

THE CORPORATION OF THE VILLAGE OF ASHCROFT

BYLAW NO. 698

Being a bylaw to amend the Village of Ashcroft Regulation and Impounding Bylaw No. 502

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

1. That Bylaw No. 502, cited as "The Village of Ashcroft Regulation and Impounding Bylaw No. 502, 1990" is hereby amended as follows:

2. That the following wording shall be added to the existing Section 36:

"If a person requests that an impounded dog be released over a weekend, and it is necessary to call someone out to release the animal, the owner shall be informed that the cost of the "call out" will also be charged to them prior to the release of the dog, in addition to any other fees payable."

3. This bylaw may be cited as the "Village of Ashcroft Regulation and Impounding Amendment Bylaw No. 698, 2000"

READ A FIRST TIME THIS 11th DAY OF December , 2000

READ A SECOND TIME THIS 11th DAY OF December , 2000

READ A THIRD TIME THIS 11th DAY OF December , 2000

RECONSIDERED AND ADOPTED THIS 8th DAY OF January , 2001



Andrew J.P. Kormendy, Mayor



Alan Benson, Clerk

Certified to be a true and correct copy
of Bylaw No. 698 as adopted by Council.



Alan Benson, Clerk

VILLAGE OF ASHCROFT

BYLAW NO. 502

A bylaw to provide for the licensing and control of dogs and to establish a Pound, together with provisions for the impounding of dogs.

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

PART I - GENERAL

1. This bylaw may be cited for all purposes as "Village of Ashcroft Regulation and Impounding Bylaw No. 502".
2. In this bylaw unless the context otherwise requires:
 - (a) "VILLAGE" shall mean the Village of Ashcroft.
 - (b) "COUNCIL" shall mean the Municipal Council of the Village of Ashcroft.
 - (c) "DOG" shall mean both male and female of the species canine apparently over the age of three (3) months.
 - (d) "DOG CONTROL OFFICER" shall mean the person(s) appointed from time to time by Council as "Dog Control Officer" to enforce the provisions of this bylaw.
 - (e) "DOMESTIC ANIMAL" means an animal coming within the definition of the same phrase defined in the Livestock Protection Act (British Columbia).
 - (f) "FENCE/PEN" shall mean an enclosure as described in Schedule "C" of this bylaw.
 - (g) "GUARD DOG" means any dog used to protect persons and/or property or for the use in surveillance or similar activities.
 - (h) "IMPOUNDING" shall mean seized and delivered, received or taken into the Pound, or in the custody of the Poundkeeper as provided for herein.
 - (i) "KENNEL" means a house or range of buildings in which dog(s) are kept for the purpose of boarding or breeding.

- (j) "LICENSE INSPECTOR" shall mean the person from time to time duly appointed as a License Inspector for the Village of Ashcroft and also any authorized agent of any corporation or society, lawfully acting in that capacity for the Village.
- (k) "NON-RESIDENT" shall mean any person who is residing in the Village of Ashcroft for a short duration and who has not taken up permanent residency.
- (l) "OWNER" in respect of any dog, includes the possessor or harbourer and "owned" includes possessed or harboured.
- (m) "PERSON" shall mean and include any individual, household, corporation, partnership or party and the heirs, executors, administrators or other legal representatives of the same, to whom the context can apply according to law.
- (n) "POUND" shall mean any building or enclosure designated as a Pound by the Village of Ashcroft.
- (o) "POUNDKEEPER" shall mean the person(s) appointed from time to time by Council to be Poundkeeper, or the authorized agent of any corporation or society, with whom the Council has an agreement to act as Poundkeeper.
- (p) "RUN AT LARGE" when used with reference to a dog(s) shall mean being elsewhere than on the premises of the owner thereof and not confined in an enclosed vehicle or not controlled by a leash held by a competent person.
- (q) "TREASURER" means the Treasurer of the Village of Ashcroft as the person appointed by resolution of Council for the purpose of receiving monies under the provisions of this bylaw.
- (r) "UNLICENSED DOG" means any dog for which the license fee for the current year has not been paid as provided for herein, or to any dog that the tag provided for herein is not attached..
- (s) "VICIOUS DOG" means:
- (1) Any dog 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

- (2) Any dog which, without provocation, chases or approaches a person on public or private property in a menacing fashion or apparent attitude of attack, or
- (3) Any dog which, without provocation, bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal on public or private property.

2.1 Whenever the singular and masculine are used throughout this bylaw, the same shall be construed as meaning the plural or the feminine as body corporate or politic as the same require.

PART II - LICENSING OF DOGS

3. No person shall own, keep, harbour or have in his possession any dog unless a license therefore, under this bylaw, has first been obtained.
4. The owner of every dog shall, annually on or before the last day of February in each year, or as soon thereafter as such dog shall attain the age of three (3) months, cause same to be registered, numbered, described and licensed in the office of the Village of Ashcroft or office designated by the Village of Ashcroft and shall cause the dog to wear around its neck a leather or metal collar to which shall be attached the tag referred to in Section 9 of this bylaw.
5. The license shall be issued by the License Inspector or such other person(s) as the Council may by resolution appoint, and applications for licenses may be made to him, or to any other person duly authorized to receive same. Every license shall be distinguished by a number and a record shall be kept by the License Inspector of all licenses issued and for the purposes of identification, a general description of the dog in respect of which such license was issued.
6. A non-resident, who is the owner of a dog, shall at the expiry of thirty (30) days residency within the Village of Ashcroft cause that said dog be registered, numbered, described and licensed as outlined in Sections 8 and 9 herein.
7. (a) No person or household shall keep or harbour more than two (2) dogs in a residential zoned area.

(b) Every person or household who keeps three (3) or more dogs shall be deemed to operate a kennel.

8. Every application for a license shall be accompanied by a license fee payable to the License Inspector as follows:

(a) For each spayed female or neutered male dog. Before issuing a license for a spayed female dog or neutered male dog, the License Inspector shall require the owner to furnish proof that the dog has been spayed or neutered

\$5.00

↓

(b) For each unspayed female or unneutered male dog

\$25.00

(c) For a kennel as defined hereabove and subject to the restrictions of the Village of Ashcroft Zoning Bylaw or

\$125.00

the option of \$25.00 plus the individual license fee for each dog kept in the kennel.

(d) For each lost dog tag, a replacement fee will be charged of

\$1.00

(e) Should such license not be paid by the last day of February of the licensing year, the owner of any dog not so licensed shall pay a further fee of

\$2.00

(f) For each Pit Bull Terrier, American Pit Bull Terrier, Pit Bull, Staffordshire Bull Terrier, American Staffordshire Terrier, or any other dog of mixed breeding which includes any of the aforementioned breeds

\$100.00

- (g) If a dog is acquired or reaches the age of 3 months after March 1st in any license year, the owner thereof shall not be subject to paying the prescribed \$2.00 penalty.
- (h) All owners of seeing eye and hearing aid guide dogs shall be required to obtain a license, but there shall be no charge for this license.
- ↓
- (i) If an owner has a dog spayed or neutered within three (3) months from time of purchase of a license in any license year, a refund for the difference in the license fee shall be made providing a valid veterinarian certificate is presented by the owner.
- (j) For license fees paid by new residents and new dog owners after July 31st in each year a fifty percent (50%) discount shall apply.
9. Every license issued under this bylaw shall be for the calendar year in which the license is issued and shall expire on the thirty-first (31st) day of December next following the date on which the license was issued. There shall be issued with each license a tag which shall be impressed or stamped with a number corresponding to the number of the license issued by the License Inspector.
10. Where the owner of a dog in respect to which a license is issued under this bylaw sells or otherwise ceases to be the owner of the dog, the license shall, in respect of that dog thereupon become cancelled.
11. Any person holding a valid license for any dog under a bylaw of any other municipality or regional district of the Province of British Columbia shall not be liable to pay any license fee pursuant to this bylaw in respect of the same dog for the unexpired portion of the period for which such license for such dog shall have been unused. This provision shall not apply to any person who has obtained the license in another municipality or regional district while residing within the Village of Ashcroft.

PART III - CONTROL OF DOGS

12. No owner shall take or allow any dog onto any public beaches, swimming areas, parks or school grounds unless the park or public area has been otherwise designated by resolution of the Village of Ashcroft and posted "Dogs on leash allowed".
- ↓

13. All dogs while outside and not controlled by a leash held by a competent person shall be kept in a fenced area in the rear yard.
14. No owner shall tie, secure, or tether any dog for a period longer than 8 hours at any one time for each 24 hour period.
15. Notwithstanding Section 14 hereof, where a rear yard of a property is fully closed with a secure fence and a self locking gate which will effectively prevent any dog from escaping therefrom, a dog may be allowed to roam free anywhere therein.
16. No person shall keep or harbour a vicious dog within the Village of Ashcroft.
17. No owner of a dog shall allow, suffer or permit a dog to run at large in the Village of Ashcroft.
18. Any owner raising, training or keeping more than 2 dogs shall be required to obtain a kennel license. Issuance of said kennel license shall be conditional on an approved kennel structure being built in accordance with standards for dog kennels set out in Schedule C attached hereto and forming part of this bylaw.
19. The Council may establish a Dog Control Advisory Board to conduct periodic reviews of the dog control function to make recommendations to Council regarding changes as deemed necessary.
- 19.1 No owner shall allow or suffer any dog to leave or deposit any feces or dung on any public or private property which shall include park, boulevard, and road right-of-way other than the property of the owner unless the owner shall immediately take steps to remove such faeces or dung, and dispose of the same in a sanitary manner. A person who is certified as being blind is exempted from the provisions of this section of the bylaw.

PART IV - IMPOUNDING OF DOGS

20. The Council shall provide a pound for the impounding of dogs pursuant to the provisions of this bylaw.
21. The Council shall, from time to time as may be required, appoint a Poundkeeper and hire an assistant or assistants as deemed necessary who shall operate a pound for the impounding of dogs pursuant to the provisions of this bylaw.

22. The Council shall, from time to time as may be required, appoint a dog control officer, who may hire assistants as deemed necessary, who shall enforce the provisions of this bylaw.
23. It shall be lawful for the Dog Control Officer to seize any dog found running at large or any dog that is not securely fenced or any dog which is tethered contrary to Sections 14 and 15 and such Dog Control Officer shall forthwith, after making such a seizure, cause for such dogs to be impounded, and the Poundkeeper shall retain such dog for seventy-two (72) hours; and if the same is not reclaimed within the said seventy-two (72) hours, it shall be the duty of the Poundkeeper to cause such dog to be sold or destroyed.
24. The Dog Control Officer is hereby empowered to enter any lands and premises in order that he may control, impound or destroy any vicious, wounded or sick dog.
25. It shall be the duty of the Poundkeeper to receive any dog delivered to him which has been seized or impounded pursuant to the provisions of this bylaw, and he shall retain such dog and deal with the same in the manner as other dogs seized, received and retained by him, pursuant to this bylaw.
26. The Council shall provide and supply proper shelter and the Poundkeeper shall provide for and give sufficient food and water daily to all dogs detained by the Poundkeeper within the pound.
27. If the owner of any impounded dog is known to the Poundkeeper, the Poundkeeper shall forthwith notify the owner by mail or telephone in accordance with the form set out in Schedule A of this bylaw.
28. The Poundkeeper, on being requested to call for and take away any dog which the owner thereof desires to have destroyed, may direct the Dog Control Officer to call for and take away and the Poundkeeper may destroy or otherwise dispose of such dog.
29. The owner of any dog impounded under this bylaw, may reclaim same on application to the Poundkeeper, providing proof of ownership and paying the following fees:
 - (a) An impounding fee of ten dollars (\$10.00) for the first impoundment; Twenty-five dollars (\$25.00) for the second impoundment; Fifty dollars (\$50.00) for the third impoundment; Seventy dollars (\$70.00) for the fourth and subsequent impoundments and applicable license fee if the dog is unlicensed.

- (b) A maintenance fee of Five dollars (\$5.00) per day or part day of detention.
30. The Dog Control Officer may, where he has reason to believe that a dog, for which the license for the current year has not been paid, or that a dog not bearing the collar and tag as provided in Section 3 and Section 4 of this bylaw, has taken refuge on any premises, request the occupant of such premises to satisfy him that such license has been paid and to exhibit such tag, or to forthwith deliver to him such dog; and where any dog is found to be on any such premises as aforesaid, any person, who fails or refuses to exhibit such license receipt and tag, or who fails, neglects, or refuses to deliver such dog on request, and who resists or interferes with such Dog Control Officer in seizing such dog, shall be deemed to be guilty of an infraction of this bylaw, and shall be subject, upon conviction, to the penalties herein provided.
31. 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 Poundkeeper, as herein provided, and no person shall intervene or otherwise interfere with the Poundkeeper in the lawful exercise of his duties.
32. In case the owner is not known or the owner so notified does not within three (3) days of notification referred to in Section 23 hereof, appear at the pound and release the dog so impounded by the payment of the lawful fees as outlined in this bylaw, the Poundkeeper may sell or destroy the dog or dogs as provided for in this bylaw.
33. The Poundkeeper shall maintain proper records of all monies received by him pursuant to the provisions of this bylaw and shall, at least once in every month pay over to the Treasurer the monies so received pursuant to the provisions of this bylaw.
34. All license fees collected pursuant to the provisions of this bylaw and all fines, penalties and forfeitures imposed for the violation of any of the provisions hereof shall be paid into the treasurer to the credit of the Village of Ashcroft.
35. It shall be the duty of the Treasurer to furnish to the Poundkeeper a book or other forms in which he shall record the description of every dog impounded by him, the name of the person who took or sent the same to be impounded (if any), the day and hour on which it was received, redeemed or sold and the amount of charges paid by, and the name of the person redeeming and the proceeds of the sale (if any

made) or the other disposal of the dog; and the Poundkeeper shall on or before the first day of each and every month, make a return in writing to the treasurer, giving the number and description of all dogs received by him during the preceding month with the several particulars herein before required to be entered in such book and other information the Treasurer may deem necessary; such return shall be in the form prescribed by the Treasurer.

36. The Pound shall be made available to the public for the transaction of business during normal work hours, Monday through Friday of each week, or such additional hours as may be warranted excluding statutory holidays.
37. (a) Every owner or other person entitled to the possession of a dog which has been impounded as aforesaid shall forthwith upon being notified or become aware of such impounding, redeem the dog in accordance with the provision of this bylaw.
- (b) Should the Pound be broken into and the dog escape therefrom and get back to the possession or custody of the owner of any person caring for the said dog, the said owner or person shall still be liable for the payment of fees and expenses chargeable and recoverable under Section 30 of this bylaw.
38. (a) The proceeds of the sale of any impounded dog sold under the provisions of this bylaw shall be turned over to the Treasurer.
- (b) Any money from the proceeds of the sale paid to the Treasurer less the costs of impounding, sustenance fees, and attending the sale, shall be paid over to the owner of the dog sold on evidence or proof of ownership satisfactory to the Village of Ashcroft and application therefore shall be made to the village of Ashcroft within three (3) months from date of sale; otherwise such money shall form part of the General Revenue of the function of Dog Control of the Village of Ashcroft.
39. (a) For any contravention of Section 7(a), 7(b), 12, 13, 14, 15, or 18 of this bylaw, an information may be laid and/or a ticket issued by the Dog control Officer in accordance with the provisions of the Offence Act (British Columbia) by means of the ticket set out as Schedule B of this bylaw shall be as follows:
- (i) For the first offence by the person in question, the sum of \$10.00;

- (ii) For the second offence by the person in question, the sum of \$25.00;
- (iii) For the third offence by the person in question, the sum of \$50.00;
- (iv) For the fourth or subsequent offence by the person in question, the sum of \$70.00.

PART VI - RIGHT OF ENTRY

40. The Dog Control Officer is hereby authorized to enter, at all reasonable times, upon any property within the Village of Ashcroft subject to any of the regulations of this bylaw, in order to ascertain whether such regulations are being obeyed.

PART VII - PENALTIES

41. 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 or in violation of any of the provisions of this bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw, is guilty of an offence under this bylaw, and liable to a penalty of not less than Fifty dollars (\$50.00) and not more than Two thousand dollars (\$2,000.00).

PART VIII - REPEAL


42. The Corporation of the Village of Ashcroft Animal Control Bylaw 376 and amending Bylaw 478 are hereby repealed.

Read a first time this 26th day of June, 1989.


Read a second time this 10th day of October, 1989.

Read a third time this 26th day of February, 1990.

Reconsidered and adopted this 2nd day of March, 1990.

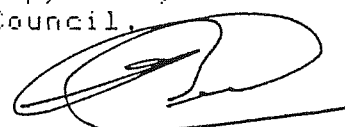


Mayor Mervin A. Pears




Clerk Gordon D. Berdan, CMC

CERTIFIED to be a true and correct copy of Bylaw 502 as adopted by Council.



Clerk Gordon D. Berdan, CMC

A true copy of By-Law No. 502
registered in the office of the Inspector
of Municipalities this 12 day of
April 1990.



Inspector of Municipalities

VILLAGE OF ASHCROFT

DOG REGULATION & IMPOUNDING BYLAW NO. 502

SCHEDULE "A"

IMPOUNDING NOTICE

TO:

Take notice that, pursuant to the provisions of the Village of Ashcroft Dog Regulation & Impounding Bylaw No. 502, _____

_____ (description of dog(s) impounded), was/were impounded in the Pound kept by the undersigned at _____
↓
_____ on _____, the day of _____, 19__;

And further take notice that unless within three (3) days after the date of this notice, you appear at the Pound and release the dog(s) so impounded by the payment of the lawful fees and charges, the same will be destroyed or sold as provided in the said bylaw.

Dated this _____ day of _____, 19__.

Poundkeeper

Address

Phone Number

VILLAGE OF ASHCROFT

DOG REGULATION & IMPOUNDING BYLAW NO. 502

SCHEDULE "B"

TICKET

CANADA)The undersigned , being duly
and PROVINCE OF BRITISH COLUMBIA)sworn upon oath, deposes and says:

On the _____ day of _____, 19__ at _____ a.m./p.m.
at or near _____ (location)

Name: _____
(Last) (First) (Other)

of: _____
(Street Address) (Postal Code)

of _____, British Columbia being the owner, possessor or harbourer of a dog(s) did unlawfully then and there commit an offence under the Village of Ashcroft Dog Regulation & Impounding Bylaw No. 502 as indicated below:

_____ Keeping more than two (2) dogs in contravention of Section 7(a).

_____ Operating a kennel in contravention of Section 7 (b).

_____ Allow a dog to enter upon any public beach, swimming area, park or school ground in contravention of Section 12.

_____ Allow a dog to be tied, secured, tethered or penned in contravention of Section 14.

_____ Allow a dog to be tied, secured, or tethered in contravention of Section 15.

_____ Allow, suffer or permit a dog to run at large in contravention of Section 18.

SCHEDULE "B" - Page 2

The undersigned states that he/she has reasonable and probable grounds to believe and does believe that the person named above committed the offence indicated.

Sworn before me this _____)
 day of _____, 19__)
 in the Province of British)
 Columbia) Animal Control/Bylaw
) Enforcement Officer
)
)
)
 _____)
 Judge or Justice

IN THE NAME OF HER MAJESTY THE QUEEN YOU ARE THEREFORE COMMANDED TO APPEAR IN THE PROVINCIAL COURT AT 306 BRINK STREET, ASHCROFT IN THE PROVINCE OF BRITISH COLUMBIA ON THE _____ DAY OF _____ 19__ AT _____ A.M./P.M. TO ANSWER THE ABOVE CHARGE AND TO BE FURTHER DEALT WITH ACCORDING TO LAW.

INDICATED VOLUNTARY PENALTY \$ _____

Animal Control / Bylaw Enforcement Officer

SCHEDULE "B" - Page 3

AFFIDAVIT OF SERVICE OF SUMMONS

CANADA

(ON BACK OF ORIGINAL)

PROVINCE OF BRITISH COLUMBIA

I, _____ (Animal Control Officer) of the Village of Ashcroft, make oath and say that on the _____ day of _____, 19__, I served _____ (the "Defendant") named in the within summons with a true copy of the within summons in the manner indicated below, namely:

(Please mark in appropriate box)

_____ by delivering it to him personally;

_____ by leaving it for him at his last or usual place of abode with an inmate thereof who appeared to be at least 16 years of age, because the defendant could not conveniently be found;

_____ the defendant being a municipal corporation, by delivering it personally to the mayor/reeve or other chief officer of the corporation/or to the secretary/treasurer/or clerk of the corporation, namely _____;

_____ the defendant being a corporation other than a municipal corporation, by delivering it personally to the manager/secretary/or other executive officer of the corporation/or at a branch of the corporation, namely _____.

Animal Control Officer

SWORN before me this _____ day of _____, 19__, at Ashcroft, British Columbia.

A Commissioner for taking Affidavits
for British Columbia

1st White - includes Affidavit of Service on back

2nd Yellow - includes:

"PRIOR TO THE COURT APPEARANCE DATE, THE PENALTY INDICATED ABOVE MAY BE PAID EITHER PERSONALLY OR BY MAIL TO THE PROVINCIAL COURT OF BRITISH COLUMBIA AT THE ADDRESS ABOVE."

3rd Pink - To Village

VILLAGE OF ASHCROFT

DOG REGULATION & IMPOUNDING BYLAW NO. 502

SCHEDULE "C"

STANDARDS FOR DOG KENNELS

1. Subject to the requirements of the BC Building Code, the minimum standards for dog kennels for boarding, raising and training of dogs in the Village of Ashcroft are as follows:
 - (a) Sizes: Cages and pens - 3' x 4' minimum or 5' x 5' per two dogs minimum.
Runs - 4' x 12'
 - (b) Kennels should be constructed of one or more of the following materials:
 1. concrete
 2. cement block
 3. metal
 4. brick
 5. tile
 6. stone
 7. wood (preferable fireproof)
 8. fibreglass (kennel units and bed platforms)
 9. chain link fencing
 - (c) Heat and Ventilation
 - (1) Dry - ventilation, as required, depending on the size of the unit and number of animals kennelled in the building.
 - (2) Heat - capable of reaching a minimum of 16 degrees celcius.
 - (d) The design of the kennels must make provision for:
 - (1) Buildings that are weatherproof, odor resistant, rodent resistant, adequate lighting, heat, ventilation, drainage and disease preventative features.
 - (2) Floors shall be constructed of any of the following materials:
 - (a) wood planking
 - (b) concrete treated with sealer
 - (c) other materials which provided the same degree of imperviousness

SCHEDULE "C" - Page 2

- (3) Runs - shall include a floor, sidewalk and roof; materials used shall be chain link fencing or similar material
- (4) Beds shall be raised platforms preferably made of wood or fibreglass and placed in an area away from drafts.
- (e) Gates - all gates shall be equipped with a self-locking device.
- (f) Permit - No person shall commence or continue to do any work related to a dog kennel structure unless a permit authorizing such work has been obtained from the Chief Building Inspector.

VILLAGE OF ASHCROFT

DOG REGULATION & IMPOUNDING BYLAW NO. 502

SCHEDULE "D"

APPLICATION FOR DOG LICENSE

DATE: _____

OWNER: _____ PHONE: _____

STREET ADDRESS: _____ BOX NO.: _____

TOWN: _____

=====

DOG'S NAME: _____

SEX: MALE _____ FEMALE _____

INDICATE IF SPAYED OR NEUTERED _____

COLOUR: _____

BREED: _____

TAG NO. ISSUED: _____ TAG YEAR: _____

=====

I hereby swear that the above described dog is NOT a Pit Bull Terrier, American Pit Bull Terrier, Pit Bull, Staffordshire Bull Terrier, American Staffordshire Terrier, or any other dog of mixed breeding which includes any of the aforementioned breeds.

Owner's Signature

Date