

Village of Marwayne

BYLAW NO. 557-17

ANIMAL CONTROL BYLAW

A BYLAW OF THE VILLAGE OF MARWAYNE, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF REGULATING AND CONTROLLING ANIMALS

WHEREAS the *Municipal Government Act*, RSA 2000, Chapter M-26, and amendments thereto, grants Council the authority to pass bylaws to regulate and control wild and domestic animals and activities in relation to them;

AND WHEREAS the Council of the Village of Marwayne deems it necessary and proper to regulate the keeping of animals within the limits of the Village;

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

PART 1 – DEFINITIONS AND INTERPRETATION

Bylaw Title

1 This Bylaw shall be known as the “Animal Control Bylaw”.

Definitions

2 In this Bylaw unless the context otherwise requires:

- (a) **“Animal”** means any live creature, both domestic and wild, and includes Dogs, Cats, Livestock, fowl, fish and reptiles, but does not include a human;
- (b) **“Animal Protection Act”** means the *Animal Protection Act*, RSA 2000 Chapter A-41, and regulations thereunder;
- (c) **“Animal Shelter”** means a facility contracted by the Village for the purposes of housing and providing care for impounded Dogs, Cats or other Animals, collecting fees, and otherwise assisting with the administration of this Bylaw, and may include a veterinary clinic;
- (d) **“At Large”** means any Dog or Cat that is present at any place other than the Owner’s Property and which is not being carried by a person or which is not otherwise restrained or under physical control of a person by means of some form of Restraining Device securely holding that Dog or Cat;
- (e) **“Bylaw Enforcement Officer”** means a member of the Royal Canadian Mounted Police, a Community Peace Officer whose appointment includes enforcement of the Village’s Bylaws, or a Bylaw Enforcement Officer appointed by the Village;

- (f) **“Cat”** means a member of the species “*Felis Catus*” (commonly referred to as the domestic cat or house cat), whether male or female, including any hybrid offspring of that species;
- (g) **“Cat Trap”** means any device designed to trap and contain a Cat in a humane manner without injuring or killing the Cat;
- (h) **“Chief Administrative Officer”** means the person appointed as Chief Administrative Officer of the Village, or his or her delegate;
- (i) **“Council”** means the municipal council of the Village of Marwayne;
- (j) **“Court”** means a court of competent jurisdiction in the Province of Alberta;
- (k) **“Dangerous Dog”** means:
 - (i) any Dog designated as such in accordance with Part 5 of this Bylaw;
 - (ii) any Dog designated as such pursuant to the *Dangerous Dogs Act*, and
 - (iii) any Restricted Dog.
- (l) **“Dangerous Dogs Act”** means the *Dangerous Dogs Act*, RSA 2000, Chapter D-3, and regulations thereunder;
- (m) **“Designated Officer”** means a person appointed to that office pursuant to Section 210 of the *Municipal Government Act*, or an authorized delegate thereof;
- (n) **“Distress”** has the same meaning as in the *Animal Protection Act*;
- (o) **“Dog”** means a member of the species “*Canis Lupus Familiaris*” (commonly referred to as the domestic dog), whether male or female, including any hybrid offspring of that species;
- (p) **“Harness”** means straps and fittings that are of a suitable size and strength that may be humanly attached to the chest and back of a Dog or Cat;
- (q) **“Land Use Bylaw”** means the Village’s Land Use Bylaw, as amended or as repealed and replaced from time to time;
- (r) **“License Tag”** means an identification tag of metal or other material issued by the Village showing the license number of a specific Dog or Cat and is intended to be attached to a Dog or Cat by way of a collar or Harness;
- (s) **“Livestock”** means those Animals that are normally associated with agriculture or ranching, which includes, but is not limited to:
 - (i) a horse, mule, ass, swine, emu, ostrich, camel, llama, alpaca, sheep or goat,

- (ii) domestically reared or kept deer, reindeer, moose, elk, or bison,
- (iii) farm bred fur bearing Animals including foxes or mink,
- (iv) cattle and other Animals of the bovine species, and
- (v) chickens, turkeys, ducks, geese, or pheasants,

but does not include Dogs and Cats.

- (t) **“Motor Vehicle”** has the same meaning as in *Traffic Safety Act*, RSA 2000, Chapter T-6 and the regulations thereunder;
- (u) **“Municipal Government Act”** means the *Municipal Government Act*, RSA 2000, Chapter M-26 and the regulations thereunder;
- (v) **“Municipal Tag”** means a tag or similar document issued by the Village under the *Municipal Government Act* that alleges a bylaw offence and provides a Person with the opportunity to pay an amount to the Village in lieu of prosecution for the offence;
- (w) **“Muzzle”** means a humane fastening or covering device of adequate strength placed over the mouth of a Dog to prevent it from biting;
- (x) **“Owner”** means a Person:
 - (i) who has the care, charge, custody, possession or control of an Animal;
 - (ii) who owns or claims a proprietary interest in an Animal;
 - (iii) who harbours, suffers, or permits an Animal to be present on any property owned or under his or her control;
 - (iv) who claims and receives an Animal from the custody of the Animal Shelter or a Bylaw Enforcement Officer; or
 - (v) to whom a license Tag was issued for a Dog or Cat in accordance with this Bylaw; and

where one of two or more Persons, with the knowledge and consent of the other or others, has physical or effective control of an Animal, the Animal shall be deemed to be in the control of each and all of them.

- (y) **“Owner's Property”** means private property owned by or under the control or possession of an Owner of an Animal;
- (z) **“Person”** means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative;
- (aa) **“Public Health Act”** means the *Public Health Act*, RSA 2000, Chapter P-37 and the regulations thereunder;

- (bb) **“Provincial Offences Procedure Act”** means the *Provincial Offences Procedure Act*, RSA 2000, Chapter P-34 and the regulations thereunder;
- (cc) **“Registered Veterinarian”** has the same meaning as in the *Veterinary Professions Act*, RSA 2000, Chapter V-2;
- (dd) **“Restraining Device”** means any leash, Harness, or other restraining system capable of allowing the Owner to maintain adequate control of the attached Animal, or if located on the Owner’s Property, capable of retaining an Animal within the boundaries of the Owner’s Property;
- (ee) **“Restricted Dog”** means any Dog that is of a breed or kind listed in Schedule “A” of this Bylaw, or any Dog of mixed breeding which can be identified, through its physical characteristics, by a veterinarian licensed to practice in Alberta, as a Dog partially of a breed or kind listed in Schedule “A” of this Bylaw;
- (ff) **“Secure Enclosure”** means a building, cage, fenced area or other enclosure for retaining an Animal and which prohibits an Animal from jumping, climbing, digging or using any other means to exit the enclosure, and which is capable of prohibiting the entry of young children into the enclosure;
- (gg) **“Serious Wound”** means an injury resulting from an Animal attack which causes a breaking of the skin or the flesh to be torn;
- (hh) **“Service Dog”** has the same meaning as in the *Service Dogs Act*, SA 2007, Chapter S-7.5 and regulations thereunder;
- (ii) **“Village”** means the Village of Marwayne and its jurisdictional boundaries; and
- (jj) **“Violation Ticket”** has the same meaning as in the *Provincial Offences Procedure Act*.

Rules of Interpretation

- 3(1)** Nothing in this Bylaw relieves a Person from complying with any provision of any Provincial or Federal legislation or regulation, other bylaw or any requirement of any lawful permit, order or license.
- (2)** Any heading or sub-headings in this Bylaw are included for guidance purposes and convenience only, and shall not form part of this Bylaw.
- (3)** This Bylaw is gender-neutral and, accordingly, any reference to one gender includes another.
- (4)** Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
- (5)** Any reference to the provisions of a statute of Alberta or another bylaw is a reference to that statute or bylaw as amended, or repealed and replaced from time to time.

PART 2 – DOG AND CAT LICENSING

Requirement to License

- 4(1)** Every Person who resides within the Village and who is the Owner of a Dog or Cat that is over the age of three (3) months shall apply for a license as set out in this Part, by:
- (a) paying the required license fee as set out in Schedule “B” of this Bylaw; and
 - (b) providing the following information:
 - (i) the name, telephone number and Street and rural address of the Owner;
 - (ii) the name of the Dog or Cat to be licensed;
 - (iii) a description of the Dog or Cat to be licensed;
 - (iv) the breed or breeds of the Dog or Cat to be licensed; and
 - (v) such further information as may be required by the Village.
- (2)** Every Person who resides in the Village who becomes an Owner of a Dog or Cat that is over the age of three (3) months, or who takes up residence within the Village and who is the Owner of a Dog or Cat that is over the age of three (3) months, shall apply for a license as set out in this Part, within thirty (30) days of becoming the Owner of such Dog or Cat or of taking up residence in the Village.
- (3)** Upon payment of the required license fee as set out in Schedule “B” to this Bylaw and providing the information required pursuant to section 4(1)(b), the Owner will be supplied with a license Tag having a number which will remain registered to that Dog or Cat.
- (4)** A license under this Bylaw, must be renewed on an annual basis by paying the applicable license fee to the Village office prior to March 1 in each year. Any Person who fails to renew a license within this time limit is guilty of an offence.
- (5)** The Owner of a Dog or Cat that has been duly licensed under this Bylaw may obtain a replacement license Tag for one that has been lost or damaged upon payment of the replacement license Tag fee as set out in Schedule “B” of this Bylaw.
- (6)** The onus of proving a Person has a valid and subsisting license is on the Person alleging its existence.
- (7)** No Person is entitled to a refund or a rebate for any license fee.
- (8)** An Owner of an unlicensed Dog or Cat is guilty of an offence.

Transferability, Possession of license Tag

- 5(1)** A license issued under this Bylaw is not transferable from one Dog or Cat to another, nor from one Owner to another.

- (2) Every Owner shall ensure that the license Tag is securely fastened to a collar or Harness worn by the Dog or Cat at all times while the Dog or Cat is off of the Owner's Property.
- (3) An Owner of a licensed Dog or Cat is guilty of an offence if the Dog or Cat is not wearing a license Tag while off of the Owner's Property.

Exemptions from Licensing Requirement

- 6 The provisions of this Part shall not apply to the following:
- (a) Owners of Dogs or Cats temporarily visiting the Village for a period not exceeding four (4) consecutive weeks;
 - (b) Not-for-profit associations, not-for-profit corporations and government organizations engaged in the provision of specialized Dog services, including but not limited to, Service Dogs, police Dogs, or search and rescue Dogs;
 - (c) Persons holding an identification card proving ownership of a Service Dog for their use; and
 - (d) Dogs and Cats under three (3) months in age.

PART 3 – RESTRICTIONS

Number of Dogs and Cats

- 7(1) Subject to subsection (2),
- (a) no more than three (3) Dogs and three (3) Cats or combination thereof, to a maximum of three (3) Animals in total, shall be harboured, suffered or permitted to remain upon or in any land, house, shelter, room or place, building structure, or property within the Village; and
 - (b) notwithstanding subsection (a), no more than one (1) Dangerous Dog shall be harboured, suffered or permitted to remain upon or in any land, house, shelter, room or place, building structure, or property within the Village.
- (2) The restrictions in subsection (1) shall not apply where:
- (a) the property is lawfully used for the care and treatment of Animals, operated by or under the charge of a Registered Veterinarian;
 - (b) the Owner is the holder of a valid and subsisting development permit which authorizes the keeping of Dogs or Cats in excess of the applicable limit established in subsection (1);
 - (c) the Dogs or Cats in excess of the limit are under three (3) months of age and are the offspring of a licensed Dog or Cat residing at the same location;

- (d) the Owner is a not-for-profit association, not-for-profit corporation or government organization engaged in the provision of specialized Dog services, including but not limited to guide or assistance Dogs, police Dogs, and search and rescue Dogs; or
 - (e) the Owner whose Dog or Cat is in excess of the limit is temporarily visiting a resident of the Village for a period not exceeding four (4) consecutive weeks.
- (3) Any Person who keeps, suffers or harbours more than the permitted number of Dogs or Cats in a manner contrary to this Part is guilty of an offence.

Livestock

- 8(1) No Person shall keep, harbor, suffer or permit to be kept any Livestock upon or in any land, house, shelter, room or place, building structure, or property within the Village unless the keeping of the Livestock on the premises in question is expressly permitted by a valid development permit issued pursuant to the Land Use Bylaw.
- (2) Any Person who keeps Livestock in the Village in a manner contrary to subsection (1) is guilty of an offence.

Rabbits

- 9(1) No Person shall keep, harbor, suffer or permit to be kept any rabbit or hare upon or in any land, house, shelter, room or place, building structure, or property within the Village unless the keeping of rabbits or hares on the premises in question is expressly permitted by a valid development permit issued pursuant to the Land Use Bylaw.
- (2) Any Person who keeps a rabbit or hare in the Village in a manner contrary to subsection (1) is guilty of an offence.

PART 4 – GENERAL OFFENCES

Control and Noise

- 10(1) An Owner whose Dog or Cat is At Large is guilty of an offence.
- (2) The Owner of a Dog or Cat that barks, howls, or otherwise makes such noise so as to, in the opinion of a Bylaw Enforcement Officer, likely disturb the peace of any Person, is guilty of an offence.
- (3) An Owner whose Dog or Cat enters into a public bathing, swimming or wading pool is guilty of an offence.
- (4) The Owner of a Dog or Cat that threatens, attacks, bites, injures or otherwise harasses any Person is guilty of an offence.
- (5) The Owner of a Dog or Cat that threatens, attacks, bites, chases, injures or otherwise harasses any other Animal is guilty of an offence.

- (6) The Owner of a Dog or Cat that chases a Motor Vehicle, Person on a bicycle, Person on horseback or Person that is walking or running is guilty of an offence.
- (7) The Owner of a Dog or Cat that causes damage to property is guilty of an offence.
- (8) Any Person, who without the knowledge or consent of the Owner, unties, loosens or otherwise frees a Dog or Cat that was tied or otherwise restrained, or opens a gate, door or opening in a fence or Secure Enclosure in which a Dog or Cat has been confined, thereby allowing the Dog or Cat to be At Large, is guilty of an offence.
- (9) Any Owner issued a license under this Bylaw is guilty of an offence if they fail to abide by the conditions of the license.

Hygiene and Nuisances

- 11(1) Where a Dog or Cat has defecated on any property other than the Owner's Property, the Owner shall remove such defecation immediately and failure to do so shall constitute an offence.
- (2) An Owner's Property shall be maintained in a clean and sanitary condition and an Owner shall take such steps as are necessary to prevent the presence of nuisances, including but not limited to:
 - (a) the accumulation of fecal matter in an amount which, in the opinion of a Bylaw Enforcement Officer, is excessive; and
 - (b) offensive or noxious odours arising as a consequence of the keeping of a Dog or Cat on the Owner's Property.
- (3) An Owner who fails to maintain property in accordance with subsection (2) is guilty of an offence.
- (4) An Owner of a female Dog or Cat in estrus (also known as being "in heat") who does not contain or restrain that Dog or Cat, both on and off the Owner's property, in a manner sufficient to avoid attracting other Animals, is guilty of an offence.

Care

- 12(1) Any Person who teases, torments, provokes, abuses, or injures an Animal is guilty of an offence.
- (2) Any Person who leaves a Dog or Cat unattended in or on a Motor Vehicle, without proper protection from the elements or in a manner that places the Dog or Cat at risk of harm, is guilty of an offence.
- (3) Any Person who fails to properly secure a Dog or Cat, inside or on a Motor Vehicle while it is in motion or while it is parked to ensure that the Dog or Cat is unable to fall out of or leave the Motor Vehicle, is guilty of an offence.
- (4) The Owner of a Dog or Cat that has been left unattended outdoors for a period in excess of 24 consecutive hours is guilty of an offence.

PART 5 – DANGEROUS DOGS

Declaration of Dangerous Dog

- 13(1)** The Chief Administrative Officer may declare a Dog to be a Dangerous Dog if the Chief Administrative Officer has reasonable grounds to believe, either through personal observation or on the basis of facts determined after an investigation of a complaint, that the Dog:
- (a) has a known propensity, tendency, or disposition to threaten, attack, chase or bite, without provocation, other Animals or humans;
 - (b) has, inflicted a Serious Wound upon another Animal or human;
 - (c) has been the subject of an order or direction of a Justice or Judge, pursuant to the *Dangerous Dogs Act*; or
 - (d) is a continuing threat of serious harm to any human or other Animal.
- (2)** Where the Chief Administrative Officer determines that a Dog is a Dangerous Dog, he shall:
- (a) serve the Owner with a written notice that the Dog has been declared to be a Dangerous Dog;
 - (b) direct the Owner to keep the Dangerous Dog in accordance with the provisions of section 16 of this Bylaw, and provide the Owner with a time limit for compliance; and
 - (c) inform the Owner that, if the Dangerous Dog is not kept in accordance with section 16 of this Bylaw, the Owner may be fined, or subject to enforcement action pursuant to this Bylaw.
- (3)** A written notice under subsection (2) above shall include a summary of the applicable provisions regulating Dangerous Dogs under this Bylaw.

Review of Declaration

- 14(1)** The Owner of a Dog declared a Dangerous Dog pursuant to section 13(1) may, within fourteen (14) days of receiving written notice of the declaration, request in writing and upon payment of the fee as set out in Schedule “B” to this Bylaw that the declaration be reviewed by Council. Council is not obligated to conduct an oral hearing of the review and may instead conduct the review based on written material provided by the Chief Administrative Officer and the Owner.
- (2)** Upon a request to review pursuant to subsection (1), Council may:
- (a) uphold the declaration of the Dog as a Dangerous Dog;
 - (b) reverse the decision of the Chief Administrative Officer and deem that the Dog is not a Dangerous Dog; or

- (c) uphold the declaration of the Dog as a Dangerous Dog and vary the conditions of harbouring the Dog within the Village.

The decision of Council shall be provided to the Owner in writing within fourteen (14) days of Council conducting the review and may be served personally or by registered mail on the Owner, at the address appearing on the Village's assessment roll for the Owner's Property.

Restricted Dog

- 15** For greater certainty, a Restricted Dog is deemed to be a Dangerous Dog, regardless of whether a declaration has been made pursuant to Section 13(1).

Requirements of an Owner of a Dangerous Dog

16(1) The Owner of a Dangerous Dog shall:

- (a) license the Dog as a Dangerous Dog and follow the procedures set out in Part 2, which includes paying the applicable fee for a Dangerous Dog as set out in Schedule "B" of this Bylaw;
 - (b) maintain in force a policy of liability insurance in a form satisfactory to the Village providing third party liability coverage in a minimum amount of five hundred thousand (\$500,000.00) dollars for injuries caused by the Owner's Dangerous Dog and no license shall be issued for a Dangerous Dog unless proof of such insurance coverage is provided to the Village along with the application;
 - (c) while the Dangerous Dog is off the Owner's Property, Muzzle and secure the Dangerous Dog by means of a Restraining Device under the physical control of the Owner or a Person over the age of eighteen (18) years with the Owner's consent;
 - (d) while the Dangerous Dog is on the Owner's Property, confine the Dangerous Dog within a Secure Enclosure or within the residence of the Owner;
 - (e) immediately notify a Bylaw Enforcement Officer if the Dangerous Dog is At Large; and
 - (f) remain liable for the actions of their Dangerous Dog until formal notification of sale, gift, or transfer is given to a Bylaw Enforcement Officer.
- (2)** The Owner of a Dangerous Dog shall immediately notify the Village should the policy of liability insurance expire, be cancelled, or terminated and upon the occurrence of such an event, the Dangerous Dog license shall be null and void unless the Village receives written proof that a new insurance policy has been secured, meeting the requirements of section 16(1)(b), within fifteen (15) days of the expiry, cancellation, or termination of the original policy of liability insurance.
 - (3)** The Chief Administrative Officer may require the Owner of a Dangerous Dog to post a sign at all entrances to the Owner's Property, and where so otherwise directed, stating "Dangerous Dog".
 - (4)** An Owner who fails to comply with any provision in this Part is guilty of an offence.

- (5) Where the Owner of a Dangerous Dog is guilty of an offence under Part 4, the fine shall be double the amount indicated in Schedule "C" of this Bylaw.
- (6) In addition to the remedies set forth elsewhere in this Bylaw, if a Designated Officer determines that a Dangerous Dog is not being kept in accordance this Bylaw, the Designated Officer may:
 - (a) Issue an order pursuant to Section 545 of the *Municipal Government Act* directing that the Dangerous Dog be kept in accordance with this Bylaw or removed from the Village; or
 - (b) In addition or in the alternative to the issuance of an order under subsection (a) above, bring an application pursuant to the *Dangerous Dogs Act* for an order directing the Dangerous Dog be kept in accordance with this Bylaw, destroyed, or such other order as the Court directs.

PART 6 – DISEASE CONTROL

- 17(1) The Owner of a Dog or Cat that has caused a Serious Wound, or that the Owner has reason to suspect may have been exposed to rabies or other communicable disease, shall, in addition to any other duty imposed under the *Public Health Act*, immediately inform a Bylaw Enforcement Officer:
 - (a) of the infliction of the Serious Wound or the suspicion of exposure to rabies or other communicable disease;
 - (b) in the case of a Serious Wound, of the name and contact information for the person that has been wounded or the Owner of the Animal that has been wounded, as applicable; and
 - (c) whether the matter has been reported to the local community health center, Public Health Inspector, or the Medical Officer of Health.
- (2) A Bylaw Enforcement Officer that has reasonable grounds to believe that a Dog or Cat found At Large may have, or has been exposed to, rabies or another communicable disease may confine that Dog or Cat at an Animal Shelter, veterinary facility, or any other location as directed by the Medical Officer of Health or a Public Health Inspector.
- (3) A Bylaw Enforcement Officer that has reasonable grounds to believe that a Dog or Cat within the Village has, or has been exposed to, rabies or another communicable disease shall report the matter to the Medical Officer of Health or a Public Health Inspector as soon as reasonably possible.
- (4) An Owner of a Dog or Cat which is suffering from a communicable disease shall:
 - (a) not permit the Dog or Cat to be in any public place; and
 - (b) not keep the Dog or Cat in contact with or in proximity to any other Animal.
- (5) An Owner who fails to comply with any provision in this Part is guilty of an offence.

PART 7 – CAT TRAPS

Restrictions on Use

- 18(1)** No Person shall use a Cat Trap unless that Person has received the prior written permission of the Village.
- (2)** No Person shall use a Cat Trap in a location where, during any period of time that the Cat Trap is in use:
 - (a) the temperature is, or is forecasted to be, colder than zero (0) degrees Celsius, or
 - (b) the Cat Trap is not fully shaded from sunlight.
- (3)** A Person using a Cat Trap must, at all times, be present at the premises where the Cat Trap is being used, and must check the Cat Trap no less frequently than once every eight (8) hours.
- (4)** A Person using a Cat Trap shall ensure that, at all times that the Cat Trap is in use, there is sufficient cat food and water in the Cat Trap to sustain a captured Cat.
- (5)** No Person shall taint Cat Trap bait, or any cat food and water placed in a Cat Trap, with any potentially dangerous or poisonous substance.

Notification and Surrender of Captured Cat

- 19** Section 24 applies to a Person who captures a Cat At Large using a Cat Trap.

Offence

- 20** A Person who fails to comply with any provision of this Part is guilty of an offence.

PART 8 – ENFORCEMENT AND IMPOUNDMENT

Authority

- 21** A Bylaw Enforcement Officer is, in addition to any other powers or authority granted under this Bylaw or any enactment, authorized to:
 - (a) capture and impound in an Animal Shelter any Dog or Cat that is At Large;
 - (b) take any reasonable measures necessary to subdue any Dog or Cat that is At Large, including the use of traps and tranquilizer equipment and materials;
 - (c) enter onto lands surrounding any building in pursuit of a Dog or Cat while it is At Large; and
 - (d) if a Dog or Cat is in Distress, whether or not as a result of enforcement action taken pursuant to this Bylaw, to take the Dog or Cat to a Registered Veterinarian for treatment and, once treated, to transfer the Dog or Cat to an Animal Shelter.

Costs

- 22** Any expenses or costs of any enforcement action or measure taken by the Village under this Bylaw, including but not limited to payment of veterinary treatment, are amounts owing to the Village by the Owner or any other Person responsible for the contravention of this Bylaw, or any or all of them, and may be collected as a civil debt, pursuant to the *Municipal Government Act*.

Continuing Offences

- 23** 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.

Notification of Animals at Large

- 24(1)** A Person who takes control of any Dog or Cat found At Large shall immediately notify a Bylaw Enforcement Officer.
- (2)** A Person who takes control of any Dog or Cat found At Large shall surrender same to the possession of the Bylaw Enforcement Officer.
- (3)** A Person who fails to comply with subsection (1) or (2) is guilty of an offence.

Impoundment

- 25(1)** Dogs and Cats impounded in the Animal Shelter shall be kept for a minimum period of Seventy Two (72) hours. In the calculation of the Seventy Two (72) hour period, Saturdays, Sundays, Statutory Holidays and days that the Animal Shelter is not open shall not be included.
- (2)** Notwithstanding subsection (1), where a Dog or Cat that has been impounded bears obvious identification tattoos, brands, marks, tags or licenses, the Dog or Cat shall be kept by the Animal Shelter a minimum of 30 days from the date the Dog or Cat was impounded, in accordance with Section 610 of the *Municipal Government Act*.

Reclaiming an Impounded Animal

- 26(1)** During the period established in sections 25(1) and 25(2) above, the Dog or Cat may be reclaimed by its Owner, except as otherwise provided in this Bylaw, upon payment to the Village or its authorized agent of:
- (a)** the impoundment fee as established by the Animal Shelter from time to time;
 - (b)** the cost of any veterinary treatment provided in respect of the Dog or Cat pursuant to this Bylaw; and
 - (c)** in the case of an unlicensed Dog or Cat, the appropriate license fee.

- (2) At the expiration of the time period established in sections 25(1) or 25(2) above, the Chief Administrative Officer is authorized to:
- (a) offer the Dog or Cat for sale or as a gift;
 - (b) euthanize the Dog or Cat in a humane manner;
 - (c) allow the Dog or Cat to be redeemed by its Owner in accordance with the provisions of subsection (1) above; or
 - (d) continue to impound the Dog or Cat for an indefinite period of time or for such further period of time as the Chief Administrative Officer, in his or her sole and unfettered discretion, may decide.

Euthanasia

- 27(1)** Where a Dog or Cat has been impounded, if, in the opinion of a Registered Veterinarian, the Dog or Cat should be humanely euthanized for medical reasons a Registered Veterinarian may immediately proceed to humanly euthanize the Dog or Cat.
- (2) No action shall be taken against any Person, including a Bylaw Enforcement Officer or Registered Veterinarian, acting under the authority of this Bylaw for damages for destruction or other disposal of any Dog or Cat, in accordance with the provisions of this Bylaw.

PART 9 – FINES AND PENALTIES

- 28(1)** A Person who is guilty of an offence is liable upon summary conviction to a fine in an amount:
- (a) not less than the specified penalty established in Schedule “C”; and
 - (b) not exceeding \$10,000.00.
- (2) Without restricting the generality of subsection (1) above the fine amounts set out in Schedule “C” are established as specified penalties for use on Municipal Tags and Violation Tickets, if a voluntary payment option is offered.
- (3) Notwithstanding subsection (1) of this Bylaw, any Person who commits a second or subsequent offence under this Bylaw, within one (1) year of conviction of a first offence under this Bylaw, is liable on summary conviction to a fine not less than the increased amount set out in Schedule “C” to this Bylaw.
- (4) Under no circumstances shall any Person contravening any provision of this Bylaw be subject to a penalty of imprisonment.

PART 10 – MUNICIPAL TAG

- 29(1)** A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Municipal Tag to any Person whom the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- (2)** A Municipal Tag shall be issued and served to a Person:
- (a) either personally; or
 - (b) by mailing a copy, via registered mail, to such Person at their last known postal address.
- (3)** A Municipal Tag shall be in a form approved by the Chief Administrative Officer and shall state:
- (a) the name of the Person to whom the Municipal Tag is issued;
 - (b) particulars of the contravention under this Bylaw;
 - (c) the specified penalty for the offence as set out in Schedule "C" herein;
 - (d) that the specified penalty shall be paid within thirty (30) days of the issuance of the Municipal Tag in order to avoid prosecution; and
 - (e) any other information as may be required by the Chief Administrative Officer.
- (4)** Where a Municipal Tag has been issued under this Bylaw, the Person to whom the Municipal Tag has been issued may, in lieu of being prosecuted for the offence, pay to the Village the penalty specified on the Municipal Tag.
- (5)** If a Municipal Tag has been issued and the specified penalty on the Municipal Tag has not been paid within the prescribed time, a Bylaw Enforcement Officer may issue a Violation Ticket to the Person to whom the Municipal Tag was issued.
- (6)** Notwithstanding the above, a Bylaw Enforcement Officer may immediately issue a Violation Ticket to any Person whom the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

PART 11 – VIOLATION TICKET

- 30(1)** A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act* to any Person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- (2)** If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
- (a) state the specified penalty for the offence as set out in Schedule "C" herein; or
 - (b) require a Person to appear in Provincial Court without the alternative of making a voluntary payment.
- (3)** 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 states the specified penalty established by this Bylaw for the offence, as set out in Schedule "C" herein;

make a voluntary payment by submitting to a Clerk of the Provincial Court, on or before the initial appearance date indicated on the Violation Ticket, the specified penalty set out on the Violation Ticket.

- (4) When a Clerk of the Provincial Court records the receipt of a voluntary payment pursuant to subsection (3) above and the *Provincial Offences Procedure Act*, the act of recording constitutes acceptance of the guilty plea and also constitutes a conviction and the imposition of a fine in the amount of the specified penalty.

PART 12 – GENERAL

Remedies not Restricted to Bylaw

- 31 A Bylaw Enforcement Officer may pursue any and all remedies set out in this Bylaw, the *Municipal Government Act* and any other law in the Province of Alberta. Nothing in this Bylaw shall restrict, limit or preclude the Village from taking multiple steps to regulate Animals in the Village.

Obstruction

- 32 No Person shall obstruct, hinder or impede any Bylaw Enforcement Officer, Designated Officer, or Village employee, contractor or agent in the exercise of any of their powers or duties under this Bylaw.

Powers of Chief Administrative Officer

- 33 Without restricting any other power, duty or function granted by this Bylaw, the Chief Administrative Officer may:
 - (a) establish investigation and enforcement procedures the purposes of this Bylaw;
 - (b) establish forms for the purposes of this Bylaw;
 - (c) delegate any powers, duties or functions under this Bylaw to an employee of the Village.

Vicarious Liability

- 34 For the purposes of this Bylaw, an act or omission by an employee or agent of a Person is deemed also to be an act or omission of the Person if the act or omission occurred in the course of the employee's employment with the Person, or in the course of the agent's exercising the powers or performing the duties on behalf of the Person under their agency relationship.

Corporations and Partnerships

- 35(1)** When a corporation commits an offence under this Bylaw, every principal, director, manager, employee or agent of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.
- (2)** If a partner in a partnership is guilty of an offence under this Bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.

Strict Liability Offence

- 36** An offence under this Bylaw is a strict liability offence.

PART 13 – TRANSITIONAL

Repeal

- 37** Bylaw No. 518-13 is hereby repealed.

Effective Date

- 39** This Bylaw takes effect upon being passed.
- READ a first time this 10th day of October, 2017.
- READ a second time this 10th day of October, 2017.
- READ a third time this 10th day of October, 2017.
- SIGNED AND PASSED this 10th day of October, 2017.

Morgan Wood, Mayor

Joanne Horton, Chief Administrative Officer

**SCHEDULE "A"
RESTRICTED DOGS**

THIS SCHEDULE DOES NOT APPLY TO VILLAGE OF MARWAYNE

- Pit Bull Terrier
- American Pit Bull Terrier
- Pit bull
- Rottweiler
- Akita

**SCHEDULE "B"
FEES**

License Fee	\$30.00
Replacement license Tag Fee	\$5.00
Dangerous Dog license Fee	\$30.00
Impound Fee/Animal Shelter Fee	Cost set by Animal Shelter
Veterinary Fees	Actual costs incurred by the Village
Euthanization Fees	Actual costs incurred by the Village
Animal Shelter Fees	Actual costs incurred by the Village
Transportation Fee	\$145.00

**SCHEDULE "C"
SPECIFIED PENALTIES**

Section Reference	Description	Penalty					
		Municipal Tag			Violation Ticket		
		First Offence	Second Offence	Third or Subsequent Offence	First Offence	Second Offence	Third or Subsequent Offence
PART 2 – DOG AND CAT LICENSING							
4(1), 4(2), 4(4), 4(8)	Owner fails to license, or renew license for, Dog or Cat in accordance with Bylaw.	\$100	\$200	\$400	\$150	\$300	\$450
5(3)	Dog or Cat not wearing license Tag.	\$100	\$200	\$400	\$150	\$300	\$450
PART 3 – RESTRICTIONS							
7	Keeping of Dogs or Cats in excess of limit.	\$100	\$200	\$400	\$150	\$300	\$450
8	Keeping Livestock contrary to Bylaw	\$100	\$200	\$400	\$150	\$300	\$450
9	Keeping rabbit or hare contrary to Bylaw.	\$100	\$200	\$400	\$150	\$300	\$450
PART 4 – GENERAL OFFENCES							
10(1)	Dog or Cat At Large.	\$100	\$200	\$400	\$150	\$300	\$450
10(2)	Dog or Cat disturbing the peace.	\$100	\$200	\$400	\$150	\$300	\$450
10(3)	Dog or Cat entering public bathing, swimming or wading pool.	\$100	\$200	\$400	\$150	\$300	\$450
10(4)	Dog or Cat threatens, attacks, bites, injures or otherwise	\$100	\$200	\$400	\$150	\$300	\$450

	harasses any Person.						
10(5)	Dog or Cat threatens, attacks, bites, chases, injures or otherwise harasses any other Animal.	\$100	\$200	\$400	\$150	\$300	\$450
10(6)	Dog or Cat chases Motor Vehicle, Person on bicycle, Person on horseback or Person that is running or walking.	\$100	\$200	\$400	\$150	\$300	\$450
10(7)	Dog or Cat causes damage to property.	\$100	\$200	\$400	\$150	\$300	\$450
10(8)	Person causes Dog or Cat to become At Large.	\$100	\$200	\$400	\$150	\$300	\$450
10(9)	Owner fails to comply with conditions of license.	\$100	\$200	\$400	\$150	\$300	\$450
11(1)	Owner fails to immediately remove Dog's or Cat's defecation from property other than the Owner's Property.	\$100	\$200	\$400	\$150	\$300	\$450
11(2)	Owner fails to keep Owner's Property in a clean and sanitary condition or fails to prevent nuisance.	\$100	\$200	\$400	\$150	\$300	\$450
11(4)	Female Dog or Cat in estrus creating a nuisance.	\$100	\$200	\$400	\$150	\$300	\$450

12(1)	Person teasing, tormenting, provoking, abusing or injuring an Animal.	\$100	\$200	\$400	\$150	\$300	\$450
12(2), 12(3)	Person fails to properly secure a Dog or Cat, inside or on a Motor Vehicle while it is in motion or while it is parked to ensure that the Dog or Cat is unable to fall out of or leave the Motor Vehicle.	\$100	\$200	\$400	\$150	\$300	\$450
12(4)	Dog or Cat left unattended outdoors in excess of 24 hours.	\$100	\$200	\$400	\$150	\$300	\$450
16(5)	Owner of a Dangerous Dog is guilty of an offence under Part 4	\$100					
PART 5 – DANGEROUS DOGS							
16	Owner fails to comply with any of the Owner's requirements for a Dangerous Dog.	\$100	\$200	\$400	\$150	\$300	\$450
PART 6 – DISEASE CONTROL							
17(1)	Person fails to make required notification of Dog or Cat with, or suspected of having been exposed to, rabies or other communicable disease.	\$100	\$200	\$400	\$150	\$300	\$450
17(4)	Person fails to isolate Dog or Cat suffering from	\$100	\$200	\$400	\$150	\$300	\$450

	rabies or other communicable disease.						
PART 7 – CAT TRAPS							
18, 20	Person fails to comply with provision related to Cat Traps.	\$100	\$200	\$400	\$150	\$300	\$450
PART 8 – ENFORCEMENT AND IMPOUNDMENT							
24(1)	Person fails to notify of Dog or Cat found At Large.	\$100	\$200	\$400	\$150	\$300	\$450
24(2)	Person fails to surrender Dog or Cat found At Large.	\$100	\$200	\$400	\$150	\$300	\$450
PART 12 – GENERAL							
32	Obstructing or causing interference to an authorized official in exercise of their powers or duties under this Bylaw.	\$100	\$200	\$400	\$150	\$300	\$450