

**Village of Barons
Bylaw #675**

**A BYLAW OF THE VILLAGE OF BARONS, IN THE PROVINCE OF ALBERTA, TO AMEND
BYLAW NUMBER #662 AND TO ESTABLISH A BYLAW TO REGULATE AND CONTROL
ANIMALS WITHIN THE MUNICIPALITY.**

Whereas, under the authority of the Municipal Government Act of Alberta, being Chapter M-26 of the Revised Statutes of Alberta, R.S.A. 2000 and amendments thereto, Section 7(h), the Council of a municipality may pass bylaws to regulate and control wild and domestic animals and activities in relation to them.

And Whereas the Council deems it expedient to pass a bylaw pursuant to Chapter M-26 of the Municipal Government Act, Revised Statutes of Alberta and amendments thereto,

Now Therefore the Council of the Village of Barons enacts as follows:

1. Title

This bylaw may be cited as the “**Animal Control Bylaw**”.

2. Definitions:

In this bylaw unless context otherwise requires:

- a) “**Animal**” indicates dog, either male or female
- b) “**Animal Service Centre**” means the facility established for the holding of impounded animals as set out in this Bylaw
- c) “**Dog Control Officer**” means a person, firm or corporation appointed by the Village pursuant to the provisions of the Municipal Government Act
- d) “**Dog Fanciers License**” means an additional license issued annually to an owner permitting the keeping or harbouring, on land or premises occupied by the owner, up to four (4) licensed dogs over the age of six months
- e) “**Former owner**” means the person who at the time of impoundment was the owner of the animal which has subsequently been sold or destroyed
- f) “**Leash**” means a chain or other material capable of restraining the dog on which it is being used
- g) “**License Tag**” means a metal tag issued by the Village of Barons to an owner for each dog owned and which bears a number corresponding to a number in a register file
- h) “**Owner**” means a natural person over the age of 18 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 premises.
- i) “**Park**” means any public space used for rest, recreation, exercise, pleasure, amusement and enjoyment and includes but not limited to playgrounds, sports fields, campground and cemeteries
- j) “**Running at Large**” means:
 - A dog or dogs which are not under the control of a person responsible by means of a leash and is or are actually upon property other than the property in respect of which the owner of the dog or dogs has the right of occupation, or upon any highway, thoroughfare, street, road, trail, avenue, land, alley, square, bridge, causeway, trestleway, sidewalk (including the boulevard portion of the sidewalk) park, or other public place; or
 - A dog or dogs which are under the control of a person responsible by means of a leash and which cause damage to persons, property or other animals.
- k) “**School Grounds**” means any public or private school and surrounding property that is controlled by the school, school boards and/or the Village of Barons.
- l) “**Vicious Dogs**” means any dog, whatever its age, whether on public or private property, which has:
 - Without provocation, chased, injured or bitten any other domestic animal or human; or
 - Without provocation, damaged or destroyed any public or private property; or
 - Without provocation, threatened or created the reasonable apprehension of a threat to other domestic animals or humans; or

- Is a continuing threat of serious harm to other animals or humans.

Which in the opinion of a Justice, presents a threat of serious harm to other domestic animals or humans; or

- Has been previously determined to be a vicious dog under this bylaw.

m) **“Village”** means the Village of Barons in the Province of Alberta

All schedules attached to this bylaw shall form a part of this bylaw.

3. **Licensing of Animals:**

- a. A resident of the Village of Barons who is the owner of any animal aged six (6) months or older shall obtain a license for the animal from the Village Office as per Schedule “A”;
- b. The owner of every animal shall, annually, on or before January 31st, renew the license for the animal by submitting to the Village the annual licensing fee, as set out in Schedule “A”, along with any other information as may be required by the Village. A license shall be valid only for the year for which it was issued, regardless of actual date upon which the license was purchased;
- c. In addition to individual animal licensing, each owner having more than two (2) animals shall, annually, on or before January 31st, renew the annual Dog Fancier’s license as set out in Schedule “A” along with all information as may be required by the Village. The license shall valid only for the year for which it was issued, regardless of the actual date upon which the license was purchased.
- d. Obtain a license for an animal notwithstanding that it is under the age of three (3) months, where the animal is found running at large;
- e. Upon initial payment of the license fee for each animal, a tag shall be issued to the owner with a number corresponding to the number assigned to the animal in the registry. This tag will be valid until such time as the animal is disposed of or dies or until the tag is misplaced or lost;
- f. Every owner shall provide his/her animal with a collar to which the owner shall affix the tag for such animal and the owner shall ensure that the collar and tag are worn during those occasions when the animal is not on the owner’s premises;
- g. In case a tag is lost or destroyed, a replacement will be issued by the Village upon payment of the fee as set out in Schedule “A” and provided the owner can provide proof of payment of the license fee for the current animal license year or the Village administration records indicate such payment was made;
- h. Licenses and tags are non-transferable from one animal to another and no refund shall be made on any paid animal license fee because of death or sale of the animal or upon the owner’s leaving the Village before expiration of the license period;
- i. Any person who becomes the owner of the animal registered under this bylaw shall report the change of ownership to the Village Office and the Village shall transfer ownership of the license to that person, but no additional license fee shall be owing by that person to the Village for the year for which the license was purchased;
- j. A registered Guide Dog owned by a blind person shall be issued a license, free of charge;
- k. A resident of the Village of Barons who is the owner of a vicious dog is additionally required to:
 - i. be over the age of eighteen (18) years
 - ii. obtain a vicious dog license on the first day on which the Village of Barons is open for business after the dog has been declared as vicious;
 - iii. obtain a license on the first day on which the Village of Barons is open for business after he becomes the owner of a vicious dog;
 - iv. notify the Village Office should the vicious dog be sold, gifted or transferred to another person or if the animal dies;
- k. Failure to obtain a license within the prescribed timelines of this section will result in a fine as set out in Schedule “B” of this bylaw.

4. Offences and Responsibility of Owner:

- a. The owner of an animal is guilty of an offence if such animal:
 - i. runs at large;
 - ii. is without a collar and tag while off the premises of its owner;
 - iii. is a female in heat and is not confined and housed in the residence of the owner during the whole of the heat period;
 - iv. defecates on any Public or Private Property other than the property of its owner and the owner or person in control of the animal fails to immediately remove such defecation. This provision shall not apply to a registered guide dog while it is assisting a blind person;
 - v. is on school property unless otherwise permitted or allowed by the School Board;
 - vi. is within a site containing playground apparatus and/or sand play area located on public or private property other than the property of its owner;
 - vii. barks or howls so as in the opinion of the Bylaw Enforcement Officer based on information gathered to cause an unreasonable disturbance given, but not limited to, location, circumstances, time of day and duration;
 - viii. upsets or tears up any garbage bags or waste receptacles;
 - ix. damages public or private property;
 - x. chases any person, animal, bicycle or motor vehicle;
 - xi. bites any person or animal;
 - xii. attacks or injures any person or animal.

- b. The owner of an animal is guilty of an offence if the owner:
 - a. Fails to provide identification (driver's license or other government issued identification with a picture) and proof thereof to a Bylaw Enforcement Officer;
 - b. Provides false or misleading information to a Bylaw Enforcement Officer.

- c. The owner of an animal is guilty of an offence if they allow any fecal matter to remain on their property or to accumulate to such an extent as to, in the opinion of a Bylaw Enforcement Officer, constitute a nuisance by way of odour, unsightliness, or detrimental impact on the use, enjoyment and value of nearby properties.

- d. 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:
 - i. The premises are lawfully used for the care and treatment of animals operated by and under the charge of a registered veterinarian;
 - ii. The Owner is the holder of a valid and subsisting development permit to operate a kennel, animal hospital, shelter, pound or other animal operation as authorized by the Land Use Bylaw;
 - iii. The animals in excess of the limit are under eight weeks of age and the offspring of a licensed animal residing at the same location.
 - iv. The Owner has obtained a Dog Fancier's License.

- e. The Owner of a Vicious Dog shall ensure that, without provocation, such dog does not:
 - i. chase, injure or bite any other domestic animal or human;
 - ii. damage or destroy any public or private property;
 - iii. threaten or create the reasonable apprehension of a threat to other domestic animals or humans;
 - iv. present a continuing threat of serious harm to other animals or humans.

- f. When a vicious dog is on the property of the owner, the owner shall ensure that:

- i. such dog is confined indoors and under the control of a person over the age of eighteen (18) years;
 - ii. when such dog is outdoors it is in a locked pen or other structure, constructed to prevent the escape of the vicious dog and capable of preventing the entry of any person not in control of the dog;
 - iii. the locked pen or other structure shall have secure sides and a secure top, and if it has no bottom secured to the sides, the sides must be imbedded in the ground to a minimum depth of thirty (30) centimetres;
 - iv. the locked pen or other structure shall provide the vicious dog with shelter from the elements and be of the minimum dimensions of one and one-half (1.5) metres by three (3) metres and be a minimum of one and one-half (1.5) metres in height;
 - v. the locked pen or other structure shall not be within one (1) metre of the property line or within five (5) metres of a neighbouring dwelling unit;
- g. When a Vicious Dog is not on the property of the owner, the Owner shall ensure that at all times the vicious dog is:
 - i. muzzled;
 - ii. harnessed or leashed on a lead which length shall not exceed one (1) metre in a manner that prevents the vicious dog from chasing, injuring or biting other domestic animals or humans as well as preventing damage to public or private property;
 - iii. under the control of a person over the age of eight (18) years;
 - iv. the vicious dog is not running at large.
- h. Additionally, the owner of a vicious dog shall:
 - i. immediately notify the Village Office and/or the Bylaw Enforcement Officer if the vicious dog is running at large;
 - ii. remain liable for the actions of the dog until formal notification of sale, gift or transfer is given to the Village Office.
- i. An Owner of an animal suspected of having rabies shall immediately:
 - i. report the matter to Agriculture Canada, Veterinary Inspection directorate or to the Bylaw Enforcement Officer;
 - ii. confine or isolate the animal, in such a manner as prescribed so as to prevent further spread of the disease;
 - iii. shall keep the animal confined for not less than ten (10) days at the cost of the Owner.
- j. An owner of an animal that does not comply with the provisions of Part 4 shall be subject to a penalty as provided in Schedule "B" of this bylaw for each consecutive demand made by the Bylaw Enforcement Officer.

5. Handicapped Owners:

- a. Notwithstanding Section 3(a) of this bylaw, where the Village of Barons is satisfied that a person who is handicapped is the owner of an animal trained and used to assist such handicapped persons, there shall be no fee payable by the owner for a license under Section 3(a), however, a tag must be obtained and the animal must be registered at the Village Office.

6. Dog Fanciers License

- a. The maximum number of dogs in a single family dwelling or household shall be restricted to two (2) dogs over the age of six (6) months, except in the case where an owner is in receipt of a Dog Fancier's License.
- b. Any person requesting a Dog Fancier's License shall submit an application to the Animal Control Officer which shall disclose:
 - i) location of property upon which the dogs will be housed;
 - ii) purpose;
 - iii) breed and sex of dogs;

- iv) type of facilities;
- v) consent of adjacent landowners;
- c. The Animal Control Officer shall not issue a Dog Fancier's License if, in his opinion, the site or conditions are unsuitable.
- d. Any person who is refused a Dog Fancier's License may appeal the decision of the Animal Control Officer to Council provided such appeal is submitted in writing within fourteen (14) days of the Animal Control Officers decision.
- e. Any approved license shall be issued upon payment of the fee specified in Schedule "A" of this Bylaw. Upon satisfaction that each animal is individually licensed, a Dog Fancier's License shall be issued pursuant to Section 2 and/or 3 of this Bylaw.
- f. The Animal Control Officer may remove the Dog Fancier's License upon receipt of bonafide complaints from two or more neighbors residing within sixty (60) meters of the residence of the licensee.

7. Responsibility of Village Administration:

- 1. The Village of Barons shall arrange for a kennel to be established for the keeping and impounding of animals and may do so by entering into an Agreement with a Contractor. A Contractor or any such kennel may make rules and regulations for the operation and management of the kennel, provided they are not inconsistent with this Bylaw.
- 2. The Bylaw Enforcement Officer may seize and impound any animal found at large.
- c. In the active pursuit of any animal while the animal is at large, any Bylaw Enforcement Officer empowered to apprehend animals under this part is hereby authorized to enter upon any lands surrounding any building at all reasonable times.
- d. No Person, whether or not he is the Owner of an Animal which is being or has been pursued or captured shall:
 - i. interfere with or attempt to obstruct a Bylaw Enforcement Officer who was attempting to capture or who has captured any animal in accordance with the provisions of this bylaw;
 - ii. unlock or unlatch or otherwise open the motor vehicle in which animals captured for impoundment have been placed, so as to allow or attempt to allow any animal to escape there from;
 - iii. remove or attempt to remove any animal from the possession of the Bylaw Enforcement Officer.
- e. The Village of Barons shall provide notice by letter or by the Bylaw Enforcement Officer indicating that an animal or animals have been deemed to be Vicious Animal(s). If this determination is contested, this may be done so at the Provincial Court. Any said costs associated with this proceeding would be solely the responsibility of the Owner.

8. Impounded Dogs

- a. If a Bylaw Enforcement Officer knows or can ascertain the name of the owner of any impounded animal, the Bylaw Enforcement Officer shall serve the owner with a copy of the Notice in Schedule "C" of this bylaw, either personally or by leaving it, or by mailing it to the last known address of the owner.
- b. An owner of an animal to whom a notice is mail pursuant to subsection 6(a) is deemed to have received the notice within forty-eight (48) hours from the time it is mailed.
- c. The Bylaw Enforcement Officer or Contractor shall keep all impounded animals for a period of no less than three (3) days, not including the day of impounding. Sundays and statutory holidays shall

not be included in the computation of the three (3) day period. During this period any healthy animal may be redeemed by its owner, upon payment to the Bylaw Enforcement Officer of:

- i. the appropriate license fee when an animal is not licensed;
 - ii. kennel boarding fees as per contract rate for every twenty-four (24) hour period, or fraction thereof;
 - iii. fines levied as per Schedule "B" of this bylaw.
- d. Where an animal is claimed, the owner shall provide proof of ownership or the animal prior to the animal's release.
- e. At the expiration of the three (3) day period, any animal not redeemed may be destroyed or sold.
- f. The Bylaw Enforcement Officer may, before selling an unclaimed animal, require that the animal be spayed or neutered.
- g. The purchaser of an animal from the Bylaw Enforcement Officer pursuant to the provisions of this section shall obtain full right and title to the animal and the rights and title of the former owner of the animal shall cease thereupon.
- h. When the Bylaw Enforcement Officer agrees to put an animal to death, the owner shall pay to the Village a fee as set out in Schedule "A" of this bylaw.
- i. The Bylaw Enforcement Officer or Contractor shall report any apparent illness, communicable disease, injury, or unhealthy condition of any animal to a veterinarian and act upon his/her recommendations. The owner, if known, shall be held responsible for all expenses so incurred.

9. **Penalties**

- a) Any person who contravenes any provision of this bylaw is guilty of an offence and is liable on summary conviction to a penalty as set out in Schedule "B" herein;
- b. Notwithstanding Section 8(a) of this bylaw, any person who commits a second or subsequent offence under this bylaw within twelve (12) months of committing a first offence under this bylaw, may be liable to an increased fine as set out in Schedule "B"
- c. A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this bylaw
- d. A Violation Tag may be issued to such person:
 1. either personally;
 2. by mailing a copy to such person at their last know Post Office address; or
 3. upon retrieval of such person's animal from the Village's assigned pound.
- e. The Violation Tag shall be in a form approved by the Chief Administrative Officer and shall state:
 - i. The name of the owner;
 - ii. The offence;
 - iii. The appropriate penalty for the offence as specified in Schedule "B" of this bylaw;
 - iv. That the penalty shall be paid within twenty-two (22) days of the issuance of the Violation Tag to avoid possible persecution; and
 - v. Any other information as may be required by the Chief Administrative Officer.

- f. 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 penalty specified on the Violation Tag.
- g. Nothing in this bylaw shall prevent a Bylaw Enforcement Officer from immediately issuing a Violation Tag.
- h. The Bylaw Enforcement Officer may enforce the provisions of this bylaw, and where a Bylaw Enforcement Officer has reasonable grounds to believe that a provision of this bylaw has been contravened, the Bylaw Enforcement Officer is authorized and empowered to immediately issue a Violation Ticket pursuant to Part 2 of the Provincial Offences Procedures Act R.S.A. 2000, c. P-34, as amended, to any person who the Bylaw Enforcement Officer has reasonable grounds to believe is responsible for the contravention.
- i. Where a Violation Ticket has been issued to a person pursuant to this bylaw, that person may plead guilty to the offence by submitting to a clerk of the Provincial Court, the specified penalty set out in the Violation Ticket at any time prior to the appearance indicated on the Violation Ticket.
- j. The Violation Ticket shall be served upon the person who is believed to be responsible for the contravention under the bylaw in accordance with the provisions of the Provincial Offences Procedures Act, R.S. A. 2000, c. P-34. as amended.
- k. Should any person be guilty of an offence for which no penalty is specified, then such person shall be liable upon summary conviction to a fine of not more than five thousand (\$5,000) dollars and not less than five hundred (\$500.00) dollars.

10. Severability

- a. Should any section or part of this bylaw be found to have been improperly enacted, for any reason, then such section or part shall be regarded as being severable from the bylaw and the bylaw remaining after such severance shall be effective and enforceable as if the section found to be improperly enacted had not been enacted as part of this bylaw.

11. Effective Date

This Bylaw shall come into force and effect on the final date of passing thereof.

Read a first time this _____ day of _____, 2012

Read a second time this _____ day of _____, 2012.

And by unanimous consent of Council

Read a third and final time and finally passed this _____ day of _____, 2012.

Mayor

Administrator

**Village of Barons
Bylaw #675
Schedule "A"
Fees**

| | |
|--|--|
| License Fees – Non-Vicious dogs | |
| Neutered Male Dog | \$10.00/year |
| Spayed Female Dog | \$10.00/year |
| Non-Spayed Female Dog (over six months of age) | \$50.00/year |
| Non-Neutered Male Dog (over six months of age) | \$50.00/year |
| | |
| Dog Fanciers Annual License Fee | \$50.00/year |
| | |
| License Fee – Vicious Dogs | |
| Neutered Male Dog | \$100.00/year |
| Spayed Female Dog | \$100.00/year |
| Non-Spayed Female Dog (over six months of age) | \$250.00/year |
| Non-Neutered Male Dog (over six months of age) | \$250.00/year |
| | |
| Replacement Tags | \$5.00/each |
| | |
| Impoundment Fees | As set out by the Animal Control Officer |
| | |
| Veterinary Fees | Amount Expended |

**Village of Barons
Bylaw #675
Schedule "B"
Fines and Penalties**

| | Infraction | First Offence | Second Offence | Subsequent Offence |
|------------------|--|--------------------------|---------------------------|-------------------------------|
| Part 3 | | | | |
| Sec. 3 (a) | Fail to obtain an animal license (non-vicious dog) | \$75.00 | \$150.00 | \$300.00 |
| Sec. 3 (a) | Fail to obtain an animal license (vicious dog) | \$150.00 | \$300.00 | \$600.00 |
| Part 4 | | | | |
| Sec. 4 (a) (i) | Runs At Large | \$80.00 | \$160.00 | \$320.00 |
| Sec. 4 (a)(ii) | Fail to ensure collar and current tag worn on animal | \$50.00 | \$100.00 | \$200.00 |
| Sec. 4 (a) (iii) | Fail to confine animal in heat | \$100.00 | \$200.00 | \$400.00 |
| Sec. 4 (a) (iv) | Fail to immediately remove animal defecation | \$100.00 | \$200.00 | \$400.00 |
| Sec. 4 (a) (v) | Animal on School Property | \$80.00 | \$160.00 | \$320.00 |
| Sec. 4 (vi) | Animal in Playground or Sand Area | \$80.00 | \$160.00 | \$320.00 |
| Sec. 4 (vii) | Animal barks or howls so as to disturb any person | \$100.00 | \$200.00 | \$400.00 |
| Sec. 4 (viii) | Animal upsets or tears up garbage or waste receptacles | \$100.00 | \$200.00 | \$400.00 |
| Sec. 4 (ix) | Animal damages public or private property | \$150.00 | \$300.00 | Court |
| Sec. 4 (x) | Animal chases any person, animal, bicycle or motor vehicle | \$200.00 | \$400.00 | Court |
| Sec. 4 (xi) | Animal bites any person or animal | \$200.00 | Court | Court |
| Sec. 4 (xii) | Animal attacks or injures any person or animal | \$200.00 | Court | Court |
| Sec. 4 (b) (i) | Fail to provide identification | \$80.00 | \$160.00 | Court |
| Sec. 4 (b) (ii) | Providing false or misleading information | \$200.00 | \$400.00 | Court |
| Sec. 4 (c) | Allows animal fecal matter to accumulate on property | \$100.00 | \$200.00 | \$400.00 |
| Sec. 4(d) | Harbouring, suffering or permitting more than two dogs at a residence without a Dog Fanciers License | \$100.00 | \$200.00 | \$400.00 |
| Sec. 4 (e)(i) | Vicious Dog chases, injures or bites any other domestic animal or human | \$400.00 | Court | Court |
| Sec. 4 (e)(ii) | Vicious Dog damages or destroys any public or private property | \$300.00 | Court | Court |
| Sec. 4 (e)(iii) | Vicious Dog threatens any other domestic animal or human | \$400.00 | Court | Court |
| Sec. 4 (e)(iv) | Vicious Dog presents a continuing threat of serious harm to other animals or humans | Court | Court | Court |
| Sec. 4 (f)(i) | Vicious Dog confined indoors and not under control of a person over eighteen (18) years of age | \$200.00 | \$400.00 | Court |
| Sec. 4 (f) (ii) | Failure to confine a Vicious Dog out of doors in an appropriate pen or other structure | \$200.00 | \$400.00 | Court |
| Sec. 4 (f) (iii) | Failure to maintain a pen or other structure for containing a Vicious Dog in the prescribed manner | \$100.00 | \$200.00 | \$400.00 |
| Sec. 4 (f) (iv) | Failure to provide adequate shelter for a vicious dog | \$100.00 | \$200.00 | \$400.00 |
| Sec. 4 (g) (i) | Failure to muzzle a vicious dog | \$200.00 | \$400.00 | Court |
| Sec. 4 (g) (ii) | Failure to harness or leash a vicious dog | \$200.00 | \$400.00 | Court |
| Sec. 4 (g) (iii) | Failure to have a vicious dog under control of a person over eighteen (18) years of age | \$200.00 | \$400.00 | Court |
| Sec. 4 (g) (iv) | Vicious Dog running at large | \$400.00 | Court | Court |
| Sec. 4 (h) (i) | Failure to notify authorities of vicious dog running at large | \$200.00 | \$400.00 | Court |

**Village of Barons
Bylaw #675
Schedule "C"
Notification of Contravention**

You are hereby notified that an animal known to have been under your control at your lands (location) _____ on _____, 20__ pursuant to the provisions of Bylaw #675 of the Village of Barons and that unless the said animal is claimed and all impound charges, fines and fees are paid on or before _____, 20 ____, the said animal will be sold, destroyed or otherwise disposed of pursuant to said Bylaw.

You may be held liable for all boarding, impoundment and/or penalties incurred by having this animal impounded.

**Animal Control Officer
Village of Barons**