

**Village of Warburg
Bylaw # 99/10**

A BYLAW of the Village of Warburg, in the Province of Alberta, to license and control dogs and other animals within the Village of Warburg.

WHEREAS, the Council deems it necessary to regulate the running at large of dogs, to provide for the licensing of dogs to provide for the confinements of certain animals within the Village and to regulate and control other animals;

AND WHEREAS, Section 164 of the *Municipal Government Act*, R.S.A. 1980, for the Province of Alberta, gives the Council the authority to pass such a bylaw;

NOW THEREFOR, the Council of the Village of Warburg in the Province of Alberta duly assembled, hereby enacts as follows:

PART 1 – TITLE AND DEFINITIONS

1. This Bylaw may be cited as the “Animal Control Bylaw”
2. In this Bylaw, unless the context otherwise requires:

“Animal” means, all species of fauna excluding humans.

“At Large” means an animal that is located at any place other than the premises of its owner, is not being carried by any person, or is not otherwise restrained by a person controlling the animal by means of a securely fastened leash.

“Communicable Disease” means, a disease that affects animals and may be transmitted to human beings.

“Dangerous Dog” means a Dog, which in the opinion of a Peace Officer, has known propensity, tendency or disposition to attack, without provocation, other animals or humans.

“Kennel” means, a Village approved location where dogs are kept, bred and trained.

“Dog” means, either a male or female of the canine family.

“Livestock” means those Animals which have been domesticated for, and are normally associated with, agriculture or ranching, including but not limited to horses, cattle, chickens, sheep, swine, goats and mules, but excludes Dogs.

“Microchip” means an encoded, electronic device implanted in an animal by or under the supervision of a licensed veterinarian, containing a unique code number for the purpose of identifying the Animal and its Owner.

“Muzzle” means a humane device used to cover or restrain the mouth of an Animal, of sufficient strength to prevent the Animal from biting.

“Owner” means:

- i. A Person who has the care, charge, custody, Possession or control of an Animal;
- ii. A Person who owns or claims a proprietary interest in an Animal;
- iii. A Person who harbours, suffers or permits an Animal to be present on any property owned or under that Person’s control;
- iv. A Person who claims and receives an Animal from the custody of the Village Animal Shelter or a Peace Officer; or
- v. The Person to whom a license has been issued under Part 2 of this Bylaw.

“Parkland” means all recreational land areas owned or controlled by the Village, within the jurisdictional boundaries of the Village, whether improved in whole or in part, or remaining in a natural state, and included all areas administered by the Village’s parks and facilities department, including buildings or other improvements situated on those Lands.

“Person” includes a partnership or corporation.

“Possession” means:

- i. Exercising physical or effective control of an Animal;
- ii. Having been given physical or effective control of an Animal by its Owner for the purpose of controlling the Animal for a specific period of time;
- iii. Where one or more Persons with the knowledge and consent of the others, has physical or effective control of an Animal, it may be deemed to be in the control of each and all of them.

“Peace Officer” means a Bylaw Enforcement Officer appointed by the Village, Special Constable or a member of the RCMP.

“Residential District” means, designated residential district as per the Village of Warburg’s Land Use Bylaw.

“Village” means, the Village of Warburg.

“Village Animal Shelter” means, the premises designated by the Village for the purpose of impounding and caring for Dogs, and other animals regulated under this Bylaw.

“Violation Ticket” means a ticket issued under and 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.

“Violation Tag” means a municipal notice issued by the Village pursuant to s.7 of the *Municipal Government Act* for the purpose of providing a Person with an opportunity to acknowledge the contravention of a Bylaw and to pay a penalty directly to the Village, in order to avoid prosecution for the contravention.

PART 2 – LICENSING

3. No person shall own, keep or harbour any Dog within the Village limits unless such Dog is licensed.
4. Every Person residing within the jurisdiction of the Village who is the owner of a Dog over the age of six months shall obtain, on an annual basis, a license for that Dog as determined by Council from time to time, and set out in Schedule "A".
5. Every person who:
 - i. Becomes the Owner of a Dog over the age of six months, whether that Dog was previously licensed under this Bylaw; or
 - ii. Takes up residence within the Village and is the Owner of a Dog which is over the age of six months.Shall within one (1) month of becoming the owner of the Dog or taking up residence within the Village, license the Dog in accordance with this Bylaw.
6. Licenses issued under this Bylaw shall not be transferable from one Dog to another or from one Owner to another.
7. The Owner shall ensure that the license tag is securely fastened to a collar or harness that must be worn by the Dog at all times when it is off the premises of the Owner.
8. Dog Owners shall provide the Village with the following information with each application for a Dog license:
 - a) Name, street address and phone number of the Owner;
 - b) Name and description of the Dog to be licensed;
 - c) Proof of spaying/neutering if applicable, and
 - d) Such other information as may be required on the application form, as established by resolution of Council or by the Municipal Administrator from time to time.
9. No more than two (2) Dogs shall be harboured, suffered or permitted to remain upon or in any land, house, shelter, room or place, building structure or premises within the village unless:
 - a) The premises are lawfully used for the care and treatment of Animals;
 - b) The premises are temporarily being used for the purposes of a Dog show;
 - c) The premises are lawfully used for the provision of training or obedience classes, but only during the training or obedience classes and for a period of one (1) hour after the conclusion of those classes;
 - d) **The premises are lawfully used for a Village approved kennel; or**
10. Notwithstanding s.9, a person may harbour more than two (2) Dogs, where those Dogs in excess of the maximum are under six (6) months of age, and are the progeny of a licensed Dog resident in the same premises.

PART 3 – DANGEROUS DOGS

11. The owner of a Dog which has a known propensity, tendency or disposition to attack, without provocation, other animals or humans shall take all necessary steps to ensure that it does not bite, chase or attack any human or other animal whether the human or animal is on the property of the Owner or not.
- a) If a Dangerous Dog bites, chases or attacks a person or animal, the Owner shall be guilty of an offence and be liable to a fine under this Bylaw.
 - b) When on the premises of its Owner, a Dangerous Dog shall:
 - i) Be confined indoors;
 - ii) Be restrained by a leash and controlled by a person sixteen (16) years of age or older;
 - iii) Be confined within a securely enclosed and locked pen or other structure, constructed and secured in such a fashion as to prevent the escape of the Dangerous Dog, and to prevent entry into the pen or access to the Dangerous Dog by children or other persons not authorized by the Owner to have access.
 - c) A securely enclosed, locked pen or other structure as described in s.11.b.iii shall at a minimum:
 - i) Have a secure bottom permanently attached to its sides, or
 - ii) Be constructed with its sides embedded into the ground to a minimum depth of thirty (30) centimeters.
 - d) When a Dangerous Dog is off the premises of the Owner, it shall at all times, wear a secure Muzzle and be constrained by a harness or collar connected to a leash and securely under the control of a person sixteen (16) years of age or older, so as to prevent it from attacking, harassing or biting any person or Animal.
 - e) Subsection c) shall not apply while the Dangerous Dog is participating in a Dog show.
12. a) Where a Peace Officer determines, on reasonable grounds or through personal observation or on the basis of facts determined after an investigation, that a Dog has a known propensity, tendency or disposition to attack other persons or Animals, without provocation, that Peace Officer may deem the Dog to be a Dangerous Dog for the purposed of this Bylaw.

b) Where a Peace Officer has deemed a Dog to be Dangerous, pursuant to s.12.a), the Peace Officer shall provide the Owner with a written notice of the Peace Officer's decision, setting out:

- i) The basis upon which the decision was made;
- ii) The mandatory obligations for control and restraint of a Dangerous Dog provided under this Bylaw;
- iii) The consequences for failing to comply with the Dangerous Dog provision of the Bylaw; and
- iv) Advising of the right to have the decision reviewed by Council including the timeframe for doing so.

c) Where the Owner of a Dog has received notice of a Peace Officers decision deeming it to be a Dangerous Dog, the Owner may, within twenty (20) days of receipt of the notice, request, in writing, a review of the decision of the Peace Officer.

d) Where Council receives a written request for a review, pursuant to subsection c) above, Council shall review the decision of the Peace Officer, the written comments of the Owner provided on the request for the review, and may confirm or revoke the decision of the Peace Officer.

PART 4 – RESPONSIBILITIES OF OWNER

13. a) The Owner of a Dog that is at large is guilty of an offence.

b) A Dog is not at large when located within the confines of a marked Village off-leash area and accompanied by its Owner.

14. a) A female dog in heat shall be confined within the residence of its Owner, or at a licensed kennel, during the period of time in which the Dog is in heat.

b) Notwithstanding subsection a) above, a female Dog in heat, if controlled by a leash, may be allowed outside of its Owner's residence for the sole purpose of permitting the Dog to defecate or urinate on the premises of its Owner.

15. a) If a Dog defecates on any public or private property other than the property of its Owner, the Owner shall cause such feces to be removed immediately.

b) Residences or grounds where any Dogs are kept shall at all times be maintained in a clean, sanitary and inoffensive condition, to the satisfaction of a Peace Officer.

c) Subsection a) shall not apply to a visually impaired Person guided by a registered guide Dog.

16. An owner whose Dog barks or howls excessively, thereby unreasonably disturbing the quiet or repose of any person, is guilty of an offence.

17. The Owner of a Dog, Cat or Livestock that damages public or private property, is guilty of an offence.

18. The Owner of a Dog, is guilty of an offence if that Dog:
- a) Attacks any person;
 - b) Threatens any person;
 - c) Chases a motor vehicle;
 - d) Chases any person on bicycle, horseback or while walking or running; or
 - e) Attacks, harasses, injures or kills an animal belonging to another person.
19. a) No Owner shall permit his or her Dog or Livestock to be on parkland areas.
- b) Subsection a) does not apply to surfaced walkways within the Village parkland, provided that the Dog is leashed or harnessed and in control of a person able to control the Dog.
- c) Subsection a) & b) do not apply:
- i) to Parkland areas designated by Village Council as "off-leash" areas under the authority of section 19 b) of this Bylaw;
 - ii) when the Owner is attending a recognized training or obedience school for training his Dog at a time and place approved by the Village Council.
 - iii) when the Dog, Livestock or other animal is in a bona fide show at a place and time approved by the Village Council.
- d) Subsection a) shall not apply to a visually impaired person guided by a registered guide Dog.

PART 5 – OTHER CONTRAVENTIONS

20. a) Unless otherwise permitted by a Peace Officer, no person shall keep livestock, within the Village boundaries.
- b) A person may apply to a designated Peace Officer for a permit authorizing the keeping of livestock within a residential district within the Village.
- c) A designated Peace Officer, who receives an application under subsection b) above, may issue the permit without conditions or with those conditions determined by the Peace Officer, in his or her discretion, to be warranted in the circumstances.
- d) A person who fails to comply with conditions imposed under a permit issued pursuant to s.24.c) above is guilty of an offence.
21. No person shall negligently or willfully open any gate, door or other opening in a fence, enclosure or otherwise release a Dog or Livestock, or other animal which has been confined, thereby allowing said Dog or Livestock or animal to run loose in the Village.

PART 6 – IMPOUNDMENT AND DISPOSITION

22. A Peace Officer may seize and capture any Dog found running at large or other animal including Livestock found running loose and impound said animal(s) in the Village Animal Shelter

23. To assist in the seizure or capture of a Dog or Livestock or other animals running at large or loose a Peace Officer may utilize live traps. Said traps shall be used in a humane manner.
24. a) A Dog or Livestock or other animal impounded under section 22 shall be kept in the Village Animal Shelter for a period of at least three (3) days. During this period, any healthy animal may be redeemed by its Owner or agent of the Owner upon payment of:
- i) The appropriate license fee specified in Schedule "A", when a Dog found at large is not currently in possession of a license issued pursuant to this Bylaw.
 - ii) The boarding fee specified in Schedule "A"; and
 - iii) Any associated medical costs that may have been required, and
 - iv) The transportation fee specified in Schedule "A"; and
 - v) Pay the appropriate penalties specified in Schedule B.
- b) At the expiration of the three (3) day period, any animal not claimed shall become the property of the Village and may be humanely euthanized or adopted to a person other than the Owner.
- c) Any person who adopts said Dog or other animal shall obtain full rights and title of said Dog or animal and the right and the title of the former owner shall cease forthwith.
- d) A Peace Officer, or operator or employee of a Village Animal Shelter shall seek veterinary treatment of any animal impounded, in order to relieve pain or bleeding if that animal is found to have been injured or is injured during the process of capture.
25. If, in the opinion of a licensed veterinarian, an animal impounded, pursuant to this Bylaw, because of injuries sustained or its medical health should be euthanized for humane reasons, a Peace Officer may authorize that veterinarian to euthanize the animal.

PART 7 – DISEASE CONTROL

26. The Owner of any animal that the Owner has reason to suspect may have been exposed to a communicable disease shall, in addition to any other duty imposed under the *Provincial Health Act, R.S.A. 2000 c.P-7*, and the regulation thereunder, as amended or repealed and replaced from time to time, immediately inform a Peace Officer:
- a) Of the suspicion of exposure to a communicable disease;
 - b) Of the name and contact information for any person or the Owner of any animal that may have received a bite from the animal suspected of exposure to a communicable disease; and
 - c) Whether the matter has been reported to the local community health centre, Public Health Inspector or the Medical Officer of Health.

27. A Peace Officer that has reasonable grounds to believe that an animal found at large, has been exposed to a communicable disease affecting animals, may confine that animal to the Village Animal Shelter, a veterinary clinic, or any other location as directed by the Medical Officer of Health or a Public Health Inspector.
28. A Peace Officer that has reasonable grounds to believe that an animal within the Village has, or has been exposed to, a communicable disease affecting animals will report the matter to the Medical Officer of Health or a Public Health Inspector as soon as reasonably possible.
29. Except as herein provided, no person shall kill, or cause to be killed, any animal, suspected of being exposed to a communicable disease or any animal which has bitten a human, nor remove the same from the Village limits without written permission from the Medical Officer of Health or Public Health Inspector.
30. The carcass of any dead animal exposed to a communicable disease shall be surrendered to the Medical Officer of Health or Public Health Inspector.

PART 8 – PENALTIES AND ENFORCEMENT

31. Any person who violates a provision of this Bylaw is guilty of an offence, and liable, on summary conviction, to the specified penalties set out at Schedule "B" of this Bylaw.
32. It is the intention of the Village Council that each separate provision of this Bylaw shall be deemed independent of all other provisions, and it is further the intention of the village Council that if any provisions of this Bylaw be declared invalid, all other provisions shall remain valid and enforceable.
33.
 - a) A Peace Officer is hereby authorized and empowered to issue a Violation Tag, pursuant to s.7 of the *Municipal Government Act*, to any person whom the Peace Officer has reason to believe has contravened any provision of this Bylaw.
 - b) A Violation Tag, may be issued to such persons:
 - i) Personally
 - ii) By mailing a copy to the person at his or her last known post office address; or
 - iii) In respect to a partnership or corporation, by mailing or delivering the Violation Tag to either the registered office or the business office of the partnership or corporation.
 - c) A Violation Tag, issued, pursuant to this Bylaw, shall be in a form approved by the Municipal Administrator and shall state:
 - i) The name of the Owner;
 - ii) The section number of the Bylaw provision breached and a brief description of the offence;
 - iii) The appropriate specified penalty for the offence as set out at Schedule "B" of this Bylaw;
 - iv) That the penalty for the offence is required to be paid within 30 days of the issuance of the Violation Tag; and

- v) Any other information as may be required by the Municipal Administrator from time to time.

d) 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 Office, the penalty specified on the Violation Tag.

e) Where a Violation Tag has been issued and the specified penalty not paid within the specified time, The Peace Officer is authorized to issue a Violation Ticket pursuant to part 2 of the *Provincial Offences Procedure Act*, to any person that the Peace Officer has reasonable grounds to believe has contravened a provision of this Bylaw.

f) A person to whom a Violation Ticket is issued pursuant to this Bylaw may, in accordance with the provisions of the *Provincial Offences Procedure Act*, elect to plead guilty and make a voluntary payment of the specified penalty indicated on the Violation Ticket, on or before the initial appearance date indicated on the Violation Ticket.

g) Notwithstanding section 34 e) of this Bylaw, a Peace Officer is authorized and empowered to immediately 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 whom the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw, regardless of whether a Violation Tag has first been issued.

PART 9 – EFFECTIVE DATE AND REPEAL

35. Village of Warburg Bylaw 354/92, Bylaw 276/80 and **Bylaw 281/07** are hereby repealed upon the third and final reading of this Bylaw.
36. This Bylaw shall come into force upon the third and final reading.


Read a first time this 22nd day of February, A.D. 2010.

Read a second time this 22nd day of February, A.D. 2010.

Read a third time and finally and unanimously passed this 22nd day of February, A.D. 2010.

VILLAGE OF WARBURG


Deputy Mayor May Metke


Christine Pankewitz
Municipal Administrator

Village of Warburg
Bylaw 99/10

SCHEDULE "A"

FEES

Section 4	Dog License (Unaltered)		\$ 50.00
	Dog License (Spayed/Neutered)		\$ 20.00
	Approved Kennel (up to 10 tags)		\$100.00
Section 7 d)	Replacement Tags		\$ 10.00
Section 31 a) ii)	Boarding Fees	Costs determined by operator of Boarding facility used.	
Section 31 a) iii)	Medical Fees	Associated medical costs that may Have been required.	
Section 31 a) iv)	Transportation or animal fee		\$ 85.00/trip

**Village of Warburg
Bylaw 99/10**

SCHEDULE "B"

SPECIFIED PENALTIES

PART 2 – LICENSING

Section 3	Fail to obtain valid Dog license	\$100.00
Section 7	Fail to ensure license tag is worn by Dog	\$100.00
Section 9	Keep more than the maximum number of animals allowed	\$200.00

PART 3 – DANGEROUS DOGS

Section 11 a)	Dangerous Dog bite/chase/attack person or animal	\$500.00
Section 11 b)	Fail to confine Dangerous Dog when on the Owner's premises	
	i) Indoors	\$300.00
	ii) By leash and controlled by person of 16 years old	\$300.00
	iii) Securely enclosed locked pen or structure	\$300.00
Section 11 d)	Fail to muzzle or otherwise secure Dangerous Dog when off the premises of the Owner	\$300.00

PART 4 – RESPONSIBILITIES OF OWNER

Section 13 a)	Allow Dog or other animal to run at large	\$100.00
Section 14 a)	Fail to confine female dog in heat	\$100.00
Section 15 a)	Fail to immediately remove Dog defecation from public or private property	\$100.00
Section 15 b)	Fail to keep residence/grounds clean/sanitary/inoffensive	\$100.00
Section 16	Allow Dog to bark/howl excessively or otherwise disturb quiet	\$100.00
Section 17	Allow Dog/Livestock or other animal to damage public or private property	\$100.00
Section 18	Allow Dog/Livestock/other animal to	
	a) chase/bite/attack	\$100.00
	b) threaten person	\$100.00
	c) chase motor vehicle	\$100.00
	d) chase person/bicycle/horse/person walking or running	\$100.00
Section 19 a)	Permit Dog to be on parkland	\$100.00

PART 5 – OTHER CONTRAVENTIONS

Section 20 a)	Have Livestock in Village boundaries	\$100.00
Section 20 d)	Fail to comply with conditions permit	\$100.00
Section 21	Release Dog/Livestock from confined area, allowing to run loose	\$100.00

*** Second and subsequent offences occurring within six (6) months of the first offence shall be liable to double the specified penalty amount listed.**