

“Conviction” shall also mean the voluntary payment of a penalty associated with a violation tag or violation ticket.

“Dog” means either a male or female species of the canine family;

“License” means a license that is valid for the lifetime of a dog or cat;

“Licensee” means a person named on a License;

“Municipal Tag” means a ticket alleging an offence issued pursuant to the authority of a bylaw of the Village;

“Nuisance Dog” means any dog that has been the subject of three or more convictions within the previous three years for any combination of the following offences under this bylaw:

- i. section 6;
- ii. section 7;
- iii. section 9.

“Owner” includes any person:

- i. named on a License; or
- ii. in actual or apparent possession or control of property where an animal apparently resides; or
- iii. harbouring or sheltering an animal.

“Peace Officer” has the same meaning as in the *Provincial Offences Procedure Act*;

“Restricted 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; or
- iii. that has been made the subject of an order under the *Dangerous Dogs Act*; or
- iv. has previously been determined to be a

restricted dog, vicious dog, or other similar designation by another jurisdiction.

“**Service Dog**” has the same meaning as in the *Service Dogs Act, S.A. 2007, c. S-7.5*.

“**Violation Ticket**” has the same meaning as in the *Provincial Offences Procedure Act*;

“**Village**” means the Municipal Corporation of the Village of Wabamun, in the Province of Alberta.

RULES FOR INTERPRETATION

3.0 The Marginal notes and headings in this bylaw are for reference purposes only.

PART II – LICENSING OF DOGS

REQUIREMENT FOR LICENSE

4.0 The person obtaining the license must be a least eighteen (18) years of age.

4.1 The Owner of a Dog shall obtain a License for the Dog.

4.2 The Owner of a Nuisance Dog shall obtain a License for the Nuisance Dog.

4.3 The Owner of a Restricted Dog shall obtain a License for the Restricted Dog.

4.4 This section does not apply to Dogs, Nuisance Dogs, and Restricted Dogs under the age of six (6) months.

4.5 This section does not apply to the owner of a Dog, trained and used as a Service Dog.

4.6 This section does not apply to Dogs accompanying a person temporarily in the Village on business or vacation for a period not exceeding fourteen (14) days.

LICENSE FEES

5.0 The License fee for a Dog is set out in Schedule “A”.

5.1 The License fee for a Dog that is either spayed or neutered is set out in Schedule “A”.

5.2 The License fee for a Nuisance Dog is set out in Schedule “A”.

5.3 The License fee for a Restricted Dog is set out in Schedule “A”.

PART III – REGULATION OF DOGS

Regulations Applying to All Dogs

EXCESSIVE BARKING

- 6.0 The Owner or any other person having care or control of a Dog, Nuisance Dog, or Restricted Dog shall ensure it does not bark in a manner that is reasonably likely to annoy or disturb the peace of others.
- 6.1 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:
- i. proximity of the property where the Dog, Nuisance Dog, or Restricted Dog resides;
 - ii. duration of the barking
 - iii. time of day and day of the week;
 - iv. nature and use of the surrounding area; and
 - v. any effect of the barking.

DEFECATION

- 7.0 The Owner or any other person having care or control of a Dog, Nuisance Dog, or Restricted Dog shall forthwith remove any defecation left by it on public property or private property other than that of the Owner,
- 7.1 The Owner or any other person having care or control of a Dog, Nuisance Dog, or Restricted 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

- 8.0 The Owner or any other person having care or control of a Dog, Nuisance Dog, or Restricted 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 Dogs and Nuisance Dogs

OFF PROPERTY OF OWNER

- 9.0 The Owner or any other person having care or control of a Dog or Nuisance Dog shall, at all times when it is off the property of the Owner, have it:
- i. under control; and
 - ii. held on a leash not exceeding two (2) metres in length.
- 9.1 Nothing in this section removes the obligation on a person to have a Dog or Nuisance Dog under control when it is off the property of the Owner.

ATTACKS

- 10.0 The Owner or any other person having care or control of a Dog or Nuisance Dog shall ensure it does not:
- i. damage property;
 - ii. chase, attack or bite any person or animal; or
 - iii. chase, attack or bite any person or animal so as to cause physical injury.
- 10.1 This section does not apply if the chase, attack, bite or damage is a direct result of the Dog or Nuisance Dog being provoked.

LICENSE CONDITIONS

- 11.0 Upon issuing a Nuisance Dog License or upon 15 days written notice to the Licensee, the CAO may impose any of the following conditions on a Nuisance Dog License:
- i. that the Owner keep the Nuisance Dog indoors or secured in a fully enclosed outdoor pen;
 - ii. that the Owner ensure the Nuisance Dog is muzzled while outdoors;
 - iii. that the Licensee or Owner undertake repairs to the property where the Nuisance Dog resides to ensure compliance with this bylaw;
 - iv. that the Licensee or Owner of the Nuisance Dog complete a behavioural modification course specified by the CAO; or
 - v. any other condition the CAO deems reasonable.
- 11.1 A Licensee may appeal the decision of the CAO to impose conditions on a Nuisance Dog License within 14 days to the Village of Wabamun Council.
- 11.2 An Owner or Licensee of a Nuisance Dog shall not contravene or allow contravention of the terms of a Nuisance Dog License.

Regulations Applying to Restricted Dogs

INSURANCE

- 12.0 The Owner of a Restricted Dog shall have liability insurance specifically covering any damages for personal injury caused by the Restricted Dog in the amount not less than One Million Dollars and shall provide proof of such insurance to the CAO annually while the Dog is under the care and control of the Owner.

OFF PROPERTY OF OWNER

- 13.0 The Owner of any other person having care or control of a Restricted Dog shall, at all times when it is off the property of the Owner, have it:

- i. under control;
- ii. muzzled; and
- iii. held on a leash not exceeding two (2) metres in length.

ON PROPERTY OF OWNER 14.0 The Owner of any other person having care or control of a Restricted Dog shall, at all times when it is on the property of the Owner, have it:

- i. indoors;
- ii. outdoors, secured in a fully enclosed pen; or
- iii. outdoors, muzzled and secured by a chain fixed to the property that prevents the Restricted Dog from coming closer than two (2) metres to the apparent boundary of the property.

ATTACKS 15.0 The Owner or any other person having care or control of Restricted Dog shall ensure it does not:

- i. damage property;
- ii. chase, attack or bite any person or animal; or
- iii. chase, attack or bite any person or animal so as to cause physical injury.

15.1 This section does not apply if the chase, attack, bite or damage is a direct result of the Restricted Dog being provoked.

PART IV – LICENSING AND REGULATIONS OF CATS

REQUIREMENT FOR LICENSE 16.0 The person obtaining the license must be a least eighteen (18) years of age.

16.1 The Owner of a Cat shall obtain a License for the Cat.

16.2 This section does not apply to Cats under the age of six (6) months.

16.3 This section does not apply to Cats accompanying a person temporarily in the Village on business or vacation for a period not exceeding fourteen (14) days.

LICENSE FEES 17.0 The License fee for a Cat is set out in Schedule “A”.

17.1 The License fee for a Cat that is either spayed or neutered is set out in Schedule “A”.

DISPLAY OF LICENSE TAG 18.0 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.

- OFF PROPERTY OF OWNER** 19.0 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.
- 19.1 This section does not apply if the person in charge of the private property consents to the Cat being there.

PART V - OTHER REGULATIONS

- LIMIT ON DOGS, NUISANCE DOGS, RESTRICTED DOGS AND CATS** 20.0 No person shall keep or have more than four (4) Cats and /or Dogs, including a total of not more than three (3) Dogs, unless a permit for a small animal breeding and/or boarding facility has been granted as included in the Village of Wabamun's Land Use Bylaw.

- 20.1 Notwithstanding Section 20.0, no individual property shall keep or have more than four (4) Cats and/or Dogs, including a total of not more than three (3) Dogs, unless a permit for a small animal breeding and/or boarding facility has been granted by the Village of Wabamun.

- CHANGE OF INFORMATION** 21.0 A Licensee shall forthwith notify the CAO of any change with respect to any information provided as part of the License application pursuant to this bylaw.

- NOTIFICATION OF STRAY** 22.0 A person who takes control of any stray Dog, Nuisance Dog, Restricted Dog, or Cat shall forthwith notify the CAO and provide any required information.

- FALSE INFORMATION** 23.0 No person shall provide false or misleading information to any Peace Officer or CAO.

- INTERFERENCE** 24.0 No person shall interfere with a Peace Officer in the exercise of their powers and duties pursuant to the bylaw.

PART VI- ENFORCEMENT

- OFFENCE** 25.0 A person who contravenes this bylaw is guilty of an offence.

- CONTINUING OFFENCE** 26.0 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** 27.0 A person who is guilty of an offence is liable to a fine in an

PENALTIES		amount not less than that established in this section, and not exceeding \$10,000.00, and to imprisonment for not more than six (6) months for non-payment of a fine.
	27.1	The fine amounts are established in Schedule “B” for use on Municipal Tags and Violation Tickets.
MUNICIPAL TAG	28.0	If a Municipal Tag is issued in respect of an offence the Municipal Tag must specify the fine amount established by this bylaw for the offence.
PAYMENT IN LIEU OF PROSECUTION	29.0	A person who commits an offence may, if a Municipal Tag 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.
VIOLATION TICKET	30.0	If a Violation Ticket is issued in respect of an offence, the Violation Ticket may: <ul style="list-style-type: none"> i. specify the fine amount established by this bylaw for the offence; or ii. require a person to appear in court without the alternative of making a voluntary payment.
VOLUNTARY PAYMENT	31.0	A person who commits an offence may: <ul style="list-style-type: none"> i. if a Violation Ticket is issued in respect of the offence; and ii. if the Violation Ticket specifies the fine amount established by this bylaw for the offence; iii. make a voluntary payment equal to the specified fine.
SEIZURE AND IMPOUNDING	32.0	A Peace Officer may seize and impound: <ul style="list-style-type: none"> i. any Dog or Nuisance Dog found in contravention of section 9.0 ii. any Restricted Dog found in contravention of section 13; or iii. any Cat found in contravention of section 19.0.
SERIOUS INJURY	33.0	A Peace Officer may seize and impound any Dog alleged to have seriously injured or killed a person or animal.
	33.1	Before seizing and impounding a Dog pursuant to this section the Peace Officer must consider whether the Dog was acting in self-defence or while in the course of attempting to prevent a

person from committing an unlawful act.

33.2 A Dog seized pursuant to this section may not be impounded for more than 21 days unless court proceedings for destruction or other order with respect to the Dog are commenced within that time.

RELEASE

34.0 Any Dog, Nuisance Dog, Restricted 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

35.0 The following fees are hereby established:

- i. for shelter and care, the actual costs of shelter and care;
- ii. for any required veterinary treatment, including drugs and medicines, the actual costs of the treatment; and
- iii. for a replacement tag, the amount set out in Schedule “A”.

CAO

36.0 Without restricting any other power, duty or function granted by this bylaw, the CAO may:

- i. carry out whatever inspections are reasonably required to determine compliance with this bylaw;
- ii. delegate any powers, duties or functions under this bylaw to an employee of the Village or qualified contractor representative;
- iii. establish forms for the purposes of this bylaw.

SEPARATE PROVISION

37.0 It is the intention of the Village Council that each separate provision of this Bylaw 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 Bylaw be declared invalid, all other provisions thereof shall remain valid and enforceable.

REPEALS

38.0 Bylaws No. 07-2007 and 13-90, are hereby repealed.

EFFECTIVE DATE

39.0 This Bylaw shall come into effect when it has received third reading by Village Council.

READ A FIRST TIME IN COUNCIL THIS 16th DAY OF JUNE, A.D. 2020.

READ A SECOND TIME IN COUNCIL THIS 21st DAY OF JULY, A.D. 2020.

READ A THIRD TIME IN COUNCIL AND FINALLY PASSED THIS 21st DAY OF JULY, A.D. 2020.

Signed by the CEO this date

CHIEF ELECTED OFFICIAL

Signed by the CAO this date

CAO

SCHEDULE "A"

DOG AND CAT LICENSE FEES

1.	Dog License (Non-refundable or transferrable)	\$80.00
2.	Dog License (spayed or neutered) (Must provide a certificate from a vet) (Non-refundable or transferrable)	\$50.00
3.	Nuisance Dog License – must be renewed two (2) years after conviction	\$100.00
4.	Restricted Dog License – must be renewed annually	\$250.00
5.	Cat License (Non-refundable or transferrable)	\$80.00
6.	Cat License (spayed or neutered) (Must provide a certificate from a vet) (Non-refundable or transferrable)	\$50.00
7.	Replacement of Lost License	\$20.00

SCHEDULE "B"

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

FINE AMOUNTS

For any offence for which a fine is not established \$100.00

Section		1 ST Offence	2 nd Offence	3 rd & Subsequent Offence
4.1; 8.0; 16.0	Dog or Cat License	75.00	150.00	300.00
4.2;	Nuisance Dog License	250.00		
4.3;	Restricted Dog License	500.00		
9.0;	Under Control	50.00	100.00	200.00
6.0;	Public Nuisance – Excessive Barking	75.00	150.00	200.00
7.1; 7.2;	Defecation	50.00	100.00	200.00
10.0 iii;	Dog or Nuisance Dog - Attacks	250.00		
12.0	Restricted Dog – Insurance	500.00		
13.0	Restricted Dog – Off Property of Owner	500.00		
15.0 i;	Restricted Dog – Attacks	500.00		
15.0 ii	Restricted Dog – Attacks	1000.00		
15.0 iii	Restricted Dog - Attacks	2500.00		