

VILLAGE OF CHASE

BY-LAW NO. 209

A BY-LAW PROVIDING FOR THE LICENCING AND
CONTROL OF ANIMALS WITHIN THE VILLAGE OF CHASE

The Municipal Council of the Village of Chase, in open meeting assembled, enacts as follows:

1. DEFINITIONS

1.1. General Definitions

In this by-law, unless the context otherwise requires:

"Animal" includes a farm animal, dog, rodent, fur-bearing animal and wild animal.

"At large", "run at large", or "running at large" means not being under the control of the owner, keeper or harbourer either by being securely leashed, tethered or penned, or in the direct and continuous charge of a person, or confined within a building or other enclosure or a fence.

"Bird" includes a bantam, ornamental bird, pigeon, dove, showbird and any type of poultry.

"Village" means in accordance with the context either the area incorporated as the Village of Chase or the said Corporation.

"Collector" means the collector of the Village or any person authorized to act on his behalf.

"Council" means the Municipal Council of the Village of Chase.

"Dangerous or Vicious Animal" is an animal which is not in the effective control of any person and which, in the opinion of the poundkeeper, is being a hazard or danger to persons and/or property.

"Highway" means as described in the Municipal Act.

"Licence" means a licence issued for the current licencing year.

"Licenced Dog" means a dog wearing a metal tag attached to its collar or harness and such tag is stamped with figures corresponding to a dog licence form issued for the current year and identified as being produced by the Village of Chase as specified in this by-law.

"Licencing Year" shall mean January 1st to December 31st in any year.

"Person" includes a person, firm, corporation or society.

"Pound" means the Municipal Pound established from time to time, being premises used to harbour and maintain animals pursuant to this by-law.

"Poundkeeper" means the person or persons appointed from time to time to carry out the duties of a poundkeeper, and includes persons acting under the direction of the Poundkeeper.

"Premises" shall be deemed to mean public or private lands but not to include buildings which are private residences.

1.1. Continued:

"Public Beach" means public land, except land included in a highway, within 100 feet of any river or lake.

"Unlicensed Dog" means a dog which does not have affixed to its collar or harness a valid and subsisting metal tag pursuant to this by-law.

"Working Cattle Ranch or Farm" means a commercial agricultural enterprise operating on not less than 20 acres wholly or partly within the Village boundaries and depending on cultivating or pasturing the land.

"Zone Area" means a zone area established under the Zoning By-law.

1.2. Specific Definitions

In this by-law, unless the context otherwise requires:

"Bee" means *Apis Millifica* or *Apis Millifera* kept in an apiary which is registered under the provisions of the Apiaries Act.

"Farm Animal" means a domesticated animal normally raised for food, milk, or as a beast of burden, and without limiting the generality of the foregoing, includes:

Cattle	Mules
Horses	Donkeys
Swine	Asses
Sheep	Oxen
Goats	

"Fur-bearing Animal" means any animal kept or raised for the purpose of commercial fur production, except rabbits and chinchillas and, without limiting the generality of the foregoing, includes:

Fox	Nutria
Mink	Skunk
Marten	Fisher

"Fur-Farm" means any place where two or more fur-bearing animals are kept for commercial purposes.

"Ornamental Bird" means any bird which is normally kept in a cage or aviary, primarily as a show or decorative bird and not for food or egg production and without limiting the generality of the foregoing includes:

Canaries	Parrots
Budgies	Cockatoos
Mina Birds	Ornamental Pheasants

"Pigeon" means all birds of the species *Columbidae*, including doves.

"Poultry" means all birds or fowl normally raised for food or egg production and without limiting the generality of the foregoing includes:

Chickens
Turkeys
Geese
Ducks
Artificially reared grouse, partridge, quail, pheasant, or ptarmigan.

1. 2 Continued

"Rodent" means all forms of rodent (except those defined as fur-bearing animals in this By-law) kept as pets and without limiting the generality of the foregoing includes:

Rabbits
White Mice
Guinea Pigs

Hampsters
Chinchillas

"Show Bird" means a bird primarily kept for display purposes and not normally housed in cages or aviaries, and not primarily used for food or egg production.

"Wild Animal" means any animal or reptile *ferae naturae*, kept for any purpose other than commercial fur production and includes such animals or reptiles born in captivity.

2. GENERAL

- 2.1 No person shall keep or harbour any animals, birds or bees except in accordance with the provisions of this by-law.
- 2.2 The poundkeeper is hereby empowered to enter any premises in order that he may control, impound or destroy any dangerous, vicious, wounded or sick animal.
- 2.3 The poundkeeper is hereby empowered to enter any premises or private property in order to take into custody any animal violating this by-law.

3. FARM ANIMALS

- 3.1 No person shall keep or harbour any farm animal on any parcel of land in Zone Areas R.1, R.2, R.3, R.4, unless the said parcel has an area of not less than one acre, and in any event, shall not keep or harbour more than one animal per acre on any parcel in any such zone.
- 3.2 No persons shall keep or harbour any farm animal on any parcel of land in Zone Areas C.1, C.2, C.3, C.4, C.5, P.1, P.2, provided that this subsection shall not apply to a person who is engaged in the operation of a veterinary clinic, animal hospital, pound or stockyard, in an area permitted by Council.
- 3.3. No person shall use any building, barn, stable, pen or enclosure, for the keeping, housing or harbouring a farm animal, or animals, unless such building, barn, stable, pen or enclosure is located at least 7.6 meters (25 feet) from any property line of the parcel of land on which the farm animal or animals are kept.
- 3.4 No person shall keep, house or harbour any farm animal in any building used for human habitation or in any addition or structure attached to any such building or in any barn, stable, building, pen or enclosure within 25 feet (7.6 meters) of any building used as a human habitation.
- 3.5 CONTROL AND IMPOUNDING
- 3.5.1 No person shall suffer or permit any farm animal owned, housed or harboured by him or in his charge to:
 - (1) Run at large, stray or graze on any highway, boulevard, park or public place within the Village.
 - (2) Trespass on any private property within the Village.
 - (3) Move, when driven unharnessed or unled, over any highway in the Village, without special permit being obtained from Council.

3.5.2. If any farm animal be found running at large, straying or grazing on any highway, boulevard, park or public place or shall be found trespassing on private property or shall be found grazing on unfenced land, it shall be lawful for the Poundkeeper or any other designated person to take such farm animal and lead, drive or convey the same to a Pound or other designated area, and there impound or deliver to the Poundkeeper as the case may be, the same as hereinafter provided.

3.5.3. The owner of any farm animal seized as aforesaid may have the same released, or, if it has been impounded, may redeem the same from the Pound, upon proving ownership and paying to the Poundkeeper the amount of impoundment fees, if any, in respect of such animal, together with the reasonable expenses for driving or conveying and delivering such animal to the Pound and/or a maintenance charge for the care and feeding of such animal for each day or portion thereof the same shall have been kept in the Pound. Impoundment fees and maintenance charges payable are as follows:

3.5.4.

	<u>Impoundment Fees per Animal</u>			<u>Maintenance Charge per day or Part Day per Animal</u>
	<u>First Offence in Twelve Months</u>	<u>Second Offence</u>	<u>Third Offence</u>	
Cattle, Horses, Mules, Donkeys, Asses, Oxen,	\$10.00	\$50.00	\$100.00	\$2.00
Swine, Sheep, Goats,	5.00	10.00	15.00	\$2.00

4. DOGS

4.1 Number Permitted:

No person shall keep more than two dogs on any parcel of land within the Village, provided however, that this section shall not apply to a person operating a kennel as described in Section 12 hereof, or in a licenced veterinary clinic, or a person who is engaged in the breeding of dogs and who operates under a membership currently registered with the Canadian Kennel Club or who is operating the parcel as a working cattle ranch or farm, provided also however, that if a person is keeping more than two licenced dogs on such parcel prior to the adoption of this by-law these may be kept until those over two die or are disposed of.

4.2 Clearance Requirements

No person shall use any structure, pen or enclosure for the keeping housing or harbouring of dogs unless it complies with the minimum clearance requirements from all property lines of the zone area in which it is located except where such a structure, pen or enclosure is located behind the building line and at least five feet from side and rear property lines.

4.3. No person shall suffer or permit any dog owned, possessed or harboured by him, or in his charge, to be at large or upon a highway or public place unless the same is accompanied by and is under the effective control of a competent person in charge thereof or is led or confined on a leash or chain.

4.4. Notwithstanding Section 4.3, no person shall suffer or permit any dog owned, possessed or harboured by him to be in any of the following places unless the dog is led, or confined on a leash or chain:

- (1) All public beaches during the months of September to May, inclusive.
- (2) All public buildings and the grounds thereof.

4.4.1. Notwithstanding Section 4.3 and 4.4, no person shall suffer or permit any dog owned, possessed, or harboured by him, to be on any public beach during the months of June to August, inclusive.

4.4.2. The owner of every dog shall clean up all refuse and waste left by such dog in a suitable container and dispose of same.

4.5. Licence Regulations

4.5.1. Any person who owns, possesses or harbours any dog over the age of four months shall obtain a licence therefor in accordance with the provisions of this by-law on or before the first day of February in each year, provided, however, that if he becomes the owner, possessor or harbourer of a dog after the first day of February in any year, he shall obtain a licence therefor forthwith.

4.5.2. A dog licence is valid for the calendar year in which it is purchased.

4.5.3. (1) Application for a dog licence shall be made to The Collector of the Village or to such other persons as may be appointed by Council from time to time and the same are hereby authorized to receive such applications and to issue dog licences.

(2) Where the owner of a dog in respect of which a licence has been issued ceases to be the owner, the licence shall be cancelled.

(3) The person whose name appears on the licence form on a copy kept by the Village when there is issued a licence and metal tag as shown under Section 4.5.5. shall be deemed to be the owner of the dog whose metal tag corresponds to the number of the metal tag shown on the licencing form.

4.5.4. The fees for dog licences in the Village of Chase for every dog over the age of four months, shall be as follows:

- (a) The sum of \$6.00 for each male dog.
- (b) The sum of \$6.00 for each spayed female dog, provided however, that a certificate from a veterinary surgeon to the effect that the female has been spayed must be shown as evidence when purchasing the first licence after it has been spayed.
- (c) The sum of \$15.00 for each female dog which is not spayed.
- (d) For each kennel, operating under a membership currently registered with the Canadian Kennel Club, in lieu of the individual fees in parts (a) (b) and (c) above, a fee of \$50.00 provided however, that the issuance of a kennel licence shall be subject to the restrictions of other relevant by-laws of the Village.

4.5.5. (1) With every licence there shall be issued a metal tag impressed or stamped with a number corresponding to the number on the licence issued and with figures denoting the year in respect of which the licence was issued and with a distinguishing mark to indicate it was issued by the Village.

(2) The owner of every licenced dog shall keep thereon a collar, or harness, to which shall be attached the metal tag issued for the said dog unless the dog is kept in a pen or enclosure, when the owner must produce the licence upon request.

(3) In the event a dog tag is lost, a replacement will be provided at a cost of fifty cents (50¢) only, when the said current licence form is produced indicating a current years dog licence has already been paid.

- (4) 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.

4.6 Control and Impounding

- 4.6.1 Any dog not wearing a valid metal licence tag as provided for in this by-law or any dog found at large or any dangerous or vicious dog may be seized by any Poundkeeper or by any person authorized by any Poundkeeper to seize such dogs and shall be delivered to the Village Pound or other designated area.
- 4.6.2. Any Poundkeeper in charge of the Village Pound shall impound and detain all dogs delivered to him as aforesaid and shall furnish them with sufficient food, water, shelter and attendance.
- 4.6.3. The owner of any dog seized as aforesaid may have the same released, or, if it has been impounded, may redeem the same from the Pound, upon proving ownership and paying to the Collector the amount of unpaid and overdue licence fees and impoundment fees, if any, in respect of such dog, together with \$2.00 per day maintenance charge for the care and feeding of such dog each day or portion thereof the same shall have been kept in the Pound. Impoundment fees payable in addition to the aforesaid maintenance charge are as follows:
- | | |
|------------------------------------------------------|------------|
| 1st Impoundment in any licencing year | - \$10.00 |
| 2nd Impoundment in any licencing year | - \$50.00 |
| 3rd Impoundment in any licencing year | - \$100.00 |
| 4th and Subsequent Impoundment in any licencing year | - \$200.00 |
- 4.6.4. When the Poundkeeper is aware of the name and address of the owner of any dog impounded, he shall within twenty-four hours of the impounding, cause the owner to be notified of the impoundment by registered mail.
- 4.6.5. It shall be the duty of the Poundkeeper before making delivery of any dog impounded, to obtain from the person claiming the same, his name and residence and to enter the same in the Pound Book, together with the date when such dog was impounded and the date when the same was redeemed.
- 4.6.6. Where an animal has been impounded under authority of this by-law and the Poundkeeper determines that one or more violation notices previously issued have not been paid, then the animal so impounded shall not be released from the pound until the owner or harbourer pays in full for all such violations, together with costs outstanding up to and including the date of impoundment.
- 4.6.7 Any dog which has not been so redeemed after a period of 5 consecutive days from the sending of a notice under Section 4.6.4., or whose owner cannot be ascertained within seventy-two hours of the impounding may be sold by the Poundkeeper. Any dog which cannot be sold as aforesaid, may be humanely destroyed by the Poundkeeper. Notwithstanding this subsection the Poundkeeper may, at his discretion, destroy any dog immediately where such dog is found to be injured.
- 4.6.8. No person purchasing a dog from a Poundkeeper shall remove the same from the Pound until a licence and metal tag have been obtained therefor pursuant to this by-law. A fee of \$35.00 will be charged for any dog sold.

- 4.6.9. No person shall take or let any dog out of the Pound without the consent of the Poundkeeper.
- 4.6.10. No person shall hinder, delay or obstruct the Poundkeeper or any person or persons lawfully engaged in seizing or conveying any dog or dogs to the Pound.
- 4.6.11. No person shall keep, harbour or have in his possession any dog suffering from any infectious or contagious disease, unless such dog is in isolation and under treatment for the cure of such disease.
- 4.6.12. No person other than its owner, shall remove any collar, harness, badge, or tag from any licenced dog.
- 4.6.13. Every occupant of premises in or about which any dog is kept and every person wherever found having at the time the care and custody of a dog, shall forthwith upon demand give to the Poundkeeper the following information:
- (1) The ownership of any such dog.
 - (2) The number of dogs owned or harboured by him.
 - (3) The age, sex and breed or general description of any such dog.
 - (4) Whether the current licence fee has been paid in respect of same, when paid and by whom.

5. RODENTS

5.1. Rodents may be kept on any parcel of land subject to the following conditions:

- (1) They must not be permitted to run at large and must be confined to the property of their owner.
- (2) They shall not be kept in any building, structure, pen or enclosure that does not have the minimum clearance from property lines required for buildings in the zone area in which the parcel of land is located.

5.2.

5.2.1. No person shall keep, harbour or have in his possession any rodent suffering from any infectious or contagious disease, unless such rodent is in isolation and under treatment for such disease.

6. WILD ANIMALS

6.1. No person shall keep or harbour any wild animal on any parcel of land in the Village unless such person is the holder of a valid permit from the Council.

6.2. Any person desiring a permit for the keeping of a wild animal in accordance with Section 6.1, shall make written application therefor to the Council containing the following information:

- (1) Name and address of the applicant.
- (2) Legal description of the parcel of land on which the animal is to be kept.
- (3) Type of animal to be kept.
- (4) Verification that the applicant is the holder of a valid permit to keep such animal issued by the Game Commission of the Province of British Columbia if such permit is required.

In considering the application, Council may request from the applicant such other information as it considers necessary or desirable.

6.2.1. Wild animals shall be confined to the parcels of land specified in the permit.

6.2.2. No permit shall be issued for the keeping of more than two wild animals on any parcel of land.

6.3. No person shall keep, harbour or have in his possession, any wild animal suffering from an infectious or contagious disease, unless such animal is in isolation and under treatment for the cure of such disease.

6.4. No parcel of land within the Village may be used for the raising of fur-bearing animals.

7. POULTRY

7.1. No person shall keep poultry in any zone other than AR.2 Rural.

7.2. No person shall use any structure, pen or enclosure for the keeping of poultry unless it is located at least 30 feet from any human habitation, and at least 25 feet from any other property line.

Control and Impounding

7.3.1. No person shall suffer or permit any poultry owned, kept, or harboured by him or under his control to:

- (1) Run at large, stray or graze on any highway, park or public place.
- (2) Trespass on any private property.

7.3.2. If any poultry shall be found running at large, straying or grazing on any highway, park or public place, or shall be found trespassing on private property, it shall be lawful for the Poundkeeper or any other designated person to seize such poultry and convey the same to a Pound or deliver the same to a Pound or deliver the same to the Poundkeeper to be dealt with in accordance with Section 17 of this By-law.

8. ORNAMENTAL BIRDS

8.1. Ornamental birds may be kept on any parcel of land within the Village provided that:

- (1) They are housed and enclosed at all times on the parcel on which they are kept.
- (2) No special structure or enclosure is required for housing them, except such as are permitted by the Zoning By-law or by this By-law.

9. PIGEONS

9.1. No person shall keep pigeons within the Village of Chase.

10. SHOW BIRDS

10.1. No person shall keep or harbour any show birds on any parcel of land unless the same are housed and enclosed at all times on the parcel on which they are kept.

11. BEEES

BEEES may be kept on any parcel of land within the Village other than on zoning C2 - Downtown Comprehensive.

11.1. No person shall place any hive or other device for the housing of bees on any parcel of land unless the said hive or device is located at least 20 feet from any property line except where such hive or device for the housing of bees is used in conjunction with the operation of a greenhouse.

12. KENNELS FOR BOARDING, BREEDING AND TRAINING OF DOGS AND OTHER ANIMALS.

12.1. No person shall use any premises as a kennel for the keeping, training, care, breeding, hospitalization or boarding of dogs, or other animals on any parcel of land within the Village unless the said parcel is within C.3 Service Commercial District and M.1 Light Industrial Zoning.

Provided however, that this section shall not apply to a person who is engaged solely in the breeding of dogs and who operates under a membership currently registered with the Canadian Kennel Club.

12.2. Clearance Requirements

No portion of any structure, pen, enclosure or exercise yard shall be used as a part of a kennel operation for the keeping, training, care, breeding, hospitalization or boarding of dogs or other animals unless it complies with the Village Zoning Regulations.

12.3. Building and Enclosure Construction

Floors of all structures or rooms used to accommodate animals shall be of a sanitary construction, provided with drainage and approved by Health Authorities.

12.4. The area in which the structure, pen, enclosure, or exercise yards are located shall be screened by fencing, trees or hedges between the structure, pen, enclosure or exercise yard and the property line to screen effectively the area in which the animals are kept.

13. RIDING STABLES OR ACADEMIES

13.1. Section 3 shall apply mutatis mutandis to any premises used or operated as a riding stable or riding academy.

14. FACILITIES FOR HOUSING ANIMALS, BIRDS, AND BEES WHICH MAY BE PLACED WITHOUT A BUILDING PERMIT

14.1. Notwithstanding anything contained in the Zoning or Building By-laws, no building permit is required to place, erect or maintain the facilities referred to in Section 14.2 for the housing of animals, birds or bees.

14.2. Permitted Facilities

14.2.1. A maximum number of two boxes or cages with a maximum height of not exceeding 4 feet above ground level and having a total bottom or floor area not exceeding 12 square feet.

14.2.2. A maximum number of two open wire pens or cages not exceeding 5 feet in height above ground level and covering a total ground or bottom area not exceeding 30 square feet.

14.2.3. Frame hives as defined in the Apiaries Act for the purpose of housing bees.

14.3. Clearance Requirements

14.3.1. Facilities referred to in Section 14.2 shall be located:

- (1) At least 20 feet from any property line.
- (2) At least 25 feet from any dwelling unit on an adjoining property.
- (3) If used to house bees, at least 25 feet from any highway.

14.3.2. Except if used to house bees, facilities referred to in Section 14.2 shall not be located in a front or side yard as defined in the Zoning By-law.

15. NOISE CONTROL

15.1. No person shall harbour or keep any animal or bird which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighborhood in which the animal or bird is harboured or kept, or of persons in the vicinity of such animal or bird.

16. HEALTH, CARE AND SANITATION

16.1. Any person keeping, harbouring, housing or feeding any animal or bird shall ensure:

- (1) That it is kept, housed and fed in a manner conducive to its good health and well being.
- (2) That, if it is injured or suffering from any disease it is promptly examined and treated.
- (3) That structures, pens or enclosures used to accommodate the same, shall be maintained in a clean and sanitary condition at all times and that all cleanings from such facilities are disposed of in a manner that will not create a nuisance or health hazard.

16.2. The Medical Health Officer or his representative may enter upon property on which animals, birds or bees are kept at any reasonable hour and may inspect any animals, birds or bees and the facilities for housing the same and may take such action as he deems necessary to ensure that the provisions of Section 16.1 are complied with and in the case of bees an Apiaries Inspector shall co-operate and work in conjunction with the Medical Health Officer.

16.3. The Medical Health Officer, or his representative may order an animal or bird suffering from an incurable disease or in such condition as to pose a threat to public health or sanitary conditions to be destroyed by the Poundkeeper.

17. POUNDS

17.1. Any person lawfully performing any act to enforce the provisions of this by-law, whether voluntarily or at the request of a Poundkeeper, shall be deemed to be an assistant Poundkeeper, and shall be entitled to all protection as such.

17.2. The Poundkeeper shall keep a Pound Book, in which the Poundkeeper shall enter a description of every animal impounded by him with the name of the person who took or sent the same to be impounded, the day upon and the manner in which the same was redeemed, discharged, or otherwise dealt with or disposed of, the name of the person and the amount paid by the person redeeming the animal, or if sold, the name of the purchaser, the amount that was paid for the animal.

17.3. The Poundkeeper shall levy and collect the following impounding fees for the impounding of cattle and poultry under this By-law:

(1) For farm animals belonging to one owner when the number impounded does not exceed five - \$10.00 for each animal on first impoundment. Second and Third impoundment will be charged at \$25.00 and \$50.00 respectively.

(2) For poultry - \$1.00 per day for each bird.

17.4 The Poundkeeper in charge of the Pound shall furnish or cause to be furnished to all farm animals and poultry impounded in the Pound or other designated area good and sufficient food, water, shelter and attendance and for so doing shall levy and collect from the respective owners of such farm animals and poultry or from the keepers or person in whose charge the said farm animals and poultry ought to be, for the use of the Village, the following allowance over and above the fees for impounding, namely:

(1) For each sheep or goat - \$2.00 per day.

(2) For poultry - .10¢ per day per head.

(3) For all other farm animals - \$2.00 per day per head.

17.5. (1) If the owner of any farm animal impounded, or any other person entitled to redeem the same, shall appear and claim such farm animal at any time before the sale thereof, it shall be the duty of the Poundkeeper, or his assistant, to deliver up the same on receiving the amount in full of the impounding fees and the allowance and expenses chargeable for each and every animal.

(2) The Poundkeeper shall demand and collect from the owners of any animals impounded under this by-law or from the person in whose charge the same ought to be, the expenses necessarily incurred by him or his assistants in leading, driving or conveying the same to the Pound.

17.6. It shall be the duty of the Poundkeeper, or his assistant, before making delivery of any impounded farm animal, before sale, to obtain from the person claiming the same, his name and address, and to enter the same in the Pound Book, together with the date when such animal was impounded, and the date when the same was sold or redeemed, as the case may be.

17.7. If no person shall appear to claim an impounded animal within three days after its impoundment, or if the person claiming such animal shall refuse or neglect to pay the impounding fees and the allowance and the expenses chargeable thereon, it shall be the duty of the Poundkeeper to give at least seven days notice of the sale or destruction thereof.

17.8. Such notice shall contain a general description of the animal and shall be posted up in some conspicuous place at the Pound where the same is held and at the Village Office. If the animal is a horse, ox, ass, mule, bull or cow, the notice shall be published once, not less than six (6) days before the sale, in a newspaper circulating in the municipality.

17. Continued:

17.9. If, at the expiration of the time specified in the said notice, no person shall claim the animal or animals therein described, or if the person claiming the same shall refuse or neglect to pay the impounding fees and the allowances, and expenses and charges accrued on such animal or animals, it shall be lawful for the Poundkeeper to sell the same, and the animal or animals shall be offered at public auction and sold to the highest bidder by the Poundkeeper, at the Village Pound, and in the event of there being no purchaser the Poundkeeper shall dispose of or destroy the same.

17.10 If, after the sale of any animal as aforesaid the purchaser does not immediately pay the price bid therefor, no sale shall be deemed to have taken place, and the Poundkeeper shall forthwith cause such animal to be again offered for sale, and so continue until the animal is sold and the price bid paid by the purchaser. In the event of there being no purchaser, the Poundkeeper shall dispose of or destroy the animal.

17.11 No person shall take or let out any animal or animals at any time contained within a Pound without the consent of the Poundkeeper.

COMPLAINTS OF OWNER

18. The owner of any impounded animal may give notice in writing to the Poundkeeper that he intends to complain to a Justice against the person impounding the animal; and on receipt of such notice and on deposit with the Poundkeeper of the amount of the sustenance and other authorized fees and charges, the Poundkeeper shall release the animal, and shall retain the money so deposited subject to the order of the Justice as hereinafter provided.
19. Within ten days after giving notice referred to in Section 18, the owner may lodge his complaint as set forth in the notice with a Justice, who thereupon shall institute the like proceeding as are authorized under the Summary Convictions Act for Justice making orders for the payment of money; and upon hearing the complaint the Justice may determine the matter of the complaint; and if the Justice adjudges that the animal impounded was illegally impounded as claimed, the Justice shall order the animal (if not released) to be restored to the owner, or (if released) the money deposited with the Poundkeeper to be repaid, and in either event, the Justice shall order the impounder to pay the costs of the proceedings and all fees to which the Poundkeeper is lawfully entitled.
20. Nothing in this by-law shall deprive the owner of any animal impounded of any action, remedy, or right that he may have at common law or otherwise, by reason of the same being lawfully seized, distrained, or impounded; but if any action is brought against a Poundkeeper for anything done by him under this by-law, he may plead not guilty to the action; and if on the trial of the action it is made to appear that the Poundkeeper, on demand being made on him therefor, gave to the Plaintiff or his agent the name of the person who drove the animal to the Pound, and that he in all respects acted within his duties and powers as such Poundkeeper, judgement shall then be given for him with costs.
21. If any Poundkeeper,
- (a) impounds, or assists or incites or employs any person to impound any animal in any district, unless the animal was an estray within the boundaries of the pound district;
 - (b) purchases, in person or by his agent, or has any interest of any kind in any animal sold by auction at a pound of which he is the Poundkeeper at the time of the sale;
 - (c) demands or receives any sum for pound notices, sustenance and other fees and charges not authorized by this by-law.
 - (d) fails to pay over any money held by him under the provisions of this by-law for any person after payment of the same has been demanded by or on behalf of such person;
 - (e) neglects to provide food and water for any animal or works or uses the same in any manner while so impounded;
 - (f) neglects to milk properly any milch cow or milch goat while such cow or goat is impounded.

(g) omits or neglects to keep books and to make entries therein as required by this Act or makes any incorrect or untrue entry in such books;

(h) knowingly allows any animal infected with any contagious or infectious disease to be in the same enclosure with any impounded animal not so affected;

(i) maliciously and unlawfully impounds any animal;

(j) fails to give any notice required by this by-law;

(k) neglects to do anything required by this Act to be done whereby damage is incurred by any person,

he, in addition to any civil liability which he may incur by reason thereof, is guilty of an offence and liable, on summary conviction, to the penalty provided for in Section 22.1 of this by-law.

22. PENALTIES

22.1 Every person who violates any of the provisions of this by-law, or who does, 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 less than \$25.00 or more than \$100.00 for the first offence, and not less than \$ 50.00 or more than \$200.00 for the second offence, and not less than \$100.00 or more than \$500.00 for the third or subsequent offence; and in default of payment thereof forthwith or within such a time as the presiding Provincial Court Judge or Justice of the Peace shall direct the fine imposed shall be recoverable under the provisions of the Summary Conviction Act, R.S.B.C. 1960, Chapter 373 and all amendments thereto.

22.2 Each day a violation, contravention or breach of this By-law continues shall be a separate and distinct offence.

22.3 Notwithstanding the provisions of the preceding subsections of this section, every person who violates the provisions of this by-law pursuant to Section 870(t) or Sections 871(1)(d), (h) or (i) of the Municipal Act, may be served with a violation notice as contained in Schedule "A" attached hereto and made a part of this by-law, and shall be permitted to pay a fee in the amount of:

	First	Second	Third	Fourth & Subsequent
	<u>VIOLATIONS</u>			
For every dog	\$10.00	\$50.00	\$100.00	\$200.00
For every head of cattle, horse, mule, donkey, ass or ox	10.00	50.00	100.00	150.00
For every head of swine, sheep or goat	5.00	10.00	15.00	22.50

23. "VILLAGE OF CHASE POUND AND ANIMAL REGULATION By-law No. 139, 1976" is hereby Repealed.

This By-law may be cited for all purposes as "Village of Chase Animal Control By-law No. 209, 1980."

READ A FIRST TIME THIS 20th day of FEBRUARY, 1980.

READ A SECOND TIME THIS 28th day of FEBRUARY, 1980.

READ A THIRD TIME THIS 8th day of MAY, 1980.

RECONSIDERED AND ADOPTED on the 22ND day of MAY, 1980.

[Signature]
Mayor

[Signature]
Clerk

I hereby certify the foregoing to be a true and correct copy of By-law No. 209, as adopted on the 22ND day of MAY, 1980.

[Signature]
Clerk

A true copy of By-Law No. 209 registered in the office of the Inspector of Municipalities this 5th day of JUNE 1980.

[Signature]
Deputy Inspector of Municipalities

VILLAGE OF CHASE

BY-LAW NO. 209

SCHEDULE "A"

V I O L A T I O N
N O T I C E

NO. _____

TO _____
Name

Address

Breed _____ Colour _____

YOU ARE HEREBY NOTIFIED that you have violated Section _____ of the Village of Chase Animal Control By-law No. 209 of which a brief description of that Section is _____

Violation Date _____ Time _____ A.M./P.M.

Location _____

Dog Licenced: Yes _____ No _____ Unknown _____

Description of Unlicenced Dog or other animal _____

COMMENTS: _____

Signed

The penalty for this violation is \$ _____. You may elect to pay this penalty or secure a trial before a Provincial Court Judge.

The penalty may be paid by mail or bring this notice along with the sum of \$ _____ to the Village of Chase Office, 809 Shuswap Avenue.

Failure to pay this penalty within 4 days of the above violation date will result in the appropriate legal action being taken.

Should the person to whom this summons is directed desire to plead "NOT GUILTY" to the charge, he is requested to notify the Clerk of the Village of Chase well in advance of the date set for appearance in court. This may avoid the possibility of an adjournment.

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