

BYLAW NO. 562-14

ANIMAL CONTROL BYLAW

A BYLAW OF THE VILLAGE OF WARNER IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF REGULATING AND CONTROLLING DOGS.

WHEREAS, Sections 7 and 8 of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, as amended or repealed and replaced from time to time, authorize the Village of Warner Council to pass bylaws to license and regulate Dogs and activities in relation to them;

AND WHEREAS the Village of Warner Council deems it advisable to adopt such a bylaw;

NOW THEREFORE the Village of Warner Council, duly assembled, enacts as follows:

SECTION 1: TITLE

1. This Bylaw may be cited as the "Animal Control Bylaw".

SECTION 2: DEFINITIONS

2. For the purpose of interpreting this Bylaw, the following terms have the following defined meanings:

2.1. "Animal" means any Domestic Animal including Dogs;

2.2. "Animal Shelter" means the facility or facilities designated by the Village from time to time as a facility for the impoundment and care of Animals subject to this Bylaw;

2.3. "Bylaw Enforcement Officer" means a person appointed by the CAO to enforce the provisions of this Bylaw and is deemed to include any member of the Royal Canadian Mounted Police. A Bylaw Enforcement Officer is a designated officer within the meaning of Section 210 of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26 for the purposes of enforcing this Bylaw;

2.4. "Chief Administrative Officer" or "CAO" means the Chief Administrative Officer of the Village appointed by Council in accordance with the provisions of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26;

2.5. "Communicable Disease" means any disease or illness which may be transferred from one Animal to another Animal or person through direct or indirect contact;

2.6. "Controlled Confinement" means when a Dog is confined in a pen, cage, building or other structure or securely tethered in a manner that will not allow the Dog to physically harm any person or Animal;

Village of Warner Animal Control Bylaw 562-14

2.7. "Council" means the Council of the Village of Warner;

2.8. "Dog" means a member of any domesticated canine species, including male, female, spayed, neutered and intact members;

2.9. "Dog Fancier's License" means a license issued by the Village to a person authorizing that person to own more than two (2) dogs in accordance with Section 6 of the Bylaw;

2.10. "Domestic Animal" means any animal kept by a Person for domestic purposes or as a household pet including but not limited to Dogs, Cats, rabbits, ferrets, cows, horses, sheep, goats and pigs;

2.11. "License" means a Dog License issued under this Bylaw in accordance with Section 5 of the Bylaw;

2.12. "Motor Vehicle" means a motor vehicle as defined in the *Traffic Safety Act*, R.S.A. 2000, Chapter T-6, as amended or repealed and replaced from time to time;

2.13. "Owner" means any Person:

a) who has the care, charge, custody, Possession or control of the Domestic Animal;

b) who owns or claims a proprietary interest in the Domestic Animal;

c) who harbours, suffers, or permits a Domestic Animal to be present on any property owned or under his/her control, or

d) who claims and receives a Domestic Animal from the custody of the Animal Shelter or a Bylaw Enforcement Officer.

2.14. "Park" means a public space owned or controlled by the Village and used by the public for rest, recreation, exercise, pleasure, amusement, or enjoyment and includes the following areas:

a) Playgrounds,

b) Cemeteries,

c) School yards,

d) Sports fields, and

e) Golf courses.

2.15. "Person" means any individual or corporate body;
Village of Warner Animal Control Bylaw 562-14

2.16. "Possession" means a Person who:

- a) has physical or effective control of a Dog; or

- b) has transferred physical or effective control of a Dog to another person for the purpose of allowing that person to exercise control over that Dog for a limited period of time;

2.17. "Property Owner" means a Person having a legal or equitable interest in any land, building or structure within the Village, including any resident, tenant or occupier of such land or building;

2.18. "Public Nuisance" includes the following activities:

- a) biting a Person or Animal,
- b) Running At Large,
- c) chasing any Person, Animal, Motor Vehicle or bicycle,
- d) barking, howling or otherwise disturbing any Person,
- e) causing damage to property,
- f) upsetting waste receptacles or scattering the contents thereof,
- g) leaving a Dog unattended in or on a Motor Vehicle in a manner in which the Dog has access to Persons or Animals located outside the Motor Vehicle, or
- h) being left unattended, whether tied up or otherwise, in any area where the public has access.

2.19. "Public Property" means property owned by or under the control and management of the Village and contained within the boundaries of the Village;

2.20. "Registered Veterinarian" means a registered Veterinarian as defined in the *Veterinary Profession Act*, R.S.A. 2000, Chapter V-2;

2.21. "Restraining Device" means any leash or other restraining system capable of allowing the Owner to maintain adequate control of the attached Dog and preventing the Dog from chasing or biting Animals or Persons, or if located on the property of the Owner, capable of retaining the Dog within the boundaries of the Owner's property;

2.22. "Running At Large" means a Dog that is off the premises of the Owner's property without being on a Restraining Device, confined or otherwise under immediate, effective and continuous control of a competent and responsible Person;

2.23. "Secure Enclosure" means a building, cage, fenced area or other enclosure for the retaining of a Dog and which prohibits the Dog from jumping, climbing, digging or using any other means to exit the enclosure, and which is capable of prohibiting the entry of young children into the enclosure, and which conforms with the following minimum requirements:

- a) The Secure Enclosure shall have secure sides and a secure top. If the Secure Enclosure has no bottom secured to the sides, the sides of the Secure Enclosure must be embedded in the ground to a minimum depth of one (1) foot;
- b) The Secure Enclosure must provide the Dog with adequate shelter from the elements including heat, cold, sun, rain, and wind;
- c) The Secure Enclosure must be not less than 1.5 meters wide by 3.0 meters long and a minimum of 1.5 meters in height; and
- d) The Secure Enclosure must be located not less than 1.0 meter away from the property line and not less than 5 meters away from a dwelling unit of any adjacent property;

2.24. "Serious Wound" means an injury resulting from a Dog which causes a breaking of the skin or the flesh to be torn;

2.25. "Tag" means a tag issued by the Village office showing that the Dog License has been paid for the dog wearing the Tag for the year that the Tag was issued;

2.26. "Village" means the Village of Warner and its jurisdictional boundaries;

2.27. "Vicious Dog" means:

- a) any Dog which has, without provocation, chased, attacked, or bitten an Animal or Person;
- b) any Dog which has, without provocation, inflicted a Serious Wound upon an Animal or Person, but shall not include an Dog that has inflicted a Serious Wound upon a trespasser on the property of the Dog's Owner or any property controlled by the Dog's Owner; or
- c) a Dog which has been the subject of an order or direction of a Justice, pursuant to the *Dangerous Dogs Act*, R.S.A. 2000, Chapter D-3, as amended or repealed and replaced from time to time;

2.28. "Vicious Dog License" means a license issued with respect to a Vicious Dog under this Bylaw;

2.29. "Violation Tag" means a tag or similar document issued by the Village pursuant to the *Municipal Government Act*, R.S.A. 2000, c.M-26 as amended; and

2.30. "Violation Ticket" means a ticket issued pursuant to Part 2 of the *Provincial Offences Procedure Act*, R.S.A. 2000, Chapter P-34, as amended, or repealed and replaced from time to time, and any Regulations thereunder.

SECTION 3: OFFENCES

3.1 Any Person who violates any provision of this Bylaw has committed an offence.

3.2 No Person shall own or keep any Dog over the age of six (6) months within the Town unless the Dog is licensed in accordance with this Bylaw.

3.3 No Person shall tease, torment or provoke a Dog.

3.4 No Owner shall allow his/her Dog to be a Public Nuisance.

3.5 No Person shall trap or bait a Dog.

3.6 No Person shall:

- a) Untie a Dog which has been tied, or
- b) Open a gate, door or other opening in a fence or enclosure in which a Dog is confined, thereby permitting the Dog to be Running At Large.

3.7 An Owner is guilty of an offence under this Bylaw if his/her Dog:

- a) Barks, howls or otherwise makes such noise as to disturb the quiet or repose of any individual;
- b) Bites, attacks or threatens any individual or Domestic Animal;
- c) Chases a Motor Vehicle, bicycle, or an individual walking or running;
- d) Chases, kills, attacks, injures, or otherwise harasses other Domestic Animals;
- e) Causes damage to Public Property or private property within the Village;
- f) Is Running At Large; or
- g) Otherwise constitutes a Public Nuisance.

3.8 Where a Dog has defecated on any private property or Public Property within the Village other than the property of the Dog's Owner, the Owner shall be required to remove such defecation immediately, and failure to do so constitutes an offence under this Bylaw.

3.9 No Person shall allow an unreasonable amount of Dog feces, as determined by the Bylaw Enforcement Officer in his/her sole discretion, to accumulate on property which that Person owns or occupies.

3.10 Any Person who interferes with, prohibits, or otherwise impedes a Bylaw Enforcement Officer in the performance of the Officer's duties under this Bylaw including but not limited to:

- a) Inducing a Dog into a building or other place where it may escape from being seized, or otherwise assist the Dog from being seized by an Bylaw Enforcement Officer;
 - b) Falsely represent him or herself as being in charge or control of a Dog for the purposes of establishing that the Dog is not Running At Large; or
 - c) Removing or attempting to remove any Dog from the Possession of the Bylaw Enforcement Officer or any of his/her designates.
- is guilty of an offence under this Bylaw.

3.11 An Owner of a Dog that is suffering from a Communicable Disease:

- a) shall not permit the Dog to be in any public place,
- b) shall not permit the Dog to have contact with or be in proximity to any other Animal which is free of such communicable disease,
- c) shall keep the Dog in a Secure Enclosure,
- d) shall immediately report the matter to a Registered Veterinarian, and
- e) shall adhere to the directions of the Registered Veterinarian.

3.12 An Owner of a Dog who is in season must keep the Dog confined and controlled in such a manner throughout the Dog's season such that the Dog does not escape the Owner's property or otherwise present an attraction to other Dogs which are located off of the Owner's property.

3.13 No Owner shall permit his/her Dog to enter or remain in a Park at any time unless the area is designated by the Village as being an area where Dogs are permitted.

SECTION 4: VICIOUS DOGS

4.1 No Person shall own, nor have, the physical care, Possession or control of a Vicious Dog within the Village unless that Person is not less than 18 years of age and is physically and mentally capable of maintaining control of the Dog.

4.2 An Owner of a Vicious Dog shall:

- a) Notify the Village that he/she owns a Vicious Dog,
- b) Ensure that the Dog remains, at all times while on the property of the Owner, confined to a Secure Enclosure,
- c) Ensure that at any time that the Dog is not on the property of the Owner, the Dog is secured by a Restraining Device which does not exceed 1.0 meter in length and which is sufficient to control the Dog, and the Dog is under the physical control of the Owner or person in possession of the Dog with the Owner's consent,
- d) Ensure that any time that the Dog is not on the property of the Owner, that the Dog is wearing a properly fitted muzzle that permits adequate ventilation for the Dog while remaining securely fastened on the Dog,

Schedule "B"**PENALTIES AND FEES****Minimum Penalties****SECTION OFFENCE VIOLATION TAG / TICKET**

- 3.2; 5.4 Unlicensed Dog \$200.00 \$250.00
- 3.3 Teasing, tormenting or provoking \$100.00 \$150.00
- 3.4 Running At Large \$100.00 \$150.00
- 3.5 Bait or Trap Animal \$100.00 \$150.00
- 3.6 Untie Animal or Open Gate \$100.00 \$150.00
- 3.7(a) Barking, Howling or Disturbing \$100.00 \$150.00
- 3.7(b) Biting or Injuring a Person or Domestic Animal \$300.00 \$350.00
- 3.7(c) Chasing Person, Motor Vehicle, Bicycle \$200.00 \$250.00
- 3.7(d) Chasing or harassing a Domestic Animal \$200.00 \$250.00
- 3.7(d) Killing, attacking or injuring a Domestic Animal \$300.00 \$350.00
- 3.7(e) Damage to property \$100.00 \$150.00
- 3.7(f) Public Nuisance \$100.00 \$150.00
- 3.8; 3.9 Defecation \$200.00 \$250.00
- 3.10 Obstruction or Interference \$500.00 \$550.00
- 3.11 Communicable Disease \$100.00 \$150.00
- 3.12 Failure to keep Dog in season confined \$100.00 \$150.00
- 3.13 Dog in Park \$100.00 \$150.00
- 4 Failure to comply with Section 4 \$200.00 \$250.00
- 5.1 Exceeding permitted number \$200.00 \$250.00
- 5.13 Transferring License \$100.00 \$150.00
- 5.8 Dog not wearing Tag \$50.00 \$75.00
- 5.5 Providing False Information \$500.00 \$550.00
- 6 Failure to comply with Section 6 \$200.00 \$250.00
- 7 Failure to comply with Section 7 \$200.00 \$250.00

Minimum Penalties for Vicious Dogs VIOLATION TAG / TICKET

- 5.10 Unlicensed Dog \$1,000.00 \$1,500.00
- 5.12 Not wearing Vicious Dog Tag \$100.00 \$200.00
- 3.4 Dog Running At Large \$1,000.00 \$1,500.00
- 3.7(a) Barking, Howling or Disturbing \$500.00 \$600.00
- 3.7(b) Biting or Injuring a Person \$1,500.00 \$2,000.00
- 3.7(c) Chasing Person, Motor Vehicle, Bicycle \$1,500.00 \$2,000.00

- 3.7(d) Chasing or harassing a Domestic Animal \$1,000.00 \$1,500.00
- 3.7(d) Killing, attacking or injuring a Domestic Animal \$1,500.00 \$2,000.00
- 3.7(e) Damage to property \$1,000.00 \$1,500.00
- 3.7(g) Nuisance \$1,000.00 \$1,500.00
- 3.10 Obstruction or Interference \$500.00 \$750.00
- 3.11 Failure to comply with Communicable Disease provisions \$500.00 \$750.00
- 4.1 Failure to keep Vicious Dog under control of responsible adult person \$1,000.00 \$1,500.00
- 4.2(a) Failure to notify Town of Vicious Dog \$1,000.00 \$1,500.00
- 4.2(b) Failure to keep Vicious Dog in Secure Enclosure \$1,000.00 \$1,500.00
- 4.2(c) Failure to keep Vicious Dog under Control \$1,000.00 \$1,500.00
- 4.2(d) Failure to keep Vicious Dog properly muzzled \$1,000.00 \$1,500.00
- 4.2(e) Failure to keep Vicious Dog restrained in Motor Vehicle \$1,000.00 \$1,500.00
- 4.2(f) Transporting Vicious Dog outside passenger cab of Motor Vehicle \$1,000.00 \$1,500.00
- 4.2(g) Failure to provide proof of insurance \$1,000.00 \$1,500.00
- 4.2(h) Failure to include notification provision \$1,000.00 \$1,500.00
- 4.2(i) Failure to provide proper signage \$1,000.00 \$1,500.00
- 4.9 Failure to tattoo or microchip \$1,000.00 \$1,500.00
- 4.10 Failure to apply for Vicious Dog License \$1,000.00 \$1,500.00
- 4.13 Failure to notify Town if Vicious Dog sold, gifted, transferred or dies \$250.00 \$300.00
- 5.5 Providing False Information \$500.00 \$750.00
- 5.11 No License \$1,000.00 \$1,500.00
- 5.13 Transferring License \$1,000.00 \$1,500.00
- 7 Failure to comply with Section 7 \$1,000.00 \$1,500.00

Schedule "C"

DOG FANCIER'S LICENSE APPLICATION FORM

Proposed License Holder's name(s): _____

Property address: _____

Legal Description: Lot or Unit: ____ **Block:** ____ **Plan:** _____

1. This application is limited to the following Dogs:

	Breed	Tattoo or Microchip (where applicable)	Registration Number (where applicable)
1.			
2.			
3.			
4.			

*** A copy of the any applicable registration papers for the Dogs must accompany the Application.**

2. The Dogs will be housed in the following manner (ie. are the Dogs going to be kept in the house or another building on the property, what access to the outside will the Dogs have, how much time will the Dogs spend outside every day):

3. The following provisions will be undertaken to minimize and control any noise caused by the Dogs:

4. The following provisions will be undertaken to remove all waste caused by the Dogs:

Other Conditions:

I certify that:

- a) I am 18 years of age or older,**

- b) I own or rent the Property where the Dogs will be kept,**

- c) I am the proposed License Holder,**

- d) I am the Owner of the listed Dogs, and**

- e) All the information in this Application is true.**

Dated this _____ day of _____, 20__.

[Applicant's Signature]

[Applicant's printed Name]

Schedule "D"
NOTICE OF VIOLATION AND IMPOUND

[Date]

[Owner name and address]

You are hereby notified that a Dog bearing Dog License No. _____ for 20__, registered under the above name and address, was impounded by the Village of Warner on ____ day of _____, 20__ for the following reasons:

[Description of reasons for impounding the Dog]

You may claim the Dog and pay all impoundment charges at **[Set out address of Animal Shelter]** at any time between **[Set out hours of operation and days of week that Shelter is open]**.

Unless said Dog is claimed and all impoundment charges are fully paid on or before the ____ day of _____, 20__, the Dog will be sold, destroyed, or otherwise disposed of pursuant to Bylaw _____.

[Printed Name and Signature]

Village of Warner Bylaw Enforcement Officer

- e) Ensure that at no time while the Dog is in a Motor Vehicle, the Dog has access to Persons or Domestic Animals which are outside the Motor Vehicle, while ensuring that, at all times, the Dog has adequate ventilation and temperature control within the Motor Vehicle,
- f) Ensure that at no time is the Dog transported unsecured in a Motor Vehicle or transported outside of the cab of a Motor Vehicle unless the Dog is being transported in accordance with Section 7.2(a)(b) or (c) of this Bylaw,
- g) Provide to the Town proof that a policy of liability insurance is in force and provides third party liability coverage in a form satisfactory to the Town and in a minimum coverage amount of \$500,000.00 for any injuries which may be caused by the Dog,
- h) Ensures that the insurance policy contains a provision requiring the insurer to immediately notify the Town in writing in the event that the policy expires, is cancelled or is terminated, and
- i) Prominently displays, at the front and rear entrances to the Owner's property, a sign stating "Beware of Dog".

4.3 If an Owner has any reason to believe that his/her Dog may be a Vicious Dog, he/she shall keep the Dog in accordance with the provisions of this Section unless and until the Village's Bylaw Enforcement Officer has determined that the Dog is not a Vicious Dog and has so advised the Owner in writing.

4.4 If the Village's Bylaw Enforcement Officer has reasonable grounds to believe that a Dog is a Vicious Dog, either through personal observation or after an investigation initiated by a complaint about the Dog, the Bylaw Enforcement Officer may, in writing:

- a) Notify the Owner that the Dog is deemed to be a Vicious Dog, and
- b) Require the Owner to comply with all provisions of this Bylaw with respect to Vicious Dogs immediately.

4.5 A Notice under Section 4.4 shall include a summary of the applicable Bylaw provisions governing Vicious Animals.

4.6 Notice given under Section 4.4 will be deemed served upon actual personal service of the Notice upon the Owner or after five (5) days from mailing via regular mail to the Owner's address as it appears on the Village's tax roll.

4.7 A Person who has been served with a Notice in accordance with Section 4.4 may appeal the Notice to the Council by filing a written notice of appeal with the CAO within seven (7) days of being served with the Notice under Section 4.4. The appeal will be heard by Council within 30 days of receiving the notice of appeal.

4.8 Until such time as Council hears and upholds the appeal, the Dog must be treated in accordance with Vicious Dog provisions under this Bylaw.

4.9 The Owner of a Vicious Dog shall apply for a Vicious Dog License under this Bylaw within 7 days of the Dog being declared a Vicious Dog.

4.10 Where the Owner of a Vicious Dog is guilty of an offence under this Bylaw, the minimum penalties for Vicious Dogs set out in Schedule "B" shall apply.

4.11 Nothing contained within this Bylaw shall prevent the Town from making application to the Court for an Order to destroy a Dog in accordance with the *Dangerous Dogs Act*, R.S.A. 2000, Chapter D-3 as amended, or repealed and replaced from time to time or taking such other steps with respect to the seizure, impoundment, control or destruction of a Dog as may be available to the Village at law.

4.12 The Owner of a Vicious Dog shall immediately advise the Bylaw Enforcement Officer if the Vicious Dog is sold, gifted, transferred or dies.

SECTION 5: LICENSING

5.1 The maximum number of Dogs over the age of six (6) months which can be kept in any single family dwelling or on any lot, parcel or other property in the Village is two (2), subject to Section 6 of this Bylaw.

5.2 An Owner who resides within the Village who owns a Dog that is over the age of six (6) months shall apply for a License as set out within this Section by paying the applicable fee as set out in Schedule "A" to this Bylaw, and providing:

- (a) The name, phone number, and street address of the Owner;
- (b) The name and description of the Dog to be licensed including any identifying tattoo or microchip;
- (c) The breed or breeds of the Dog to be licensed; and
- (d) such other relevant and necessary information as may be required by the CAO in respect of the application;

within fifteen (15) days of acquiring ownership of the Dog or taking up residence in the Village

5.3 A Dog License under this Bylaw must be renewed on an annual basis, by paying the applicable License fee to the Village Office prior to January 31st in each year. Any Person who fails to renew a License within this time limit is guilty of an offence.

5.4 An Owner of an Unlicensed Dog is guilty of an offence under this Bylaw.

5.5 No Person shall give false information when applying for a License, including but not limited to a Vicious Dog License.

5.6 Upon payment of the required license fee, and providing the information set out in Section 5.2 herein, the Owner will be supplied with a Tag having a number which will remain registered to that Dog year to year;

5.7 Where a Dog under the age of six (6) months is found Running At Large, the Bylaw Enforcement Officer may require the Owner of the Dog to purchase a License for the Dog.

5.8 The Owner shall ensure that any Dog owned by him/her is wearing its Tag, which is to be securely fastened on the Dog's collar any time the Dog is off the Owner's property.

5.9 Upon losing a Tag, the Owner of the Dog shall present the receipt of payment for the current year's License to the Village and a replacement Tag shall be issued to the Owner for a fee of half the price of the original tag.

5.10 An Owner of a Vicious Dog shall obtain a Vicious Dog License on an annual basis and pay the annual fee prescribed for the Vicious Dog License as Set out in Schedule "A" of this Bylaw.

5.11 Upon payment of the required License fee, and providing the information set out in Section 5.10 herein, the Owner will be supplied with a Vicious Dog Tag having a number which will remain registered to that Dog year to year;

5.12 The Owner of a Vicious Dog shall ensure that any Vicious Dog owned by him/her is wearing the Vicious Dog Tag which is to be securely fastened on the Dog's collar any time the Dog is off the Owner's property.

5.13 No Owner shall transfer or allow to be transferred any License or Tag from the Dog for which the License or Tag was assigned or purchased, to any other Dog.

5.14 No Person shall be entitled to a rebate or refund of a fee paid for the issuance of a License, Tag, Vicious Dog License or Vicious Dog Tag under this Bylaw.

5.15 The Village shall keep a record of the name, address and phone number of each Owner, and the name, description, breed, color and sex of each Licensed Dog, together with the date of registration of the Dog, the number on the Tag and the amount of the fee paid.

SECTION 6: DOG FANCIER'S LICENSE

6.1 An Owner who is 18 years of age or older and who owns or rents the property where the Dogs will be kept may apply to the CAO or their designate for a Dog Fancier's License which will permit up to a maximum of four (4) Dogs to be kept on the Owner's property.

6.2 In order to apply for a Dog Fancier's License, the Owner must complete a Dog Fancier's License application in the form attached as Schedule "C" to this Bylaw and submit the

completed application form, together with the applicable application fee, to the CAO or their designate.

6.3 Within thirty (30) days of receiving a completed Dog Fancier's application, the CAO or their designate shall consider the Dog Fancier's application and may, in its sole and absolute discretion:

- a) refuse the application for the Dog Fancier's License;
- b) grant a Dog Fancier's License; or
- c) grant a Dog Fancier's License upon such terms and conditions as they deem appropriate.

6.4 A Dog Fancier's License shall not be transferable to any other Owner, property or Dogs described in the application.

6.5 The CAO or their designate may revoke a Dog Fancier's License at any time if the Owner of the Dogs is in breach of this Bylaw or any terms and conditions of the Dog Fancier's License.

6.6 If the Dog Fancier's License is revoked, no refund of the Dog Fancier's License fee or application fee shall be made.

6.7 The Owner shall pay an annual Dog Fancier's License Fee as established under this Bylaw by January 31 of each year or the Dog Fancier's License will become void and invalid.

6.8 The Dog Fancier's License is only applicable to the Dogs listed in the application form and approved by the CAO or their designate. If the Owner wants to bring any additional or different Dogs onto the property, the Owner must make a new Dog Fancier's License application.

SECTION 7: POWERS AND DUTIES OF AN BYLAW ENFORCEMENT OFFICER

7.1 An Bylaw Enforcement Officer is a designated officer of the Town for the purposes of carrying out inspections, investigations and enforcement of this Bylaw and, in addition to any other powers or authority granted under this Bylaw or other enactment, is authorized to:

- (a) capture including baiting and trapping if required, and impound in an authorized Animal Shelter any Dog that is Running At Large or any Dog which has bitten a Person;
 - (b) to take any reasonable measures necessary to subdue any Dog, including the use of tranquilizer equipment and materials;
 - (c) to enter onto lands surrounding any building in pursuit of an Dog or Cat while that Dog is Running At Large; and
 - (d) if a Dog is in distress, whether or not as a result of enforcement actions taken pursuant to this Bylaw, to take the Dog to a Registered Veterinarian for treatment
- Village of Warner Animal Control Bylaw 562-14

and, once treated, to transfer the Dog to the Animal Shelter.

7.2 All costs and expenses incurred by the Town as a result of veterinary treatment pursuant to Section 8.1 above shall be recoverable from the Owner of the Dog as a lawful debt owed to the Town.

7.3 No action shall be taken against any person, including a Bylaw Enforcement Officer, acting under the authority of this Bylaw for damages for destruction or other disposal of any Dog.

SECTION 8: IMPOUNDING DOGS

8.1 Dogs impounded in the Animal Shelter shall be kept for a period of at least 72 hours. In the calculation of the 72 hour period, Sundays, Statutory Holidays and days that the Animal Shelter is not open shall not be included.

8.2 Where a Dog that has been impounded bears obvious identification tattoos, brands, marks, tags or licenses, the Dog must be kept by the Animal Shelter a minimum of 10 days from the date the Dog was impounded. In the calculation of the 10 day period, Sundays, Statutory Holidays and days that the Animal Shelter is not open shall not be included.

8.3 Where the Owner of a Dog has been notified that the Dog has been impounded in accordance with Section 9.4, the Dog must be kept by the Animal Shelter a minimum of 5 days from the date that the Owner received the Notice. In the calculation of the 5 day period, Sundays, Statutory Holidays and days that the Animal Shelter is not open shall not be included.

8.4 If the Bylaw Enforcement Officer knows or can ascertain the name of the Owner of any impounded Dog, he/she shall serve the Owner with a copy of the Notice in Schedule "D" of this Bylaw, either personally or by leaving it at the Owner's property, or by mailing the Notice to the last known address of the Owner. The Owner to whom a Notice is mailed under this Section is deemed to have received the Notice within seven (7) days from the time that the Notice is delivered or mailed.

8.5 During the period established in Sections 9.1, 9.2 and 9.3 above, the Dog may be redeemed by its Owner, except as otherwise provided in this Bylaw, upon payment to the Village or its authorized agent of: The Owner shall provide proof of ownership of the Dog at the time of redeeming the Dog.

- a) the impoundment fee as established at Schedule "A" of this Bylaw; and
- b) the cost of any veterinary treatment provided in respect of the Dog pursuant to this Bylaw, or the *Animal Protection Act*, R.S.A. 2000, Chapter A-41, as amended, or repealed and replaced from time to time.

8.6 At the expiration of the time period established at Sections 9.1, 9.2 and 9.3 above, whichever is applicable, the Council or its designate is authorized to:

- a) Allow the dog to be redeemed by its Owner in accordance with the provisions of Section 9.5; or
- b) offer the Dog for sale or as a gift; or

c) continue to impound the Dog for an indefinite period of time or for such further period of time as the Bylaw Enforcement Officer, in his or her discretion, may decide; or

d) destroy the dog in a humane manner

8.7 Proceeds of the sale of a Dog shall be distributed in accordance with the priorities set by Section 7 of the *Animal Protection Act*, R.S.A. 2000, c. A-41, as amended or repealed and replaced from time to time.

8.8 When an Bylaw Enforcement Officer exercises his or her authority under Section 8.1(d) to take a Dog in distress into custody, he/she shall leave a written Notice at the location from which the Dog was removed advising of the reason the Dog was taken into possession, the location at which the Dog can be reclaimed, and the process for reclaiming the Dog. The Bylaw Enforcement Officer shall also make all reasonable effort to contact the Owner of the Dog, if known, to advise of the removal of the Dog and the process for recovering it.

SECTION 9: PENALTIES

9.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable to a penalty not less than the minimum penalty set out in Schedule "B" herein.

9.2 Notwithstanding Section 10.1 of this Bylaw, any Person who commits a second or subsequent offence under this Bylaw within one (1) year of committing a first offence under this Bylaw, will be liable to not less than double the minimum penalty as set out in Schedule "B" of this Bylaw.

SECTION 10: VIOLATION TICKETS

10.1 Where a Bylaw Enforcement Officer has reasonable grounds to believe that a provision of this Bylaw has been contravened, that Bylaw Enforcement Officer is authorized and empowered to issue a Violation Tag to any person who the Bylaw Enforcement Officer has reasonable grounds to believe is responsible for the contravention.

10.2 A Violation Tag issued pursuant to this Bylaw shall be in a form approved by the CAO and may be delivered to the Person reasonably believed to have contravened this Bylaw by means of actual service upon the person or by mailing a copy to the Person at his/her address as it appears on the tax roll.

10.3 Where a Violation Tag is issued pursuant to this Bylaw, the Person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Village, the penalty specified on the Violation Tag within seven (7) business days if delivered by actual service to the person and within fourteen (14) business days if served by mail.

10.4 Where a Violation Tag has been issued and the specified penalty not paid within the prescribed time, the right of the Person named on the Violation Tag to pay the penalty in

Lieu of prosecution shall expire and the Bylaw Enforcement Officer is authorized to issue a Violation Ticket pursuant to Part 2 of the Provincial Offences Procedure Act R.S.A. 2000, c. P-34, as amended or repealed and replaced from time to time, to any person that the Bylaw Enforcement Officer has reasonable ground to believe contravened a provision of this Bylaw.

10.5 Notwithstanding Section 11.4, a Bylaw Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket to any Person whom the Bylaw Enforcement Officer has reasonable grounds to believe has contravened or is responsible for a contravention of any provision of this Bylaw regardless of whether a Violation Tag has been first issued. Nothing in this Bylaw shall prevent a Bylaw Enforcement Officer from immediately issuing a Violation Ticket.

10.6 The specified penalty payable in respect of a contravention of a provision of this Bylaw is the amount provided for in Schedule "B" of this Bylaw in respect of that provision

10.7 Where any Person contravenes the same provision of this Bylaw twice within one TWELVE (12) month period, the specified penalty payable in respect of the second such contravention shall be double the amount provided for in Schedule "B" of this Bylaw

10.8 Where any Person contravenes the same provision of this Bylaw three or more times within one TWELVE (12) month period, the specified penalty payable in respect of the third and subsequent such contravention shall be triple the amount provided for in Schedule "B" of this Bylaw

SECTION 11: GENERAL PROVISIONS

11.1 Should any provision of this Bylaw be determined invalid, then the invalid provision shall be severed and the remaining Bylaw shall be maintained.

11.2 Bylaw 513-09 are hereby repealed upon third reading of this Bylaw 562-14

11.3 This Bylaw shall come into effect upon third and final reading thereof.

Read a first time this 17th day of December, 2014

Read a second time this day of 2015

Read a third time and finally passed this day of 2015

Mayor

Chief Administrative Officer

**Schedule "A"
FEES**

ANNUAL DOG LICENSE FEES

Altered (spayed or neutered) Dog \$15.00

Unaltered Dog \$25.00

Vicious Dog \$100.00

ANNUAL DOG FANCIER'S LICENSE FEE

Each Dog \$40.00

Replacement Tag Half the price of the original license

POUND FEES

Impoundment Fees for first offence \$40.00

Impoundment Fees for second offence in 12 month period \$75.00

Impoundment Fees for third or more offences within a
12 month period \$100.00

Care and sustenance (per day or portion thereof) \$20.00

Veterinary Fees, including destroying Dog (if applicable) Amount expended