

City of Chilliwack

Bylaw No. 3400

A bylaw to provide for the control of animals and licensing of dogs

NOW THEREFORE the Council of the City of Chilliwack in open meeting assembled enacts as follows:

1. This Bylaw may be cited as “**Animal Control and Licence Bylaw 2007, No. 3400**”.
2. “Animal Control and Licence Bylaw 2004, No. 2994” and amendments thereto are hereby repealed.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, killed 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 Director of Development or designate under this, or a previous bylaw, by another local government, or by a court;

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

“City” means the City of Chilliwack;

“Council” means the Council of the City of Chilliwack;

INTERPRETATION (continued)

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

“dog” means any animal of the canine species and, for the purposes of dog licensing and kennels, pursuant to Sections 4 to 23 of this Bylaw, excludes any dog under the age of six 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;

“licence 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 running at large 3 times within the previous 24 months; 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 licence for a dog has been issued pursuant to this Bylaw; or
- (b) who owns, is in possession of, or has the 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 domesticated animal other than livestock or poultry kept within a residence or on real property for other than commercial purposes;

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

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

“seize” includes impound and detain;

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

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

PETS

4. No person shall keep or allow to be kept on any real property more than five pets, consisting of not more than three dogs or not more than three cats, except in the lawful operation of a hobby kennel, breeding kennel, commercial kennel, pet store, veterinary practice or other similar facility, as permitted pursuant to this Bylaw and the City’s Zoning Bylaw, in force from time to time.

DOGS

Dog Licence Required

5. No person shall keep or allow to be kept on any real property any dog unless a valid dog licence for the current licence year has first been obtained for that dog from the City.
6. Every owner of a dog shall make application to the City for a dog licence 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 licence tag for the current licence year.
7. Every dog licence and corresponding licence tag issued under this Bylaw shall expire on the 31st day of December in the calendar year in which the licence was issued.
8. Every dog owner shall ensure that a valid dog licence tag is displayed on the dog at all times by affixing it to the dog by a collar, harness, or other suitable device.
9. 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 licence transfer fee set out in Schedule “A” of this Bylaw.
10. Where a dog has been duly licensed in another municipality, that licence shall be valid in the City upon registration of the dog with the City and payment of the licence transfer fee set out in Schedule “A” of this Bylaw.
11. Where a dog licence tag is lost, stolen or is otherwise rendered unusable, the dog owner shall promptly make application to the City to replace the licence tag and pay the licence tag replacement fee set out in Schedule “A” of this Bylaw.
12. No dog licence shall be issued to, or in the name of any person, under the age of 18 years.
13. Every dog licence and corresponding licence tag issued under this Bylaw is valid only in respect of the dog for which it was issued, as described on the licence application, and is not transferable to another dog.

Dog Licence Fees

14. Where an owner makes application for a dog licence, the owner shall pay the licence fee set out in Schedule “A” to this bylaw.

Dog Licence Fees (continued)

15. 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.

Kennels

16. A person may keep up to five dogs or five cats as part of a licensed hobby kennel on a property .04 hectares or larger, provided that a hobby kennel use is permitted, pursuant to the City's Zoning Bylaw, in force from time to time.
17. In addition to paying for and obtaining individual dog licences, the operator of a hobby kennel permitted pursuant to the City's Zoning Bylaw, in force from time to time, shall obtain a Hobby Kennel Licence at the fee set out in Schedule “A” of this Bylaw.
18. No person may keep any aggressive dogs or nuisance dogs as part of a hobby kennel.
19. A person may keep up to 10 dogs or cats as part of a breeding kennel licensed under the City's Business Licence Bylaw, in force from time to time, provided that the property is at least 1 hectare in size and a breeding kennel is a permitted use of the property under the City's Zoning Bylaw, in force from time to time.
20. A person may keep more than 10 dogs or cats in a commercial kennel licensed under the City's Business Licence Bylaw, provided that the property is at least 1 hectare in size and a commercial kennel is a permitted use of the property under the City's Zoning Bylaw, in force from time to time.
21. Every commercial or breeding kennel and animal shelter that keeps dogs shall include both an indoor kennel area and an outdoor exercise area as follows:
- (1) The indoor kennel area shall comply with the following requirements:
 - (a) the building shall be equipped with a heating and cooling system capable of maintaining an indoor temperature between 10 and 25 degrees Celsius;
 - (b) every cage or pen must be of sufficient size and height to permit each dog to turn about freely, stand, sit, and lie in a normal position; and
 - (c) the building must allow natural light and ventilation to be introduced into the interior of the building by windows, skylights or a combination thereof.
 - (2) The outdoor exercise area shall be as follows:
 - (a) attached to the indoor kennel area;
 - (b) large enough to allow each dog being kept to break into a trot; and,
 - (c) fully enclosed by a sturdy fence with a minimum height of 1.8 meters, capable of keeping any of the dogs from escaping.

Kennels (continued)

- 22.** No owner or operator of a kennel or animal shelter shall cause or permit;
- (1) more than one animal to be kept in a cage or pen unless the cage or pen is of sufficient size and height to permit each animal kept therein to move freely and easily;
 - (2) female animals in heat to be kept in cages or pens with male animals;
 - (3) aggressive dogs to be kept with other dogs or animals;
 - (4) animals under the age of 4 months of age to be kept with adult animals other than their dams; and,
 - (5) animals under treatment for a communicable disease or suspected of having a communicable disease to be kept with other animals.
- 23.** Every owner or operator of a kennel shall, at least once daily, clean and sanitize the kennel of animal excrement.

Dog Adoption

- 24.** Every person wishing to adopt a dog from the City’s animal control facility shall:
- (1) make application at the animal control facility on the form prescribed by the animal control officer and pay the fee set out in Schedule “D” of this Bylaw; and
 - (2) where applicable, license the dog pursuant to this Bylaw and pay the prescribed fees set out in Schedule “A” of this Bylaw.
- 25.** Where, in the opinion of the animal control officer, the applicant for a dog adoption is not suitable, or the dog requested is not suitable for the applicant, the officer may refuse to adopt out the dog in accordance with the City’s Dog Adoption Policy; and, where requested by the applicant, the reason for such refusal shall be given in writing.

DOG CONTROL

Prohibitions

- 26.** 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 p.m. and 8:00 a.m.; or,
 - (3) for a period of 15 minutes or more.
- 27.** No owner of a dog shall permit or allow the dog to:
- (1) trespass on private property;

Prohibitions (continued)

- (2) 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; or,
- (3) 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.

Seizure of Dogs

- 28.** The animal control officer may seize any dog that is unlicensed, or found at large or on property contrary to Section 27 of this Bylaw.

Female Dog In Heat

- 29.** 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

- 30.** 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 may submit a written report of the incident to the Manager of Technical Services.
- 31.** If, in the opinion of the Manager of Technical Services, grounds exist to consider 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.
- 32.** Where a dog has been considered to be aggressive pursuant to Section 31, the owner of the dog may appeal the classification, in writing, within 10 days to the Director of Development, 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 consider the dog an aggressive dog.
- 33.** 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 biting a person or other animal.

AGGRESSIVE DOGS (continued)

- (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 “D” of this Bylaw.
- 34.** 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.
- 35.** In addition to the above conditions, a dangerous dog may also be dealt with by the City in accordance with Section 49 of the *Community Charter*.

IMPOUNDMENT

- 36.** Where an animal is impounded pursuant to this Bylaw:
- (1) The animal control officer shall make reasonable effort to determine the owner of the animal and to notify the owner by telephone of the impoundment and the procedure to recover the animal.
 - (2) The animal control officer shall make reasonable efforts to contact the owner of a dog if it is wearing a dog licence tag by calling the most recent telephone number in the licence information for the dog.
 - (3) If the animal control officer is not able to determine the owner of an animal, or contact the owner of an animal by telephone, the animal control officer must post a notice on the public notice board at the City’s animal control facility describing the animal and stating the date of impoundment and the impoundment period.
 - (4) If a dog has no dog licence tag, the animal control officer has no obligation to notify the owner of the dog.
 - (5) The owner must recover the animal, from the place of impound, within 96 hours from the time of impoundment by giving evidence of ownership of the animal, and paying the prescribed impound fee and daily boarding fee, calculated for each day or part day that the animal is impounded, as set out in Schedule “B” of this Bylaw.
 - (6) The impoundment fees for an unlicensed dog shall be double the fees for a licensed dog set out in Schedule “B”, plus the cost of a licence for the dog.
 - (7) The impoundment fees shall increase as prescribed in Schedule “B” for each impoundment of the same dog in a 24-month period.
 - (8) Regardless of whether a dog is licensed or unlicensed, the impoundment fee for an aggressive dog or a nuisance dog shall be the fee set out in Schedule “B” for aggressive and nuisance dogs.
 - (9) The City may provide for the adoption or humane destruction of an animal after the expiration of 96 hours from the time of impoundment.

IMPOUNDMENT (continued)

- 37.** Where an impounded animal is adopted out pursuant to this Bylaw:
- (1) Any monies received by the City from the sale of the animal 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 animal.
- 38.** No person shall take, remove or release, or assist in the taking, removing or releasing, of any animal impounded by the City without first obtaining the consent of an animal control officer and paying all fees relating to the impound of the animal.

Impoundment and Release of Aggressive Dogs

- 39.** 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 set out in Schedule “B”; and,
 - (3) delivery to the animal control officer of an executed statement in the form prescribed in Schedule “C”.
- 40.** Notwithstanding Section 39, 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

Animal Defecation

- 41.** Any person having care, control, or custody of the animal that defecates on a public place or on private property without the consent of the property owner, shall immediately remove the excrement so deposited and dispose of it in a sanitary manner.

Contagious disease

- 42.** No person shall keep an animal suffering from an infectious or contagious disease on any parcel of land in the City unless the animal is kept securely confined within a building or enclosure and is under veterinary care for that disease.

ANIMAL CONTROL (continued)

Prohibition of Cruelty to Animals

- 43.** 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.
- 44.** 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 heat, cold, puddles, rain and the direct rays of the sun.
- 45.** 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.
- 46.** 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.
- 47.** 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

- 48.** No person shall keep or allow to be kept on any real property any livestock or poultry, or an aviary or apiary, except as permitted pursuant to the City's Zoning Bylaw, in force from time to time.
- 49.** No owner shall permit or allow any livestock or poultry to run at large.
- 50.** An animal control officer may seize any livestock or poultry unlawfully at large.

Carcass Removal

- 51.** Where an owner of a dog or cat requests that an animal control officer remove the carcass of a dog or cat from private property, the owner shall pay the fee set out in Schedule “D” of this Bylaw and pay the cost of incinerating the carcass as set out in the City's Miscellaneous Rates Bylaw, in force from time to time.

ENFORCEMENT

Authority of Animal Control Officer

52. 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, subject to Section 16 of the *Community Charter*.
53. 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*.
54. All animal control officers are designated animal control officers for the purpose of Section 49 of the *Community Charter*.
55. An animal control officer has the authority to require that persons licensing a dog, a kennel, adopting a dog, or retrieving a dog from the animal control facility provide information, on a form or otherwise, and may prescribe forms that must be completed for these purposes.

Exemptions

56. 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.

Offence and Penalty

57. 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 provision of this Bylaw, is guilty of an offence against this Bylaw and each day that a violation continues to exist is deemed to be a separate offence against the Bylaw.
58. Every person who commits an offence 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

59. If a Court of competent jurisdiction holds any portion of this Bylaw invalid, such invalidity shall not affect the remaining portions of the Bylaw.

Received first reading on the 5th day of November, 2007.
Received second reading on the 5th day of November, 2007.
Received third reading on the 5th day of November, 2007.
Finally passed and adopted on the 19th day of November, 2007.

“Clint Hames”

Mayor

“Robert L. Carnegie”

Clerk

SCHEDULE “A”

DOG LICENCE FEES

| Category | Fee |
|-------------------------|------------|
| Dog (each) | \$ 70.00 |
| Altered Dog (each) | \$ 12.00 |
| Nuisance Dog (each) | \$ 100.00 |
| Hobby Kennel | \$ 80.00 |
| Licence Transfer | \$ 5.00 |
| Licence Tag Replacement | \$ 5.00 |
| Aggressive Dog | \$ 200.00 |

SCHEDULE “B”

IMPOUND AND BOARD FEES

Impound Fees

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

| | Fee |
|-----------------------------------|------------|
| Licensed Dog - First Impoundment | \$ 40.00 |
| Licensed Dog - Second Impoundment | \$ 80.00 |
| Licensed Dog - Third Impoundment | \$ 140.00 |

Fees for Aggressive and Nuisance Dogs

| | |
|---|------------|
| Aggressive Dog (not spayed or not neutered) | \$1,000.00 |
| Altered Aggressive Dog | \$ 600.00 |
| Nuisance Dog | \$ 500.00 |

Livestock and Poultry

| | | |
|----------------------|----------|---|
| Livestock or Poultry | \$ 40.00 | plus actual cost of impounding plus 15% Administration fee |
|----------------------|----------|---|

Daily Boarding Fees

| Category | Fee | |
|------------------------------|-------------|---|
| Dogs, Poultry, Small Animals | \$ 10.00 | per animal for first part day and first night |
| Dogs, Poultry, Small Animals | \$ 50.00 | for each subsequent night beyond the first night |
| Livestock, Large Animals | Actual Cost | plus 15% Administration fee |

SCHEDULE “C”

APPLICATION FOR RELEASE OF AGGRESSIVE DOG

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

(address of owner)

in the City of Chilliwack, British Columbia, hereby apply for the release of a

(colour, breed and sex of dog)

named _____
(given name of dog) (the “Dog”)

which has been impounded pursuant to the City of Chilliwack Animal Control and Licence Bylaw, in force from time to time.

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 Chilliwack:
 - 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 Chilliwack, its animal control officers and any of its other officers, employees, 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 before 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 licence and impounding fees payable by me pursuant to the Bylaw.

Signature of Owner

SCHEDULE “D”

MISCELLANEOUS FEES

| Category | Fee | |
|-------------------|------------|--|
| Adoption Fees | \$150.00 | per dog plus licence fee |
| Carcass Removal | \$ 25.00 | plus cost of incineration set out in Miscellaneous Rates Bylaw, in force from time to time |
| Microchip Implant | \$ 60.00 | |