



Corporate NO: R239

Report COUNCIL DATE: October 30, 2000

REGULAR COUNCIL

TO: Mayor & Council **DATE: October 20, 2000**

FROM: City Solicitor **FILE: 0023-001/#7**

SUBJECT: Ticketing for Offences Under Surrey Pound By-law, 1958, No. 1669 (the "Pound By-law")

RECOMMENDATION

It is recommended that Council:

1. Approve the amendments to Municipal Ticket Information Utilization By-law, 1994, No. 12508 ("MTI By-law") attached as Appendix "A" to this report (the "Proposed Changes");
2. Instruct the Acting City Clerk to introduce an amending by-law to incorporate the Proposed Changes.

DISCUSSION

At its Regular Council Meeting of October 2, 2000, Council asked that staff report on the possible addition of offences under 4(a) of the Pound By-law to the City's Municipal Ticket Information System.

Section 4(a) of the Pound By-law provides that it is an offence to allow any animals to run at large or to trespass in various specified places. "*Run at large*" is defined as meaning that the animal is elsewhere other than on the premises of the person owning or having custody of the animal without a leash.

As with any animal by-law offence, there are a number of enforcement options available to the SPCA. The SPCA as a practice will seize stray animals and attempt to locate the owner. If the owner's property is known, and nearby, the animals are herded back onto the property and the owners are instructed to secure the property to prevent further escape.

In addition, the owner of the animal may be prosecuted for a violation of the by-law. Currently, it is not possible to issue a Municipal Ticket Information for this offence under the Pound By-law and any prosecution would have to proceed by way of a long form information.

The Proposed Changes would allow for the writing of a Municipal Ticket in situations where the SPCA have felt it appropriate to proceed with charging the owner. An MTI ticket must be personally served on the individual who then has the option of paying the ticket or disputing it. If the ticket is paid, it is considered a deemed conviction. If the ticket is disputed, a Court date is set and a trial is conducted by the Assistant City Solicitor acting as Crown Counsel. If the accused does not respond to the ticket, a deemed conviction is entered after a specified period of time. The fine amount must be approved by the Chief Judge of the Provincial Court of British Columbia. The proposed fine of \$75.00 is in keeping with the fine amounts traditionally approved by the Chief Judge for these types of offences. The fine amounts paid by an accused are retained by the City.

CONCLUSION

We recommend that Council adopt the Proposed Changes to allow for more efficient and effective enforcement of the Pound By-law.

CRAIG MacFARLANE

City Solicitor

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cc: Manager, By-law and Licensing Services

Hugh Nichols, Superintendent SPCA

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