

CORPORATION OF THE VILLAGE OF BARNWELL IN THE
PROVINCE OF ALBERTA

BY-LAW NUMBER 7-90

BEING A BY-LAW OF THE VILLAGE OF BARNWELL IN THE PROVINCE OF ALBERTA TO RESCIND BY-LAW NO. 2-83 OF THE VILLAGE OF BARNWELL AND TO PROVIDE FOR LICENSING AND CONTROL OF DOGS.

WHEREAS Section 164 of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 1980, as amended provides for the passing of by-laws to regulate and control animals within the municipality.

NOW THEREFORE, the Council of the Village of Barnwell in the Province of Alberta duly assembled enacts as follows:

1. By-Law No. 3-83 is hereby rescinded and this by-law may be] cited as the Village of Barnwell Dog By-Law.
2. (1) ANIMAL CONTAGIOUS DISEASE ACT - means the Animal Contagious Disease Act as amended and as contained in Chapter A-13 of the Revised Statutes of Canada, 1970, and regulations thereunder.

(2) ANIMAL CONTROL OFFICER - means any person, firm or corporation appointed to carry out the provisions of this By-law, and anyone acting or authorized by the Animal Control Officer to act on his behalf.

(3) VILLAGE - means the Village of Barnwell.

(4) DOG - means and includes both male and female of the Canidae family.

(5) OWNER - means the person who has legal title to the dog, and includes also any person who has the possession or custody of the dog, or harbors the dog, or permits the dog to remain on his property.

(6) REGISTER - for the purpose of this by-law, register shall mean with the Village of Barnwell.

(7) RUNNING AT LARGE - means a dog off the premises of its owner and not on a leash held by a competent person.

(8) STERILIZED - means any female dog that has been spayed or any male dog that has been neutered.

(9) TAG - means a device as approved by the Village Council and issued by the Village Office showing that a license fee has been paid for the dog wearing it for the year it was issued.

(10) VICIOUS DOG - is any dog:

(a) with a propensity, tendency or disposition to attack or injure, without provocation, other animals or humans; or

(b) which attacks, bites or injures without provocation any human or animal; or

(c) which represents a continuing threat of serious harm to persons or animals.

(11) DOG FANCIER'S LICENSE - means a dog license issued annually to an owner permitting the keeping or harboring, on land or premises occupied by the owner, of up to four (4) licensed dogs over the age of six months.

ANNUAL LICENSE

3. (1) The owner of a dog shall apply to the Village Council for an annual license for such dog, and shall pay therefore any annual fee as set out in Schedule "A" of this by-law. On payment of the license fee the Village Office shall issue a tag with respect to that dog.

(2) The owner of every dog shall obtain an annual License for such dog on or before the first day the License Office of the Village is open for business after New Year's Day in every year or if the owner acquires the dog during the year or if the dog attained the age of six months during the year; the first day on which the Village Office is open for business after he becomes owner of the dog or the dog attained the age of six months.

(3) Every owner shall provide his dog with a collar to which the owner shall affix the tag obtained for such dog and the owner shall ensure that the collar and tag are worn by his dog during those occasions when the dog is not on the owner's premises.

(4) In case a tag is lost or destroyed, a replacement tag may be issued by the Village Office upon presentation by the owner of a receipt showing payment of the license fee for the current dog license year and upon payment of the sum of ONE (\$1.00) DOLLAR for the issuance of a replacement tag.

(5) Tags are not transferable from one dog to another and no refund shall be made on any paid-up dog license fee because of the death, loss or sale of the dog or upon the owner's leaving the Village before expiration of the license period.

(6) In any prosecution or proceeding for a contravention of this section the burden of proof relating to the age of the dog shall be upon the owner and unless the contrary is proven the dog shall be presumed to have attained the age of six months at the time relevant to the charge.

(7) The full amount of the License fee shall be payable for any dog greater than six months of age regardless of when the dog is registered during the year.

(8) The maximum number of dogs in a single-family dwelling or household shall be restricted to two (2) dogs over the age of six months except in the case where an owner is in receipt of a Dog Fancier's License.

(9) (i) Any person requesting a Dog Fancier's License shall submit an application to the Animal Control Officer.

(ii) All applications shall disclose:

- (a) location for license
- (b) purpose
- (c) breed and sex of dogs
- (d) type of facilities
- (e) consent of adjacent landowners

(iii) The Animal Control Officer shall not issue a dog Fancier's License if in his opinion the site or conditions are unsuitable.

(iv) The Animal Control Officer shall not issue a Dog Fancier's License without first inspecting the proposed location.

(v) Any person may appeal the decision of the Animal Control Officer to the Village Council provided such appeal is submitted in writing with FOURTEEN (14) days of the date of the Animal Control Officer's decision.

(vi) Any approved license shall be issued upon the payment of the fee specified in Schedule "A" of this By-Law. Each dog owned under a Dog Fancier's License shall be licensed pursuant to Section 3 of this By-Law.

(vii) The Animal Control Officer may remove the Dog Fancier's License upon receipt of bona fide complaints from two or more neighbors residing within 60 meters of the residence of the licensee.

RECORDS

4. The Village Office shall keep a record of the name and address of the owner, the breed, colour and sex of the dog and the number stamped on the tag issued to the owner.

ANIMAL SHELTER

5. The Village Council shall establish such number of Animal Shelters and appoint such Animal Control Officers as are necessary to provide reasonable facilities for the enforcement of this by-law.

ANIMAL CONTROL

6. The Animal Control Officer or his agent shall:

(a) have general supervision and control of the Animal Shelter.

(b) maintain the Animal Shelter in a safe and sanitary condition.

(c) capture the impounded or cause to be captured and impounded all dogs he deems required to be impounded pursuant to the provisions of this by-law, of any Statute of Canada, or of the Province of Alberta, or of any regulations made thereunder;

(d) supervise and direct the duties of any agent, assistant or employee engaged, appointed or employed to assist the Animal Control Officer in the performance of his duties;

(e) subject to this by-law, have control of all animals in the Animal Shelter;

(f) provide that the animals impounded in the Animal Shelter receive adequate care and sufficient food and water;

(g) report any apparent illness, communicable disease, injury or unhealthy condition of any animal under the control of the Animal Control Officer to a veterinary surgeon if he deems that the condition of the animal warrants the examination or care of a veterinarian;

(h) immediately segregate from other animals and restrain any dog brought to the Animal Shelter if it has or appears to have rabies or any other communicable disease, and in the case of rabies report such condition to the Medical Health Officer, to a veterinary doctor, or to the Veterinary Inspector of the Health of Animals Division of the local office of the Federal Department of Agriculture, or to any other official designated for that purpose pursuant to the Animals contagious Diseases Act of Canada;

(i) collect from the persons or persons liable all fees and charges levied pursuant to the provisions of this by-law as authorized by the Village of Barnwell and remit all such fees and charge to the Village Office;

(j) dispose of all animals as required in this by-law through euthanasia by needle to be performed by a veterinarian;

(k) maintain adequate records of:

(i) any complaint made under the provisions of this by-law and the disposal of such complaint.

(ii) any complaint made under The Dangerous Dogs Act when such complaint has been reported to the Animal Control Officer, and the action taken on such complaint;

(iii) the daily operation of the Animal Shelter;

(iv) each animal impounded and the disposition made of such animal;

(v) notices sent to owners of dogs and others pursuant to the provisions of this by-law;

(vi) telephone calls made attempting to contact owners of animals.

IMPOUNDED DOGS

7. (1) (a) If at the expiration of a seventy-two (72) hour period from the time a dog was first impounded, it has not been

redeemed, it may be sold or destroyed.

(2) For the purpose of calculating the seventy-two (72) hour period of the impoundment of a dog, the date of impoundment will be included, but Sundays and holidays shall be excluded.

(3) The owner of any healthy impounded dog may reclaim the dog from the Animal Shelter by paying the fees as set out in Schedule "D" of this by-law and by obtaining the annual license for such dog should the same not have already been obtained.

(4) The purchase of a dog from the Animal Shelter pursuant to the provisions of this section shall obtain full right and title to it and the right and title of the former owner to the dog shall cease thereupon.

(5) Impounded dogs shall be sold by the Animal Control Officer at a price of \$20.00.

(6) When the owner of a dog requests EUTHANASIA and delivers the dog to the Animal Shelter, and pays the fee set out in Schedule "D", the Animal Control Officer shall do so and under no circumstances may the dog be sold. The owner shall put his request in writing, stating he is the owner, and that the Village is relieved of any liability for having carried out the request.

(7) No impounded dog shall be sold by the Animal Control Officer:

(i) to any resident of the Village until a license has first been purchased for the dog by the resident; or

(ii) to any non-resident of the Village until they have provided an Affidavit that they are not a resident of Village and that the dog shall be kept outside the village.

CAPTURING AND IMPOUNDING DOGS

8. The Animal control Officer or a constable or peace officer of the City may capture and impound any dog which is:

(a) actually or apparently over the age of six (6) months and for which no current license has been issued pursuant to the provisions of the Lethbridge License By-Law when such a dog is off the premises of its owner or when it is pursued onto the premises of its owner;

(b) dog running at large

(c) named or described or otherwise designated in a complaint alleging the dog to be vicious;

(d) named or described or otherwise designated in a complaint made pursuant to The Dangerous Dogs Act;

(e) chasing, worrying or annoying any poultry or domestic

animal on property other than that belonging to the owner of the dog;

(f) a public nuisance.

ENTERING PREMISES

9. In enforcement of this jurisdiction in Section 8, but not for the purpose of investigation only, the Animal Control Officer is hereby authorized to enter any privately owned premises at any reasonable time, provided however, that in this section the word "premises" does not include a building.

DOG AT LARGE

10. (1) The owner of a dog shall not permit such dog to run at large.

(2) Where a dog is found running at large the owner thereof shall be deemed to have failed or refused to comply with the requirements of Subsection (1).

DOGS IN HEAT

11. Every owner of a female dog shall confine and house such female dog during the whole period the dog is in heat.

DOGS BEING A PUBLIC NUISANCE

12. (1) The owner of a dog which is a public nuisance is guilty of an offence.

(2) Without restricting the generality of Subsection (1), the following shall be deemed to be a public nuisance for the purpose of this Section, namely a dog which:

(i) molests pedestrians upon the streets, parks or other public places in the Village; or

(ii) chases horses, bicycles, automobiles or other vehicles upon the streets, parks or other public places in the Village; or

(iii) barks, howls excessively or unnecessarily, or otherwise creates a disturbance, or

(iv) upsets waste receptacles, scattering the contents in or about the streets, lanes or other public property or in or about a premise not belonging to the owner of the dog.

13. (1) Any owner whose dog defecates on property other than his own shall remove forthwith any defecated matter deposited.

(2) A blind owner of a registered dog guide, or a blind person being assisted by a registered dog guide is not subject to the obligations imposed in Subsection (1).

INTERFERENCE

14. No person shall:

(a) interfere with or attempt to obstruct a Constable or Animal Control Officer who is attempting to capture, or who has captured any animal in accordance with the provisions of this by-law; or

(b) induce any animal to enter a house or other place where it may be safe from capture, or otherwise assist the animal to escape capture; or

(c) falsely represent himself as being in charge or control of an animal so as to establish that the animal is restrained as the term is defined by this by-law; or

(d) unlock or unlatch or otherwise open the van or vehicle in which animals captured for impoundment have been placed so as to allow or attempt to allow any animal or animals to escape therefrom; or

(e) remove or attempt to remove any animal from the possession of the Animal Control Officer or any of his assistants.

VICIOUS DOGS

15. (1) No person shall own, keep, maintain or harbour a dog of known vicious propensity.

(2) As soon as convenient after the seizing and impounding of a vicious dog the Animal Control Officer shall deliver a notice to the Owner of the dog, if the Owner can be located, indicating that it will be destroyed unless a notice of objection is delivered in accordance with Section 15, Subsection (3) of this By-law.

(3) (a) The Animal Control Officer shall keep all impounded vicious dogs for a period of at least SEVENTY-TWO (72) HOURS from the time of impounding. Sundays and Statutory Holidays shall not be included in computation of the 72 hour period.

(b) An Owner of an impounded vicious dog may object to the determination that the dog is a vicious dog by delivering a written notice of objection addressed to Village Office, Heritage Road, Barnwell.

(c) The objection shall be heard by the dog Appeals Committee providing the Owner deposits with the Village concurrently with the notice of objection an amount estimated by the Village to be necessary to cover the expense of impoundment until the determination of the issue.

(d) The Dog Appeals Committee shall be composed of three members appointed by Council. The members shall be:

(a) A citizen of the Village of Barnwell

(b) Village of Barnwell Administrator

(c) A member of Council of the Village of Barnwell

(e) Upon determination of the issue, the impounded dog may be redeemed by the Owner and the deposit returned should it be determined the impounded dog is not a vicious dog.

(f) Should it be determined by the dog Appeals Committee that an impounded dog is a vicious dog, the dog shall be destroyed as soon as is possible thereafter.

(4) Subsection (1) shall not apply to a trained police dog owned, kept, maintained or harbored by a law enforcement officer.

DISEASED AND RABID ANIMALS

16. (1) The owner of a animal which is suffering from any communicable disease shall not permit the animal to be in any public place, and shall not keep the animal in contact with or in proximity of any other animal free of such disease.

(2) Any person who owns or who harbors, maintains or keeps an animal which he knows or has reason to know is or may be suffering from rabies, or which he knows or believes has been exposed to rabies:

- (i) Shall endeavour to keep the animal locked or tied up;
- (ii) shall not permit another animal to come in contact with it.
- (iii) shall immediately report the matter to the Medical Health Officer, Veterinary Doctor or veterinary Inspector of the Health and Animal's Branch of the local Office of the Federal Department of Agriculture; and
- (iv) shall report the matter to the RCMP and the Animal Control Officer.

DOGS IN CEMETERIES, ETC.

17. No dogs shall be permitted in the following areas without a permit first obtained from the Community Services Manager:

- (a) a cemetery
- (b) a school ground
- (c) within 100 feet of playground equipment in a Village Park

BREACH OF BY-LAW

18. (a) Where any Peace Officer or Animal Control Officer appointed as a By-Law Enforcement Officer specifically to enforce the provisions of this by-law believes that any person has committed a breach of any provisions of Section 3, 10, 11, 12, 13, 16 and 17 he may serve upon such persons a notice in the form described in Schedule "B".

(b) A notice shall be deemed to have been sufficiently served:

- (i) if served personally on the accused; or
- (ii) if served by double registered mail; or
- (iii) if left at the accused's usual place of abode with an inmate thereof who appears to be at least eighteen

(18)

years of age; or

(iv) where the accused is an association, partnership, corporation or registered kennel, if served by double registered mail or if left with a person who appears to be at least eighteen (18) years of age and who is an employee or officer of the association, partnership, corporation or registered kennel.

(c) Upon production of any such Notice within twenty-one (21) days from the date of service of such notice, together with the payment of the sum specified in Schedule "C", an official receipt for such payment shall be issued, and subject to the provisions of this Section, such payment shall be accepted in lieu of prosecution.

(d) If the person upon who any such notice is served fails to pay the said sum within the time allotted, the provisions of this Section shall no longer apply.

(e) Nothing in this Section shall:

(i) prevent any person from exercising his right to defend any charge of committing breach of any of the provisions of Section 3, 10, 11, 12, 13, 16 and 17 of this by-law; or

(ii) prevent any person from laying an Information and Complaint against any other persons for committing a breach of any of the provisions of Section 3, 10, 11, 12, 13, 16 and 17 of this by-law; or

(iii) prevent any Peace Officer or By-law Enforcement Officer appointed specifically to enforce the provisions of this by-law from laying an Information and Complaint against any other person or owner for an alleged breach of this by-law whether or not such other person or owner has made a payment under this by-law for breach of any of the provisions of Sections 3, 10, 11, 12 13, 16 and 17 of this by-law.

(f) Where any person has made a payment to the provisions of this Section and is prosecuted for the offence in respect of which such payment has been made, such payment shall be refunded.

PENALTIES

19. Any person or owner who commits a breach of Section 14 or 15 of the By-law shall be liable upon summary conviction by any Court of competent jurisdiction to a fine not exceeding TWO THOUSAND FIVE HUNDRED (\$2,500.00) DOLLARS and not less than TWO HUNDRED AND FIFTY (\$250.00) DOLLARS and in default of payment to imprisonment for a period not exceeding SIX (6) MONTHS.

20. Any person or owner who commits a breach of any of the provisions of this By-law other than Section 14 or 15 shall be liable upon summary conviction by any Court of competent jurisdiction to a fine not exceeding TWO THOUSAND FIVE HUNDRED (\$2,500.00) dollars and in default of payment of imprisonment for a period not exceeding SIX (6) months.

INTENTION OF COUNCIL


21. It is the intention of the Village Council that each separate provision of this by-law shall be deemed independent of all other provisions herein and it is further the intention of the Council that if any other provisions of this by-law be declared invalid, all other provisions thereof shall remain valid and enforceable.

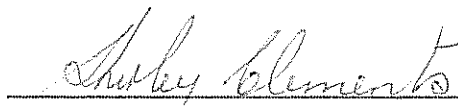
22. This By-law shall come into effect on the day of its final reading.

READ A FIRST TIME THIS 18 DAY OF JUNE 1990.

READ A SECOND TIME THIS 18 DAY OF JUNE 1990.

BY UNANIMOUS CONSENT, READ A THIRD TIME AND FINALLY PASSED THIS
18 DAY OF JUNE 1990.


MAYOR


VILLAGE ADMINISTRATOR