

**VILLAGE OF CHASE
BYLAW NO. 729-2010**

DOG CONTROL AND IMPOUNDING BYLAW

A Bylaw to provide for the licensing and control of dogs
and to establish provisions for the impounding of dogs

WHEREAS the Council of the Village of Chase is empowered and authorized pursuant to the Community Charter to regulate, prohibit and impose requirements respecting the harbouring of dogs within the Village of Chase; and

WHEREAS the Council of the Village of Chase deems it desirable and expedient to provide for such legislation and its enforcement.

NOW THEREFORE the Council of the Village of Chase, in the Province of British Columbia, hereby **ENACTS AS FOLLOWS:**

1. Title

This bylaw may be cited for all purposes as the “*DOG CONTROL BYLAW NO. 729-2010*”.

2. Repeal

Village of Chase Animal Control Bylaw No. 702-2007 is hereby repealed.

3. Definitions

In this bylaw:

“**COUNCIL**” means the Council of the Village of Chase

“**ANIMAL CONTROL OFFICER**” means a municipal employee, officer or agent designated by Council for the purposes of this Bylaw or an RCMP Officer.

“**DANGEROUS DOG**” means any dog:

- (a) that has killed or seriously injured a person,
- (b) that has killed or seriously injured a domestic animal, while in a public place or while on private property, other than property owned or occupied by the person responsible for the dog, or

- (c) that an animal control officer has reasonable grounds to believe is likely to kill or seriously injure a person.

“DOG” means both male and female of the canine species.

“DOG POUND” means the place or places as designated by Council to provide for the care and control of dogs.

“HARBOURER” means a person who is in possession, gives shelter to, feeds or keeps a dog.

“IN HEAT” means the condition of a female dog in its ovulating period.

“KENNEL” means a building, structure, compound, group of pens or cages, or property in which four or more dogs are kept for any purpose.

“MUZZLED” means preventing a dog from biting by means of a humane fastening or covering device of adequate strength placed over the mouth of the dog.

“NOISY DOG” means a dog that disturbs the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood or of person(s) in the vicinity including barking or making other noises continually, sporadically or erratically at any time of the day for any period of time in excess of ten minutes.

“NON-RESIDENT” means any person who has resided in the Village of Chase for a period of less than 30 days and who has not taken up permanent residency.

“OWNER” means the person shown as the licensed owner of the dog in the records at the Village office.

“PERSON” means and includes any individual, group of individuals, society, corporation, partnership and the heirs, executors, administrators or other legal representatives of the same.

“RUNNING AT LARGE” means any dog:

- a) not on the property of its owner or harbourer or other person who has the care and control of the dog and is not on a leash held by a person who is competent and of sufficient strength to ensure that the dog cannot break free from the person or the leash used to restrain and/or guide the dog; or
- b) which chases or approaches a person on public or private property other than that of the dog’s owner, in a menacing fashion or apparent attitude of attack; or
- c) that has been deemed to be a dangerous dog and is not confined in a secure enclosure in accordance with Section 10 of this bylaw; or

- d) that has been deemed to be a dangerous dog and is not muzzled in accordance with Section 10 of this bylaw.

“SECURE ENCLOSURE” means any building, structure, fenced area or the like that prevents the entry of young children and the escape of a dog.

“SEEING EYE DOG” means a dog trained and used for the purpose of guiding sight impaired individuals.

“UNLICENSED DOG” means any dog for which the license fee imposed for the current year has not been paid.

4. Dog Pound

- (1) The Village may provide or arrange to provide such buildings, yards, enclosures and motor vehicles as may be deemed necessary for the care, keeping and transportation of dogs that have been impounded. The Animal Control Officer must ensure that the dog pound is kept at the required standard for the operation and cleanliness of such a facility.
- (2) The Animal Control Officer must provide for and give sufficient food and water daily to all dogs detained within the dog pound.

5. Animal Control Officer

- (1) The Council must appoint from time to time an Animal Control Officer to enforce the regulations of this bylaw and to operate the Dog Pound for the impounding of dogs pursuant to the provision of this bylaw. The Animal Control Officer may designate someone to act on his/her behalf as required.

6. Authority

- (1) An Animal Control Officer is authorized and empowered to inspect, compel and require that all the regulations and provisions prescribed in this bylaw be carried out.
- (2) An Animal Control Officer is authorized to enter, at all reasonable times, upon any property within the Village, subject to any of the regulations of this bylaw, in order to ascertain whether such regulations are being obeyed.
- (3) No person may unreasonably obstruct or prevent an Animal Control Officer from carrying out their duties as prescribed in this bylaw.

- (4) The Animal Control Officer is hereby empowered to enter any lands and premises in order that he/she may control, impound or destroy any dangerous, wounded or sick dog.

7. Licensing of Dogs

- (1) Valid License – no person may own, possess or harbour any dog within the boundaries of the Village unless a valid and subsisting dog license and dog tag has been issued for such dog.
- (2) Application for license – on or before the 1st day of March in any year, or in the case of a non-resident upon 30 days residency, and in the case of pups as soon thereafter a dog attains the age of four (4) months, the owner of every dog must make application for a dog license and must cause such dog to wear around its neck a collar to which must be attached a license tag issued by the Village.
- (3) Age of licensee – no license may be issued under this bylaw in respect of any dog to any person under the age of nineteen (19) years, unless and until such person provides the Animal Control Officer with written consent, of their parent or guardian, and any parent or guardian providing written consent under this section, is for the purpose of this bylaw deemed to be the owner of the dog in respect of whom the dog license is issued.
- (4) Age of dog – no license is necessary under this bylaw in respect of any dog under the age of four (4) months in age.
- (5) Seeing eye dog/Police dog – a license is required under this bylaw for all Seeing Eye dogs and Police dogs.
- (6) Spaying or Neutering – if an owner or harbourer has a dog spayed or neutered within two (2) months from the time of purchase of a license in any year, a refund for the difference between the unspayed/unneutered license fee and the spayed/neutered license fee as shown on Schedule “A” of this bylaw, must be made providing a valid veterinarian certificate is presented by the owner or harbourer.
- (7) Period of License – all dog licenses are for the period from January 1st to December 31st of the year issued, or the remaining portion thereof.
- (8) Dog License Displayed - every person who is issued a Dog License under this bylaw will receive a numbered dog tag which must be fastened to a collar or harness which is to be worn by the dog for which the dog license was issued.

- (9) Dog License and Tag Specific – every dog license and dog tag issued under this bylaw is for the specific dog for which the dog license and tag was issued and no person may place, affix or use a dog tag issued in respect of that dog on or for a different dog.
- (10) Replacement Dog Tags – a replacement dog tag may be issued, upon providing reasonable proof that the original dog tag issued has been lost, and upon payment of the fee imposed shown on Schedule “A”, attached hereto and forming part of this bylaw.
- (11) Cancellation/Transference of Dog License – where the owner or harbourer of the licensed dog ceases to own the dog, the dog license is cancelled. If the owner acquires another dog, then the license may be transferred to the second dog for the remainder of the license period, by applying for a replacement dog license and dog tag, upon surrender of the original dog tag issued to the previous dog and payment of the transfer fee indicated on Schedule “A” of this bylaw.
- (12) Form of License – all dog licenses must include as a minimum of information: name, phone number and civic address of the owner, civic address of the usual location where the dog is kept, if different from the owners residence and a description of the dog, including name, breed, sex, colouring, age and whether neutered or spayed.
- (13) Fees – the fees as set forth in Schedule “A” of this bylaw are hereby imposed for the issuance of a dog license and dog tag and are payable at the Village office and those other locations deemed appropriate by the Village from time to time.
- (14) Non-resident – a non-resident, who is the owner or harbourer of a dog, must at the expiry of thirty (30) days residency within the Village cause that said dog to be licensed pursuant to this bylaw.
- (15) Number of Dogs – no person may keep or harbour more than three dogs on a property unless a kennel license is held pursuant to Section 9 of this bylaw.

8. Control of Dogs

- (1) Running at Large – no owner or harbourer of a dog may allow the dog to run at large.
- (2) Noisy dog – no owner or harbourer of a dog may allow the dog to be a noisy dog as defined in this bylaw.

- (3) Odour – no owner or harbourer of a dog may allow foul odour resulting from the accumulation of dog feces to the extent that it disturbs the neighbourhood, or persons in the vicinity.
- (4) Dog in heat – no owner or harbourer of a dog may allow a female dog in heat, or in other words during its ovulating period, to be left unattended in a yard that is not fenced to keep other dogs out.
- (5) Deposit of feces – no owner or harbourer of a dog may allow their dog to leave or deposit any feces on any public property, which includes parks, boulevards, road right-of-ways or sidewalks, other than the property of the owner, unless the owner immediately takes steps to remove such feces, and dispose of the same in a sanitary manner.
- (6) Dangerous dog – an owner or harbourer of a dog must comply with section 10 of this bylaw.

9. Kennels

- (1) No person may operate a kennel without a current and valid Village of Chase Business License and unless done so in a permitted zone in accordance with Zoning Bylaw No. 683 – 2006.
- (2) The operator of a kennel may operate only if in accordance with all Municipal, Provincial and Federal regulations.
- (3) The operator of a kennel must take effective precautions to ensure that dogs under their care are properly controlled and restrained from barking, yelping or howling continuously, sporadically or erratically at any time of the day for any period of time in excess of ten minutes.

10. Dangerous Dogs

- (1) The owner or harbourer of a dangerous dog must confine the dog in a secure enclosure and must muzzle and control the dog whenever it is off the owner's or harbourer's premises.
- (2) If a dangerous dog bites, inflicts injury, assaults or otherwise attacks a human being or animal or viciously pursues a person or domestic animal, the said dog is subject to the impoundment provisions of this bylaw.
- (3) An Animal Control Officer may seize a dog if the officer believes on reasonable grounds that the animal is a dangerous dog and may detain the dog for up to 21 days or longer, if an application by the Animal Control

Officer is made within that time to the Provincial Court for a destruction order.

11. Complaints

- (1) In the event of a complaint alleging a disturbance, the Animal Control Officer may investigate the complaint. If the owner or harbourer of a dog can be ascertained, and the disturbance continues and is confirmed, the Animal Control Officer has the authority to:
 - (a) issue a written warning notice to the owner or harbourer of the dog;
or
 - (b) issue a written violation ticket to the owner or harbourer of the dog;
or
 - (c) impound the dog,

or any combination of the above. A repeat offence following a warning will be considered a violation of this bylaw.

12. Impounding of Dogs

- (1) Impounding – any dog not licensed in accordance with this bylaw, running at large or violating any portion of this bylaw may be impounded by an Animal Control Officer.
- (2) Release – no dog may be released from the dog pound until all provisions of this bylaw have been met and all fines, fees and penalties have been paid.
- (3) Time – all impounded dogs may be retained for a period of seventy-two (72) hours, from the time of impoundment or until released to the owner in accordance with subsection (2), whichever is the shorter time, except in circumstances where section 10 (3) applies.
- (4) Unlawful Release – it is unlawful for any person to release or rescue or to attempt to release or rescue any dog lawfully in the custody of the Animal Control Officer.
- (5) Notice of Impoundment – the Animal Control Officer must attempt to notify the owner of the impounded dog by telephone or mail, whichever is the most practical for those dogs that have a dog tag or if the dog's owner is otherwise known to the Animal Control Officer.

- (6) Unclaimed Dogs – in case the owner or harbourer is not known or the owner so notified does not appear at the Village office to pay the lawful fines, fees and penalties pursuant to this or any Village bylaw that may apply, the Animal Control Officer may sell or destroy the dog or dogs as provided for in this bylaw.
- (7) Sale of Impounded Dogs – a dog becomes eligible for sale after the required waiting period of 72 hours at which time the Animal Control Officer may offer the dog(s) for sale by word of mouth, by public advertisement or by posting a notice at the Village office or other such place deemed appropriate. Any proceeds from the sale of a dog, after paying all outstanding fees, fines or penalties and costs associated with advertising the sale will be paid into Village of Chase general revenue.
- (8) Adoption Procedure – each dog that receives an offer for adoption must be spayed or neutered and the purchaser must pay the veterinary fee for said spaying or neutering and obtain a dog license and dog tag prior to the dog being released. If said dog is already spayed or neutered, the purchaser must pay all outstanding impound fees as an adoption fee and obtain a dog license and dog tag prior to the dog being released.
- (9) Destruction of Dogs – once the seventy-two (72) hours of impoundment has expired and the owner cannot be found or is not willing to pay all fees and penalties as required by this bylaw and no one expresses an interest to purchase the dog, the Animal Control Officer may transfer the dog to an S.P.C.A. or veterinarian capable of receiving the dog to be destroyed.
- (10) Responsibility for Uncollected Fees or Costs – the owner or harbourer is responsible for all uncollected fees, fines or penalties in respect of an impounded dog, whether or not he or she affects the release of the animal.
- (11) A daily maintenance fee for impounded dogs is imposed in accordance with Schedule “B” attached to and forming part of this bylaw and is payable to the Animal Control Officer or at the Village office.

13. Records

- (1) The Animal Control Officer must keep detailed records that include a description of the dog, dog tag number and name of the dog; name and address of the owner; date and reason for:
 - (a) warning notices delivered;
 - (b) complaints received;
 - (c) impoundments;
 - (d) sale of dogs;
 - (e) destruction of dogs.

- (2) The Animal Control Officer must keep detailed records of the fines, fees and penalties imposed for:
 - (a) impoundments;
 - (b) sale of dogs;
 - (c) destruction of dogs; and
 - (d) any other violations of this bylaw.
- (3) The Animal Control Officer must keep detailed records of all monies received pursuant to this bylaw.

14. Enforcement

- (1) A Peace Officer, Bylaw Enforcement Officer, Animal Control Officer or designate and any other person duly authorized by the Municipality may enter onto any property at any reasonable time to ascertain whether the provisions of this Bylaw are being observed and may take whatever action deemed necessary in accordance with section 15.

15. Offences and Penalties

- (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 provision of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any provision of this Bylaw, commits an offence against this Bylaw and is subject to:
 - (a) a fine in accordance with the Village of Chase Municipal Ticket Information Bylaw if an information respecting the infraction is laid by means of a ticket; or
 - (b) upon summary conviction, a fine not exceeding \$2,000.00 and the costs of prosecution.

16. Severability

- (1) If any portion of this Bylaw is held to be invalid by a Court of competent jurisdiction, such invalidity does not affect the remaining portions of the Bylaw.

READ A FIRST TIME THE 9th DAY OF FEBRUARY, 2010.

READ A SECOND TIME THE 9th DAY OF FEBRUARY, 2010.

READ A THIRD TIME THE 9th DAY OF FEBRUARY, 2010.

THIRD READING RESCINDED THE 23rd DAY OF FEBRUARY, 2010.

READ A THIRD TIME THE 9th DAY OF MARCH, 2010.

THIRD READING RESCINDED THE 27th DAY OF APRIL, 2010.

READ A THIRD TIME THE 27th DAY OF APRIL, 2010.

ADOPTED THE 11th DAY OF MAY, 2010.

_____ X _____
Mayor

_____ X _____
Corporate Officer

Certified a true copy of Bylaw No. 729 -2010.

_____ X _____
Corporate Officer

VILLAGE OF CHASE

SCHEDULE "A"

SCHEDULE OF FEES

1. Annual License Fee for each Dog
 - a) Unspayed female or unneutered male dog \$50.00
 - b) spayed female or neutered male dog \$17.00
 - c) seeing eye dog or police dog NIL
 - d) replacement tags \$10.00
 - e) transfer license \$ 5.00
2. For the purposes of determining whether a dog has been spayed or neutered, the owner or harbourer must provide evidence to the satisfaction of the Animal Control Officer that the dog is spayed or neutered.
3. For license fees paid by new residents and new dog owners after June 30th, but before October 1st in each calendar year a fifty percent (50%) discount applies.
4. For license fees paid by new residents and new dog owners after October 1st in each calendar year, a seventy-five (75%) discount applies.

VILLAGE OF CHASE

SCHEDULE "B"

MAINTENANCE FEES

- | | | |
|----|--|----------|
| 1. | Daily maintenance fee
(includes any part of day for which a dog is impounded) | \$ 25.00 |
|----|--|----------|