

CORPORATION OF THE DISTRICT OF BURNABY

BY-LAW NO. 1515.

A BY-LAW to provide for the taxing and licensing of all dogs within the Municipality and for the establishment of a pound for dogs.

WHEREAS under section 54 (197) of the Municipal Act as amended by the Municipal Act Amendment Act 1934 section 6, the Council of a Municipality may make a by-law for levying taxes upon all dogs over four months of age, and for classifying dogs and for levying taxes thereon of different amounts in the discretion of the Council according to the different classes so created by by-law, and for compelling the owners or persons in charge of any dogs belonging to any particular class so created to keep such dogs securely muzzled or led by a leash at all times when they are not confined to the premises of such owners or persons in charge, and providing for the destruction of dogs that are diseased or vicious and generally for controlling dogs as the Council may seem fit, and for issuance of an Annual licence to any person who keeps five or more dogs as owner of a kennel upon such payment as may be prescribed by the by-law.

AND WHEREAS under Section 54 (subsection 47 to 51 inclusive) of the said Municipal Act the Council of a Municipality may make by-laws for the establishment and regulation of pounds, the appointment of poundkeepers, the regulating and fixing the fines and fees to be levied and collected by such poundkeepers and for providing yards and enclosures for the safekeeping of animals impounded and for killing dogs in certain circumstances.

AND WHEREAS Hugh M. Fraser has by Order in Council dated the 9th day of February 1934 been appointed Commissioner for the Municipality of Burnaby under Part XXIII of the said

Municipal Act and has under the said statute power subject to the approval of the Lieutenant-Governor in Council to make such by-laws as might be made by the Council of the said Municipality.

THEREFORE the said Commissioner in exercise of all the powers him thereunto enabling hereby enacts as follows:-

1. This by-law may be cited as the Burnaby Dog Tax and Pound By-law 1935.

2. In the construction and for the purpose of this By-law the following words and terms shall have the meanings hereby assigned to them unless repugnant to the context hereof;

- (a) "Municipality" shall mean the Municipality of Burnaby.
- (b) "Dog" shall mean any dog over the age of four months, including female as well as male.
- (c) "Impounded" shall mean seized, delivered, received or taken into the pound, or in the custody of the poundkeeper as provided herein.
- (d) "Poundkeeper" shall mean the person 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 so appointed.
- (e) "Pound" shall mean any building or enclosure established as a pound under this by-law.
- (f) "Person" shall when necessary or applicable mean and include persons of either sex and associations, corporations, co-partnerships, companies, whether acting by themselves or by a servant agent or employee and the heirs, executors, administrators, successors and assigns or legal representatives of such person to whom the context shall apply according to law; the singular shall when necessary be held to mean and include the plural and the masculine the feminine and converse.

- (g) "Unlicensed dog" shall mean any dog for which the tax or license for the current year has not been paid as herein provided or to which a tax representing payment of the dog tax or license for the current year is not attached.
- (h) "Owner" shall mean and include any person who owns or is in the possession of a dog or any person harbouring or allowing the same to remain about his house, land or premises.
- (i) The "collector" shall mean the person appointed from time to time as the Collector of Taxes of the Municipality of Burnaby.
- (j) Any female dog certified as "spayed" by any qualified Veterinary Surgeon shall for the purpose of this By-law be classified as a Male dog.

3. Every person within the limits of the Municipality who is the owner of a dog over the age of four months shall procure such dog to be licensed, taxed, numbered, described and registered, and such license shall entitle such person to own, possess or harbour such dog up to the First day of January of the succeeding year, and in each subsequent year while such person continues to own, possess or harbour such dog he shall procure such license to be renewed and the appropriate tax hereinafter mentioned to be paid and such license shall be renewed and the said tax shall be paid on the second day of January in each year while such person continues to own, possess or harbour such dog.

4. Every such person shall pay to the Collector or to such other person as may be duly authorized to receive the same as a tax for each such dog, as follows: The sum of One (\$1.00) dollar for every male dog and for every female dog the sum of Three (\$3.00) dollars, provided that where any person is the owner of Five (5) or more dogs he shall be held to own a kennel and shall pay in place of such tax the sum of Ten (\$10.00) dollars where the kennel consists of Five (5) dogs and up to Ten (10) dogs; the sum of Fifteen (\$15.00) dollars where

the kennel consists of Eleven (11) dogs and up to Twenty (20) dogs; and the sum of Twenty five (\$25.00) dollars for all kennels exceeding Twenty dogs, upon payment of which an annual license shall be issued to him which shall entitle him to keep the said dogs up to the first day of January of the succeeding year while continuing to own the said dogs.

5. Upon payment of such tax or license which shall form part of the general revenue of the Municipality, such person shall receive from the said Collector or other authorized person for each such dog a metal tag having thereon a number and being of such form or so marked as to distinguish it as a tag for the then current year.

6. It shall be the duty of the collector or other authorised person collecting taxes or license fees to keep a book or register in which shall be recorded the names and addresses of the owners of every dog registered taxed or licensed under the provisions of this by-law, the date of such registration the description of the dog, the registration number and the amount of tax or license paid.

7. No person shall keep or own or have in his possession or harbour in the Municipality any dog, unless it has been taxed or licensed as aforesaid and a tag~~x~~ has been obtained therefor as hereinbefore provided.

8. Every person receiving a tag as provided in the preceding section shall cause the same to be securely attached to the dog in respect of which it has been issued by means of a collar fastened about the neck of such dog and no person shall after the first day of January in any year permit any dog of which he is the owner to run at large within the Municipality unless such dog shall have attached about its neck such metal tag for the then current year.

9. Any person guilty of unlawfully removing a metal tag from a dog shall be guilty of a breach of this by-law.

10. Any person who has obtained a tag as provided in Section 5 of this by-law and has lost the same may so often as such tag is lost, apply to the collector or other duly authorised person for another in place of the one so lost and upon production of proof of such loss to the satisfaction of such collector or authorised person he may issue to such person applying therefor a duplicate or other tag upon payment by such person in each case of a fee of twenty five cents, all such fees so to be collected to form part of the general revenue of the Municipality.

11. No owner of any female dog in heat shall suffer or permit such dog to run at large while in such condition and any such dog so found shall be impounded and disposed of as herein provided and the owner thereof shall be subject to the penalties of this by-law.

12. Notwithstanding anything contained in this By-law it shall be unlawful for the owner of any dog to permit or suffer such dog to be at large within the Municipality between the hours of 10 o'clock p.m. and 7 o'clock a.m. of the day next following, unless such dog is under the direct custody and control of some competent person; and every owner of any dog failing to take such measures as shall be necessary to keep it at all times from running at large contrary to the provisions hereof shall be guilty of a breach of this by-law and such dog shall be liable to be impounded and disposed of in the manner hereinafter provided.

13. It shall not be lawful for any person to own any diseased or vicious dog within the Municipality unless the same shall be kept sufficiently secured so as to prevent it from running at large or 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 of a breach of this section to order that any such vicious or diseased dog shall be killed by any police officer or by the poundkeeper and the costs

of killing and burying such dog may be collected in a summary manner from the owner thereof in addition to any fine or costs which may be lawfully imposed upon such person.

14. When complaint is made to the poundkeeper that a dog cannot safely be allowed to run at large or is diseased, or has killed poultry, he shall investigate the same, and if he is satisfied that such complaint is well founded, shall request the owner of the said dog to destroy the same or to keep it in confinement on his own premises; and in case of non-compliance by the owner with such request the poundkeeper may seize such dog and impound the same, and within 96 hours of such impounding he shall apply to the Police Magistrate of the Municipality for a warrant to destroy such dog. The pound keeper shall give or send to the owner of such dog a written notice of his intention to apply for the said warrant at least 24 hours prior to said application being made and an opportunity shall be given to the said owner to shew cause why such warrant should not be granted and the Police Magistrate may instead of granting such warrant take from the said owner an undertaking to keep the said dog in confinement, and may order the said owner to pay to the poundkeeper the expenses of seizing and maintaining the said dog. In the event of the poundkeeper being unable to give any notice hereinreferred to at the address if any appearing on the register hereinbefore mentioned relating to such dog, or in the event of the name and/or address of the owner of such dog not being traceable on the said register, and such notice may be given by posting the same on the notice board at the Burnaby Municipal Hall, Edmonds, B.C., and such notice shall have the same force and effect as if given to the said owner personally.

15. It shall be lawful for the poundkeeper or any police constable or any other person duly authorized by the poundkeeper to destroy at once any diseased or vicious dog found at large without having attached thereto a metal tag as hereinbefore provided.

16. There shall be established in the Municipality a pound for dogs which may be the pound established under the Burnaby Pound By-law 1921 or otherwise, and the said pound shall be open for business on such days and during such hours as shall from time to time be determined by the Commissioner or by his successor or successors from time to time administering the affairs of the Municipality.

17. The Commissioner or his successor or successors as aforesaid shall from time to time as occasion may require appoint a poundkeeper and such assistant or assistants as may be required, and the said Commissioner or his said successor or successors may cancel any such appointment with or without notice and may appoint any other person to take the place of any person whose appointment has been so cancelled.

18. The poundkeeper or any Police Constable may seize any dog found running at large in the Municipality elsewhere than on the premises of the owner, not having attached to it a metal tag as hereinbefore provided, or otherwise contrary to the terms of this by-law, and such poundkeeper or police constable shall forthwith after making such seizure deliver such dog to the poundkeeper to be impounded and it shall be the duty of such poundkeeper to receive such dog and retain the same for a period of 96 hours unless it be sooner reclaimed as hereinafter provided.

19. The poundkeeper may where he has reason to believe a dog for which the tax or license for the current year has not been paid or a dog not having attached to it 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 that such tax or license has been paid and to exhibit such tag attached to such dog or to forthwith deliver such 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. During the period of its detention in the pound every impounded dog shall be supplied with a sufficient quantity of food and water and if such dog be not reclaimed within 96 hours of its being impounded it shall be the duty of the poundkeeper to kill such dog or to sell the same to any person by auction or private sale and to pay the proceeds of such sale to the Collector who shall after payment of such expenses and charges as are fixed by this by-law apply the surplus, if any, not claimed by the owner within one month from its receipt by the collector to General Municipal revenue.

21. Subject to the provisions of the preceding section hereof the owner of any dog impounded under this by-law may reclaim the same on application to the poundkeeper and on proof of ownership and payment of the tax or license fee for the current year and the expenses incurred in impounding and maintaining such dog as follows.- (a) pound fee of \$1.00 (b) any transportation costs incurred in impounding the said dog (c) Maintenance costs of twenty (20) cents per day or part of a day for the time such dog is impounded.

22. It shall be the duty of the poundkeeper to keep a book in which he shall enter with reference to each dog impounded the date and hour of impounding, a description of the dog, the name of the person from whom received, and the manner in which such dog is disposed of and such book shall be open to inspection by the collector and any other person authorized by him to inspect the same.

23. Any person attempting to take or rescue or who takes or rescues any dog when lawfully in the custody of the poundkeeper or other person under the provisions of this by-law shall be guilty of a breach thereof.

24. 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 thereof or

who neglects to do or refrains from doing anything required to be done by any of its provisions shall be deemed to be guilty of an infraction thereof and liable to the penalties hereby imposed.

25. Any person guilty of an infraction of this by-law shall upon conviction thereof before a court of competent jurisdiction on the oath or affirmation of any credible witness forfeit and pay at the discretion of the said court, a fine or penalty not exceeding the sum of One hundred dollars and costs for each offence; and in default of payment thereof forthwith it shall be lawful for such court convicting as aforesaid to issue a warrant to levy the said fine, or penalty and costs, or costs only, by distress and sale of the offender's goods and chattels; and in case of no sufficient distress being found, to commit the offender to the common jail, or nearest lock-up house, for any period not exceeding two months, with or without hard labour, unless the said fine or penalty and costs be sooner paid.

26. All tags and licenses issued since the first day of January 1935 under the Burnaby Dog Tax By-law 1928, shall be held to be and to have been tags and licenses issued under this by-law and shall be in force and effect as if they had been issued of the date of their issued under this by-law, but such tags and licenses shall have no force, virtue or effect after the 1st day of January 1936.

"Burnaby Dog Tax By-law 1928" is hereby repealed.

This By-law shall not come into force unless and until it shall have received the approval of the Lieutenant-Governor in Council.

Made and passed by the Commissioner of the Corporation of the District of Burnaby on the Third (3rd) day of July, 1935.

Reconsidered by the said Commissioner finally adopted by him and signed by him and the Clerk of the said Corporation and sealed with the Corporate Seal on the Seventh (7th) day of August, 1935.



Hugh B. M. Fraser

COMMISSIONER.

Charles B. Brown

CLERK.