

**VILLAGE OF BARNWELL
BYLAW NO. 2-02 cont.**

**CORPORATION OF THE VILLAGE OF BARNWELL
IN THE
PROVINCE OF ALBERTA**

BYLAW NO. 2-02

A BYLAW OF THE VILLAGE OF BARNWELL IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE LICENSING AND CONTROL OF RESTRICTED DOGS WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF BARNWELL

WHEREAS the Council of the Village of Barnwell, in the Province of Alberta, duly assembled, may pass a Bylaw and or regulations pursuant to Section 7 of the Municipal Government Act, being Chapter M-26.1, Statutes of Alberta, and any amendments thereto;

AND WHEREAS the Dangerous Dog Act, being Chapter D-3 of the Revised Statutes of Alberta (R.S.A.) and any amendments thereto provides for (or allows for) the regulating and control of dangerous dogs.

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

SECTION I

- 1.1. This Bylaw may be cited as "THE RESTRICTED DOG BYLAW".
- 1.2 Bylaw Number 2-89 is hereby repealed in its entirety.
- 1.3 All provisions of Bylaw 7-90, the Village of Barnwell Dog Bylaw, or any replacement thereof, are incorporated into and shall form a part of this Bylaw except to the extent that such provisions conflict with or are inconsistent with this Bylaw.

SECTION II DEFINITIONS

- 2.1 **ANIMAL CONTROL OFFICER:** means any person or persons, firm or corporation appointed by resolution of Council to carry out the provisions of this Bylaw.
- 2.2 **OWNER :** includes any person, including the parent or legal guardian of a minor person, who possesses, keeps or harbors one or more dogs, or who has legal control or title of a dog and includes any person who has possession or custody of the dog either temporarily or permanently, or harbors the dog or suffers the dog to

**VILLAGE OF BARNWELL
BYLAW NO. 2-02 cont.**

remain on their property or vehicle.

2.3 PEACE OFFICER: means a member of the Royal Canadian Mounted Police, or a Special Constable or Police Officer as appointed under the *Police Act*.

2.4 POUND: means a place, dwelling that the Council shall provide or designate for the confinement of impounded dogs.

2.5 RESTRICTED DOG: means:

A. Any dog, regardless of its age, of the following breeds or kinds:

- ii. Pit Bull Terriers;
- ii. American Pit Bull Terriers;
- iii. Pit Bulls;
- iv. Staffordshires; Staffordshire Bull Terriers;
- v. Rottweilers
- vi. Doberman; Doberman Pinscher;
- vii. Mastiffs, Bull Mastiffs
- viii. Rhodesian Ridgebacks;
- ix. Or any dog of mixed breeding, which can be identified through its physical characteristics as a dog partially of the above mentioned breeds or looks as verified by a licensed Veterinarian, or any dog designated as a restricted dog by a resolution of Council. **OR**

B. Any dog, regardless of age or breed, which when on or off the property of its owner:

- i. Shows a propensity, disposition or potential to attack or injure, without provocation, other animals or humans, or
- ii. Without provocation, chases people who approach it, or
- iii. Is a continuing threat of serious harm to other animals or humans, or
- iv. Without provocation, has attacked persons or other animals, or
- v. Has been attack trained, or
- vi. Is kept primarily for the purpose of protection or security of residential, commercial or industrial premises.

**VILLAGE OF BARNWELL
BYLAW NO. 2-02 cont.**

- 2.6 RUNNING AT LARGE:** means any dog, found in any place off the property of its owner, and not under the control of any person.
- 2.7 VILLAGE:** means the Village of Barnwell in the Province of Alberta.

SECTION III RESTRICTED DOGS - LICENSING & INSURANCE

- 3.1** An owner of a restricted dog shall obtain and keep in force a restricted dog license from the Village.
- 3.2** The license fee for a restricted dog shall be One Hundred Dollars (\$100.00) per calendar year.
- 3.3** An owner of a restricted dog must maintain in force a policy of liability insurance satisfactory to the Village providing third party liability coverage in a minimum amount of One Million (\$1,000,000) dollars. The policy shall contain a provision requiring the Village to be named as an additional insured for the sole purpose of the Village being notified of any cancellation, expiration or termination of the policy.
- 3.4** Within three (3) months after the passage of this Bylaw, the owner of a restricted dog shall provide to the Village proof that such liability insurance policy is in force before he/she may obtain a restricted dog license.
- 3.5** Upon cancellation, expiry or termination of the liability insurance policy the restricted dog license is null and void.
- 3.6** Failure to comply with any subsection of Section III of the Bylaw may result in prosecution, or in lieu thereof payment of a voluntary fine as set out in Schedule A, which is attached and forms part of this Bylaw.

SECTION IV RESTRICTED DOGS - CONTROL & CONFINEMENT

- 4.1** At all times while a restricted dog is on the premises of its owner, the owner shall:
- A.** keep such restricted dog confined indoors; **OR**
 - B.** confine such restricted dog outdoors in a securely enclosed and locked pen constructed to prevent the escape of the

**VILLAGE OF BARNWELL
BYLAW NO. 2-02 cont.**

restricted dog, and capable of preventing the entry of young children or persons not wishing contact with the dog.

- 4.2 When any restricted dog is off the premises of the owner, the owner shall harness it or leash it securely to effectively prevent it from attacking or biting a person or another animal.
- 4.3 When any restricted dog is in an open or unenclosed part of a vehicle, the owner of the restricted dog must ensure that the dog is secured and/or restrained to ensure the dog is unable to reach any of the sides or the rear of the vehicle, to prevent the dog from exiting the vehicle, while moving or parked, and to prevent the dog from disturbing people when they are walking past the vehicle.
- 4.4 Subsection 4.2 shall not apply when the restricted dog is in a pen meeting the requirements of subsection 4.1 (B) or when the restricted dog is in a building or enclosure in attendance at a bona fide dog show.
- 4.5 The owner of a restricted dog shall take all necessary steps to ensure that such dog does not bite, chase or attack any person or other animal, whether the person or animal is on the property of the owner or not.
- 4.6 Failure to comply with any subsection of Section IV of the Bylaw may result in prosecution, or in lieu thereof payment of a voluntary fine as set out in Schedule A, which is attached and forms part of this Bylaw.

SECTION V RESTRICTED DOG - CLASSIFYING

- 5.1 The owner of a dog, which the owner believes to be a restricted dog, shall keep such dog in accordance with the provisions of Section IV of this bylaw.
- 5.2 If the Animal Control Officer, Peace Officer or pound keeper determines that a dog is a restricted dog, either through personal observation or after an investigation initiated by a complaint, he or she may in writing:
 - A. inform the owner that his/her dog has been determined to be a restricted dog, and
 - B. require the owner to keep such dog in accordance with the

**VILLAGE OF BARNWELL
BYLAW NO. 2-02 cont.**

provisions of Section III and Section IV of this Bylaw, and

- C. Inform the owner that if the restricted dog is not kept in accordance with Section III and Section IV of the bylaw, the owner will be fined, or subject to enforcement action pursuant to section VIII of this bylaw.

- 5.3 In addition to the remedies set forth in the Bylaw, if the Animal Control Officer or a Peace Officer determine that a restricted dog is not being kept in accordance with this Bylaw, they may make a complaint pursuant to the Dangerous Dogs Act, R.S.A. for an order directing the Restricted do be controlled or destroyed.

SECTION VI RESTRICTED DOGS - CAPTURING & IMPOUNDING

- 6.1 The Animal Control Officer or Peace Officer may capture and impound any dog in respect of which:

- A. He believes an offence under this Bylaw is or has been committed, or
- B. Is named or described or otherwise designated in a complaint made pursuant to the Dangerous Dog Act; or
- C. Is actually or apparently affected with rabies or other contagious disease, or
- D. Is running at large

- 6.2 The Animal Control Officer shall keep all impounded restricted dogs for a period of at least seventy-two (72) hours, including the day of impounding. Sundays and Holidays shall not be included in the computation of the 72 hour time period. During this period any healthy restricted dog may be redeemed by its owner, or agent of the owner, upon payment to the Village office or the Animal Control Officer of:

- A. The appropriate fine fee as set out in Schedule "A" which is attached to and forms part of this Bylaw.
- B. The appropriate license fee as per Section 3.2 when such restricted dog is not licensed; and
- C. Impoundment fees as identified in Schedule "D" of Bylaw 7-

**VILLAGE OF BARNWELL
BYLAW NO. 2-02 cont.**

90 or any replacement thereof, for every twenty-four (24) hour period or fraction thereof such a dog has been impounded.

- 6.3 At the expiration of the seventy-two (72) hour period any restricted dog not redeemed by its owner shall be destroyed.
- 6.4 The Animal Control Officer shall report any apparent illness, communicable disease, injury or unhealthy condition of any such dog to a veterinarian and act upon his recommendation. The owner, if know, shall be held responsible for all charges resulting.

SECTION VII PENALTIES

- 7.1 **PENALTIES:** Where an Animal Control Officer, Peace Officer or other person authorized to carry out the provisions of the Bylaw believes that a person has contravened any provision of this Bylaw, they may serve upon such person a notice of form commonly called a Bylaw Ticket, having printed wording approved by the Village Administrator, as per Schedule "B".
- 7.2 A Bylaw Ticket shall be deemed to have been sufficiently served:
 - A. if served personally on the accused; or
 - B. if served by double registered mail; or
 - C. 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
 - D. where the accused is an association, partnership, corporation or registered kennel, if served by 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.
- 7.3 Upon production of any such Bylaw Ticket within twenty-one (21) days from the date of service of such notice, together with the payment of the sum specified as per Schedule "A", to a person authorized by the Village, and such payment payable to the Village of Barnwell, upon receipt of payment an official receipt for such payment shall be issued, and subject to the provisions of this

**VILLAGE OF BARNWELL
BYLAW NO. 2-02 cont.**

Section, such payment shall be accepted in lieu of prosecution.

- 7.4 If the person upon whom any such Bylaw Ticket is served fails to pay the said sum within the time allotted, the provisions of this Section shall no longer apply.
- 7.5 Notwithstanding the provision section, a person to whom a 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.

SECTION VIII SUMMARY CONVICTION

- 8.1 A person who contravenes a provision of the Bylaw by doing something which he/she is prohibited from doing, or by failing to do something which he/she is required to do, or by doing something in a manner different from that in which he/she is required or permitted to do in the Bylaw, is guilty of an offense and liable to, upon summary conviction, a fine of not more than two thousand five hundred (\$2500.00) dollars, per infraction and upon failure to pay said fine and costs, to imprisonment for a period not exceeding thirty (30) days, per infraction.
- 8.2 In addition to the penalties in this Section, a Provincial Judge may, if he/she considers the offense sufficiently serious, direct or order the person that owns, keeps, maintains or harbors the animal to prevent such animal from doing mischief or causing a disturbance or nuisance complained of or issues an order for the animal to be destroyed.

SECTION IX COUNCIL INTENT

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

SECTION X EFFECTIVE DATE

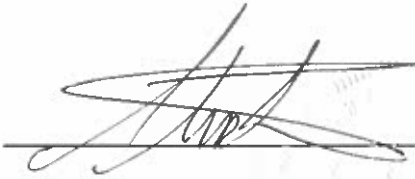
- 10.1 This Bylaw shall come into force and effect upon the final passing thereof.

**VILLAGE OF BARNWELL
BYLAW NO. 2-02 cont.**

READ A FIRST TIME THIS 21st DAY OF FEBRUARY, 2002

READ A SECOND TIME THIS 21st DAY OF FEBRUARY, 2002

BY UNANIMOUS CONSENT, READ A THIRD TIME AND FINALLY PASSED THIS 21st
DAY OF FEBRUARY, 2002.


MAYOR


ADMINISTRATOR

VILLAGE OF BARNWELL
BYLAW NO. 2-02 cont.

SCHEDULE "A"

VOLUNTARY PENALTIES (per Calendar year)

<u>For Violation of</u>	<u>FIRST</u>	<u>SECOND</u>	<u>THIRD</u>
Section 3.2	\$ 500	\$1,000	\$2,000
Section 3.3	\$ 500	\$1,000	\$2,000
Section 4.1, 4.2 , 4.3	\$ 500	\$1,000	\$2,000
Section 4.5	\$ 500	\$1,000	\$2,000
Section 10	\$ 200	\$ 300	\$ 500

OTHER VOLUNTARY PENALTIES

If a restricted dog bites or attacks a person or animal, causing injury, the owner shall be subject to a fine of **\$1,500**.

VILLAGE OF BARNWELL
BYLAW NO. 2-02 cont.

SCHEDULE "B"

**VILLAGE OF BARNWELL
Animal Ticket**

No. _____

This ticket is issued for breach of the Village of Barnwell Dog Bylaw No. 7-90, The Restricted Dog Bylaw No. 2-02 & Other Animal Bylaw No. 3-02.

Offence:

First / Second / Third or Subsequent Offence

Bylaw No.: _____ Section _____

Date: _____ Time: _____ am / pm

Location:

Penalty*	\$ _____
Impoundment Fees	\$ _____
License Fees	\$ _____
Other Charges	\$ _____
TOTAL PAYABLE	\$ _____

*The amount of the penalty only will be reduced by 20% if payment in full is received at the Village Office within five working days of the date of the offence.

You may avoid prosecution for this offence by paying the amount indicated to the Village of Barnwell. Failure to do so will result in prosecution in court. Payment may be remitted by mail but should be accompanied by this notice.

DESCRIPTION OF DOG

Dog License No. _____ Not Licensed _____
Color _____ Breed _____
Neutered Male / Un-Neutered Male / Spayed Female / Un-spayed Female
Dog Owner _____
Address _____
Notice Delivered to _____
DATED _____

ISSUED BY: _____
PEACE OFFICER/ANIMAL CONTROL OFFICER