

COUNTY OF WARNER NO. 5

BYLAW 805-99

Bylaw 805-99 is for the regulating and controlling of DOGS within the County of Warner No. 5

WHEREAS the Municipal Government Act 1994, Chapter M-26.1 with amendments, provides for the passing of a bylaw to regulate and control animals within the municipality;

AND WHEREAS the Council of the County of Warner No. 5 deems it necessary to regulate DOGS being "At Large" and to provide for the regulating and control of DOGS within the COUNTY;

NOW THEREFORE the Council of the County of Warner No. 5 in the Province of Alberta duly assembled, hereby enacts as follows;

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

2. **Definitions**

a. ANIMAL CONTROL OFFICER - shall mean any person appointed by resolution of Council to carry out the provisions of this bylaw, and is deemed to include any member of the Royal Canadian Mounted Police.

b. COUNTY - shall mean the County of Warner No. 5.

c. DOG - shall mean either a male or female of any wild or domesticated canine species.

d. OWNER - shall mean a person who owns or claims any proprietary interest in a DOG, a person who has the care, charge, custody, possession or control of a DOG, and a person who harbours, suffers or permits a DOG to be present on any property owned by him or under his control.

e. RUNNING AT LARGE - shall mean a DOG is at large when it is at any place other than the property of the OWNER and is not being carried by any person or is not otherwise restrained by a leash held by a person and that leash is attached to a choke chain, collar or harness securely holding that DOG.

f. VIOLATION TAG - shall mean a tag or similar document issued by the COUNTY pursuant to the **Municipal Government Act, S.A.** 1994 c.M-26.1, as amended.

g. VIOLATION TICKET - shall mean a ticket as defined in the Provincial Offences Procedures Act S.A., 1980 c. P-21.5 as amended and regulations thereunder

h. PROPERTY OWNER - shall mean any person having a legal or equitable interest in any land or building and includes any resident, tenant or occupier of such land and building.

3. **Animal Control Officer**

The ANIMAL CONTROL OFFICER or his agent may:

a. Capture, control, impound or destroy any DOG which is RUNNING AT LARGE, subject to this bylaw.

b. Collect from the person or persons liable all fees and charges levied pursuant to this bylaw and remit all fees to the County of Warner No. 5.

c. Dispose of all DOGS as provided within this bylaw in a manner approved by the COUNTY.

- d. Maintain adequate records of the following:
  - i. Any complaints received regarding DOGS RUNNING AT LARGE
  - ii. Any actions taken upon the complaint
  - iii. Disposition of the DOG
  - iv. Notices sent to the OWNER of the DOG , if OWNER is known

#### 4. **Dogs Running at Large**

- a. The OWNER of a DOG RUNNING AT LARGE shall be guilty of an offence.
- b. The OWNER of a DOG is guilty of an offence if such DOG
  - i. attacks any person;
  - ii. threatens any person
  - iii. chases a motor vehicle
  - iv. upsets a waste receptacle and scatters garbage in or about any property not belonging to the OWNER of the DOG;
  - v. chases any person on bicycle, horseback or while walking or running; or
  - vi. attacks, harasses, injures or kills livestock, poultry or pets belonging to other persons.
- c. An OWNER whose DOG barks or howls thereby disturbing the quiet repose of any person is guilty of an offence;
- d. An OWNER of a DOG which has caused damage to public or private property in the COUNTY is guilty of an offence;
- e. If a DOG defecates on any private or public property other than the property of its OWNER, the OWNER shall cause such defecation to be removed immediately;
- f. No more than six DOGS shall be harbored, suffered or permitted to remain upon or in any house, shelter, room or place, building, structure or premises within the COUNTY, except within the Hamlets of New Dayton and Wrentham where no more than two DOGS are permitted per household unless permission is granted by County Council to exceed two DOGS, provided this Section shall not apply to premises lawfully used for the care and treatment of DOGS, operated by, or under the charge of a licensed veterinarian, nor to any premises which are temporarily being used for the purposes of a DOG show, nor to any person in possession of a valid and subsisting development permit to operate a kennel or other DOG operation, within the COUNTY as authorized by the COUNTY'S Land Use Bylaw.
- g. The ANIMAL CONTROL OFFICER or his agent may immediately destroy any DOG found RUNNING AT LARGE, if in his judgement and opinion, any of the following conditions occur and further the OWNER is guilty of an offence:
  - i. the DOG is considered to be a danger or presenting a danger to the public;
  - ii. the DOG has caused damage to another person's property or livestock;
  - iii. the DOG is chasing or annoying domestic livestock on property other than the OWNER of the DOG;
  - iv. the DOG is suffering .
- h. The ANIMAL CONTROL OFFICER or his agent may, in accordance with Section 542 of the *Municipal Government Act*, enter upon private property and immediately destroy any DOG which is RUNNING AT LARGE, if in the ANIMAL CONTROL OFFICER'S judgement and opinion, any of the following conditions are occurring and further the OWNER is guilty of an offence:
  - i. the DOG is presenting a danger to the public;
  - ii. the DOG is causing damage to another person's property or livestock;
  - iii. the DOG is chasing or annoying domestic livestock on property other than the OWNER of the DOG;
  - iv. the DOG is suffering .
- i. Any person interfering with, hindering or impeding an ANIMAL CONTROL OFFICER in the performance of any duty authorized by this bylaw is guilty of an offence.

## **5. Miscellaneous**

- a. When the OWNER of a DOG, and the DOG is caught RUNNING AT LARGE, requests his DOG to be destroyed, the OWNER shall put the request in writing, stating that he is the OWNER and that the COUNTY is relieved of any liability for having carried out his request.
- b. When the OWNER of the property, on which a DOG is caught RUNNING AT LARGE, requests the ANIMAL CONTROL OFFICER to destroy the DOG, the request shall be in writing indicating reasons for the destruction of which one shall be the DOG is presenting a danger or causing damage to his livestock or property.
- c. DOGS which are destroyed shall be disposed of in a manner which is reasonable and considered to be prudent by the ANIMAL CONTROL OFFICER.

## **6. Violation Tags**

- a. An ANIMAL CONTROL OFFICER or agent is hereby authorized and empowered to issue a VIOLATION TAG to any person who the ANIMAL CONTROL OFFICER has reasonable and probable grounds to believe has contravened any provision of this bylaw.
- b. A VIOLATION TAG may be issued to such persons:
  - i. either personally
  - ii. by mailing a copy by double registered post to such person at their last known post office address
  - iii. by leaving at such person's usual place of abode with a person thereof who appears to be at least sixteen (16) years of age.
- c. The VIOLATION TAG shall be in a form approved by the ANIMAL CONTROL OFFICER and may state:
  - i. The name of the OWNER of the DOG
  - ii. The Offence
  - iii. The appropriate penalty for the offence as specified in Schedule "A" of this bylaw and the penalty amounts may be revised from time to time by Council resolution.
  - iv. That the penalty shall be paid within thirty (30) days of the issuance of the VIOLATION TAG and
  - v. Any other information as may be required by the COUNTY.
- d. Where a contravention of this bylaw is of a continuing nature, further VIOLATION TAGs may be issued by the ANIMAL CONTROL OFFICER, provided however, that no more than one VIOLATION TAG shall be issued for each day that the contravention continues.
- e. 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 the COUNTY the penalty specified on the VIOLATION TAG.
- f. Nothing in this bylaw shall prevent an ANIMAL CONTROL OFFICER from immediately issuing a VIOLATION TAG, for a mandatory Court appearance of any person who contravenes any provision of this bylaw.

## **7. Violation Ticket**

- a. If the penalty specified on a VIOLATION TAG is not paid within the prescribed time period, then an ANIMAL CONTROL OFFICER is hereby authorized and empowered to lay a complaint and issue a Summons by means of a VIOLATION TICKET.

## **8. Penalties**

- a. Any person or OWNER who contravenes any provision of this bylaw is guilty of an offence and shall be liable in Summary Convictions.

## **9. Severability Provision**

- a. Should any provision of this bylaw be invalid then such invalid provisions shall be severed and the remaining bylaw shall be maintained.

**10. Repeal of Bylaws**

a. Bylaw No. 263 and 797-99 are hereby repealed.

**11. Coming into Effect**

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

Read a first time this \_\_\_\_\_ day of \_\_\_\_\_, 1999

Read a second time this \_\_\_\_\_ day of \_\_\_\_\_, 1999

Read a third and final time this \_\_\_\_\_ day of \_\_\_\_\_, 1999

\_\_\_\_\_  
Reeve

\_\_\_\_\_  
Administrator

## SCHEDULE "A"

### Penalty and Offence Fees

1.	First Offence	\$50.00
2.	Second Offence (an offence committed within one year of the First Offence)	\$75.00
3.	Third Offence (an offence committed within one year of a Second Offence)	\$100.00
4.	Subsequent Offence (an offence committed within one year of a Third Offence)	\$100.00