

## BYLAW NO. 97-04

### BEING A BYLAW OF THE VILLAGE OF ANDREW IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF LICENSING, REGULATING AND CONFINING DOGS WITHIN THE VILLAGE OF ANDREW

**WHEREAS:** Section 7, of the Municipal Government Act, being Chapter M-26.1 of the Revised Statutes of Alberta, 1994 and the amendments thereto authorizes a Council to pass a bylaw for the purpose of licensing, regulating and confinement of dogs within the Village of Andrew; and

**WHEREAS:** Section 7, further provides that in any bylaw passed under said Section, Council may make provisions that it considers necessary to carry out the purpose of the bylaw; and

**WHEREAS:** The Council of the Village of Andrew deems it expedient and in the public interest to pass such a bylaw,

**THEREFORE:** The Council of the Village of Andrew duly assembled enacts as follows:

**THAT:** This bylaw may be cited as the "Dog Bylaw".

#### 1. DEFINITIONS

In this Bylaw unless the context is otherwise required:

- a) **"Animal"** means a dog over six (6) months of age.
- b) **"Animal Control Officer"** means a person engaged by the Village of Andrew to carry out the provisions of this Bylaw.
- c) **"Day"** means a continuous period of twenty-four (24) hours.
- d) **"Dog"** means either a male or female dog.
- e) **"Former Owner"** means the person who at the time of impoundment was the owner of an animal which has subsequently been sold or destroyed.
- f) **"Hobby License"** means a license issued to an owner pursuant to Section 7 permitting the keeping or harbouring on the premises, land or a building occupied by the owner of up to three (3) licensed dogs.
- g) **"Owner"** means a natural person or body corporate who has legal title to the animal and includes any person who has possession or custody of the animal, either temporarily or permanently or harbours the animal or allows the animal to remain on his/her premises.

- h) **“Peace Officer”** means:
  - i) a member of the Royal Canadian Mounted Police,
  - ii) a Special Constable, or
  - iii) a Bylaw Enforcement Officer.
- i) **“Running at Large, Whether Licensed or Not”** means:
  - i) an animal or animals which are not under the control of a person responsible and is or actually upon property other than the property in respect of which the owner of that animal or animals has the right of occupation, or upon any highway, street, boulevard sidewalk, park, playground, school ground or other public place, or
  - ii) an animal or animals which are under the control of a person responsible and which causes damage to property or other animals.
- j) **“Village”** means the Village of Andrew.
- k) **“Violation Ticket”** means a ticket as defined in the Provincial Offences Procedure Act.

2.

### **RESPONSIBILITIES OF ANIMAL OWNERS**

- 2.1 The owner of an animal shall ensure that the animal is not running at large.
- 2.2 No person shall keep or harbour more than two (2) dogs of whatever sex or age at the same time in any house, shelter, room or place within the Village of Andrew, provided that this Section shall not apply to premises lawfully used for the care and treatment of animals operated by and in charge of a duly qualified veterinary surgeon, or to premises which, by permission of the Village, may be temporarily used for the purpose of a dog show, nor to any person in possession of a license to operate a kennel within the limits of the Village of Andrew.
- 2.3 The keeping of dogs in the Village of Andrew in numbers greater than two (2) shall be considered as operating a kennel. The dwelling, shelter, room, or place so considered shall not be permitted on residential property unless said kennel be located not less than 100 feet from any property of any other person and further providing that if written complaints are received by the Village Administrator or damage is proven as a result of the said kennel, a Peace Officer may direct that person operating the said kennel, move or cease to operate same, this same rule applies to the raising of dogs on a commercial basis or offering stud service at private residence.
- 2.4 A hobby license shall be issued upon payment of the fee as subscribed in Schedule “A”. Should a Peace Officer receive bona fide complaints from three (3) or more neighbours living within 100 feet of the hobby licensee’s residence, he/she shall revoke the license.

3.

**NUISANCE**

- 3.1 The owner of an animal shall ensure that such animal shall not become a public nuisance by:
- a) biting or chasing a person or persons, chasing stock, bicycles or automobiles while on or off the property of the owner,
  - b) barking, howling or disturbing excessively or in any other way or manner disturbing the quiet of any person or persons,
  - c) causing damage to property or other animals, or
  - d) keeping a female animal which is in season at any location where the animal is a source of attraction to other animals.
- 3.2 An owner of an animal shall ensure that such animal does not go into any flower beds of any park.
- 3.3 An owner of an animal shall ensure that such animal is not placed in or does not enter or remain in any swimming, bathing or wading pool that is provided for the use of the public.
- 3.4 An owner whose animal defecates on property other than his/her own shall remove forthwith any defecated matter deposited.
- 3.5 An owner of any dog which has damaged public property that is not owned by the owner of the dog within the corporate limits of the Village of Andrew is guilty of an offence.

4.

**COMMUNICABLE DISEASES**

- 4.1 An owner of an animal which is suffering from a communicable disease:
- a) shall not permit the animal to be in any public place,
  - b) shall not keep the animal in contact with or in proximity to any other animal free of such disease,
  - c) shall keep the dog locked or tied up, and
  - d) shall immediately report the matter to a Peace Officer and the local veterinary clinic.

5.

**LICENSING**

- 5.1 The owner of a dog shall apply for an annual license for each dog and shall pay therefore an annual fee as set out in Schedule "A" of this Bylaw.
- 5.2 Notwithstanding Subsection 5.1 where a Peace Officer is satisfied that a person who is blind or whose vision is impaired is the owner of a dog trained

and used as a guide dog, there shall be no fee payable by the owner for a license under this Section.

**5.3** The owner of an animal shall:

- a) obtain the annual license for each dog on the first day when the Village Office is open for business after New Year's Day in every year.
- b) obtain the license on the first day on which the Village Office is open for business after he/she becomes owner of the animal, or
- c) obtain a license for an animal notwithstanding that is under the age of six (6) months, where the animal is found running at large.

**5.4** The owner of an animal shall ensure that his/her animal wears a collar and current license, and tags are not transferable from one dog to another.

**5.5** Upon losing a dog license, an owner of a dog shall present the receipt for payment of the current year's license fee to the License Division who will issue a new tag to the owner without charge.

**5.6** It shall be the duty of the Municipal Administrator to keep a record of: the owners of every animal registered under the provisions of this Bylaw, the date of such registration, the description of the animal, the registration number and the amount of the fee paid.

**5.7** No person shall be entitled to a license rebate under this Bylaw.

**5.8** Where a license is required pursuant to this Section has been paid by the tender of an uncertified cheque, the license:

- a) is issued subject to the cheque being accepted and cashed by the bank without any mention of this condition being made on the license, and
- b) is automatically revoked if the cheque is not accepted and cashed by the bank on which it is issued.

**ANIMAL CONTROL OPERATION - AUTHORITY**

**6.1** A Peace Officer may capture and impound any animal:

- a) in respect of which he/she believes or has reasonable grounds to believe an offence under this Bylaw is being or has been committed.
- b) which is required to be impounded pursuant to the provisions of any statute of Canada or the Province of Alberta, or any regulation made thereunder.

**6.2** A Peace Officer is authorized by this Bylaw to enforce the provisions contained herein may enter onto the land surrounding any building in pursuit of any

animal which has been observed running at large.

**7. OBSTRUCTION**

**7.1** No person whether or not he/she is the owner of an animal which is being or has been pursued or captured shall:

- a) interfere with or attempt to obstruct a Peace Officer who is attempting to capture or who has captured an animal which is subject to being impounded pursuant to the provisions of this Bylaw.
- b) induce the animal to enter a house or other place where it may be safe from capture or otherwise assist the animal to escape capture,
- c) falsely represent himself/herself as being in charge or control of an animal so as to establish that the animal is not running at large,
- d) unlock or unlatch or otherwise open the pound van or vehicle in which animals kept for impoundment have been placed so as to allow or attempt to allow any animal to escape therefrom, or
- e) a Peace Officer is hereby authorized to use a tranquilizer gun in order to effect the capture of dogs running at large. The authorized person using a tranquilizer gun pursuant to this Section shall not be held liable for injury or for death of the animal.

**8. NEGLIGENCE**

**8.1** No person shall:

- a) untie, loosen or otherwise free an animal which has been tied or otherwise restrained, or
- b) negligently or willfully open a gate, door or other opening in a fence or enclosure in which an animal has been confined and thereby allow an animal to run at large in the Village.

**9. TORMENT**

**9.1** No person shall injure, tease, torment or annoy an animal.

**9.2** Every person owning or harbouring a dog shall supply adequate housing, food, water and hygiene.

**10. AREAS WHERE WALKING DOGS ARE PROHIBITED**

**10.1** No person shall walk a dog in a school yard, public park or area that is prohibited by signage within the Village of Andrew's corporate limits, unless the dog is on a leash.

**NOTIFICATIONS**

- 11.1** If a Peace Officer knows or can ascertain the name of the owner of any impounded animal, he/she shall serve the owner with a violation ticket, either personally or by leaving it with a person over the age of eighteen (18) years.

**12.**

**RECLAIMING**

- 12.1** The owner of any impounded animal may reclaim the animal from the pound by paying to the Village of Andrew the fees as set out in Schedule "A" of this Bylaw and by obtaining the license for such animal should a license be required under this Bylaw.

**13.**

**SALE OR DESTRUCTION**

- 13.1** A Peace Officer cannot sell or destroy an impounded animal until the following conditions are met:

- a) After an animal is retained in the pound for:
  - i) five (5) days after the owner has received notice or is deemed by Section 11 to have received notice that the animal is in the pound, when the name and address of the owner are known, or
  - ii) seventy-two (72) hours if the name and address of the owner are not known, or

unless a person having the authority orders the retention or the destruction of the animal or unless the owner of the animal makes arrangements with the Peace Officer for the further retention of the animal, a Peace Officer may cause the animal to be sold or destroyed.

- b) A Peace Officer may retain an animal for a longer period if in his opinion the circumstances warrant the expense.
- c) The purchaser of an animal from the pound pursuant to the provisions this Section shall obtain full right and title to it and the right and title of the former owner of the animal shall cease thereupon.
- d) Where a Peace Officer agrees to put an animal to death, the owner shall pay to the Village of Andrew a fee as set out in Schedule "A" of this Bylaw.

**14.**

**PENALTIES - VOLUNTARY PAYMENT OF TICKETS**

- 14.1** Where a peace Officer believes that a person has contravened any provision of this Bylaw, he/she may serve upon such person a violation ticket as provided by this Section either personally or by mailing or leaving the same at his/her last known address and such service shall be adequate for the purpose of this Bylaw.
- 14.2** A violation ticket shall be in such form as determined by the Village and shall state the Section of the Bylaw which was contravened and the amount which is

provided in Schedule "A" that will be accepted by the Village in lieu of prosecution.

- 14.3** Upon production of a violation ticket issued pursuant to this Section within ten (10) days from the issue thereof together with the payment to the Village of Andrew, the fee as provided in Schedule "A", the person to whom the violation ticket was issued shall not be liable for prosecution for the contravention in respect of which the violation ticket was issued.
- 14.4** Notwithstanding the provisions of this Section, a person to whom a violation ticket has been issued pursuant to this Section may exercise his right to defend any charge of committing a contravention of any of the provisions of this Bylaw.

**REPEAL OF OLD BYLAW AND EFFECTIVE DATES**

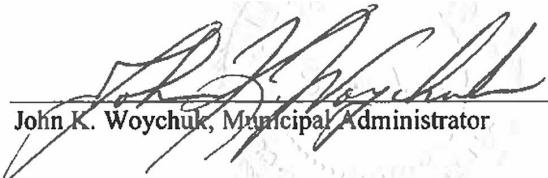
- 15.1** Bylaw No. 358 and all amendments thereto are hereby repealed.
- 15.2** This Bylaw shall come into force and effect upon receiving third and final reading.

**READ** for a first time this **27th** day of **AUGUST**, 1997 A.D.

**READ** for a second time this **27th** day of **AUGUST**, 1997 A.D.

**READ** for a third time this **27th** day of **AUGUST**, 1997 A.D.

  
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Reg Ewanowich, Mayor

  
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John K. Woychuk, Municipal Administrator

## BYLAW NO. 97-04

### Appendix 1

#### PENALTIES

<u>Section</u>	<u>Offence</u>	<u>Penalty</u>	<u>Subsequent Offence within One (1) Year</u>
2.1	Running at large	\$ 75.00	\$ 150.00
2.2	Keeping more than two (2) dogs without hobby license	50.00	100.00
3.1 (a)	Public nuisance by biting	200.00	400.00
3.1 (b)	Barking or howling	75.00	150.00
3.2	Animals in floral areas of parks	75.00	150.00
3.3	Entering pools, swimming or wading (or other enclosed public activity areas)	75.00	150.00
3.4	Defection	75.00	150.00
3.5	Permitting a dog to damage private or public property	100.00	200.00
5.3	Failure to obtain a dog license	100.00	200.00
5.4	Failure to ensure the collar and tag are affixed when the dog is off the premises	50.00	100.00
7.1	Obstruction with enforcement of the Bylaw	250.00	500.00
8.1	Negligence	100.00	200.00
9.1	Torment/Injure	200.00	400.00
9.2	Inadequate food, water, housing	200.00	400.00
10.1	Walking dogs where prohibited	75.00	150.00