

THE CORPORATION OF THE VILLAGE OF WARFIELD

BYLAW 703

A BYLAW OF THE VILLAGE OF WARFIELD TO PROVIDE FOR THE LICENSING AND CONTROL OF ANIMALS WITHIN THE VILLAGE.

WHEREAS Council may regulate, prohibit and impose requirements in relation to animals further to sections 8(3)(k), 47, 48 and 49 of the *Community Charter*, including bylaw enforcement and related matters further to sections 260 — 275 of the *Community Charter*

NOW THEREFORE the Municipal Council of the Village of Warfield in open meeting assembled, ENACTS AS FOLLOWS:

PART 1 - SHORT TITLE

1.0 This Bylaw may be cited for all purposes as the “Animal Control Bylaw No. 703, 2007”

PART 2 – INTERPRETTION

2.0 In this Bylaw, unless the context otherwise requires:

‘animal’ includes, but is not limited to dogs, rabbits, cats and farm animals.

‘at large’ any animal not under the immediate control of the owner or not contained in an enclosure as required by this Bylaw.

‘bylaw enforcement officer’ means a person designated by Council.

‘Council’ means the Municipal Council of the Village of Warfield.

‘dangerous dog’, in addition to the definition that appears in the *Community Charter*, as amended from time to time, means:

- a) that according to the records of the Village, the poundkeeper or the police has killed or injured a person or animal, or has aggressively pursued or harassed a person without provocation;
- b) that, to the knowledge of its owner, has killed or injured a person or animal or has aggressively pursued or harassed a person without provocation;
- c) is specifically bred or trained for fighting purposes.

‘dog’ means an animal of the species canine that is over the age of four months, and includes a dangerous dog of any age.

‘dog registration’ means a voluntary registration of a dog that has been paid for by the owner of a dog and a ‘dog tag’ issued by the Village for the dog for the current year.

‘enclosure’ means a fence or structure of at least 1.82 metres (6 feet) in height forming or causing confined area suitable to prevent the entry of young children and suitable to confine the dog enclosed.

‘guide dog’ means a dog used by a blind or otherwise disabled person to assist them to avoid hazards and for which a certificate has been issued under the *Guide Animal Act*.

‘habitually noisy dog’ means a dog that barks continuously for over 20 minutes and has done so on more than ten (10) separate occasions within a thirty day period.

‘impounded’ means seized, delivered, received or taken into the pound or the custody of the pound keeper.

‘kennel’ is as defined in the Village’s Zoning Bylaw.

‘leash’ means a chain or other material of sufficient strength that does not exceed 2.44 metres (8 feet) in length and that is suitable for control of the dog it is used for.

‘owner’ means any person who is in possession of or who has the care, custody or control of an animal or in the case of a dog, any person whose name appears on the dog registration.

‘pound’ means the premises used to keep and maintain animals pursuant to this Bylaw and includes any vehicle used by the pound keeper.

‘poundkeeper’ means the poundkeeper retained by Council, and includes their assistants as employed or retained under contract by Council.

‘Zoning Bylaw’ means the “Village of Warfield Zoning Bylaw No. 440 as amended from time to time.

‘Village’ means the Corporation of the Village of Warfield.

PART 3 – GENERAL

Pound and the Poundkeeper

- 3.0 The Council authorizes, by resolution:
 - (a) the establishment, maintenance, and operation of or contracting for facilities for the impounding of animals as such place and upon such premises, as the Village may, from time to time, determine.
 - (b) the appointment of poundkeepers.
- 3.1 The poundkeeper may impound and detain an animal delivered to the pound pursuant to the provisions of this Bylaw, and must furnish it with sufficient food, water, shelter and attendance.
- 3.2 A Bylaw Enforcement Officer may enter, at all reasonable times, upon any property in order to ascertain whether the regulations or directions contained in this Bylaw are being obeyed.
- 3.3 No person shall prevent or obstruct, or attempt to prevent or obstruct, a Bylaw Enforcement Officer or the Poundkeeper in the fulfillment of their duties under this Bylaw.
- 3.4 The Bylaw Enforcement Officer must maintain a log book in which must be recorded the description of every animal impounded; the name of the person who impounded the animal; the date, time, and location of the impoundment; the reason for the impoundment; boarding and other costs owing; and the manner in which the impounded animal was disposed.

Care of Animals

- 3.5 No person may keep any animal unless the animal is provided with:
 - a) clean potable drinking water at all times and suitable food of sufficient quality and quantity to allow for normal growth and the maintenance of normal body weight.
 - b) food and water receptacle that are kept clean and disinfected and located so as to avoid contamination by excreta;
 - c) the opportunity for periodic exercise sufficient to maintain good health; and
 - d) necessary veterinary medical care when the animal exhibits signs of pain or suffering.

- 3.6 No person may keep any animal which normally resides outside, or which is kept outside for short to extended periods of time, unless the animal is provided with outside shelter:
 - a) that ensures protection of the animal from heat, cold and inclement weather
 - b) that is in area to provide sufficient shade to protect the animal from the direct rays of the sun at all times.
- 3.7 Any animal pen and run must be cleaned and sanitized regularly and all excreta must be removed at least once a day.
- 3.8 No person shall allow animal excrement to accumulate on or about the land or premises where an animal is kept.
- 3.9 No person shall cause an animal to be confined in an enclosed space, including an automobile, without adequate ventilation.
- 3.10 No person may cause or allow any animal owned or harboured by them to be on any private lands and premises without the consent of the owner or occupier of the lands and premises.
- 3.11 No person shall own, possess or harbour any animal suffering from any infectious or contagious disease unless such animal is in isolation and under treatment for the cure of such disease.
- 3.12 No person shall use a leg-hold or killing trap to snare within the Village.

Fees

- 3.13 Fees pursuant to this Bylaw are those set out in Schedule 'A' attached to and forming part of this Bylaw.

PART 4 – DANGEROUS DOGS

- 4.0 Every owner of a dangerous dog must, at all times while the dog is on the premises owned or controlled by such person, keep the dog securely confined either indoors or in an enclosed yard or in an enclosed pen capable of preventing the entry of young children and adequately constructed to prevent the dog from escaping.
- 4.1 No person shall cause, suffer or permit any dangerous dog owned by him or her to be in any public place, unless the dangerous dog is firmly held on a leash that does not exceed 2.44 metres (8 feet) in length by a person competent to restrain the dog and which dog is muzzled by a properly fitted humane device.
- 4.2 No person shall cause, suffer or permit any dangerous dog owned by him or her to be on any private lands and premises without the consent of the occupier of such lands and premises and when on such lands and premises the dangerous dog must be confined as set out in Section 4.0 or leashed and muzzled as set out in Section 4.1.
- 4.3 The owner of a dangerous dog must display at each entrance to the property and building in or upon which the dog is kept a sign substantially in the form of Schedule 'B' attached to and forming part of this Bylaw, which sign must be posted so that it cannot be removed and will be visible and capable of being read from the sidewalk, street or lane abutting the entrance to the property or building.
- 4.4 The owner of a dangerous dog must advise the Village immediately if the dog is at large.
- 4.5 The owner of a dangerous dog must advise the Village immediately if the dog has bitten or attacked any person or domestic animal.

PART 5 – CONTROL OF DOGS

- 5.0 It is the owner's responsibility to ensure that their dog is in compliance with this Bylaw.
- 5.1 No person shall allow his or her dog to bite, attack, terrorize or endanger a person or animal.
- 5.2 The owner of a dog must not permit, suffer or allow their dog to harass or molest a person or an animal.
- 5.3 The owner of a dog must not permit, suffer or allow their dog to be at large.
- 5.4 All dogs when in public must be accompanied by and under the effective control of a competent person by means of a leash not exceeding 2.44 metres (8 feet) in length or by means of a retractable leash not exceeding 7.62 metres (25 feet) in length when fully extended.
- 5.5 The owner of a dog shall not cause or allow any dog to defecate on any street, lane, park, public school ground or any other public place, or on any private property other than the property of the dog owner or the person having control of the dog, unless the person immediately removes any excrement and disposes of it in a waste container or by other sanitary means.
- 5.6 The owner of a female dog shall at all times when the dog is in heat keep it securely confined in a building or enclosure, from which the dog cannot escape so that she cannot come in contact with other dogs.
- 5.7 No person may keep three (3) or more dogs at any one time on any parcel of land in the Village unless kennel use is permitted under the Village's Zoning Bylaw, without holding a valid kennel license issued by the Village.
- 5.8 No person shall keep or harbour within the Village a habitually noisy dog.

PART 6 - DOG REGISTRATION

- 6.1 The Village shall provide an annual voluntary dog registration service whereby the owner of a dog may register a dog with the Village.
- 6.2 The 'dog tag' issued as part of the dog registration must at all times be fastened to a collar or harness worn by that dog.

PART 7 – IMPOUNDING OF ANIMALS

- 7.0 A Bylaw Enforcement Officer may, alone or with others, impound any other animal found to be running at large.
- 7.1 A Bylaw Enforcement Officer may, alone or with others, impound any dangerous dog found to be in a place or in circumstances prohibited by this Bylaw.
- 7.2 A Bylaw Enforcement Officer or the Poundkeeper must inform the owner, if known, by mail or otherwise that his or her animal has been impounded. The notice to the owner must state the reason for the impoundment, the impoundment costs and the boarding fees payable, and when and how the animal will be disposed of if not claimed by the owner.
- 7.3 An impounded animal may be reclaimed by its owner, upon proof of ownership and paying to the Poundkeeper all outstanding fees related to impoundment fees, and boarding fees, together with any expenses incurred by the Poundkeeper in the process of impounding the said animal and any veterinary expenses to treat a sick or injured animal.

- 7.4 If an impounded animal is not claimed within the ninety-six (96) hours of being impounded or the fees in respect of an impounded animal are not paid for within ninety-six (96) hours of the animal being impounded, the pound keeper may, on the expiration of this period, put out for adoption, dispose of or euthanize the animal in a humane manner. The Poundkeeper shall euthanize in a humane manner a dangerous dog that has not been claimed.
- 7.5 The Poundkeeper, upon receiving a certificate from a veterinarian that an impounded animal is suffering from an infectious or contagious disease, may immediately destroy that impounded animal.
- 7.6 The Poundkeeper may euthanize in a humane manner any impounded animal that is suffering from an incurable disease.

PART 8 - REGULATIONS AND RESTRICTIONS OF OTHER ANIMALS

- 8.0 The owner of any farm animal, poultry or rabbit shall not permit, suffer or allow that animal to:
- (a) stray, trespass or be unlawfully at large on a highway or other public place;
 - (b) stray or trespass on private property;
 - (c) graze on unfenced land unless securely tethered or contained; or
 - (d) be kept on any parcel of land or property other than in accordance with the Village's Zoning Bylaw.

PART 9 - PENALTY

- 9.0 With respect to a prosecution in accordance with the *Offence Act*,
- (a) the maximum fine for all offences under this Bylaw is Five Thousand (\$5,000.00) Dollars;
 - (b) the minimum fine for a "Dangerous Dog" related offence that results in injury to a human or another animal is a fine of Two Thousand (\$2,000.00) Dollars.
 - (c) the minimum fine for a "Dangerous Dog" related offence that does not result in injury to a human or another animal is a fine of:
 - (i) Five Hundred Dollars (\$500.00) for a first contravention,
 - (ii) Seven Hundred, Fifty Dollars (\$750.00) for a second contravention, or
 - (iii) One Thousand Dollars (\$1,000.00) for a third or subsequent contravention.
- 9.1 Except as otherwise provided in this Bylaw and amendments thereto, any person who violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention of this Bylaw, or who refuses, or omits or neglects to fulfill, observe, carryout or perform any duty or obligation imposed by this Bylaw shall be liable on summary conviction to a fine not exceeding Five Thousand Dollars (\$5,000.00).

PART 11 – REPEAL, SEVERABILITY and HEADINGS

11.0 This Bylaw comes into force on the date of its adoption.

11.1 Dog Tax, Animal Control, Kennel and Pound Bylaw No. 469 and Dog Registration Service Bylaw No. 618 and amendments thereto, are hereby repealed.

READ A FIRST TIME

this 19th day of February, 2007

READ A SECOND TIME

this 2nd day of April, 2007

READ A THIRD TIME

this 2nd day of April, 2007

FINALLY ADOPTED

this 16th day of April, 2007

Mayor

Village Clerk

**THE CORPORATION OF THE VILLAGE OF WARFIELD
BYLAW 703**

SCHEDULE "A"

Pursuant to Section 3.13

1. Dog Registration Fees
 - a) Annual dog registration fee in respect of:
 1. Male Dog - unneutered\$30.00
 2. Male Dog – neutered\$15.00
 3. Female Dog – unsprayed\$30.00
 4. Female Dog - spayed\$15.00
 5. Guide Dog – male or female.....\$0.00
 6. Dangerous Dog\$200.00
 - b) Dog registration fee after June 30 – one-half of the annual dog registration fee.
2. Replacement Dog Registration Tag Fee \$5.00
3. Dangerous Dog Sign (including applicable taxes)\$10.00
4. Impoundment Fees
 - a) Impoundment fee in respect of a dog other than a dangerous dog:
 1. for the first impoundment \$50.00
 2. for the second impoundment within one year of the first impoundment\$100.00
 3. for a third or subsequent impoundment within one year of the first impoundment...\$200.00
5. Kennel Fees
 - a) \$35.00 kennel fee for the first day, or part thereof, and \$15.00 for each additional day.

**THE CORPORATION OF THE VILLAGE OF WARFIELD
BYLAW 703**

SCHEDULE "B"

DANGEROUS DOG SIGN

Pursuant to Section 4.3

Actual Size of Sign: 30.5 cm x 23.5 cm (12 inches x 9.5 inches)

Red lettering. Black graphic of dog's head