

CITY OF SURREY

BY-LAW NO. 1669

A By-law to establish and regulate a Pound and to prevent certain animals, etc., running at large within the City of Surrey.

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As amended by By-law No. 3907, 02/19/73; B/L 4457, 03/03/75; B/L 4563, 06/30/75; B/L 6157, 04/14/80; B/L 7105, 03/29/82; B/L 7609, 07/04/83; B/L 8079, 11/05/84; B/L 8554, 03/24/86; B/L 8656, 06/09/86; B/L 11567, 12/07/92; B/L 12268, 04/25/94; B/L 12667, 07/31/95; B/L 13005, 06/23/97; B/L 14531, 10/22/01; B/L 17078, 12/14/09; B/L 17321, 01/10/11; 17565, 02/06/12; 17840, 12/17/12; 18133, 01/13/14; 18600, 12/14/15; 18990, 12/19/16

THIS IS A CONSOLIDATED BY-LAW PREPARED BY THE CITY OF SURREY FOR CONVENIENCE ONLY. THE CITY DOES NOT WARRANT THAT THE INFORMATION CONTAINED IN THIS CONSOLIDATION IS CURRENT. IT IS THE RESPONSIBILITY OF THE PERSON USING THIS CONSOLIDATION TO ENSURE THAT IT ACCURATELY REFLECTS CURRENT BY-LAW PROVISIONS.

WHEREAS it is deemed expedient that provisions be made for the regulation of animals within the City of Surrey;

THEREFORE, the City Council of the City of Surrey, in open meeting assembled, ENACTS AS FOLLOWS:

1. In the construction and for the purpose of this By-law, the following words and terms shall have the meaning hereby assigned to them unless repugnant to the context hereof:

(1) "Animal" means any species of animal domesticated by man, including any horse, mule, ass, cattle, sheep, goat, swine, rabbit, or poultry and any wildlife species kept by man, including skunk, raccoon, monkey, squirrel, fox, guinea pig, gerbil, hamster, mouse, rodent, reptile, snake or bird and any other animal by whatever technical or familiar name known.

Domestic species, in wildlife terminology, means any species domesticated by man. Wildlife species will include any animal not domesticated, but where possession is allowed under permit, either Provincial or Federal.

- (2) "Council" means the City Council of the City of Surrey.
- (3) "Impounded" means seized, delivered, received, or taken into the Pound or in the custody of the Poundkeeper as provided herein;
- (4) "License Inspector" means the person appointed from time to time by the Council as License Inspector for the Municipality;
- (5) "City" means the City of Surrey;
- (6) "Pound" means any building or enclosure established as a pound by the Council.
- (7) "Poundkeeper" means the person appointed from time to time by the Council for the purpose of enforcing and carrying out the provisions of this By-law, and shall include any assistant poundkeeper appointed pursuant to the provisions of this By-law.
- (8) "Person" shall, when necessary, mean 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 representative 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 and feminine, and the converse;
- (9) "Run at Large" when used with reference to any animals means being elsewhere than on the premises of a person owning or having the custody, care or control of said animal and not being on a leash, as defined in this by-law, under the immediate charge and control of a responsible and competent person, and in the case of dogs, means that where a dog is located upon any highway or public place, including school grounds, public parks, or public beaches, that the dog is not secured on a leash to a responsible and competent person; "running at large" shall have a corresponding meaning.

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

- (10) "Leash" means a chain, rope, cord or other such device by which an animal is lead, controlled, or restrained, which does not exceed two (2) metres in length.

ESTABLISHMENT OF POUND

2. The Council may, from time to time, enter into an agreement with any person for the provision of a City Pound on private property.
3. The Council shall, from time to time, as the occasion may require, appoint a Poundkeeper, and such assistant or assistants as deemed necessary, and the Council may enter into a contract or agreement with any persons to provide such pound keeping services.
- 3.A The City Solicitor, or his designate, or his authorized representative, is hereby authorized to enter at all reasonable times upon any property subject to any of the regulations of this By-law in order to ascertain whether such regulations are being obeyed.

IMPOUNDING OF ANIMALS

4. (a) It shall be unlawful for any person after the passing of this By-law to suffer any animals to run at large, or to trespass in or upon any unenclosed land or premises, or vacant lots or public places (whether in the custody or charge of any herder or otherwise), or to trespass on any enclosure or garden, or on any enclosed land within the limits of the City and any person entitled to or in possession, charge or control of any such animal so found shall be guilty of an infraction of this By-law.
- (b) No person shall keep an animal of the wildlife species which includes skunks, raccoons, monkeys, squirrels, foxes, guinea pigs, gerbils, hamsters, mice, rodents, reptiles, snakes, or birds, unless it is restrained by caging, tethering, or otherwise confined on the premises of the person owning or having the custody, care, or control of the said animal.

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5. (1) The Poundkeeper may, where he has reason to believe that an animal is not receiving proper care, treatment or shelter, enter onto any premises at any reasonable time to determine the health and well-being of any animal therein.
- (2) It shall be lawful for the Poundkeeper, or for any other person, to seize and impound any animal found running at large or trespassing in or upon any lands, premises or public places contrary to the provisions of this By-law or if found trespassing in any enclosures or gardens, or any enclosed land within the limits of the City; and it shall be the duty of the Poundkeeper to detain same until the owner or owner thereof shall have paid the following sums:
 - (a) for impounding any stallion or bull...\$126.25 plus applicable taxes each;
 - (b) for impounding any rabbit, goose, chicken or other fowl...\$6.50 plus applicable taxes;
 - (c) in addition to these fees the owner(s) of the animal(s) shall be liable for any hauling fees incurred by the Poundkeeper and any other extraordinary costs, due and payable upon reclamation.
6. (1) It shall be the duty of the Poundkeeper to provide the following for animals in his custody:
 - (a) proper care as well as good and sufficient food and water daily;
 - (b) proper veterinary care for sick and injured animals as required.
- (2) For doing so the Poundkeeper shall be entitled to demand and receive the following sums, over and above all other charges:
 - (a) for each stallion, horse, mule, ass, boar, billy goat, ram, goat, sheep, swine, bull, cow or other bovine animal ...\$5.50 plus applicable taxes;
 - (b) for each rabbit, goose, chicken or other fowl ...\$3.50 plus applicable taxes;

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- (c) for animals other than those listed above excluding canine species ...\$5.50 plus applicable taxes.

- (3) If, in the opinion of a qualified veterinarian, an animal is required to be euthanized by reason of illness or injury of both, that service shall be carried out. The cost of this service and the subsequent disposal of the remains shall be borne by the owner, harbourer, or possessor of said animal.

- (4) In the case of milch cows or goats impounded the Poundkeeper shall, at least twice each day, milk each animal and for so doing, he shall be entitled to keep for his own use and disposal, the milk so obtained.

NOTICE OF IMPOUNDING

- 7. (1) If the owner of any impounded animal is known to the Poundkeeper, the Poundkeeper shall forthwith deliver or mail to the address of the owner, a notice in the form set out in Schedule "A" to this By-law.

- (2) In case the owner is not known, or the owner so notified does not, within three (3) days after the mailing or delivery of the notice referred to in clause one (1) hereof, appear at the Pound and release the animal so impounded by the payment of the lawful fees, as outlined in Sections 5 and 6 hereof, the Poundkeeper shall cause to be published a notice of sale in the form set out in Schedule "B" to this By-law by posting the same at the Pound and in a conspicuous place on the Notice Board at the City Hall and, if considered advisable by the Poundkeeper, by publication in one issue of a newspaper circulating in the City; and such notice shall be so posted at least six (6) clear days before the day of sale named therein. More than one animal may be included in such notice.

SALE OF IMPOUNDED ANIMALS

8. Every owner or other person entitled to the possession of an animal which has been impounded as aforesaid shall forthwith upon being notified or becoming aware of such impounding redeem the animal in accordance with the provisions of this By-law, or should the pound be broken and the animal get out or in any way escape therefrom and get back to the possession or custody of the owner or any person claiming the said animal the said owner or other person shall still be liable for the payment of the fees and expenses chargeable and recoverable as under Sections 5, 6; and
9. (1) Where any impounded animal has not been previously released from the Pound, the animal shall be sold at public auction on the day of the sale named in the notice published pursuant to Section Seven (7) hereof by:
 - (a) being transported to and sold at a public auction selected by the Poundkeeper, or
 - (b) at the Pound where:
 - (i) the Poundkeeper shall be the auctioneer, and
 - (ii) the sale shall commence at 2:00 p.m. on the dates set.
- (2) Where any impounded animal is sold under the provisions of this Section, neither the Poundkeeper in person, nor his agent shall purchase any animal at the sale or have any interest of any kind in any animal so purchased.
10. (1) If more than one animal is impounded and the owner thereof is known, the Poundkeeper shall not sell any more of such animals after he has realized from the sale sufficient to satisfy the expenses and fees chargeable against the animals, and the owner of the animals shall be entitled to those remaining unsold.

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- (2) If the owner of the animals is unknown, the Poundkeeper shall sell all the animals impounded.
- (3) The Poundkeeper shall immediately after each sale send to the Manager, Legislative Services (City Clerk), a description of the animal or animals sold, the date of sale, the amount realized, and the disposition thereof.

PROCEEDS OF SALE, HOW DISPOSED OF

11. (1) The proceeds of the sale of any impounded animal sold under the provisions of this By-law shall be applicable in payment:
 - (a) Of all costs and charges attending the sale.
 - (b) Of all sustenance charges provided for in Section 6 hereof.
 - (c) Of the fees provided for in Section 5 hereof.and the residue (if any) shall be paid to the owner of the animal or (if not claimed at the time of sale by any person entitled thereto) to the General Manager, Finance.
 - (2) Any money paid to the General Manager, Finance under the provisions of this Section shall be paid over to the owner of the animal sold, on evidence satisfactory to the Council being furnished and application for the money being made to the Council within three (3) months from the date of sale: otherwise such money shall form part of the General City Revenue.
12. (1) Where at any sale held pursuant to this By-law, no bid is received for the impounded animal to be sold or where a bid received is less than the costs, charges and fees, the Poundkeeper may, at his discretion, sell it at private sale, and if in the opinion of the Poundkeeper, it is impossible to dispose of such animal for valuable consideration, the Poundkeeper may destroy or cause such animal to be destroyed or otherwise disposed of.

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- (2) If the money from the sale or other disposal of any animals aforesaid shall not be sufficient to satisfy the amount chargeable thereon as hereinbefore provided, then the owner or other person entitled to possession of the animal shall pay the balance and may be sued for the balance at the insistence of the Poundkeeper.

PROHIBITION OF CRUELTY TO ANIMALS

13. (1) No person shall keep any animal unless the animal is provided with:
 - (i) 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;
 - (ii) food and water receptacles kept clean and disinfected and located so as to avoid contamination by excreta;
 - (iii) the opportunity for periodic exercise sufficient to maintain good health;
 - (iv) necessary veterinary medical care when the animal exhibits signs of pain or suffering.
- (2) No person shall keep any animal which normally resides outside, or which is kept outside for short to extended periods of time, unless the animal is provided with outside shelter:
 - (i) to ensure protection from heat, cold and wet that is appropriate to the animal's weight and type of coat. Such shelters must provide sufficient space to allow any animal the ability to turn about freely and to easily stand, sit and lie in a normal position;

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- (ii) at least 1 1/2 times the length of the animal and at least the animal's length in width, and at least as high as the animal's height measured from the floor to the highest point of the animal when standing in a normal position plus 10%;
 - (iii) in an area providing sufficient shade to protect the animal from the direct rays of the sun at all times;
 - (iv) any pen and run area must be regularly cleaned and sanitized and all excreta removed at least once a day.
- (3) No person shall cause an animal to be hitched, tied or fastened by any rope, chain or cord that is directly tied around the animal's neck on to a choke collar.
 - (4) No person shall cause an animal to be confined in an enclosed space, including a car, without adequate ventilation.
 - (5) No person shall transport an animal 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 GENERAL PROVISIONS

- 14. (1) No person shall rescue or retake or attempt to rescue or retake from the Pound or from any person in whose custody the same shall be under the provisions of this By-law, any animal impounded or on the way to the Pound under the provisions hereof or shall any person hinder, delay, obstruct or interfere with any Poundkeeper in the execution of his duties.

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

- (2) No person shall allow or suffer any horse to leave or deposit excrement on any public beach, unless that person shall immediately take steps to remove such excrement and dispose of it in a sanitary manner.
15. It shall be the duty of the LICENSE INSPECTOR to furnish to the Poundkeeper, a book in which he shall record the description of every animal 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 animal; and he shall, on or before the first day of each and every month, make a return in writing to the License Inspector, giving the number and description of all animals received by him during the preceding month with the several particulars hereinbefore required to be entered in such book and any other information the License Inspector may deem necessary; such return shall be in the form prescribed by the License Inspector.
16. The Poundkeeper shall pay over to the General Manager, Finance, at least once in every month, all monies received by him pursuant to the provisions of this By-law.
17. The Pound shall be kept open to the public for the transaction of business from eight (8) o'clock a.m. to five (5) o'clock p.m. Monday through Saturday of each week (provided that this shall not apply on any legal or civic holidays).
18. Any person who violates any of the provisions of this By-law shall upon summary conviction thereof be liable to a penalty of not more than Two Thousand Dollars (\$2,000.00) plus the costs of the prosecution.
19. This By-law shall be cited for all purposes as "Surrey Pound By-law, 1958, No. 1669".

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20. "Surrey Pound By-law, 1920" (No. 183) and "Surrey Pound By-law, 1920, Amendment By-law, 1921" (No. 217) are hereby repealed.

READ A FIRST AND SECOND TIME on the 8th day of December, A.D. 1958.

PASSED BY THE MUNICIPAL COUNCIL on the 19th day of December, A.D., 1958.

RECONSIDERED AND FINALLY ADOPTED, signed by the Reeve and Clerk, and sealed with the Corporate Seal on the 22nd day of December, A.D., 1958.

"R.M. NESBITT" REEVE

"R.N. CHESTER" CLERK

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"SURREY POUND BY-LAW, 1958, NO. 1669"

SCHEDULE "A"

TO: (Name of Owner)

TAKE NOTICE that, pursuant to the provisions of "Surrey Pound By-law, 1958, No. _____"

(Description of Animal or Animals Impounded)

was (or were) impounded in the Pound kept by the undersigned at _____ on
the _____ day of _____, 19 .

AND FURTHER TAKE NOTICE that unless, within three days after the date of this notice,
you appear at the Pound and release the animal(s) so impounded by the payment of the lawful
fees and charges, the same will be advertised and sold at public auction as provided in the said
By-law.

Dated this _____ day of _____, 19 .

Poundkeeper

"SURREY POUND BY-LAW, 1958, NO. 1669"

SCHEDULE "B"

NOTICE is hereby given that I will, on _____, the _____ day of _____ 19 , sell at public
auction at the Pound kept by me at _____ in the City of Surrey, Province of British
Columbia, the following impounded animals, namely:

(Enumerate and describe the animals intended to be sold)

Dated the _____ day of _____, 19 .

Poundkeeper