

BY-LAW NO. 07-2007
OF THE
VILLAGE OF WABAMUN
IN THE PROVINCE OF ALBERTA

BEING A BY-LAW OF THE VILLAGE OF WABAMUN, IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE LICENSING, REGULATION AND CONTROL OF DOMESTIC ANIMALS WITHIN THE VILLAGE OF WABAMUN.

WHEREAS, pursuant to section 7(a) of the Municipal Government Act; being Chapter M-26, RSA 2000, a Council may pass By-Laws 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 By-Laws for municipal purposes respecting domestic animals and activities in relation to them; and

WHEREAS, pursuant to section 8 of the Municipal Government Act, a Council may in a By-Law:

- (a) regulate or prohibit; and
- (b) provide for a system of licences and permits or approvals for any or all of the matters listed therein;

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

TITLE

1. This By-Law may be cited as "The Animal Control By-Law".

DEFINITIONS

2. In this By-Law, unless the context otherwise requires
 - (a) **Animal Protection Act** – shall mean the Animal Protection Act as amended and as contained in Chapter A-41 RSA 2000 of the Revised Statutes of Alberta, and regulations therein.
 - (b) **Animal Control Officer** – means a person appointed by Village Council to carry out the provisions of this By-Law.
 - (c) **Peace Officer** – shall mean any RCMP, Special Constable or By-Law Enforcement Officer as appointed by a resolution of Council.
 - (d) **Annual License or License** – shall mean a license that is valid for a period commencing January 1st and ending on the next succeeding December 31st or any part thereof.
 - (e) **License Officer** – shall mean any person or persons designated by the Village Administrator with the responsibility of issuing dog and cat licenses.
 - (f) **Day** – means a continuous period of twenty-four hours.
 - (g) **Dog** – means either a male or female species of the canine family.
 - (h) **Cat** – shall mean any domesticated male or female member of the feline family.
 - (i) **Housed and Confined** – means to confine a female dog or cat during the whole period of time that such dog or cat is in heat in such a manner that the dog or cat will not be a source or attraction to other dogs and cats.
 - (j) **Kennel** – means a dwelling, shelter, room or place so considered, housing or keeping three (3) or more dogs or cats over the age of three (3) months.
 - (k) **Livestock** – means any horse, head of cattle, sheep, swine, goat, mule or ass.
 - (l) **Owner** – means a natural person or body corporate who has legal title to the dog or cat, and includes any person who has possession or custody of the dog or cat, either temporarily or permanently, or harbours the dog or cat or suffers the dog or cat to remain on his premises.

- (m) **Former Owner** – means the person who, at the time of impoundment, was the owner of the dog or cat, which has subsequently been sold or destroyed.
- (n) **Pound** – means a place that the Village Council shall provide or designate as such.
- (o) **Pound Keeper** – means any person duly authorized and designated by the Village Council.
- (p) **Running at Large** – means a dog or cat, which is not on a leash and/or under the control of a person responsible and is actually upon property other than the property of the owner.
- (q) **Village** – means the Municipal Corporation of the Village of Wabamun, in the Province of Alberta.
- (r) **Village Council** – means the Village Council for the Municipal Corporation of the Village of Wabamun, Alberta.

RUNNING AT LARGE

3. (a) No person who is the owner of a dog or cat shall permit or otherwise allow such dog or cat to run at large within the Corporate Limits of the Village. Where a dog or cat is found running at large, the owner, therefore, shall be deemed to have failed or refused to comply with the requirement of this section.
- (b) Where an Animal Control Officer receives a complaint of a nuisance caused by a cat, the Animal Control Officer may, at his discretion, during the period of March 1st to October 1st in a calendar year:
- (i) issue a trap to the complainant upon execution by the complainant of an agreement as set out in Schedule "C".

NUISANCE

4. (a) The owner of a dog shall not permit the dog to be or become a public nuisance by:
- (i) biting or chasing a pedestrian;
 - (ii) biting, barking at, or chasing livestock, bicycles, automobiles, or other vehicles;
 - (iii) barking, howling or otherwise disturbing any person;
 - (iv) causing damage to property or other animals.
- (b) The owner of a cat shall not permit the cat to be or become a public nuisance by:
- (i) biting a pedestrian;
 - (ii) howling or otherwise disturbing any person;
 - (iii) causing damage to property or other animals.
- (c) Where a dog or cat has caused damage to property or other animals, the owner of the dog or cat shall pay for all damages incurred to the person suffering such damages.
- (d) The owner of a dog or cat, who permits the dog or cat to defecate on property other than his own, shall remove forthwith any defecated matter deposited.
- (e) The owner of a female dog or cat, which is in heat, shall keep the dog or cat housed and confined, with the exception of allowing the dog or cat to defecate on the property of the residence of the said owner.
- (f) The owner of a dog or cat who allows such dog or cat to upset waste receptacles or scatter the contents thereof, either in or about a lane, street, or other public property or in or about premises belonging to the owner of the dog or cat, is guilty of an offence separate and apart from the offence provided in Section 3, and upon summary conviction thereof shall, in addition to any penalty imposed upon him, be civilly liable to the Village for any expense directly or indirectly incurred by the dog or cat in connection with the receptacle being upset or the waste scattered abroad.
- (g) Owners of dogs or cats failing to obey these regulations by controlling their animals shall be subject to a fine as identified in Schedule "B".

LICENSING

5. (a) The owner of a dog or cat shall apply for a one time animal lifetime license for each dog or cat and shall pay, therefore, a fee as set out in Schedule "A" of this By-Law.
- (b) Notwithstanding subsection (a) where a person who is blind or whose vision is impaired, is the owner of a dog, trained and used as a guide dog, there shall be no fee payable by the owner for a license under this section.

- (c) Notwithstanding subsection (a), the licensing provisions of this By-Law shall not apply to dogs or cats accompanying a person temporarily in the Village on business or vacation for a period not exceeding (14) fourteen days, or on such longer period as may be authorized by written permission from the Village of Wabamun.
6. The owner of a dog or cat shall:
 - (a) subject to the provisions of 6 (d) obtain a license for it on the first day when the Village Office is open for business after a dog or cat becomes three (3) months of age;
 - (b) shall obtain the license on the first day on which the Village Office is open for business after he becomes the owner of a dog or cat;
 - (c) shall obtain a license for a dog or cat notwithstanding that it is under the age of three months, where the dog or cat is found running at large;
 - (d) Obtain a license for his/her dog or cat, which has been impounded pursuant to this By-Law before such dog or cat may be claimed from the pound.
 - (e) The provision of subsection (e) shall not apply when the impounded dog or cat is claimed at a time other than when the Village Office is open for business, but the owner shall obtain a license on the first day on which the Village Office is open for business after the impounded dog or cat is claimed.
 7. Every owner shall ensure that the license is securely fastened to a choke chain, collar, or harness, which must be worn by the dog or cat at all times that the dog or cat is off the owner's premises.
 8. Upon losing a dog or cat license, an owner of a dog or cat shall present the receipt for payment of the animal lifetime license fee to the Village Office where a new tag will be issued for a fee as outlined in Schedule "A" of this By-Law.
 9. No person shall be entitled to a license rebate under the By-Law.
 10. No license shall be transferable from one dog or cat to another dog or cat.
 11. Where a license required pursuant to this section has been paid by the tender of an uncertified cheque, the license
 - (a) is issued subject to the cheque being accepted and cashed by the bank without any mention of this condition being made on the license, and
 - (b) is automatically revoked if the cheque is not accepted and cashed by the bank on which it is issued.
 12. The Village Office shall keep a record of all dogs and cats licensed pursuant to Section 6 of this By-Law. The record shall indicate
 - (a) Date of license issued;
 - (b) Name, address and telephone number of the owner of the dog or cat;
 - (c) The license number issued and the amount paid;
 - (d) The breed, color, and sex of the dog or cat;
 - (e) Proof of spaying or neutering, if applicable.

AUTHORITY TO IMPOUND

13. (a) An Animal Control Officer, a By-Law Enforcement Officer or a Peace Officer may capture and impound any dog or cat in respect of which he believes or has reasonable grounds to believe an offence under this By-Law is being or has been committed.
- (b) An Animal Control Officer, a By-Law Enforcement Officer or a Peace Officer or any person authorized by this By-Law to enforce the provisions contained herein may enter onto the land surrounding any building in pursuit of any dog or cat which has been running at large.

ESTABLISH POUND

14. It shall be the duty of the Village Council to establish a pound for impounding dogs or cats captured pursuant to this By-Law; and Council are further authorized and empowered to make any and all such rules and regulations not inconsistent with the provisions of this By-Law as they consider necessary for the conduct in regulating such pound.

APPOINT POUND KEEPER

15. It shall be the duty of the Village Council to appoint a pound keeper and other such persons as they deem necessary for the carrying out of the provisions of this By-Law as required as for keeping of the pound.

ANIMAL CONTROL – OPERATION OF KENNELS

16. A kennel, as per Section 2, subsection (g)
- (a) shall not be permitted on residential property unless the kennel be located not less than forty (40) feet from any other person's property and,
 - (b) further provided that if written complaints are received by the Village Office, or damage is proven as a result of the kennel, Council may direct that the person operating the kennel, move or cease to operate same.
 - (c) shall not include:
 - (i) a Veterinary Hospital or Clinic;
 - (ii) a Dog or Cat Parlour or Grooming Business;
 - (iii) an exhibition building where dogs or cats are being shown or trained.

OBSTRUCTION

17. No person, whether or not he is the owner of a dog or cat which is being or has been pursued or captured, shall:
- (a) interfere with or attempt to obstruct a Peace Officer, a By-Law Enforcement Officer or an Animal Control Officer who is attempting to capture or has captured a dog or cat which is subject to being impounded pursuant to the provisions of this By-Law;
 - (b) induce the dog or cat to enter a house or other place where it may be safe from capture or otherwise assist the dog or cat to escape capture;
 - (c) falsely represent himself as being in charge or control of a dog or cat so as to establish that the dog or cat is not running at large, or
 - (d) unlock or unlatch or otherwise open the Pound van or vehicle in which dogs or cats kept for impoundment have been placed so as to allow or attempt to allow any dog or cat to escape therefrom.

NEGLIGENCE

18. No person shall:
- (a) untie, loosen or otherwise free a dog or cat which has been tied or otherwise restrained, or
 - (b) negligently or wilfully open a gate, door or other opening in a fence or enclosure in which a dog or cat has been confined and thereby allow a dog or cat to run at large within the Village.

TORMENT

19. No person shall tease, torment or annoy a dog, cat or domestic animal.

RECLAIMING

20. The owner of any impounded dog or cat may reclaim the dog or cat from the Pound within seventy-two (72) hours from the time of the impoundment by paying to the Pound Keeper, all impoundment fees as authorized by Council and obtaining the license for such dog or cat as required by this By-Law.

SALE OR DESTRUCTION

21. (a) The Pound Keeper shall sell or destroy a dog or cat after the dog or cat is retained in the Pound for seventy-two (72) consecutive hours from the time of the impoundment or unless a person having authority orders the further retention or the destruction of the dog or cat, or unless the owner of the dog or cat makes arrangements with the Pound Keeper for the further retention of the dog or cat.
- (b) The Purchaser of the impounded dog or cat from the Pound, pursuant to the provisions of this By-Law, shall obtain full right and title to it and the right and title of the former owner of the dog or cat shall cease thereupon.
- (c) The Pound Keeper shall report any apparent illness, communicable disease, injury or unhealthy condition of any dog or cat to a veterinarian and act upon his recommendation. The owner, if known, shall be held responsible for all charges resulting.

PENALTIES – VOLUNTARY PAYMENT TICKETS

22. (a) Where a Peace Officer, Animal Control Officer or By-Law Enforcement Officer, believes that a person has contravened any provisions of this By-Law, he may serve upon such person a tag as provided by this Section by:
- (i) either personally or by leaving a copy for him at his last or most usual place of abode with some person there present who is apparently at least 16 years of age.
- (ii) by mailing a copy to the defendant at his last known Post Office address.
- (b) A notice or form commonly called a violation ticket, having printed wording approved by the Village Council shall state the Section of the By-Law which was contravened and the amount which is provided in Schedule "B", of this By-Law that will be accepted by the Village in lieu of prosecution and as a plea of guilty in accordance with Section 25 of the Provincial Offences Procedures Act.
- (c) Upon production of a tag issued pursuant to this Section within fourteen (14) consecutive days from the date of issue, together with the payment, to the Village of Wabamun, of the fee as provided in Schedule "B", of this By-Law, the person to whom the tag was issued shall not be liable for prosecution for the contravention in respect of which the tag was issued.
- (d) Notwithstanding the provisions of this Section, a person to whom a tag 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 By-Law.
- (e) If the violation ticket or tag prescribed in Section 22 (a) hereof is disregarded and the voluntary payment is not made in accordance with the terms of this violation ticket, then in accordance with the Provincial Offences Procedures Act, a justice may take such action as is permitted by the Provincial Offences Procedures Act

SUMMARY CONVICTION

23. (a) A person who contravenes a provision of this By-Law by doing something which he is prohibited from doing, or by failing to do something in a manner different from that in which he is required or permitted to do in this By-Law, is guilty of an offence and liable, upon summary conviction, to a fine of not less than thirty dollars (\$30.00) or more than one hundred dollars (\$100.00) upon failure to pay the fine and costs by imprisonment for a period not exceeding ninety (90) days unless such fine and costs of committal are sooner paid.
- (b) The levying and payment of any fine or imprisonment for any period provided in this By-Law shall not relieve a person from the necessity of paying any fees, charges or costs from which he is liable under the provisions of this By-Law.
- (c) A Provincial Judge, in addition to the penalties provided in this Section, may if he considers the offence sufficiently serious, direct or order the person that owns, keeps, maintains or harbours a dog or cat to prevent such dog or cat from doing mischief or causing the disturbance or a nuisance complained of, have the animal removed from the Village, or have the animal destroyed.

SEPARATE PROVISION

24. 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 Village Council that if any provision of the By-Law be declared invalid, all other provisions thereof shall remain valid and enforceable.

EFFECTIVE DATE AND REPEAL OF BY-LAWS

25. This By-Law shall come into effect when it has received third reading by Village Council.

26. By-Law No. 03-2005, as amended to the date of passage of this By-Law is hereby repealed upon this By-Law coming into effect.

READ A FIRST TIME IN COUNCIL THIS 4TH DAY OF DECEMBER, A.D. 2007.

READ A SECOND TIME IN COUNCIL THIS 4TH DAY OF DECEMBER, A.D. 2007.

READ A THIRD TIME IN COUNCIL AND FINALLY PASSED THIS 4TH DAY OF DECEMBER, A.D. 2007.

SIGNED by the MAYOR and ADMINISTRATOR this _____ day of _____, 20__.

MAYOR

ADMINISTRATOR

BY-LAW 07-2007

SCHEDULE "A"

DOG AND CAT LICENSE FEES

1.	Each unsprayed Female Dog or Cat or each unneutered Male Dog or Cat	\$80.00
2.	Each spayed Female Dog or Cat or neutered Male Dog or Cat (Must provide a certificate from a vet)	\$50.00
3.	Replacement of Lost License	\$5.00
4.	Deposit for Cat Trap	\$50.00

SCHEDULE "B"

Amount which will be accepted by the Village in lieu of prosecution.

PENALTIES

Section 3 – Running at Large		
First Offence		\$50.00
Second Offence		\$100.00
Third & Each Subsequent Offence		\$200.00
Section 4	(a) Pound Fees	(as set by Pound Keeper)
	(b) Public Nuisance	
	First Offence	\$75.00
	Second Offence	\$150.00
	Third & Each Subsequent Offence	\$200.00
Section 4	(d) Defecation	
	First Offence	\$50.00
	Second Offence	\$100.00
	Third & Each Subsequent Offence	\$200.00
Section 6	Dog or Cat License	
	First Offence	\$75.00
	(During any Calendar Year)	
	Second Offence	\$150.00
	(During any Calendar Year)	
	Third & Each Subsequent Offence	\$300.00
	(During any Calendar Year)	
Section 17	Obstruction	\$50.00
Section 18	Negligence	\$50.00
Section 19	Torment	\$50.00

SCHEDULE "C"

Cat Trap Agreement

DATE: _____

TRAP NO. _____

DEPOSIT RECEIPT #: _____

The undersigned agrees to the following terms and conditions:

1. To only place the trap on his or her property in the Village of Wabamun.
2. To personally check the trap each hour while the trap is set.
3. In the event that a cat is trapped, to immediately contact the Animal Control Officer at 892-2699 who will come and pick up the trap and cat.
4. In the event that a cat is trapped, the undersigned is responsible for the humane treatment of the cat including feeding and watering. A captured cat should be left in the trap and placed in a warm, dry, secure place with a blanket placed over the trap to pacify the animal.
5. Cat traps are not to be used when the temperature falls below 0 degrees Celsius or rises over 25 degrees Celsius.
6. To be responsible for the trap, including the cost of repair or replacement if damaged, lost or stolen. The trap is to be returned in a good and clean condition.
7. Traps are not to be set on Statutory Holidays when Animal Control Office is closed.

***IT IS A CRIMINAL OFFENCE TO HARM ANY DOMESTIC ANIMAL**

Address of intended location of trap:

I understand and accept all liability, which may arise in connection with the use of this cat trap while it is in my possession, and will save and indemnify the Village of Wabamun for all such liability.

Signature: _____

Name of Complainant: _____

Address of Complainant: _____

Trap Returned

Date: _____

Received by: _____

Remarks: _____