

VILLAGE OF LINDEN
BYLAW 2013-05
ANIMAL CONTROL BYLAW

Whereas, pursuant to section 7(a) of the *Municipal Government Act*, a council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property; and

Whereas, pursuant to section 7(h) of the *Municipal Government Act*, a council may pass bylaws for municipal purposes respecting wild and domestic animals and activities in relation to them; and

Whereas, pursuant to section 7(i) of the *Municipal Government Act*, a council may pass bylaws for municipal purposes respecting the enforcement of bylaws made under the *Municipal Government Act* or any other enactment including any or all of the matters listed therein; and

Whereas, pursuant to section 8 of the *Municipal Government Act*, a council may in a bylaw:

- (a) regulate or prohibit; and
- (b) provide for a system of licenses, permits or approval including any or all of the matters listed therein.

Village of Linden Council enacts:

PART I - PURPOSE, DEFINITIONS AND INTERPRETATION

- | | | |
|--------------------|---|---|
| PURPOSE | 1 | The purpose of this bylaw is to establish a system of licensing and control with respect to animals within the Village. |
| DEFINITIONS | 2 | <p>In this bylaw, unless the context otherwise requires:</p> <ul style="list-style-type: none">(a) “CAO” means the Chief Administrative Officer of the Village or her delegate;(b) “Cat” means any domesticated cat;(c) “Dog” means any domesticated dog other than a Vicious Dog;(d) Fowl – means a barnyard or domestic bird;(e) “Large Animal” means any animal other than a Dog, Vicious Dog or Cat which in the adult form regularly weighs more than 10 kg.(f) “License” means a license issued pursuant to this bylaw;(g) “Licensee” means a person named on a License;(h) “Municipal Tag” means a tag issued to the owner to identify the animal;(i) “Owner” includes any person:<ul style="list-style-type: none">(i) named on a License; or(ii) in actual or apparent possession or control of property where an animal apparently resides.(iii) a person who habitually feeds and/or waters a animal to enable it to survive, and for the purposes of |

this Bylaw, an animal may have more than one
(1) Owner.

- (j) **“Peace Officer”** has the same meaning as in the *Provincial Offences Procedure Act*;
- (k) **“Vicious Dog”** means any dog:
 - (i) that has chased, attacked or bitten any person or animal causing physical injury and resulting in a conviction under this bylaw;
 - (ii) that has chased, attacked or bitten any person or animal on more than one occasion, with or without causing physical injury, and resulting in separate convictions under this bylaw;
 - (iii) that has been made the subject of an order under the *Dangerous Dogs Act*; or
- (l) **“Village ”** means the Village of Linden;
- (m) **“Violation Ticket”** has the same meaning as in the *Provincial Offences Procedure Act*.

**RULES FOR
INTERPRETATION**

- 3 The marginal notes and headings in this bylaw are for reference purposes only.

PART II - LICENSING OF DOGS

**REQUIREMENT
FOR LICENSE**

- 4 (1) The Owner of a Dog shall obtain a License for the Dog.
- (2) The Owner of a Dog shall purchase a license within the first two weeks of obtaining, bringing into the Village or coming into possession of any dog.
- (3) This section does not apply to Dogs under the age of three months.

APPLICATION

- 5 Before the issue or renewal of a License pursuant to this Part the Owner must submit to the CAO .
- (a) the License fee as established by this bylaw;
 - (b) proof, in a form acceptable to the CAO , of the Dog being spayed or neutered if applicable;
 - (c) any additional information required by the CAO .

**ISSUE
RENEWAL**

- OR 6 (1) The CAO may not issue or renew a License pursuant to this Part unless satisfied that:
- (a) at least one person named on the License is 18 years of age;
 - (b) all applicable fees have been paid; and
 - (c) all required information has been provided.

TERM

- 7 (1) Unless otherwise specified in this bylaw the term of a License pursuant to this Part expires on the first business day of February
- (2) The CAO may issue a License pursuant to this Part for a term other than one year where the CAO considers it appropriate to do so.

LICENSE FEES

- 8 (1) The annual License fee for a Dog is set out in Schedule A



- (2) The annual License fee for a Dog that is either spayed or neutered is set out in Schedule A.

PART III - REGULATION OF DOGS

Regulations Applying to All Dogs

RUNNING AT LARGE

- 9 (1) The Owner of a Dog
- (a) Shall ensure that the Dog is not running at large,
 - (b) Shall be deemed to have failed or refused to comply with the requirement of the previous subsection unless he proved to the satisfaction of the Court trying the case that he had taken all reasonable precautions either:
 - (i) to secure the Dog so that it would not be able to leave the premises of the owner or owners property, or
 - (ii) to ensure himself that the Dog was under the constant supervision of a person competent to control the Dog at all times, by way of a collar and leash at all times when the animal was off the owners property.

EXCESSIVE BARKING

- 10 (1) The Owner or any other person having care or control of a Dog, shall ensure it does not bark in a manner that is reasonably likely to annoy or disturb the peace of others.
- (2) In determining whether barking is reasonably likely to annoy or disturb the peace of others consideration may be given, but is not limited, to the:
- (a) proximity of the property where the Dog resides;
 - (b) duration of the barking;
 - (c) time of day and day of the week;
 - (d) nature and use of the surrounding area; and
 - (e) any effect of the barking.

DEFECATION

- 11 (1) The Owner or any other person having care or control of a Dog, shall forthwith remove any defecation left by it on public property or private property other than that of the Owner.
- (2) The Owner or any other person having care or control of a Dog, shall ensure that defecation apparently left by it on the property of the Owner does not accumulate to such an extent that it is reasonably likely to annoy or pose a health risk to others.

DISPLAY OF LICENSE TAG

- 12 The Owner or any other person having care or control of a Dog shall, at all times when it is off the property of the Owner, ensure it displays the License tag issued by the Village.

Regulations Applying to Non Vicious Dogs

OFF PROPERTY OF OWNER

- 13 (1) The Owner or any other person having care or control of a Dog shall, at all times when it is off the property of the owner, have it:
- (a) under control; and
 - (b) held on a leash
- (2) Nothing in this section removes the obligation on a person to have a Dog under control when it is off the property of the Owner.

ATTACKS

- 14 (1) The Owner or any other person having care or control of a Dog shall ensure it does not:
- (a) damage property;
 - (b) chase, attack or bite any person or animal; or
 - (c) chase, attack or bite any person or animal causing physical injury.
- (2) This section does not apply if the chase, attack, bite or damage is a direct result of the Dog being provoked.

Regulations Applying to Vicious Dogs

INSURANCE

- 15 The Owner of a Vicious Dog shall have liability insurance specifically covering any damages for personal injury caused by the Vicious Dog in an amount not less than one million dollars.

OFF PROPERTY OF OWNER

- 16 The Owner or any other person having care or control of a Vicious Dog shall, at all times when it is off the property of the Owner, have it:
- (a) under the control of a competent person over the age of eighteen (18) years;
 - (b) muzzled; and
 - (c) held on a metal lead which length shall not exceed one (1) metre in a manner that prevents it from chasing, injuring or biting other domestic animals or humans as well as preventing damage to public and private property.

ON PROPERTY OF OWNER

- 17 The Owner or any other person having care or control of a Vicious Dog shall, at all times when it is on the property of the Owner, have it:
- (a) indoors;
 - (b) outdoors, muzzled and secured by a chain fixed to the property that prevents the Vicious Dog from coming closer than two meters to the apparent boundary of the property: or
 - (c) outdoors, secured in a fully enclosed pen or other structure;
 - (d) the fully enclosed 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 embedded in the ground to a minimum depth of thirty (30) centimeters;
 - (e) the fully enclosed 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 one and one-half (1.5) metres in height;
 - (f) the locked pen or other structure shall not be within one metre of the property line or within five (5) metres of a neighbouring dwelling unit.
 - (g) outdoors, muzzled and secured by a chain fixed to the property that prevents the Vicious Dog from coming closer than two meters to the apparent boundary of the property.

ATTACKS

- 18 (1) The Owner or any other person having care or control of a Vicious Dog shall ensure it does not:
- (a) damage property;
 - (b) chase, attack or bite any person or animal; or

(c) chase, attack or bite any person or animal causing physical injury.

(2) This section does not apply if the chase, attack, bite or damage is a direct result of the Vicious Dog being provoked.

PART IV - LICENSING AND REGULATION OF CATS

REQUIREMENT FOR LICENSE

- 19 (1) The Owner of a Cat shall obtain a License for the Cat.
- (2) This section does not apply to Cats under the age of three months.
- (3) The Owner of a Dog shall purchase a license within the first two weeks of obtaining, bringing into the Village or coming into possession of any dog.

APPLICATION

- 20 Before the issue or renewal of a License pursuant to this Part the Owner must submit to the CAO :
- (a) the License fee as established by this bylaw;
 - (b) proof, in a form acceptable to the CAO , of the Cat being spayed or neutered if applicable;
 - (c) any additional information required by the CAO .

ISSUE OR RENEWAL

- 21 The CAO may not issue or renew a License pursuant to this Part unless satisfied that:
- (a) at least one person named on the License is 18 years of age;
 - (b) all applicable fees have been paid; and
 - (c) all required information has been provided.

TERM

- 22 (1) Unless otherwise specified in this bylaw the term of a License pursuant to this is valid from January 1st to December 31st
- (2) The CAO may issue a License pursuant to this Part for a term other than one year where the CAO considers it appropriate to do so.

LICENSE FEES

- 23 (1) The annual License fee for a Cat is set out in Schedule A.
- (2) The annual License fee for a Cat that is either spayed or neutered is set out in Schedule A.

DISPLAY OF LICENSE TAG

- 24 (1) The Owner or any other person having care or control of a Cat shall, at all times when it is off the property of the Owner, ensure it displays the License tag issued by the Village.
- (2) This section does not apply if the Cat is identified by a legible tattoo or a registered microchip.

OFF PROPERTY OF OWNER

- 25 (1) The Owner or any other person having care or control of a Cat shall ensure the Cat does not enter onto private property other than that of the Owner.
- (2) This section does not apply if the person in charge of the private property consents to the Cat being there.

PART V - OTHER REGULATIONS

PROHIBITED ANIMALS

- 26 No person shall keep or have any of the following on any premises with a municipal address in the Village:
- (a) a Large Animal or the young thereof;
 - (b) poultry or fowl;
 - (c) bees; or
 - (d) poisonous snakes, reptiles or insects.
- unless permission to do so has been granted by the CAO.

LIMIT ON DOGS, VIOIOUS DOGS AND CATS

- 27 (1) No person shall keep or have more than three Dogs, Vicious Dogs, or any combination thereof on any premises with a municipal address in the Village.
- (2) No person shall keep or have more than three Cats on any premises with a municipal address in the Village.
- (3) No person shall keep or have more than a total of three Dogs, Vicious Dogs, Cats, or any combination thereof on any premises with a municipal address in the Village
- (4) This section does not apply:
- (a) in the case of Dogs, Vicious Dogs or Cats under the age of three months;
 - (b) if the person has a valid business license to operate a General Business of a pet store or Kennel pursuant to another bylaw of the Village;
 - (c) to any veterinary clinic or animal hospital.

CHANGE OF INFORMATION

- 28 A Licensee shall forthwith notify the CAO of any change with respect to any information provided as part of the application for a License pursuant to this bylaw.

NOTIFICATION OF STRAY

- 29 A person who takes control of any stray Dog, Vicious Dog or Cat shall forthwith notify the CAO and provide any required information.

FALSE INFORMATION

- 30 (1) No person shall provide false or misleading information to any Peace Officer or the CAO.
- (2) No person shall contravene any term or condition contained in a written agreement entered into by that person with the Village pursuant to this bylaw.

INTERFERENCE

- 31 No person shall interfere with a Peace Officer/CAO or any other person designated by the village in the exercise of their powers and duties pursuant to this bylaw.

TORMENT

- 32 No person shall tease, torment, or annoy a Dog, Vicious Dog, Cat, or animal.

PART VI – ENFORCEMENT

OFFENCE

- 33 A person who contravenes this bylaw is guilty of an offence.

CONTINUING OFFENCE

- 34 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine in an amount not less than that established by this bylaw for each such day.

**FINES AND
PENALTIES**

- 35 (1) A Person who is guilty of an offence is liable to a fine in an amount not less than that established in Schedule C for Dogs and Cats or other Animals, and Schedule D for Vicious Dogs and not exceeding \$10,000.00, and to imprisonment for not more than six months for non-payment of a fine.
- (2) Without restricting the generality of subsection (1) the following fine amounts are established for use Violation Tickets if a voluntary payment option is offered:

**VIOLATION
TICKET**

- 36 If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
- (a) specify the fine amount established by this bylaw for the offence; or
 - (b) require a person to appear in court without the alternative of making a voluntary payment.

**PAYMENT IN LIEU
OF
PROSECUTION**

- 37 A person who commits an offence may, if a Violation Ticket is issued in respect of the offence, pay the fine amount established by this bylaw for the offence and if the amount is paid on or before the required date, the person will not be prosecuted for the offence.

**VOLUNTARY
PAYMENT**

- 38 A person who commits an offence may:
- (a) if a Violation Ticket is issued in respect of the offence; and
 - (b) if the Violation Ticket specifies the fine amount established by this bylaw for the offence; make a voluntary payment equal to the specified fine.

**SEIZURE AND
IMPOUNDING**

- 39 A Peace Officer/CAO or any other person designated by the village may seize and impound:
- (a) any Dog found in contravention of section 13(1);
 - (b) any Vicious Dog found in contravention of section 16; or
 - (c) any Cat found in contravention of section 25(1).

SERIOUS INJURY

- 40 (1) A Peace Officer/CAO or any other person designated by the village may seize and impound any dog alleged to have seriously injured or killed a person or animal.
- (2) Before seizing and impounding a dog pursuant to this section the Peace Officer/CAO or any other person designated by the village must consider whether the dog was acting in self-defense or while in the course of attempting to prevent a person from committing an unlawful act.
- (3) A dog seized pursuant to this section may not be impounded for more than 21 days unless court proceedings for a destruction or other order with respect to the dog are commenced within that time.

AUTHORITY

- 41 (1) A Peace Officer/CAO or any other person designated by the village may
- (a) receive animals into protective care pursuant to fire, flood or other reasons;
 - (b) retain the animals temporarily;
 - (c) charge the Owner fees pursuant to Schedule 'B' for impoundment, and;
 - (d) at the end of the protective care period, if no other arrangements are made between the Owner and the

Peace Officer/CAO or any other person designated by the village, treat such Animals as impounded Animals;

- (2) The Peace Officer/CAO or any other person designated by the village may offer for sale, euthanize, or otherwise dispose of all unclaimed Animals which have been impounded;
- (3) The Peace Officer/CAO or any other person designated by the village shall not sell, euthanize, or otherwise dispose of an impounded Animal or Vicious Animal until an Animal is retained for:
 - (a) seven (7) days after the Owner has received notice or is deemed to have received notice that the animal has been impounded; or
 - (b) seventy two (72) hours, if the name and address of the Owner is not known.
- (4) A Peace Officer/CAO or any other person designated by the village may retain an Animal for a longer period if in his opinion the circumstances warrant the expense or he has reasonable grounds to believe that the Animal is a continued danger to persons, Animals or property.
- (5) A Peace Officer/CAO or any other person designated by the village may, before selling an unclaimed Animal, require that the Animal be spayed or neutered.

RELEASE

- 42 Any Dog, Vicious Dog or Cat seized pursuant to this bylaw may be released to the Owner upon payment of any fees due with respect to shelter, care and treatment and any License fee, if not already paid.

PART VII – GENERAL

OTHER FEES

- 43 The following fees are hereby established:
- (a) for shelter and care, the amount set out in Schedule A; and
 - (b) for any required veterinary treatment, including drugs and medicines, the amount set out in Schedule A; and
 - (c) for a replacement License tag, the amount set out in Schedule A.

**PROOF OF
LICENSE**

- 44 The onus of proving a person has a valid and subsisting License is on the person alleging the License on a balance of probabilities.

PROOF OF AGE

- 45 The onus of proving the age of a Dog, Vicious Dog or Cat is on the Person alleging the age on a balance of probabilities.

**CHIEF
ADMINISTRATIVE
OFFICER**

- 46 Without restricting any other power, duty or function granted by this bylaw, the CAO may:
- (a) carry out whatever inspections are reasonably required to determine compliance with this bylaw;
 - (b) delegate any powers, duties or functions under this bylaw to an employee of the Village;
 - (c) establish forms for the purposes of this bylaw;
 - (d) waive the License fee otherwise payable for one Dog if the Dog is trained by a recognized agency to provide assistance to a person with a physical

impairment and the Owner uses the Dog for such assistance;

- | | | |
|--------------------------------------|----|--|
| CERTIFIED COPY
OF RECORD | 47 | A copy of a record of the Village, certified by the CAO as a true copy of the original, shall be admitted in evidence as prima facie proof of the facts stated in the record without proof of the appointment or signature of the person signing it. |
| CIVIL ACTION
NOT AFFECTED | 48 | Nothing in this bylaw limits the right of any person to prosecute a claim for damages by reason of injuries to person or property resulting from any action of the Owner of any animal, or from the action of any agent of the Owner. |

PART VIII – TRANSITIONAL

- | | | |
|-----------------------------|----|--|
| EXISTING
LICENSE | 49 | An existing license issued under Bylaw 04-03 remains valid until the term of such license expires. |
| REPEALS | 50 | Bylaw 04-03 and any amendments thereto are hereby repealed. |

Read a first time this 16th day of December, 2013.

Read a second time this 13th day of January, 2014.

Read a third time and finally passed this 10th day of February, 2014.



Mayor



Chief Administrative Officer

SCHEDULE A – FEES

- (1) Dog License for each non-altered Dog on or before the first business day in February of each given year;\$40.00 per year
- (2) Dog License for each altered Dog on or before the first business day in February of each given year;\$20.00 per year
- (3) Vicious Dog License on or before the first business day in February of each given year\$250.00 per year
- (4) Cat License for each non-altered Cat on or before the first business day in February of each given year;\$25.00 per year
- (5) Cat License for each altered Cat on or before the first business day in February of each given year;\$10.00 per year
- (6) Replacement License Tag:.....\$ 5.00 each



SCHEDULE B
AMOUNTS TO BE PAID RELATING TO IMPOUNDED ANIMALS

Dog Impoundment Fees	\$20
Cat Impoundment Fees	\$20
Vicious Animal Impoundment Fees	\$250
Dogs/Vicious Animals – Care and Sustenance	\$20 (per day or portion thereof, to commence on the second full day of impoundment)
Cats – Care and Sustenance	\$15 (per day or portion thereof, to commence on the second full day of impoundment)
Veterinary Fees	Amount expended
Destruction of Dog or Cat	Amount expended

SCHEDULE 'C'

Penalties and fees charged for infractions of Bylaw 2013-05 will be as follows:

Part II 4 (1) (2)	Unlicensed Dog or Vicious Dog	\$250.00
Part III 9 (1)(a)	Running at Large:	
	Unlicensed Dog	\$250.00
	Licensed Dog	\$100.00
	Licensed Dog Not Wearing Current Linden Tag	\$200.00
10 (1)	Excessive Barking	\$250.00
11(1)	Defecation on property other than the Owner's	\$250.00
11(2)	Excessive defecation on Owner's property	\$250.00
14(a)	Damage property	\$250.00
(b)	Chase, attack or bite any person or animal	\$250.00
(c)	Chase, attack or bite any person or animal causing physical injury.	\$500.00
Part IV 19 (1)	Unlicensed cat	\$250.00
25 (1)(a)	Off property of owner:	
	Unlicensed Cat	\$250.00
	Licensed Cat	\$100.00
	Licensed Cat Not Wearing Current Linden Tag	\$200.00
Part V 26 (1)	Large Animal, poultry, fowl, bees, poisonous snakes, insects or reptiles within the Village of Linden	\$250.00
27 (3)	No person shall keep or have more than a total of three Dogs, Vicious Dogs, Cats, or any combination thereof on any premises with a municipal address in the Village	\$250.00
Part VI 31	Interference	\$250.00
32	Torment	\$250.00

Second and subsequent offenses shall be double if within a twelve (12) month period. Except as otherwise provided by the Animal Control Officer, a Bylaw Officer or Peace Officer/CAO or any other person designated by the village or any person authorized by this Bylaw, a person who is guilty of any offense under the Animal Control Bylaw, excluding Vicious Dogs, for which a penalty is not otherwise provided is liable to a penalty of \$100.00 per offense and subject to Section 33 and 34 of this Bylaw.

SCHEDULE D

MINIMUM PENALTIES WITH RESPECT TO VICIOUS DOGS

Vicious dog chasing, injuring or biting a person or animal	\$1,500.00
Vicious dog damaging or destroying public or private property	\$1,000.00
Failure to keep a vicious dog under the control of a competent adult person	\$1,000.00
Failure to keep a vicious dog confined	\$1,000.00
Failure to keep a vicious dog muzzled, harnessed or leashed properly	\$1,000.00
Improper pen or other structure	\$1,000.00
Vicious dog running at large	\$1,000.00
Failure to notify the Chief Administrative Officer if the dog is sold, gifted, transferred or dies	\$ 250.00

Except as otherwise provided by the Animal Control Officer, a Bylaw Officer or Peace Officer/CAO or any other person designated by the village or any person authorized by this Bylaw, a person who is guilty of any offense under the Animal Control Bylaw regarding Vicious Dogs and Animals for which a penalty is not otherwise provided is liable to a minimum penalty of \$1,000.00 per offense.

SCHEDULE E

**BYLAW ENFORCEMENT OFFICERS VICIOUS DOG OR
ANIMAL DECLARATION FORM**

OFFICIAL NOTICE

DATE:

TO:

WHEREAS _____, a Bylaw Enforcement Officer, Animal Control Officer, Peace Officer or their designate, after completing an investigation, has reasonable grounds to believe that the dog or animal belonging to _____ will be from this point forward declared a Vicious Dog or Animal and must follow the provisions of the Animal Control Bylaw accordingly.

DECLARED before me at the _____ in the
Province of Alberta this _____ day of
_____, 2_____

Signature

Commissioner for Oaths Signature

Printed Name of Commissioner

Expiry Date of Commission

SCHEDULE F

Voluntary Fines Ticket:

VILLAGE OF LINDEN

Animal Control Ticket

Voluntary Fines

This ticket is issued for breach of Bylaw No. 2013-05

Section: _____

NATURE OF OFFENSE: _____

PENALTY

FIRST OFFENSE \$ _____

SECOND OFFENSE \$ _____

THIRD AND ADDITIONAL OFFENCES \$ _____

PENALTY will be reduced by 50% if payment is received within the first fifteen (15) days, or will be reduced by 25% if payment is received within the first sixteen (16) to thirty (30) days, from the date the ticket was issued.

PRESENTATION OF THIS TICKET within thirty (30) days of the date of issue, together with voluntary payment of the penalty indicated, plus pound fees, if applicable, will be accepted in lieu of prosecution.

PAYMENT may be made to the Village of Linden at the Village of Linden Office during regular office hours, or by mail. If remitting by mail, payment must be received at the Village of Linden office within thirty (30) days from the date the ticket was issued.

FAILURE TO REMIT PAYMENT WITHIN THIRTY (30) DAYS WILL RESULT IN PROSECUTION IN PROVINCIAL COURT.

DATE: _____ TIME: _____

NAME: _____

ADDRESS: _____

LOCATION OF OFFENSE: _____

ISSUED BY: _____

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