerous or aggressive by the animal control officer, or a previous bylaw, by another local government or by a Court;

“animal” means a domestic animal as defined in the *Community Charter*, but for the purposes of this Bylaw does not include wildlife, *livestock* or *poultry*.

“animal control officer” means a person appointed by Council as an animal control officer and includes a bylaw enforcement officer or peace officer;

“beach area” means the area within the City of White Rock below the natural boundary for Semiahmoo Bay extending to the 49th parallel;

“City” means the Corporation of the City of White Rock;

“competent person” means a person that, in the opinion of the Animal Control Officer, has the physical capability to maintain immediate physical control of a dog. *(added by Bylaw 2027, Oct 21, 2013)*

“Council” means the Council of the City of White Rock;

“dangerous dog” means a “dangerous dog” as defined in Section 49 of the *Community Charter*;

“director” means the City employee responsible for the management and administration of the city department responsible for animal control and bylaw enforcement. *(added by Bylaw 2027, Oct 21, 2013)*

“dog” means any animal of the canine species and, for the purposes of dog licensing and kennels, pursuant to Sections 4 to 25 of this Bylaw, excludes any dog under the age of four months;

“enclosure” means a structure at least 1.8 metres in height having a solid floor and wire or steel mesh sides and roof, constructed to prevent the entry of young children or the escape of a dog;

“exotic animal” means any animal listed in Schedule “D” of this Bylaw;

“kennel” means any premises where more than three dogs are kept, housed or harboured, except as exempted in Section 6.

“leash” means a rope, chain, cord, leather strap or other restrictive device which is designed and manufactured to enable a dog to be restrained by securely and directly attaching to a collar or harness which is strapped to a dog in such a manner as to prevent the dog from removing the collar or harness, and with a closed loop or handle designed and produced to enable it to be securely held by a competent person. *(added by Bylaw 2027, Oct 21, 2013)*

“license year” means the period between January 1 and December 31 in any year;

“livestock” means cattle and other animals of the bovine species, horses, donkeys, mules, llamas, ostrich, swine, sheep or goats;

“nuisance dog” means a dog:

- (a) that has been impounded 3 times within the previous 24 months;
- (b) for which the owner has received a municipal ticket for howling or barking or running at large 3 times within the previous 24 months; and/or
- (c) for which the total number of impounds and tickets totals 3 within the previous 24 months;

“owner” means any person:

- (a) to whom a license for a dog has been issued pursuant to this Bylaw; or
- (b) who owns, is in possession of, or has care or control of any animal; or
- (c) who harbours, shelters, permits or allows any animal to remain on or about the owner’s land or premises;

“pet” means any domestic animal other than livestock or poultry kept within a residence or on real property for other than commercial purposes;

“pier” means the White Rock Pier located on District Lot 595 owned and maintained by the City;

“poultry” means any fowl including a chicken, turkey, duck, goose, swan or peafowl but excluding a bird commonly held indoors;

~~“promenade” means the walkway and adjacent grassy areas adjacent to the BNSF railways tracks and Semiahmoo Bay, owned and maintained by the City and extending from the end of Finlay Street west to Bay Street (removed by Bylaw 2027, Oct 21, 2013)~~

“promenade” means the walkway and adjacent grassy areas adjacent to the BNSF railways tracks and Semiahmoo Bay, owned and maintained by the City; *(amended by Bylaw 2027, Oct 21, 2013)*

“public place” includes any highway and any real property owned, held, operated or administered by the City or by a school district located within the City of White Rock;

“running at large” means a dog located elsewhere other than on the property of the person owning or having the custody, care or control of the dog, and which is not under the immediate charge and control of a responsible and competent person; *(added by Bylaw 2027, Oct 21, 2013)*

“seize” includes impound and detain;

“species individual” in relation to an exotic animal means a single live member of the species, at any developmental stage;

“unaltered dog” means a dog that is not spayed or neutered;

“unlicensed dog” means any dog over the age of four months that is not licensed by the City or is not wearing a current valid dog license tag.

PETS

4. No person shall keep or allow to be kept on any real property more than three dogs.
5. No person shall keep, own or operate a kennel.
6. The prohibitions in Sections 4 and 5 do not apply to:
 - (1) An animal control shelter authorized by the City;
 - (2) Premises operated by the BC Society for the Prevention of Cruelty to Animals;
 - (3) A retail pet store;
 - (4) A veterinary hospital under the control of a veterinarian registered as a member of the BC Veterinary Medical Association; or
 - (5) Premises operated by a recognised institution of education for research, study, or teaching purposes.
7. No person shall possess or keep in any area, temporarily or permanently, any species individual or any exotic animal.

DOGS

Dog License Required

8. No person shall keep or allow to be kept on any real property any dog unless a valid dog license for the current year has first been obtained for that dog from the City.
9. Every owner of a dog shall make application to the City for a dog license on the form provided by the City and pay the fee set out in Schedule “A” of this Bylaw and, upon receipt of the application and payment of the prescribed fee, the city shall issue a numbered dog license tag for the current license year.
10. Every dog license and corresponding license tag issued under this Bylaw shall expire on the 31st day of December in the calendar year in which the license was issued.
11. Every dog owner shall ensure that a valid dog license tag is displayed on the dog at all times by affixing it to the dog by a collar, harness, or other suitable device.
12. Where an owner of a licensed dog has a change of address within the City, the owner shall promptly notify the City and pay the license transfer fee set out in Schedule “A” of this Bylaw.
13. Where a dog has been duly licensed in another municipality, that license shall be valid in the City upon registration of the dog with the City and payment of the license transfer fee set out in Schedule “A” of this Bylaw.

14. Where a dog license tag is lost, stolen or is otherwise rendered unusable, the dog owner shall promptly make application to the City to replace the license tag and pay the license tag replacement fee set out in Schedule “A” of this Bylaw.
15. No dog license shall be issued to or in the name of any person under the age of 18 years.
16. Every dog license and corresponding license tag issued under this Bylaw is valid only in respect of the dog for which it was issued, as described on the license application, and is not transferable to another dog.
17. The Animal Control officer may, where he has reason to believe that a dog for which the license fee for the current year has not been paid, or a dog which does not have attached to it the tag for the current year, has taken refuge on any premises, request the occupant of such premises to satisfy him such license fee has been paid, and to exhibit such tag attached to such dog, and where any dog is found to be on such premises, any occupant who fails or refuses to exhibit such tag attached to such, shall be guilty of an infraction of this bylaw.

Dog License Fees

18. Where an owner makes application for a dog license, the owner shall pay the license fee set out in Schedule “A” to this bylaw.
19. The owner of a dog that is not an aggressive dog or a nuisance dog and who provides a veterinarian’s certificate at the time of application certifying that the dog has been spayed or neutered may pay the license fee set out in Schedule “A” for altered dogs.

Dog Adoption

20. Every person wishing to adopt a dog that has been impounded by the City and unclaimed by the dog’s rightful owner shall:
 - (1) Make application to the City and pay the fee set out in Schedule “B” of this Bylaw; and
 - (2) Where applicable, license the dog pursuant to this Bylaw and pay the fee set out in Schedule “A” of this Bylaw.
21. Where, in the opinion of the animal control officer, the applicant for the dog adoption is not suitable, or the dog requested is not suitable for the applicant, the officer may refuse to adopt out the dog to that applicant and, where refused, the reason for refusal shall be given in writing.

DOG CONTROL

Prohibitions

22. No owner of a dog shall permit or allow the dog to howl or bark:

- (1) Such that the howling or barking unreasonably disturbs persons in the neighbourhood or vicinity;
- (2) In an outdoor area between the hours of 8:00 pm to 8:00 am; or
- (3) At any time for a period of 15 minutes or more.

23. No owner of a dog shall permit or allow a dog to:

- (1) Be running at large;
- (2) Trespass on private property;
- (3) Be on private land where the dog is not contained, either by a fence and gate, a tether, an enclosure, or other effective containment mechanism, unless the dog is under the immediate control of a competent person;
- (4) ~~Be in a public place unless the dog is kept on a leash or tether not exceeding three metres in length and is under the immediate control of a competent person;~~ *(removed by Bylaw 2027, Oct 21, 2013)*

Be in a public place unless the dog is kept on a leash not exceeding three metres in length and is under the immediate control of a competent person; *(added by Bylaw 2027, Oct 21, 2013)*

- (5) Be on the pier or promenade, at any time; or
- (6) Be on the beach area at any time. Notwithstanding, dogs may be permitted on the beach area west of a line extending in a straight line from the centre line of Bay St south to the 49th parallel.

Seizure of Dogs

24. The animal control officer may seize any dog that is unlicensed, found at large, on property contrary to Section 23 of this Bylaw, or deemed to be under cruel conditions contrary to Sections 40 to 44 of this Bylaw. *(amended by Bylaw 2027, Oct 21, 2013)*

Female Dog in Heat

25. The owner of a female dog shall, at all times when that dog is in heat, keep it securely confined indoors or within a building or enclosure capable of preventing the escape of that dog and the entry of other dogs.

AGGRESSIVE DOGS

26. Where, in the opinion of an animal control officer, a dog has been involved in an incident in which the dog was an aggressive dog, the animal control officer shall prepare a written report of the incident. ~~to be submitted to the Director.~~ *(amended by Bylaw 2027, Oct 21, 2013)*

- 27.** If in the opinion of the ~~Director~~ Animal Control Officer, grounds exist to classify the dog as an aggressive dog under this Bylaw, a letter shall be sent to the owner of the dog confirming that the City considers the dog to be an aggressive dog and advising the owner of the requirements for confining, identifying and restraining aggressive dogs under this Bylaw. *(amended by Bylaw 2027, Oct 21, 2013)*
- 28.** Where a dog has been classified as an aggressive dog pursuant to Section 26, the owner of the dog may appeal the classification, in writing, within 10 days to the Director, who will review the owner's submissions, the written report of the animal control officer, and any other materials deemed relevant, and who will then determine whether the City will continue to classify the dog as an aggressive dog.
- 29.** Every owner of an aggressive dog shall:
- (1) At all times while the dog is on the premises occupied by the owner, keep the dog securely confined indoors or in an enclosure; and
 - (2) At all times while the dog is off the premises occupied by the owner, keep the dog:
 - (a) On a leash or tether not exceeding three metres in length;
 - (b) Under the immediate care and control of a competent person; and
 - (c) Muzzled to prevent it from attacking and/or biting a person or other animal.
 - (3) Permit the City to implant a microchip into the shoulder/neck area of the aggressive dog;
 - (4) Make available to the City for tracking and/or identifying purposes, the identifying information provided by the microchip; and
 - (5) Pay the microchip implant fee set out in Schedule "B" of this Bylaw.
- 30.** Where the owner of an aggressive dog requests that the dog be destroyed, the animal control officer may arrange to have the dog humanely destroyed at the expense of the owner.
- 31.** A dangerous dog may also be dealt with in accordance with Section 49 of the *Community Charter*.

IMPOUNDMENT

- 32.** Where any dog or pet is impounded pursuant to this Bylaw:
- (1) The animal control officer shall make reasonable effort to determine the owner, and to notify the owner of the impoundment and the procedure and or requirements to recover the dog or pet.
 - (2) The animal control officer shall make reasonable efforts to contact the owner of a dog if it is wearing a dog license tag by calling the most recent phone number in the license information for the dog.
 - (3) If a dog has no dog license tag, the animal control officer has no means or obligation to contact the owner of the dog.

- (4) The impoundment fees for an unlicensed dog shall be double the fees for a licensed dog as set out in Schedule “B”, plus the cost of a license for a dog, which shall be paid in full before the dog can be recovered by the owner.
- (5) The impoundment fees shall increase as prescribed in Schedule “B” for each impoundment of the same dog in a 24-month period.
- (6) If the animal control officer is not able to determine or make contact with the owner, the animal control officer must post a notice on the public notice board at City Hall and at any commercial kennel or boarding facility under contract to the City, describing the dog or pet and stating the date of impoundment and the impoundment period.
- (7) The owner must recover the dog or pet from the place of impound within 96 hours from the time of impoundment by giving evidence of ownership and paying the prescribed impound fee and daily boarding fee, calculated for each day or partial day that the dog, cat or pet is impounded, as set out in Schedule “B” of this Bylaw.
- (8) The impoundment fee for a nuisance dog or for an aggressive dog shall be the fee set out in Schedule “B”, regardless of whether a dog is licensed or unlicensed.
- (9) The City may provide for the adoption or humane destruction of a dog, cat or pet after the expiration of 96 hours from the time of impoundment.

33. Where an impounded dog or pet is adopted out pursuant to this Bylaw:

- (1) Any monies received by the City from the sale of the dog or pet shall be applied against the fees and cost of impounding, boarding and adopting out the animal and any monies remaining and unclaimed after 30 days shall be credited to the General Revenue account of the City.
- (2) It shall be the responsibility of the original owner of the animal to claim the proceeds from the sale of the animal, less the fees and cost set out in this section, within 30 days of the adoption of the dog or pet.

34. No person shall take, remove or release, or assist in the taking, removing or releasing, of any dog or pet impounded by the City without first obtaining the consent of an animal control officer and paying all fees relating to the impound of the dog, cat or pet.

Impoundment and Release of Aggressive Dogs

35. The owner of an aggressive dog that has been impounded pursuant to this Bylaw, may only reclaim the dog upon application to the animal control officer with the following:

- (1) Proof of ownership of the aggressive dog;
- (2) Payment of the fees as set out in Schedule “B”; and
- (3) Delivery to the animal control officer of an executed statement in the form prescribed in Schedule “C”.

36. Notwithstanding Section 34, where a dangerous dog is seized pursuant to Section 49 of the *Community Charter*, or where the City is otherwise making application under Section 49 of the *Community Charter* for an order for the destruction of a dangerous dog, the animal control officer may refuse to release the dangerous dog to the owner in accordance with Section 49 of the *Community Charter*.

ANIMAL CONTROL

Defecation

37. Any person having care, control, or custody of a dog that defecates on a public place or on private property without the consent of the property owner shall have in their possession a suitable means of facilitating removal of the excrement. Failure to do so may result in fines in accordance with the City's Ticketing for Bylaw Offenses Bylaw.
38. Any person having care, control, or custody of a dog that defecates on a public place or on private property without the consent of the property owner shall immediately remove the excrement and dispose of it in a sanitary manner. Failure to do so may result in fines in accordance with the City's Ticketing for Bylaw Offenses Bylaw.

Contagious Disease

39. No person shall keep any dog or pet suffering from an infectious or contagious disease unless the animal is kept securely confined within a building or enclosure and is under veterinary care for that disease.

Prohibition of Cruelty to Animals

40. No person shall keep any animal in the City unless the animal is provided with:
- (1) Clean, potable drinking water and sufficient food;
 - (2) Sanitary food and water receptacles;
 - (3) The opportunity for periodic exercise sufficient to maintain the animal's good health;
 - (4) Clean bedding material and an area maintained at a temperature warm and dry enough to prevent the animal from suffering discomfort; and
 - (5) The necessary veterinarian care when the animal exhibits signs of pain, suffering, or disease.
41. No person shall keep any animal outside for extended periods of time unless the animal is provided with shelter capable of protecting the animal from suffering from heat, cold, rain, wet or damp conditions, and the direct rays of the sun.
42. No person shall keep any animal confined in an enclosed space, including a motor vehicle, without sufficient ventilation to prevent the animal from suffering from the heat.

43. No person shall keep any animal hitched, tied or fastened to a fixed object where a choke collar or choke chain forms part of the securing apparatus, or where a rope or cord is tied directly around the animal's neck.
44. No person shall keep any animal hitched, tied or fastened to a fixed object as the primary means of confinement for an extended period of time.

Livestock and Poultry

45. No person shall keep or allow to be kept on any real property any livestock, poultry, aviary, or apiary except as permitted pursuant to City of White Rock Bee Keeping Bylaw, 1992, No. 1313.
46. An animal control officer may seize any livestock or poultry unlawfully at large.

ENFORCEMENT

Authority of Animal Control Officer

47. An animal control officer may enter any real property at any reasonable time for the purpose of ascertaining whether the regulations and requirements of this Bylaw are being observed in accordance with the provisions of Section 16 of the *Community Charter*.
48. No person shall obstruct or impede, or refuse or neglect to admit to any property, an animal control officer in the execution of the animal control officer's duties and powers under this Bylaw or the *Community Charter*.
49. All animal control officers are designated animal control officers for the purpose of Section 49 of the *Community Charter*.
50. An animal control officer has the authority to require that persons licensing a dog, adopting a dog, or retrieving a dog from impoundment provide information, on a form or otherwise, and may prescribe forms that must be completed for these purposes.

Exemptions

51. Any owner of a dog used by a government law enforcement agency is exempt from the provisions and licensing requirements of this Bylaw, and any owner of a dog used as a guide animal pursuant to the *Guide Animal Act*, as amended, is exempt from the licensing fees set out in this Bylaw.

Offense and Penalty

52. Every person who violates any provision of this Bylaw, or who allows or permits any act or thing to be done in violation of any provision of this Bylaw, or who neglects to or refrains from doing anything required to be done by any provisions of this Bylaw, is guilty of an offense against this Bylaw and each day that a violation continues to exist is deemed to be a separate offense against the Bylaw.

53. Any person who commits an offense against this Bylaw may be liable to a fine as outlined in the City’s “Ticketing for Bylaw Offenses Bylaw, 2011, No. 1929”. Every person who commits an offense against this Bylaw shall be liable upon summary conviction to a fine of not less than one thousand dollars (\$1,000.00) and not more than ten thousand dollars (\$10,000.00).

Severability

54. If any portion of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed from this Bylaw, and the severance shall not affect the validity of the remaining portions of the Bylaw.

READ A FIRST TIME this..... 7th day of May, 2012.
READ A SECOND TIME this..... 7th day of May, 2012.
READ A THIRD TIME this 7th day of May, 2012.
RECONSIDERED AND ADOPTED this 28th day of May, 2012.

Original Signed by Mayor Wayne Baldwin

MAYOR

Original Signed by Tracey Arthur, City Clerk

CITY CLERK

**THE CORPORATION OF THE
CITY OF WHITE ROCK
BYLAW NO. 1959**



SCHEDULE "A"

DOG LICENSE FEES

Category	Fee
Unaltered Dog (each, male or female)	\$ 40.00
Altered Dog (each, male or female)	\$ 25.00
License Tag Replacement	\$ 10.00
License Transfer	\$ 10.00
Nuisance Dog	\$100.00
Aggressive Dog	\$200.00

SCHEDULE "B"

IMPOUND, BOARDING AND MISCELLANEOUS FEES

Impound Fees

Fees based on the number of Impoundments of the same dog in a 24 month period

	<u>Fee</u>
Licensed Dog – 1 st Impoundment	\$ 40.00
Licensed Dog – 2 nd Impoundment	\$ 80.00
Licensed Dog – 3 rd or subsequent Impoundment	\$120.00
Unlicensed Dog – 1 st Impoundment	\$ 80.00 plus license fee

Fees for Aggressive and Nuisance Dogs

	<u>Fee</u>
Nuisance Dog	\$ 500.00
Altered Aggressive Dog	\$ 600.00
Unaltered Aggressive Dog	\$1,000.00

Daily Boarding Fees

- * The City of White Rock does not have a City owned and operated animal control shelter, but is dependent on the services of a commercial kennel under contract to the City for the boarding of animals. Boarding fees will therefore be based on the actual cost charged by the commercial kennel under contract to the City.

Miscellaneous Fees

Category	Fee	
Adoption Fees	\$200.00	per dog plus license fee
Microchip Implant	\$ 60.00	

SCHEDULE “C”

APPLICATION FOR RELEASE OF AGGRESSIVE DOG

1. I, _____, of
(name of owner)

(address of owner)

in the City of White Rock, British Columbia, hereby apply for the release of

(colour, breed and sex of dog)

named _____

(given name of dog)

(the dog)

which has been impounded pursuant to the City of White Rock Animal Control and Licensing Bylaw, 2011, No. ****.

2. I am the owner of the dog.
3. I am aware that the dog is an “aggressive dog” within the meaning prescribed by the Bylaw and I am aware of the responsibility and potential liability that rests with me in keeping or harbouring the dog.
4. In consideration of the release of the dog to me, I hereby acknowledge, covenant and agree with the City of White Rock:
 - a. That I have constructed on the premises where the dog will be kept an “enclosure” within the meaning prescribed by the Bylaw;
 - b. That I will, at all times when the dog is not effectively muzzled, on a leash and under the care and control of a person who is competent to control the dog, keep the dog indoors or within a securely closed and locked enclosure;
 - c. That I will save harmless and indemnify the City of White Rock, its animal control officers and any of its other officers, agents or elected or appointed officials from and against any and all actions, causes of action proceedings, claims, demands, losses, damages, costs or expenses whatsoever and by whomsoever brought in to me or the keeping or harbouring of the dog by me, and without limiting the generality of the foregoing, for any personal injury or death inflicted on any other animal or any person by the dog or any damage to property caused by the dog; and
 - d. That I am aware that if the dog is ever again found to be at large or not confined as herein provided, that the City may seize the dog and I will be liable for the full costs of impounding the dog as an “aggressive dog” under the Bylaw.
5. I submit herewith the sum of \$_____ in payment of all license and impounding fees payable by me pursuant to the Bylaw.

Signature of Owner

SCHEDULE “D”

PROHIBITED EXOTIC ANIMALS

1. *The following list of animals constitutes “exotic animals for the purposes of this Bylaw. The list includes all such animals whether bred in the wild or in captivity and also includes all their hybrids with domestic species. The words in parenthesis are intended to act as examples only of a particular group and are not to be construed as limiting the generality of the group. This list includes:*

- (1) Non-human Primates (such as gorillas, monkey, lemurs, etc.)
- (2) Felids, except domesticated cats
- (3) Canis, except domesticated dogs
- (4) Ursids (bears)
- (5) Elephants
- (6) Pinnipedia (such as seals, fur seals and walruses)
- (7) Crocodylians (such as alligators and crocodiles)
- (8) Marsupials (such as kangaroos and opossums)
- (9) Venomous or poisonous reptiles
- (10) Venomous or poisonous arachnids (scorpions)
- (11) Snakes, except those designated as wildlife by Provincial enactment
- (12) Ungulates, except domestic horses, mules and asses, goats, sheep, pigs and cattle
- (13) Hyenas
- (14) Mustelines (such as skunks, weasels, otters and badgers)
- (15) Procyonidae (such as raccoons and coatis)
- (16) Edentates (such as anteaters, sloths and armadillos)
- (17) Viverrines (such as mongooses, civets and genets)