

This bylaw was repealed at the February 20, 2017 meeting by Bylaw No. 19105

CITY OF SURREY

BY-LAW NO. 13880

Surrey Dog Responsibility By-law, 1999, No. 13880

A By-law to regulate the keeping of dogs within the City and to provide for fixing, imposing and collecting license fees from and the issuance of licenses to a person who owns, possesses, or harbours a dog.

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As amended by By-law No. 14453, 07/23/01; 15142, 10/27/03; 16488, 12/03/07; 17071, 12/14/09; 17312, 01/10/11; 17558, 02/06/12; 17833, 12/17/12; 18102, 11/25/13; 18126, 01/13/14; 18350, 01/12/15; 18582, 12/14/15; 18974, 12/19/16

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WHEREAS it is deemed expedient to regulate the keeping of dogs within the City of Surrey and to provide for the fixing, imposing and collecting of license fees from and the issuance of licenses to a person who owns, possesses or harbours a dog.

The Council of the City of Surrey, in open meeting assembled, pursuant to the powers vested in it by Part 22, Division 1 of the *Municipal Act*. R.S.B.C. 1996, c. 323, as amended, ENACTS AS FOLLOWS:

Short Title

1. This By-law may be cited for all purposes as "Surrey Dog Responsibility By-law, 1999, No. 13880."

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Interpretation

2. In the construction and interpretation of this By-law, the following words and terms will have the meanings assigned to them:

"Council" or **"City Council"** means the Council of the City of Surrey.

"Dog" means an animal of the canine species, irrespective of sex or age.

"Dangerous Dog" means a dog which meets any one or more of the following conditions:

- (a) a dog that has attacked, bitten or caused injury to a person or has demonstrated a propensity, tendency or disposition to do so;
- (b) a dog that, while running at large, has attacked, bitten, killed or caused injury to a domestic animal;
- (c) a dog that, while running at large, has aggressively pursued or harassed a person;
- (d) a dog that, while running at large, has aggressively pursued or harassed a domestic animal;
- (e) a dog with a known propensity to attack or injure a person without provocation;
- (f) a potentially dangerous dog:
 - (i) that has been impounded 3 times within the previous 24 months;
 - (ii) for which the owner has received a municipal ticket for running at large 3 times within the previous 24 months; or

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- (iii) for which the total number of impounds and tickets totals 3 within the previous 24 months.

"Dwelling Unit" means a dwelling unit contained within a multiple unit residential building. For the purposes of this By-law the terms dwelling unit and multiple unit residential building will have the same meaning as those terms may be defined from time to time in Surrey Zoning By-law, 1993, No. 12000.

"Enclosure" means a fence or structure of at least 6 feet in height and 4 feet in width, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a dangerous dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of the dangerous dog. The enclosure must be securely enclosed and locked and designed with secure sides, top and bottom and must be designed to prevent the animal from escaping from the enclosure.

"Impounded" means seized, delivered, received, or taken into the Pound, or in the custody of the Poundkeeper, as provided in this By-law or in Surrey Pound By-law, 1958, No. 1669, as amended.

"Leash" means a rope, chain, cord, leather strip or other device attached to the collar of a dog capable of controlling and restraining the activity of the dog in a manner which conforms to requirements of this By-law.

"License Inspector" means the City Solicitor, or designate, who is authorized to enforce the provisions of this By-law.

"Owner" includes a person owning, possessing, harbouring or having charge of a dog or permitting a dog to remain about the person's house or premises and, where the owner is a minor, the person responsible for the custody of the minor.

"Potentially Dangerous Dog" means a dog regardless of age, sex or breed, which is running at large.

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"Poundkeeper" means the person appointed from time to time by Council for the purpose of enforcing and carrying out the provisions of Surrey Pound By-law, 1958, No. 1669, as amended, and includes an assistant poundkeeper or a person appointed by the Council to carry out the provisions of this By-law.

"Pound" means a building or enclosure established as a pound by the Council.

"Run at Large" with reference to a dog means:

- (a) a dog located elsewhere than on the premises of the person owning or having the custody, care or control of the dog that is not under the immediate charge and control of a responsible and competent person;
- (b) a dog located upon a highway or other public place, including a school ground, park or public beach, that is not secured on a leash to a responsible and competent person; or
- (c) a dangerous dog that is on the premises of the owner that is not contained in an enclosure or securely confined within a dwelling;

and "running at large" has a corresponding meaning. A dog without a leash located in a designated "off leash" area within a park is not "running at large" for the purposes of this By-law provided that the dog is otherwise under the immediate charge and control of a responsible and competent person.

"Unlicensed dog" means a dog for which the license for the current year has not been paid, or to which the tag required by this By-law is not attached.

Right of Entry

3. The City Solicitor, or designate, is authorized to enter at all reasonable times upon property subject to the regulations of this By-law, in order to ascertain whether the regulations are being obeyed.

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Dog Licenses

4. The owner of every dog must, annually on or before the first day of January of each year or as soon thereafter as the dog attains the age of 6 months, cause the dog to be registered, numbered, described, and licensed in the office of the License Inspector of the City and must cause the dog to wear around its neck a leather or metal collar to which must be attached the metal tag referred to in Section 13 of this By-law.
5. The license will be issued by the License Inspector and applications for licenses may be made to the License Inspector or to another person authorized to receive applications for licenses. Every license will be distinguished by a number. A record will be kept of all licenses issued and, for the purpose of identification, a general description of the dog in respect of which the license was issued.

Maximum Number of Dogs

6. The following restrictions apply to all areas of the City:
 - (a) For those properties upon which is located a multiple unit residential building, no person may keep more than two dogs per dwelling unit; and
 - (b) For all other properties, but subject to Section 7, no person may keep more than two dogs per parcel of real property.
7. More than two dogs may be kept on a parcel of real property described in Section 6(b) of this By-law if a kennel license for that parcel has been lawfully issued, in which case the number of dogs being kept may not exceed the number authorized by the kennel license.

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License Fees

8. Every application for a license must be accompanied by a license fee payable as follows:

for each male dog	\$ 70.00
for each neutered male dog	\$ 43.00
for each female dog	\$ 70.00
for each spayed female dog	\$ 43.00
for each potentially dangerous dog	\$ 132.00
for each dangerous dog	\$ 278.50

Before issuing a license for a spayed female dog or a neutered male dog the License Inspector may require the owner to furnish proof that the dog has been spayed or neutered.

Discounts

9. Licenses paid within 30 days of issuing notice of renewal will be subject to a \$10.00 discount.

10. Every application for a dog license by an owner who is 65 years of age and over will be issued the dog license for fifty percent of the amount set out in Section 8, provided that appropriate proof of age is presented to the License Inspector.

Exemptions

11. License registration will be provided at no charge to dogs and puppies registered in the Guide Dog in Training Program, provided that appropriate proof of registration is presented to the License Inspector.

12. A person holding a license for a dog under the provisions of the *Livestock Protection Act*, R.S.B.C. 1996, c. 273, as amended, or under a by-law of another municipality of the Province of British Columbia is not required to pay a license fee pursuant to this By-

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law in respect of the same dog for the unexpired portion of the period for which the license for the dog has been issued. This provision will not apply to a person who has obtained the license in another City while residing within the City of Surrey.

Term of License

13. Every license issued under this Bylaw shall be for the calendar year in which the license is issued and shall expire on the 31st day of December next following the date on which the license is issued.
14. Where the owner of a dog in respect of which a license is issued under this By-law sells or otherwise ceases to be the owner of the dog, the license will, in respect of that dog become cancelled.

License Required

15. No person will keep, harbour or possess, within the City a dog over 6 months of age unless a license for the dog has been obtained.

Running at Large

16. No person owning or having the custody, care or control of a dog, will allow or suffer the dog to run at large in the City. This prohibition does not apply to a dog that is under the charge and control of:
 - (a) a responsible and competent person and is actively engaged in dog trials, dog shows, or other similar activities; or
 - (b) a police officer, police constable or other person employed for the preservation and maintenance of the public peace, an officer or a person having the powers of a customs and excise officer when performing a duty in the administration of the

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Customs Act or the *Excise Act*, or an officer or member of the Canadian Forces, or a duly licensed and qualified security guard, while in the course of performing lawful duties.

Beaches

17. No person owning or having the custody, care or control of a dog, will permit the dog to be on a beach in the City between the 15th day of May and the 15th day of September in any year.

Excrement

18. No person owning or having custody, care and control of a dog will allow or suffer the dog to deposit excrement in a park or on public property unless the person immediately removes the excrement and disposes of it in a sanitary manner.
19. No person owning or having custody, care and control of a dog will allow or suffer the dog to deposit excrement on private property not under the care and control of the dog owner or onto private property on which the dog owner has not been invited, unless the person immediately removes the excrement and disposes of it in a sanitary manner.

Removal of Dog Tag

20. No person, without the authority of the person owning, or having the custody, care or control of a dog, will remove from a dog a collar to which is attached the metal tag provided for in this By-law, or remove the tag from a dog.

Seizure and Impoundment

21. The Poundkeeper, License Inspector or a police officer may seize or impound a dangerous dog, a potentially dangerous dog or an unlicensed dog. The Poundkeeper,

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License Inspector or police officer must immediately after making the seizure cause the dog to be impounded, and the Poundkeeper must retain the dog for 72 hours. If the dog is not reclaimed within 72 hours it is the duty of the Poundkeeper to dispose of the dog to be destroyed or adopted through sale. When a dog has been impounded and it is found that the dog is suffering from an injury, disease or sickness or from any other cause, the Poundkeeper may, in his or her discretion and in consultation with a veterinarian, immediately destroy the dog, if it is the veterinarian's opinion that the dog would not survive the injury, disease or sickness, or that it would be an act of humanity to destroy the dog.

Powers and Duties of the Poundkeeper

22. Where the Poundkeeper has reason to believe that a dog is not receiving proper care, treatment or shelter, the Poundkeeper may enter onto premises at any reasonable time to determine the health and well-being of a dog on the premises.
23. It is the duty of the Poundkeeper to receive a dog delivered to him by an officer or constable or an official or employee of the City which has been seized or impounded pursuant to the provisions of this or another relevant By-law of the City. The Poundkeeper must retain the dog and deal with it in the same manner as other dogs seized, received and retained pursuant to this By-law.

Poundkeeper Services

24. The Poundkeeper, on being requested to call for and take away a dog, may call for and take away the dog upon payment of the sum of \$50.00 by the owner.
25. The Poundkeeper, on being requested to destroy a dog by the owner, may destroy the dog, upon payment of the sum of \$50.00 by the owner.

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26. The Poundkeeper, on being requested to dispose of the body of a dead dog by the owner, may dispose of the body upon payment of the sum of \$50.00 by the owner.
27. If, in the opinion of a qualified veterinarian, a dog is required to be euthanized by reason of illness or injury or both, that service will be carried out. The cost of the service and the subsequent disposal of the remains, if carried out by the Poundkeeper, will be borne by the owner, harbourer or possessor of the dog.

Impound Fees - Unlicensed Dogs

28. The owner, possessor or harbourer of an unlicensed dog impounded pursuant to the provisions of the By-law may reclaim the dog on application to the Poundkeeper at any time prior to its sale or destruction on proof of ownership and on payment of the prescribed license fee together with the sum of \$108.00 plus the cost to the Poundkeeper of having a microchip or tattoo placed on the dog, or the sum of \$216.00.

Impound Fees - Licensed Dogs

29. The owner, possessor or harbourer of a dog which is not an unlicensed dog or a dangerous dog impounded pursuant to the provisions of this By-law may reclaim the dog on application to the Pound keeper at any time prior to its sale or destruction on proof of ownership and on payment of the following charges:
 - (a) for the first impounding of the dog, the sum of \$32.25 plus the cost to the Pound keeper of having a microchip or tattoo placed on the dog, or the sum of \$108.00;
 - (b) for the second impounding of the dog, the sum of \$81.00;
 - (c) for the third impounding of the dog, the sum of \$216.00;
 - (d) for the fourth impounding of the dog and any subsequent impounding of the dog, the sum of \$540.25;
 - (e) if the dog has not been impounded within the previous 24 month period, the impound fee will be reset to the amount stated in clause (a).

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Impound Fees - Dangerous Dogs

30. The owner, possessor or harbourer of a dangerous dog impounded pursuant to the provisions of this By-law may reclaim the dog on application to the Poundkeeper at any time prior to its sale or destruction on proof of ownership and on payment of the following charges:
 - (a) for the first impounding of the dog for running at large, the sum of \$1,000.00;
 - (b) for the second impounding and any subsequent impounding of the dog for running at large, the sum of \$5,000.00.
31. Despite Section 30, where a dangerous dog has caused injury to a person or a domestic animal, the impound fee will be the sum of \$5,000.00 for the first impounding of the dog.
32. Despite Section 30, where a dangerous dog has caused injury to a person or a domestic animal the Poundkeeper may detain the dog pending a hearing under Section 8 of the *Livestock Protection Act*, R.S.B.C. 1996, c. 273, as amended, to seek an order to have the dog humanely destroyed. Should the order not be granted the dog may be redeemed by the owner upon payment of the impound fee of \$5,000.00.
33. In addition to the impound fees imposed by this By-law, the owner, harbourer or possessor of a dangerous dog will also be liable for all extraordinary costs incurred by the Poundkeeper in the course of impounding the dog and these costs will be payable at the time of reclamation.
34. If a dangerous dog is unlicensed at the time of impoundment then the license fee for the current year will be \$278.50 and will be payable in addition to the impound fee, and a license subsequently issued.

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35. The owner of a dangerous dog must provide the Poundkeeper with proof of valid liability insurance covering the actions of the dog for the current year prior to the issuance of license or the dog being reclaimed.
36. The schedule of impound fees for dangerous dogs will be cumulative over time and will not follow the calendar year.
37. The owner, harbourer, or possessor of a dangerous dog must advise the Poundkeeper within 1 week of a change of address within the City which involves the relocation of the dangerous dog.

Fees – General

38. In addition to the impound fees payable under this By-law, the owner, possessor or harbourer of a dog impounded pursuant to the provisions of this By-law must also pay a maintenance fee of \$16.00 for each day the dog has remained in the Pound upon reclamation of the dog.
39. Any fines, impound fees, and any other costs imposed by this By-law are payable by the owner of the dog, regardless of whether the dog is reclaimed by the owner. All fees are subject to applicable taxes.

Obstruction of the Poundkeeper

40. If the Poundkeeper has reason to believe that an unlicensed dog or a dog not bearing the collar and metal tag required under this By-law has taken refuge on a premises, the Poundkeeper may request the occupant of the premises to provide satisfactory proof that the license has been paid and to exhibit the license receipt and metal tag, or to immediately deliver the dog to the Poundkeeper. If a dog is found to be on the premises, the person who fails or refuses to exhibit the license receipt and metal tag, or who fails, neglects, or refuses to deliver the dog on request, or who resists or interferes

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with the Poundkeeper in seizing the dog, will be deemed to be guilty of an infraction of and subject to the penalties provided for in this By-law.

41. It will be unlawful for a person to release or rescue or attempt to release or rescue a dog lawfully in the custody of the Poundkeeper or another person and no person will intervene or otherwise interfere with the Poundkeeper in the lawful exercise of the Poundkeeper's duties.

Dangerous Dogs

42. It will be unlawful for a person to own or have custody of a dangerous dog that is found on a street or in a public place or other place that is not owned or controlled by the person unless the dog is muzzled to prevent it from biting another animal or a person.
43. It will be unlawful for a person to own or have custody of a dangerous dog that is on the premises owned or controlled by the person and is not kept securely confined either indoors or in an enclosure required under this By-law capable of preventing the entry of young children and adequately constructed to prevent the dog from escaping.

Revenues

44. The Poundkeeper will maintain proper records of all monies received pursuant to this By-law and will, at least once every month, pay over to the City the monies received.
45. All license fees collected pursuant to this By-law and all fines, penalties and forfeitures imposed for the violation of its provisions and the proceeds of all recognizances extracted with respect to those violations will be paid to the City and will become a portion of the general revenue of the City.

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Care of Dogs

46. No person will keep a dog unless the dog is provided with:
- (a) clean potable drinking water at all times and suitable food of sufficient quantity and quality to allow for normal growth and the maintenance of normal body weight;
 - (b) food and water receptacles kept clean and disinfected and located so as to avoid contamination by excreta;
 - (c) the opportunity for periodic exercise sufficient to maintain good health; and
 - (d) necessary veterinary medical care when the dog exhibits signs of pain or suffering.
47. No person will keep a dog which normally resides outside, or which is kept outside for short to extended periods of time, unless the dog is provided with outside shelter:
- (a) to ensure protection from heat, cold and wet that is appropriate to the animal's weight and type of coat. Shelters must provide sufficient space to allow a dog the ability to turn about freely and to easily stand, sit and lie in a normal position;
 - (b) at least 1 1/2 times the length of the dog and at least the dog's length in width, and at least as high as the dog's height measured from the floor to the highest point of the animal when standing in a normal position plus 10%;
 - (c) in an area providing sufficient shade to protect the dog from the direct rays of the sun at all times; and

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- (d) a pen and run area must be regularly cleaned and sanitized and all excreta removed at least once a day.

- 48. No person will cause a dog to be hitched, tied or fastened by a rope, chain or cord that is directly tied around the dog's neck on to a choke collar.

- 48.1 No person owning or having custody, care or control of a dog shall allow or suffer the dog, while at the house or premises of the owner or the person having the custody, care or control of the dog, to be hitched, tied or fastened by a rope, chain or cord to any object, other than a person, in excess of a total of four hours in a 24-hour period, except as permitted or required at the discretion of the Poundkeeper.

- 49. No person will cause a dog to be confined in an enclosed space, including a vehicle, without adequate ventilation.

- 50. No person will transport a dog in a vehicle outside the passenger compartment unless it is adequately confined or unless it is secured in a body harness or other manner of fastening which is adequate to prevent it from falling off the vehicle or otherwise injuring itself.

Offences and Penalties

- 51. 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 of any of the provisions of this By-law, or who neglects to do, or refrains from doing, anything required to be done by any of the provisions of this By-law, or who does any act which violates any of the provisions of this By-law, will be guilty of an infraction and will be liable to the penalties imposed by this By-law.

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52. A person who violates any of the provisions of this By-law will upon summary conviction be liable to a penalty of not less than \$50.00 and more than \$2,000.00 plus the costs of the prosecution.

Repeal

53. "Surrey Dog Licencing and Control By-law, 1979, No. 6037," as amended, is hereby repealed.

PASSED FIRST AND SECOND READING on the 29th day of November, 1999.

PASSED THIRD READING on the 17th day of April, 2000.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 1st day of May, 2000.

_____MAYOR

_____CLERK

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