

County of Warner No.5

Animal Control Bylaw

BYLAW NO.: 925-16

BYLAW OF THE COUNTY OF WARNER NO. 5, IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE REGULATION AND CONTROL OF ANIMALS WITHIN THE COUNTY OF WARNER NO. 5.

WHEREAS,

The Council of the County of Warner No.5 deems it necessary to regulate and control animals that may create a nuisance;

NOW THEREFORE,

The Council of the County of Warner No. 5 in the Province of Alberta does hereby enact as follows:

Section 1. TITLE

This Bylaw shall be known as the "Animal Control Bylaw"

Section 2. DEFINITIONS

For the purposes of this Bylaw the following definitions shall apply:

- a. "**Animal**" shall mean horses, cattle, swine, donkeys, mules, oxen, sheep, goats, fur bearing animals raised for pelts and any other animals that are deemed to be appropriate by the County of Warner No.5
- b. "**Bark Excessively**" means a dog that barks, howls or makes any other loud noise for a continuous period so as to unreasonably disturb the peace and tranquility of the neighbourhood;
- c. "**Communicable Diseases**" means diseases which can be passed from animal to animal, and animal to person;
- d. "**Council**" means the Council of County of Warner No. 5;
- e. "**County**" means the municipality of County of Warner No.5;
- f. "**Fees and Charges Schedule**" means the Enforcement Services Fees and Charges Schedule approved by Council as part of the budget approval process.
- g. "**Fowl**" shall mean chickens, geese, turkeys, ducks and any other fowl as deemed to be appropriate by the County of Warner No. 5
- h. "**Hamlets**" means the Hamlets of Wrentham and New Dayton located in the County of Warner No.5
- i. "**Household Pet**" means a canine, feline or other domestic animal;
- j. "**Justice**" has the meaning as defined in the *Provincial Offences Procedure Act*, RSA 2000, c. P-34;
- k. "**Municipal Government Act**" means the *Municipal Government Act*, RSA 2000, c. M-26 as amended or replaced from time to time;
- l. "**Owner**" means any person;
 - l.1. Owning, possessing, having charge of or care and control over or harbouring any Animal or Household Pet,
 - l.2. Suffering or permitting any Animal and Household Pet to remain on or about the property owned or controlled by that person,
 - l.3. To whom a License was issued for Animal and Household pet, as registered on

the title at the Land Titles Office,

l.4. Who is recorded as the Owner of the Property on the County's assessment roll,

l.5. Who is an Occupant of the property under lease, license, or permit;

m. "**Peace Officer**" has the same meaning as in the *Provincial Offences*

Procedure Act;

n. "**Person**" includes a corporation, an individual, and the heirs, executors, administrators or other legal representatives of an individual;

o. "**Provincial Court**" means The Provincial Court of Alberta;

p. "**Provincial Offences Procedures Act**" mean the *Provincial Offences*

Procedures Act, RSA 2000, c. P34 and the regulation thereof, as amended or replaced from time to time;

q. "**Running at Large**" means any Household Pet that is off the property of the Owner or harbourer and is not on a leash or lead and under the control of a responsible or competent person capable of controlling the Household Pet. The leash or lead shall not be greater than three (3) metres in length;

r. "**Swine**" means any pig or swine including potbellied pigs that are of or are associated with the swine family;

s. "**Trespasser**" means one who intentionally and without consent or privilege enters another's property;

t. "**Vicious Household Pet**" means:

t.1 Any Household Pet which, without provocation, has chased, injured, or bitten any other Animal, livestock or human;

t.2 Any Household Pet which, without provocation, has damaged or destroyed, any public or private property;

t.3 Any Household Pet which, without provocation, has threatened or created the reasonable apprehension of threat to another Animal, livestock, or human; and which in the opinion of the Peace Officer presents a threat of serious harm to other Animals, livestock, or humans;

t.4 Any Household Pet which has been previously determined to be Vicious.

Section 3. PERMIT

1. No person shall keep or maintain any animal or fowl in the Hamlets of the County, without first obtaining a Hamlet Animal and Fowl Application issued by the County Office, within the areas as described below:

a. In the Hamlet of New Dayton, no animals or fowl shall be maintained within the area described as southwest of Front Street, north of Eighth Avenue and the north/south County road between Sections 32 and 33 of 5-18-W4.

b. In the Hamlet of Wrentham, no animals or fowl shall be maintained within the area described as south of Railway Avenue and north of the south boundary of the Hamlet.

2. Animals and fowl will be allowed within the above areas, without a permit, only on days when the annual parade or a Hamlet celebration is being held.

3. No permit will be issued prior to an inspection of the location noted on the application to ensure adequacy of security and space for forage.

4. Application for a permit will be obtained from the County office in the form provided (Appendix B). Applications will be completed in detail. Any other information the County may require, or consider appropriate, shall be supplied to ensure all information is considered in each application.

5. Permits will be issued in accordance to the following guidelines within the Hamlets

a. Minimum of 0.1 acres per fowl with a maximum of 10 fowl per lot

b. Permits shall not be issued for Rosters. Rosters shall not be allowed in the Hamlets of the County of Warner No.5

- c. Without obtaining consent from council permits shall not be issued for horses, cattle, swine, donkeys, mules, oxen, sheep, goats, fur bearing animals raised for pelts and any other animals that are deemed to be appropriate by the County of Warner No.5
 - d. All permit requests for animals and fowl in the Hamlets of the County of Warner No.5 (excluding dogs and cats) will be reviewed and approved according to the regulations and guidelines provided by the appropriate Provincial and Federal government departments.
6. On any parcel of land within any hamlet no more than three (3) Household Pets shall be allowed, of which a maximum of (2) dogs shall be allowed
7. On any land zoned in the County of Warner No.5 no more than three (3) dogs shall be allowed without obtaining a kennel development permit to operate
8. Animal permit applications on land zoned as Hamlet Transitional/Agricultural, according to the County Land Use Bylaw, will be exempt from the limitation of animal numbers, however Hamlet Transitional/Agriculturally zoned land may not operate as a feedlot and is subject to all other regulations and guidelines expressed in this bylaw including (2.7)
7. All animal permits will be issued for a twelve (12) month period from the date of issuance unless otherwise stated on the application.

Section 4. EXEMPTIONS

This bylaw shall not apply to the following

- a. A parcel or premises that is operated by a licensed veterinarian, with a valid development permit to operate
- b. A parcel or premises that is operated as a kennel by an owner with, a valid development permit to operate
- c. Licensed guide dogs, police dogs, or search and rescue dogs

Section 5. ENFORCEMENT

General Penalty Provision

1. A Person who contravenes this Bylaw by:
 - a. Doing any act or thing which the Person is prohibited from doing; or
 - b. Failing to do any act or thing the Person is required to do; is guilty of an offence.
2. Any Person who is convicted of an offence pursuant to this Bylaw is liable on summary conviction to a fine not exceeding ten thousand dollars (\$10,000.00) and in default of payment of any fine imposed to a period of imprisonment not exceeding six (6) months.

Violation Tickets and Penalties

3. Where a Peace Officer believes that a Person has contravened any provision of this Bylaw, the Peace Officer may commence proceedings against the Person by issuing a violation ticket pursuant to the *Provincial Offences Procedures Act*.
4. Where there is a specified penalty listed for an offence in Schedule "A" to this Bylaw, that amount is the specified penalty for the offence.
5. This section does not prevent any Peace Officer from issuing a violation ticket requiring a Court appearance of the defendant, pursuant to the provisions of the *Provincial Offences Procedures Act*, or from laying an information in lieu of a violation ticket.
6. The County is not required to enforce this Bylaw. In deciding whether to enforce this Bylaw, the County may take into account any practical concerns including available municipal budget and Personnel resources.

Section 6. RESPONSIBILITIES OF HOUSEHOLD PET, ANIMAL & FOWL OWNER

1. The Owner of a Household Pet shall:
 - a. Ensure the Household Pet is not Running at Large within the County;
 - b. Ensure the Household Pet is on a leash in control at all times when off property;

- c. Ensure that the Household Pet does not enter into or remain in or on a school yard or cemetery within the County.
2. The Owner of a female household pet shall keep such household pet housed and confined during the whole period such household pet is in season.
3. No Household Pet that is suffering from a Communicable Disease is permitted to come in contact with other Animals, Household Pets or Humans. The Owner of said distressed Household Pet shall ensure the Household pet is kept confined.
4. The owner of an Animal or Fowl shall take all reasonable precautions to ensure that:
 - a. The Animal or Fowl is secured and not able to leave the premises of the owner;
 - b. The Animal or Fowl is under the constant supervision of a person that is competent to control it
 - c. The owner of said Animals or Fowl must reside on the parcel where the animal and o/r Fowl is being kept and maintained.
5. It shall be the responsibility of the owner, agent, or occupant of the parcel to remove manure, refuse, and other matter as associated with the keeping of animals and or fowl at regular and appropriate times. If necessary, the county may require a landowner to remove such matter. No refuse associated with keeping of these animals shall be place on a county road or property or any other property where the owner does not reside;

Section 7. INTERFERENCE WITH ANIMALS OR HOUSEHOLD PETS

1. No Person shall:
 - a. Untie, loosen or otherwise free an Animal or Household Pet which has been tied or otherwise restrained; or
 - b. Tease or torment an Animal or Household Pet or otherwise provoke an Animal or Household Pet to bark, bite, attempt to bite, chase or otherwise threaten any Person or Animal or Household Pet; or
 - c. Negligently or willfully open a gate, door or other opening in a fence or enclosure in which an Animal or Household Pet has been confined and there by allow an Animal or Household Pet to run at large in the County.

Section 8. NUISANCE

1. No person shall allow a Household Pet or Animal:
 - a. Howl; Bark noise excessively or in a manner to unreasonably interfere with the use and/or enjoyment of another Person's property;
 - b. Bite, attempt to bite, bark at, chase, or otherwise attempt to threaten any Person, Household Pet, fowl, or animal whether on the Owner's property or not;
 - c. Bite, bark at, or chase any bicycle, motor vehicle;
 - d. Upset any waste receptacles or scatter the contents thereof on any public property or on any private property not belonging to the Owner; or
 - e. Do any other act which causes harm, damage, or injury to another Household Pet, Person, animal, fowl or property.
 - f. Run at large in the County

Section 9. IMPOUNDMENT AND EUTHANIZATION

1. A Peace Officer may capture or impound any household pet or animal that is found running at large or which is required to be impounded pursuant to any provincial or federal law.
2. It shall be the duty of the pound keeper and other such persons authorized by Council to confine all household pets captured for violation of this Bylaw in the pound subject to the Owner's right to redeem that household pet within seventy-two (72) hours from the time of impounding upon

paying the pound keeper the amounts set out for each household pet impounded. Any household pet not redeemed within the time specified herein may be sold, destroyed, adopted, or otherwise disposed of.

3. No Household Pet shall be released until all fees incurred are paid in full by cash, debit, or cheque.

4. No Person shall interfere with or attempt to obstruct a Peace Officer who is attempting to capture, or who has captured a Household Pet as per this Bylaw

5. The Peace Officer may immediately destroy any household pet found running at large, if in his judgement and opinion, any of the following conditions occur and further the owner is guilty of an offence:

- a. The household pet is considered to be a danger or presenting a danger to the public;
- b. The household pet has caused damage to another person's property or livestock;
- c. The household pet is chasing or annoying domestic livestock on property other than the owner of the household pet;
- d. The household pet is suffering.

6. The Peace Officer or his agent after giving reasonable notice to the owner or occupier may, in accordance with Section 542 of the Municipal Government Act, enter upon private property and immediately destroy any household pet which is running at large, if in the Peace Officer's judgement and opinion, any of the following conditions are occurring and further the owner is guilty of an offence:

- a. The household pet is presenting a danger to the public;
- b. The household pet is causing damage to another person's property or livestock;
- c. The household pet is chasing or annoying domestic livestock on property other than the owner of the household pet;
- d. The household pet is suffering

7. In accordance of Section 25 of the Stray Animals Act, The owner or the person in actual possession of livestock or domestic fowl or any person authorized by either of them may kill a dog in the act of pursuing, worrying or destroying that livestock or domestic fowl on land owned or occupied by the owner or person in actual possession of that livestock or domestic fowl

8. In accordance of Section 26 of the Stray Animals Act, When a person believes that any other person owns or has in that other person's possession a dog that within one month before the date of an application under this section has worried, injured or destroyed livestock or domestic fowl outside land owned or occupied by the owner or person in possession of the dog, the person who so believes may apply to the Provincial Court for an order that the dog be killed

9. When the Provincial Court finds that a dog has, within one month before the date of the application has, worried, injured or destroyed livestock or domestic fowl outside the land occupied by the owner or person in possession of the dog, the Provincial Court may

- a. order the dog to be killed, or
- b. make any other order the Court considers appropriate in the circumstances.

Section 10. OVER-LIMIT PERMIT

1. Any person wishing to obtain an Over-limit Permit must apply in writing.

2. Upon receipt of the request, the County Council may, in his sole discretion, grants an Over-limit Permit, refuse to grant an Over-limit Permit, or grant an Over-limit Permit upon such additional terms and conditions deemed appropriate.

3. A Community Peace Officer may revoke an Over-limit Permit, without returning the fee, if the Permit holder harbours more animals than the Over-limit Permit allows, or if the Community Peace Officer receives bona fide complaints from two or more adjacent landowners.

Section 11. SEVERABILITY PROVISION

Should any provision of this bylaw be invalid then such invalid provisions shall be severed and the remaining bylaw shall be maintained.

Section 12. REPEAL OF BYLAWS

Bylaw No. 805-99 and 748 are hereby repealed.

Section 13. COMING INTO EFFECT

This Bylaw shall come into effect upon third and final reading thereof

Read a first time this 7th day of February 2017

Read a second time this 7th day of February 2017

Read a third and final time this 7th day of February 2017

Reeve

Administrator