

VILLAGE OF CHASE

BY-LAW NO. 125

A by-law to establish and regulate a Pound and to regulate the keeping of certain animals in the Village of Chase.

WHEREAS under the provision of Sections 870 and 871 of the "Municipal Act" R.S.B.C., 1960, and Amendments thereto, the Council is given broad powers to regulate or prohibit the keeping of certain animals within the Municipality;

AND WHEREAS it is considered both desirable and expedient to make use of the existing pound, owned and operated by the S.P.C.A. and to regulate the keeping of certain animals within the Municipality;

NOW THEREFORE the Municipal Council of the Village of Chase, in open meeting assembled, enacts as follows:-

1. For the purpose of this By-law, the following words and terms shall have the meaning hereby assigned to them, with appropriate changes in number or gender as required by the context;
 - (a) "Village" shall mean the municipal area comprised within the boundaries of the Village of Chase, as the context may require;
 - (b) "Dog" shall mean any dog apparently over the age of four months and including male and female of the species;
 - (c) "Cat" shall mean any cat apparently over the age of two months;
 - (d) "Poundkeeper" shall mean the person or body corporate appointed from time to time under this By-law for the purpose of enforcing and carrying out the provisions of this By-law, and shall include any assistant poundkeeper appointed as such;
 - (e) "Owner" shall mean and include any person who owns or has in his possession, a dog, a cat, or livestock, or any person harbouring or allowing a dog, cat or livestock, to remain about his house, land or premises;
 - (f) "Livestock" shall be deemed to include any horse, stallion, mule, bull, steer, goat, ram, sheep, boar, swine or cattle of any kind, or any geese, ducks, fowl or domestic poultry, and rabbits;
 - (g) "Run at large" shall mean in reference to an animal, that it is not upon the premises of its owner and is not under the immediate care and supervision of its owner or agent, and in case of dogs, shall mean that the dog is not secured on a leash to its owner or his agent.

ESTABLISHMENT OF A POUND

2. A pound is hereby established on premises situated in the Municipality of Kamloops, in the Province of British Columbia, and more particularly known and described as the S.P.C.A. Shelter, Mission Flats Road, Kamloops District, and the Council hereby appoints the British Columbia Society for the Prevention of Cruelty to Animals as Poundkeeper thereof.

CONTROL OF DOGS AND CATS

3. No person shall allow any dog or cat to run at large within the confines of the Village.
4. No person shall allow any dog or cat whether running at large, or upon a leash, to trespass on any private property.
5. Any person having custody of any bitch in heat shall confine the animal during the whole period of heat in such a manner that its presence is not a nuisance to persons residing in the adjacent area.
6. It shall not be lawful for any person to own any diseased or vicious dog or cat within the Village unless the same shall be kept sufficiently secured, so as to prevent it from endangering the safety of any person or other animal, and it shall be lawful for the Justice of the Peace or Magistrate before whom any person shall be convicted for a breach of this section, to order that any such vicious or diseased dog or cat shall be destroyed, and the costs of destroying and disposing of such animal may be collected as if the amount were a fine imposed upon summary conviction, from the owner thereof, in addition to any fine or cost which may lawfully be imposed upon such a person.
7. (a) Except as provided in para. 7 (b) herein, no more than two cats are permitted to be housed at any one residence within the boundaries of the Village.
 (b) Not more than one cat and one dog may be permitted by an owner in a mobile home situated in a mobile home park, or in each suite of an apartment block or other multi-family residence.

LICENCING OF DOGS

8. No person shall keep or have in his possession, within the Village, any dog over four months of age, unless a licence therefore, pursuant to the provisions of this By-law, has been obtained.
9. The owner of every dog shall annually, for each calendar year on or before the first day of February in each year, or so soon thereafter as such dog shall attain the age of four months, cause the same to be registered, numbered, described, and licenced for that year in the Office of the Village of Chase and shall cause the dog to wear around its neck, a leather or metal collar to which shall be attached a metal tag, which shall be impressed or stamped with the number corresponding to the number of the licence and figures indicating the year for which such licence was paid.
10. 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, in respect to which such licence was issued.
11. Every application for a licence shall be accompanied by a licence fee payable as follows:
 - (a) For each dog, a fee of \$6.00.
 - (b) For each kennel, which a person shall be considered to have if he possesses three or more dogs, in lieu of the individual fee in part (a) above, a fee of \$50.00.
12. No person shall keep or own, or have in his possession, or harbour in the Village any dog, unless it has been taxed or licenced as aforesaid, and a tag has been obtained therefore as provided.
13. Any person who without authority removes such metal tag from any dog, shall be guilty of a breach of this By-law.
14. Any person who has obtained a tag as provided in this By-law and has lost the same, may so often as such tag is lost, apply to the Village Clerk or the Poundkeeper, for another in place of the one so lost, and upon production of proof of such loss to the satisfaction

of the Village Clerk or the Poundkeeper he may issue to such person applying therefore a duplicate or other tag upon payment by such person of a fee of Fifty Cents.

15. Every licence issued pursuant to this By-law shall expire on the thirty-first day of December, next following the date on which such licence takes effect.

16. There shall be issued with each licence, a metal tag which shall be impressed or stamped as set forthin this By-law.

17. Where the owner of a dog in respect of which a licence is issued under this By-law, sells or otherwise ceases to be the owner of the dog, the licence shall in respect of that dog become cancelled.

18. The Poundkeeper or any police constable may seize any dog found running at large in the Village elsewhere than on the premises of the owner, and such person shall forthwith, after making such seizure, deliver such dog to the Poundkeeper to receive such dogs and retain the same for a period of forty-eight hours unless it be sooner reclaimed as hereinafter provided.

19. The Poundkeeper, may, where he has reason to believe that a dog for which the licence or tax for the current year has not been paid, or a dog which does not have attached to him a metal tag for the current year, as hereinbefore provided, has taken refuge on any premises, request the occupant of such premises to satisfy him such tax or licence has been paid, and to exhibit such tag attached to such dog, or to deliver forthwith the dog to him, and where any dog is found to be on such premises as aforesaid, any occupant who fails or refuses to exhibit such tag, or who fails, neglects or refuses to deliver such dog on request, or who resists or interferes with such Poundkeeper in seizing such dog, shall be deemed to be guilty of an infraction of this By-law.

20. When a complaint is made to the Poundkeeper that a dog or cat is vicious or diseased, he shall investigate the same, and if he is satisfied that such complaint is well founded, shall request the owner of such dog or cat to destroy the same or to keep it in confinement on his own premises; and in case of non-compliance of the owner with such request, the Poundkeeper may seize the dog or cat and impound the same and within forty-eight hours of such impounding shall apply to the Judge of the Provincial Court for a warrant to destroy such dog or cat.

21. The Poundkeeper shall give or send to the owner of such dog or cat, a written notice of his intention to apply for the said warrant at least twenty-four hours prior to the said application being made, and an opportunity shall be given to the said owner to show cause why such warrant should not be granted and the Judge of the Provincial Court may instead of granting such warrant, take from the said owner, an undertaking to keep the said dog or cat in confinement and may order the said owner to pay the Poundkeeper the expense of seizing and maintaining the said dog or cat.

22. In the event the Poundkeeper, being unable to give any notice herein referred to, at the address, if any, appearing on the register hereinbefore mentioned, relating to such dog or cat, or in the event of the address of the owner of such dog or cat not being traceable on the said register, such notice may be given by inserting it in one issue of a daily newspaper circulating in that area, and such notice shall appear at least twenty-four (24) hours before the application is heard, and it shall have the same force and effect as if given to the said owner personally.

23. It shall be lawful for the Poundkeeper or any police constable or any other person duly authorized by the Poundkeeper to destroy at once, a diseased or vicious dog or cat found at large.

24. During the period of its detention in the pound, every impounded dog or cat shall be supplied with sufficient quantity of food and water, and, if such dog or cat is not reclaimed within forty-eight hours of its being

impounded, it shall be the duty of the Poundkeeper to destroy such dog or cat or to sell the same to any person, by auction or private sale.

25. (a) The owner of any unlicensed dog impounded under this By-law may reclaim this dog upon application to the Poundkeeper and upon proof of ownership and upon payment of the licence fee for the current year, and the expenses he incurred in impounding and maintaining such dog, as follows:

- (i) Pound fee of \$10.00 1st violation in a calendar year.
Pound fee of \$25.00 2nd violation in the same calendar year.
Pound fee of \$50.00 3rd violation in the same calendar year.
- (ii) Per day or part day a maintenance cost of \$2.00.

(b) The owner of any licensed dog impounded under this By-law may reclaim the same upon application to the Poundkeeper and on proof of ownership and the expenses incurred in impounding and maintaining such dog as follows:

- (i) Pound fee of \$10.00 1st violation in a calendar year.
Pound fee of \$25.00 2nd violation in the same calendar year.
Pound fee of \$50.00 3rd violation in the same calendar year.
- (ii) Per day or part day a maintenance cost of \$2.00.

(c) (i) Pound fee for a cat \$10.00.

(ii) Per day or part day a maintenance cost of \$2.00.

26. It shall be the duty of the Poundkeeper to keep a record in which he shall enter, with reference to each dog or cat impounded, the date and hour of impounding, the description of the dog or cat, the name of the person from whom seized, and the manner in which such dog or cat is disposed of and such record shall be open to inspection by the municipalities employing the Poundkeeper or their appointed agents.

LIVESTOCK

27. No person shall allow any livestock to run at large within the Village.

28. It shall be lawful for the Poundkeeper or any other person to impound any livestock running at large within the Municipality and it shall be the duty of the Poundkeeper to detain the same, until the owner or owners thereof shall have paid the following sums together with any expenses incurred in the seizing and impounding of the livestock:

For impounding stallions, horses, donkeys, bulls, cows, heifers, goats, rams, sheep, swine, mules, \$20.00 each.

For geese, ducks, fowl, domestic poultry and rabbits \$1.00 each.

29. Whenever livestock are impounded under this By-law it shall be the duty of the Poundkeeper, with whom they are impounded, daily to furnish the same with food, water and shelter during the whole time the same continue to be impounded and for so doing he shall be entitled to demand and receive from the owner, the following allowance over and above the impounding fees above specified:

For stallions, horses, donkeys, bulls, cows, heifers, goats, rams, sheep, swine, and mules \$2.00 per day or part day.

For geese, ducks, fowl, domestic poultry and rabbits 25¢ per day or part day.

30. In the case of milk cows, being impounded, the Poundkeeper, shall at least twice in each day, milk each cow and for so doing the Poundkeeper shall be entitled to keep the milk so obtained for his own use.

31. In all cases where the Poundkeeper has impounded any livestock pursuant to the provisions of this By-law, he shall maintain such animal at the pound for a period of ninety-six hours and the owners thereof upon proof of ownership may redeem the same by paying the charges of the Poundkeeper as set out under this By-law together with additional expenses incurred by the Poundkeeper in the apprehension or care of such animal, and the penalty imposed if any, and should such animal not be claimed at the end of the ninety-six hour period, it shall be lawful for the Poundkeeper to cause such animal to be sold or destroyed and after deducting his own charges if any and the costs of any such sale, he shall pay the surplus if any to the owner if ascertained, and if the owner be not ascertained to pay the same to the Clerk of the Village.

32. Any Poundkeeper who impounds or confines any of the animals hereinbefore mentioned under this By-law, and neglects or refuses to find, provide and supply the same with good and sufficient food, water, and shelter, as hereinbefore provided, shall be subject to the penalties imposed by this By-law, and to immediate dismissal.

33. Every person who violates any of the provisions of this By-law, or who suffers or permits any act or thing to be done in contravention or violation of any of the provisions of this By-law, or who does any act or thing which violates any of the provisions of this By-law shall be deemed to have committed an offence against this By-law and shall be liable, upon summary conviction, to a fine not exceeding the sum of \$500.00 for each offence, ~~and in default of payment thereof, to imprisonment not exceeding thirty (30) days.~~

34. However, notwithstanding the provisions of the preceding section, every dog owner, who has contravened the provisions of this By-law, with respect to his own dog, may be served with a violation notice, as contained in Schedule "A" attached hereto, and made part of this By-law and shall be permitted to pay a fee in the amount of \$10.00 as penalty for the first violation in a calendar year, or the amount of \$25.00 for the second violation in the same calendar year or the amount of \$50.00 for the third violation in the same calendar year, in settlement of the penalty which may be imposed by any court of competent jurisdiction, thereby omitting the necessity of proceeding with the prosecution under the "Summary Convictions Act" of the Province of British Columbia. For a fourth violation served against a dog owner in the same calendar year, the Poundkeeper may destroy or otherwise dispose of the dog.

35. By-law No. 43, cited as "Village of Chase Pound and Animal Regulations By-law, 1971, No. 43", adopted by Council on the 11th day of February, 1971, and amendment By-law No. 61, 1972 are hereby repealed.

36. This By-law may be cited for all purposes as the "Village of Chase Pound and Animal Regulation By-law No. 125, 1975".

Read a first time this 10th day of July , 1975.

Read a second time this 10th day of July , 1975.

Read a third time this 10th day of July , 1975.

Reconsidered and adopted on the 24th day of July , 1975.

S. Alan Brown
Mayor

[Signature]
Clerk

I hereby certify the above to be a true copy of By-law No. 125 passed by the Municipal Council of the Village of Chase on the 24th day of July , 1975.

[Signature]
Clerk

A true copy of By-law No. 125 registered in the office of the Inspector of Municipalities this 13th day of August 1975.
[Signature]
Deputy Inspector of Municipalities

SCHEDULE "A"

VILLAGE OF CHASE POUND AND ANIMAL REGULATION BY-LAW NO. 125, 1975

VILLAGE OF CHASE

VIOLATION NOTICE

TO:

Name

Address

being the owner of a dog described as:

Breed _____ Colour _____

YOU ARE HEREBY NOTIFIED that you have violated the provisions of Section _____ of the Village of Chase Pound and Animal Regulation By-law No. 125, 1975.

Violation date _____ Time _____ A.M.
P.M.

Dog licenced _____ yes _____ No. _____ Unknown _____
Number

Comments _____

Signed _____

The penalty for this _____ violation in the current year is \$_____.

You may elect to pay this penalty on or before the _____ DAY OF _____, 19____, and failure to do so will result in charges being laid in the Provincial Court of British Columbia for this offence.

The penalty may be paid by mailing or bringing this notice together with the sum of \$_____ to the Village Treasurer of the Village of Chase, Village Office, Chase, British Columbia.

NOTE: Payment of a license fee will be required if the dog is not currently licensed.

Should the person to whom this summons is directed desire to plead "Not Guilty" to the charge he is requested to notify the Chief Animal Control Officer of the Village of Chase well in advance of the date set for appearance in court. This may avoid the possibility of an adjournment.

