

**VILLAGE OF CHASE
BYLAW NO. 702-2007**

ANIMAL 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 Local Government Act to regulate the keeping of dogs and to provide for the fixing, imposing and collecting of licenses to any person who owns, possesses or harbours any dog; 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, in an open meeting assembled, hereby enacts as follows:

1. Title

This bylaw may be known and cited for all purposes as the "Village of Chase Animal Control and Impounding Bylaw Number 702-2007".

2. Definitions

In this bylaw:

VILLAGE shall mean the Village of Chase

COUNCIL shall mean the Council of the Village of Chase

DOG shall mean both male and female of the canine species apparently or actually over the age of four (4) months.

ANIMAL CONTROL OFFICER shall mean that person appointed by the Council to enforce the provisions of this Bylaw.

ANIMAL POUND shall mean the place or places as designated by Council to provide for the care and control of dogs.

DWELLING UNIT shall mean the place or places as designated by Council to provide for the care and control of dogs.

GUARD DOG shall mean any dog used to protect persons and/or property or for use in surveillance or similar activity.

HARBOURER shall mean a person who is in possession, gives shelter to, feeds or keeps a dog.

IN HEAT shall mean the condition of a female dog in its ovulating period.

KENNEL shall mean a building, structure, compound, group of pens or cages, or property in which three or more dogs are kept for the purposes of boarding or breeding.

MUZZLED shall mean 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 shall mean a dog that disturbs the quiet enjoyment of persons occupying neighbouring property by barking loudly and/or repeatedly.

NON-RESIDENT shall mean any person who is residing in the Village of Chase for a short duration and who has not taken up permanent residency.

NUISANCE DOG shall mean any dog:

- a) with a known propensity, tendency or disposition to attack or cause injury without provocation or to otherwise threaten the safety of human beings or domestic animals; or
- b) which, without provocation, chases or approaches a person on public or private property in a menacing fashion or apparent attitude of attack whether that person(s) is in fact, cycling, bladeing, driving or the like; or
- c) which, without provocation, bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal on public or private property.

OWNER shall mean the person shown as the licensed owner of the dog in the records at the Village office.

PERSON shall mean and include any individual, group of individuals, society, corporation, partnership and the heirs, executors, administrators or other legal representatives of the same.

POLICE DOG shall mean a dog used by police or other law enforcement agency in the performance of their duties.

RUNNING AT LARGE shall mean 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 not attached directly to a person who is competent and of sufficient strength to ensure that the dog cannot break free from the leash, or other device used to restrain and/or guide the dog; or
- b) which bites, inflicts injury, assaults or otherwise attacks a human being or animal on public or private property; or
- c) which chases or approaches a person on public or private property in a menacing fashion or apparent attitude of attack; or
- d) that has been deemed to be a nuisance and not confined in a secure enclosure in accordance with Section 9 of this bylaw; or

- e) that has been deemed to be a nuisance and not muzzled in accordance with Section 9 of this bylaw.

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

SEEING EYE DOG shall mean a dog trained and used for the purpose of guiding sight impaired individuals.

UNLICENSED DOG shall mean any dog for which the license fee for the current year has not been paid as provided herein, or to any dog that the tag provided for herein is not attached.

3. Dog Pound

- a) 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.
- b) The Animal Control Officer shall provide for and give sufficient food and water daily to all dogs detained within the dog pound.
- c) The Animal Control Officer shall ensure that the dog pound is kept at the required standard for the operation and cleanliness of such a facility.

4. Animal Control Officer

- a) The Council shall 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.
- b) For the purpose of this Bylaw the designated Animal Control Officer means any of the following:

Animal Control Officer of the Village of Chase
Administrator of the Village of Chase
Bylaw Enforcement Officer of the Village of Chase
Public Works Foreman of the Village of Chase
RCMP Officer

5. Authority

- a) 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.
- b) 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.

- c) No person shall unreasonably obstruct or prevent an Animal Control Officer from carrying out his duties as prescribed in this bylaw.
- d) The Animal Control Officer is hereby empowered to enter any lands and premises in order that he/she may control, impound or destroy any nuisance, wounded or sick dog.

6. Licensing of Dogs

- a) Valid License – no person shall 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.
- b) 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 shall make application for a dog license and shall cause such dog to wear around it's neck a collar to which shall be attached a license tag issued by the Village.
- c) Age of licensee – no license shall 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 his parent or guardian, and any parent or guardian providing written consent under this section, shall be for the purpose of this bylaw deemed to be the owner of the dog in respect of whom the dog license is issued.

Age of dog – no license shall be necessary under this bylaw in respect of any dog under the age of four (4) months in age.

- d) Seeing eye dog/Police dog – a license is required under this bylaw for all Seeing Eye dogs and Police dogs, but the annual fee shall be waived.
- e) 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, shall be made providing a valid veterinarian certificate is presented by the owner or harbourer.
- f) Period of License – all dog licenses shall be for the period from January 1st to December 31st of the year issued, or the remaining portion thereof.
- g) Dog License Displayed - every person who is issued a Dog License under this bylaw shall receive a numbered dog tag which shall be fastened to a collar or harness which is to be worn by the dog for which the dog license was issued.
- h) Dog License and Tag Specific – every dog license and dog tag issued under this bylaw shall be for the specific dog for which the dog license and tag was issued and no person shall place, affix or use a dog tag issued in respect of that dog on or for a different dog.

- i) 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 shown on Schedule "A", attached hereto and forming part of this bylaw.
- j) Cancellation/Transference of Dog License – where the owner or harbourer of the licensed dog ceased to own the dog, the dog license shall become 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.
- k) Form of License – all dog licenses shall 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.
- l) Fee – 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 shall be payable at the Village office and those other locations deemed appropriate by the Village from time to time.
- m) Non-resident – a non-resident, who is the owner or harbourer of a dog, shall at the expiry of thirty (30) days residency within the Village cause that said dog to be licensed pursuant to this bylaw.
- n) Number of Dogs – no person or dwelling unit shall keep or harbour more than two (2) dogs unless a kennel license is held pursuant to Section 8 of this bylaw.

7. Control of Dogs

- a) Running at Large – no owner or harbourer of a dog shall allow the dog to run at large.
- b) Noise – no owner or harbourer of a dog shall allow the dog to make or cause to make noises or sounds which disturb or tend to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood, or persons in the vicinity.
- c) Odor – no owner or harbourer of a dog shall allow foul odor to disturb the quiet enjoyment of the neighbourhood, or persons in the vicinity.
- d) Dog in Heat – no owner or harbourer of a dog shall 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.
- e) Deposit of feces – no owner or harbourer of a dog shall allow their dog to leave or deposit any feces on any public property, which shall include parks, boulevards, road right-of-ways or sidewalks, other than the property of the owner, unless the owner shall immediately take steps to remove such feces, and dispose of the same in a sanitary manner.

- f) Nuisance – no owner or harbourer of a dog shall allow their dog to become a nuisance dog as defined in this bylaw.
- g) Dog bites – if a dog bites a person and the owner or harbourer of the dog cannot produce evidence that the dog has been immunized against rabies, the dog shall be impounded under quarantine for ten (10) days for observation by the Animal Control Officer.

8. Kennels

- a) Any person or dwelling unit that owns or harbours three or more dogs shall be deemed to be a kennel for the purposes of this bylaw.
- b) No person shall operate a kennel without a current and valid Business License.
- c) The operator of a kennel shall operate in accordance with all Municipal, Provincial and Federal regulations.
- d) The operator of a kennel shall take effective precautions to ensure that dogs under his care are properly controlled and restrained from barking, yelping or howling continuously.

9. Nuisance Dogs

- a) The owner or harbourer of a nuisance dog shall confine the dog in a secure enclosure and shall muzzle the dog whenever it is off the owners or harbourer's premises.
- b) If a nuisance dog attacks or viciously pursues a person or domestic animal, said dog shall be subject to the impoundment provisions of this bylaw.

10. Complaints

- a) In the event of a complaint alleging a disturbance, the Animal Control Officer will be responsible for investigating the complaint. If the owner or harbourer of a dog can be ascertained, and the disturbance continues, the Animal Control Officer has the authority to either:
 - i) issue a written warning notice to the owner or harbourer of the dog;
 - ii) issue a written violation ticket to the owner or harbourer of the dog;
 - iii) impound the dog,or any combination of the above. A repeat offence following the warning will be considered a violation of this bylaw.

11. Impounding of Dogs

- a) Impounding – any dog not licensed in accordance with this bylaw, running at large or violating any portion of this bylaw may be impounded.

- b) Release – no dog shall be released from the dog pound until all provisions of this bylaw have been met and all fines, fees and penalties have been paid.
- c) Time – all impounded dogs shall be retained for a period of seventy-two (72) hours, from the time of impoundment or until released to the owner, whichever is the shorter time.
- d) Unlawful Release – it shall be 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.
- e) Notice of Impoundment – the Animal Control Officer shall 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.
- f) Unclaimed Dogs – in case the owner or harbourer is not know or the owner so notified does not appear at the dog pound to pay the lawful fines, fees and penalties pursuant to this bylaw, the Animal Control Officer may sell or destroy the dog or dogs as provided for in this bylaw.
- g) Sale of Impounded Dogs – once a dog becomes eligible for sale after the required waiting period, 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 dog pound 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 shall be paid over to the owner of the dog sold on evidence or proof of ownership satisfactory to the Village and application therefore shall be made to the Village within three (3) months from the date of sale, otherwise such money shall form part of the General Revenue of the Village.
- h) Adoption Procedure – each dog that receives an offer for adoption shall be spayed or neutered and the purchaser shall 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 shall pay all outstanding impound fees as an adoption fee and obtain a dog license and dog tag prior to the dog being released.
- i) Destruction of Dogs – once the seventy-two (72) hours of impoundment has expired, and no one expresses an interest to purchase the dog, the Animal Control Officer is empowered to transfer the dog to an S.P.C.A. or veterinarian capable of receiving the dog to be destroyed.
- j) Volunteer Surrender of a Dog – if the owner or harbourer of a dog calls and requests the Animal Control Officer to take away any dog which the owner thereof desires to have destroyed, he shall sign a waiver acknowledging that he has voluntarily relinquished all rights to the dog and shall pay the fee outlined in Schedule "A" of this bylaw and the Animal Control Officer may destroy or otherwise dispose of such dog.

- k) Responsibility for Uncollected Fees or Costs – the owner or harbourer shall be 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.
- l) Fines, Fees and penalties – all fines, fees and penalties as set forth in Schedule "B" attached to and forming part of this bylaw are hereby imposed and shall be payable to the Animal Control Officer or at the Village office.

12. Records

- a) The Animal Control Officer shall 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:
 - i) warning notices delivered;
 - ii) complaints received;
 - iii) impoundments;
 - iv) sale of dogs;
 - v) destruction of dogs;
- b) The Animal Control Officer shall keep detailed records of the fines, fees and penalties for:
 - i) impoundments;
 - ii) sale of dogs;
 - iii) destruction of dogs;
- c) The Animal Control Officer shall keep detailed records of all monies received pursuant to this bylaw and shall, at least once in every month pay over to the Village the monies so received pursuant to the provisions of this bylaw.

13. Offenses

- a) Any person who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention of this bylaw or who neglects to do or refrains from doing any act or thing which violates any of the provisions of this bylaw shall be liable to the penalties hereby imposed. Each day that such violation is permitted to continue shall constitute a separate offence.
- b) Any person who violates any of the provisions of this bylaw shall upon summary conviction be liable to a penalty of not more than \$2,000 or a term of imprisonment not exceeding sixty (60) days or both.

14. Severance

If any portion of this bylaw is declared ultra vires by a Court of Competent Jurisdiction or found to be illegal or unenforceable, that part or section shall be considered to be separate and severable from the bylaw to the intent that the remainder of the bylaw shall continue in full force and effect and shall be enforceable to the fullest extent permitted by law.


15. Village of Chase Animal Control Bylaw no 640-2003 is hereby repealed.

READ A FIRST TIME THIS 11th DAY OF December, 2007

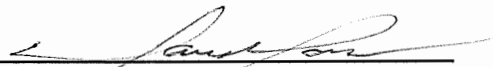
READ A SECOND TIME THIS 11th DAY OF December, 2007

READ A THIRD TIME THIS 11th DAY OF December, 2007

RECONSIDERED AND ADOPTED THIS 8th DAY OF January, 2008



Mayor



Corporate Administrator

Certified a true copy of
Bylaw No. 702-2007.



Corporate Administrator

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 \$25.00
 - c) seeing eye dog or police dog NIL
 - d) replacement tags \$10.00
 - e) transfer license \$ 5.00
 - f) volunteer surrender of a dog \$50.00

2. For the purposes of determining whether a dog has been spayed or neutered, the owner or harbourer shall 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 shall apply.

4. For license fees paid by new residents and new dog owners after October 1st in each calendar year, a seventy-five (75%) discount shall apply.

VILLAGE OF CHASE

SCHEDULE "B"

IMPOUND FEES

- | | | |
|----|--|----------|
| 1. | First Impoundment | \$ 50.00 |
| 2. | Each subsequent impoundment of the same dog | \$150.00 |
| 3. | Daily maintenance fee
(includes any part of day for which a dog is impounded) | \$ 25.00 |

Note: A subsequent impoundment shall be defined as a dog with a prior record of impoundment within the last six (6) month period.