

BYLAW NO. 04-03

OF THE VILLAGE OF LINDEN

IN THE PROVINCE OF ALBERTA

BEING A BYLAW OF THE VILLAGE OF LINDEN TO PROVIDE FOR THE LICENSING, REGULATION AND CONTROL OF ANIMALS IN THE VILLAGE OF LINDEN.

WHEREAS: the provisions of the Municipal Government Act, Revised Statutes of Alberta, 2000, Chapter M-26, and amendments thereto, empower Council to pass Bylaws restricting and regulating the keeping of animals;

AND WHEREAS: the provisions of the Provincial Offenses Procedure Act, being Chapter P-21 RSA, 1980 and amendments thereto, and any other applicable Provincial and Federal Acts, empower Council to pass Bylaws respecting voluntary penalties;

AND WHEREAS: the Council of the Village of Linden deems it proper and expedient to pass such a Bylaw;

NOW THEREFORE: the Council of the Village of Linden hereby enacts the following:

1. TITLE

This Bylaw may be cited as 'The Animal Control Bylaw'.

2. INTERPRETATION AND APPLICATION

In the Bylaw, unless the context otherwise requires:

- a) Animal Control Officer/Bylaw Enforcement Officer/Peace Officer – Means a person whose duties entail carrying out the provision of the Bylaw.
- b) Village – Means the Municipal Corporation of the Village of Linden or the area contained within the boundary thereof as the context requires.
- c) Dog – Means and includes both male and female of the species.
- d) Animal – Means cat, livestock, fowl (excluding domestic birds), any mammal, or the young thereof, bees, any poisonous animals, reptiles, or any species, including any of the foregoing, deemed dangerous or objectionable in the opinion of a Peace Officer, Bylaw Officer, or any other duly authorized person.
- e) Day – Means a continuous period of twenty-four (24) hours.
- f) Owner – means:
 - i) a person who has the care, charge, custody, possession or control of a dog or animal;
 - ii) a person who owns or who claims any proprietary interest in a dog or animal;

- iii) a person who harbors, suffers or permits a dog or animal to be present on any property owned, occupied, or leased by him, or which is otherwise under his control;
 - iv) a person who claims and receives a dog or animal from the custody of the Pound, an Animal Control Officer; a Bylaw Officer, or Peace Officer, or their designate;
 - v) a person to whom a License Tag was issued for a dog in accordance with this Bylaw;
 - vi) a person to whom a Kennel License was issued for dogs and/or animals in accordance with this Bylaw;
 - vii) a person who habitually feeds and/or waters a dog or animal to enable it to survive, and for the purposes of this Bylaw, a dog or animal may have more than one (1) Owner.
- g) Former Owner – means the person who at the time of impoundment was the owner of a dog or animal which subsequently has been sold or destroyed;
 - h) Fowl – means a barnyard or domestic bird;
 - i) Livestock – means, but is not limited to, wild, domestic or imported horses, cattle, sheep, hogs, llamas, alpacas, pot bellied pigs, or animals that generally would fall in this category;
 - j) Pound – means the Pound established for the impounding of dogs and animals as set out in this Bylaw;
 - k) Running at Large – means
 - i) dogs or animals which are not under the control of a person responsible and not on a leash held by a competent person and is or are actually upon property other than the property in respect of which the owner of the dog or animal has the right of occupation, or upon any highway, street, laneway, boulevard, sidewalk, park, playground, public walking path, school ground, or other public place, or
 - ii) a dog or dogs, or animal or animals which are ostensibly under the control of a person responsible and which yet causes damage to property or other dogs or animals;
 - l) Kennel – means:
 - i) any place, owned by a person, group of persons, or corporation, engaged in the commercial business of breeding, buying, selling, or boarding dogs or animals; or
 - ii) a place where more than three (3) dogs or three (3) animals or three (3) dogs and three (3) animals are kept;
 - m) Permit – means a Development Permit and/or Business Permit obtained through the Development Officer and/or Municipal Planning Commission (MPC), in the Village of Linden, adhering to this Bylaw and the Village of Linden’s current Land Use Bylaw;
 - n) Vicious Animal – means any animal other than a dog which bites any human or dog or domestic animal or which demonstrates menacing behavior toward human beings or dogs or domestic animals, except that an animal shall not be deemed vicious if, without provocation, it

- bites, attacks or menaces a trespasser on the property of the owner or harms or menaces anyone who has tormented or abused it;
- o) Vicious Dog means any dog, whatever its age, whether on public or private property which has:
- i) without provocation, chased, injured or bitten any other domestic animal or human; or
 - ii) without provocation, damaged or destroyed any public or private property; or
 - iii) without provocation, threatened or created the reasonable apprehension of a threat to other domestic animals or humans; and which in the opinion of a Bylaw Enforcement Officer, Animal Control Officer, Peace Officer or their designate, presents a threat of serious harm to other domestic animals or humans; or
 - iv) been previously determined to be a vicious dog under the Animal Control Bylaw in this or any other municipality.
- p) Infectious Physical Condition – means any abnormal physical condition which is liable to be passed on to dogs or other animals or humans by invasion of an organism emanating from the animal suffering from the abnormal physical condition;
- q) Holiday – means Saturday, Sunday, or any other day declared to be a holiday by Federal, Provincial, or Municipal Statutes;
- r) Disturbance – means habitually barks, howls, or otherwise creates a disturbance by such noise or a combination of noises thereby disturbing the quiet and repose of any person;
- s) He/Him/His– means either sex, male or female, of the human species;
- t) Grandfathering – means exempt from specified provisions of this Bylaw;
- u) Owners Property – means any property in which the Owner of an animal has a legal or equitable interest or over which the Owner of an animal has been given the control or use of, by the legal or equitable owner of the property, and which property shall include, without limiting the generality of the foregoing, land, buildings, and vehicles.
- v) Residential District – means any area defined in the Land Use Bylaw(s) of the Village of Linden with the word “Residential” or “Manufactured Home” in its designation.

3. RESPONSIBILITIES OF DOG AND ANIMAL OWNERS

The Owner of a dog or animal

- a) Shall ensure that the dog or animal is not running at large,
- b) Shall be deemed to have failed or refused to comply with the requirement of the previous subsection unless he proved to the satisfaction of the Court trying the case that he had taken all reasonable precautions either:
 - i) to secure the dog(s) or animal(s) so that it would not be able to leave the premises of the owner or owners property, or
 - ii) to ensure himself that the dog or animal was under the constant supervision of a person competent to control the dog

or animal at all times, by way of a collar and leash at all times when the animal was off the owners property.

- c) All dogs must be licensed after the age of three months, however, if at any time during the year, you can produce documentation to prove that the dog was spayed/neutered, a \$20.00 refund will be issued. A one-time refund per dog spayed/neutered is allowed.
- d) No person shall keep or harbor more than three (3) dogs or any combination of three (3) animals, or more than three (3) dogs and three (3) animals aged three months or more unless he is in possession of a valid permit and license to operate a kennel within the Village.
- e) In addition to Subsection 'c' and 'd', a person shall:
 - i) if he keeps or harbors more than three (3) dogs and/or three (3) animals aged three months or more, apply for, obtain and adhere to all conditions of a Development Permit and Business Permit to operate a kennel, and all conditions under the Land Use Bylaw of the Village of Linden.
- f) The keeping of dogs or animals in numbers greater than three (3) as defined in Section 3(d) shall be considered operating a kennel. In such cases the provisions of this Bylaw and the current Land Use Bylaw shall apply.
- g) No kennel shall be allowed in any Residential District as defined in this Bylaw.
- h) Subject to Section 3(i) and (j), no livestock or fowl, excluding domestic birds, shall be kept within the boundaries of the Village of Linden.
- i) Cattle shall be allowed on land designated as 'UR' – Urban Reserve, at the discretion of the Municipal Administrator. Requests to locate cattle on 'UR' land must be made in writing to the Municipal Administrator, who shall reply to the request in writing. Any approved requests may be cancelled at any time by the Municipal Administrator;
- j) Cattle located on NW ¼ 20-30-25-W4 as of the date of the passing of this bylaw, and owned by Ellis Reimer, shall be allowed on this property without a written request for same being submitted, and subject to cancellation as per Section 3(i).
- k) No offense shall be deemed to have been committed if a person keeps or harbors more than three (3) dogs or animals in a place or premises in which a valid permit has been issued for.
- l) The Officer in charge of the Bylaw Enforcement Department may refuse purchase of, or revoke a permit to operate a kennel.
- m) The permit referred to in Subsection (e)(i) above shall expire and be of no further force or effect after the expiry date of the year for which the permit was issued.
- n) The permit referred to in Subsection (e)(i) above is valid only for the applicant for that permit and at the location identified on the permit.
- o) Subsection (e) shall not apply to premises lawfully used for the care and treatment of dogs or animals operated and in the charge of a licensed veterinarian, pet store or dog grooming parlor within the Village; nor to any premises which with the written permission of the Council or the Administrator may be temporarily used for the purposes of an animal show or rodeo, unless the aforementioned premises keeps more than three (3) dogs, three (3) animals, or a combination of three (3) dogs and

animals which reside at the premises on a permanent basis and are deemed to have an owner residing at that residence.

- p) Should an authorized person receive bona fide complaints from two or more neighbours living within fifty (50) meters of a licensed kennel, the kennel permit may be revoked by any one of the Municipal Administrator, Development Officer, the Municipal Planning Committee, the Bylaw Enforcement Officer, an Animal Control Officer, a Peace Officer, or their designate.
- q) The following individuals keep dogs in numbers greater than three (3) and hold a valid permit and/or license for these dogs prior to the passing of this bylaw and will be grandfathered: Louise Schaffer.
- r) In reference to subsection (q) above, if those individuals holding a valid permit and/or license to own more than three (3) dogs prior to the passing of this bylaw, cause to be sold, destroyed or otherwise disposed of their currently registered dogs, their current permit and/or license shall become null and void and they shall not be granted further permits and/or licenses to possess more than three (3) dogs and fall under the provisions of this bylaw. The animals that are sold, destroyed or otherwise disposed of may not be replaced at any time unless the total number of dogs and/or animals on the premises is not more than three (3).
- s) In the event of any proceedings under this bylaw, whether it be the impounding of any dog or animal, or the commencement of any proceedings by way of summons, the burden of establishing both age and that any dog or animal is under the immediate charge of some competent and responsible person shall be upon the owner of such dog or animal.

4. NUISANCE

- a) The owner of a dog or animal shall not permit the dog or animal to be or to become a public nuisance by:
 - i) biting a person or dog or animal;
 - ii) chasing a person or dog or animal;
 - iii) biting stock, bicycles, automobiles, or other vehicles;
 - iv) barking at or chasing stock, bicycles, automobiles, or other vehicles;
 - v) keeping a female dog or animal, which is in season, at any location where the dog or animal is a source of attraction to other dogs or animals;
 - vi) allowing their dog or animal to upset waste receptacles or scattering the contents thereof. An owner of a dog or animal which is found upsetting waste receptacles or scattering the contents thereof, either in or about a street, land or other public property or in or about premises not belonging to or in the possession of the owner of the dog or animal 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 of Linden for any expense directly or indirectly incurred by it in connection with the receptacle being upset or the waste scattered about;

- vii) habitually barking, howling or otherwise creating a disturbance by such noise or combination of noises that disturb the quiet and repose of any person;
 - viii) An owner of a dog or animal shall not permit or suffer such dog or animal to be in the floral area of any public or private property other than the premises of the owner of the animal.
- b) An owner of a dog or animal shall not place or allow any dog or animal to enter or remain in any swimming, bathing, or wading pool, that is provided for the use of the public.
 - c) No person shall lead, ride or drive any cattle within the Village of Linden with the exception of community-sanctioned events such as parades or rodeos, unless the Municipal Administrator has granted prior written permission.
 - d) An owner whose dog or animal defecates on property other than his own shall remove forthwith any defecated matter deposited, and upon failure to do so is committing an offense and shall be subject to the provisions of this Bylaw, and shall be liable for all applicable clean up costs incurred by the Village.
 - e) If an Peace Officer, Bylaw Enforcement Officer, or Animal Control Officer determines on reasonable grounds that a dog is a vicious dog, either through personal observation or on the basis of facts determined after an investigation initiated by a complaint, he may:
 - i) give the owner a written notice that the dog has been determined to be a vicious dog; and
 - ii) require the owner to keep such dog in accordance with the provisions of Section 4 of this Bylaw upon the owner's receipt of the notice; and
 - iii) inform the owner that if the vicious dog is not kept in accordance with Section 4 of this Bylaw, the owner will be fined and/or subject to enforcement action.
 - f) The owner of a vicious dog shall ensure that:
 - i) such dog does not:
 - a) chase a person; or
 - b) injure a person; or
 - c) bite a person; or
 - d) chase other domestic animals; or
 - e) injure other domestic animals; or
 - f) bite other domestic animals.
 - ii) such dog does not damage or destroy public or private property;
 - iii) when such dog is on the property of the owner:
 - a) either such dog is confined indoors and under the control of a person over the age of eighteen (18) years; or
 - b) and is outdoors, it is in a locked pen or other structure, constructed to prevent the escape of the vicious dog and capable of preventing the entry of any person not in control of the dog; or
 - c) the locked pen or other structure shall have secure sides and a secure top, and if it has no bottom

- secured to the sides, the sides must be embedded in the ground to a minimum depth of thirty (30) centimeters;
- d) the locked pen or other structure shall provide the vicious dog with shelter from the elements and be of the minimum dimensions of one and one-half (1.5) metres by three (3) metres and be a minimum one and one-half (1.5) metres in height;
- e) the locked pen or other structure shall not be within one (1) metre of the property line or within five (5) metres of a neighbouring dwelling unit.
- iv) at all times, when off the property of the owner, such dog is:
 - a) muzzled; and
 - b) harnessed or leashed on a metal lead which length shall not exceed one (1) metre in a manner that prevents it from chasing, injuring, or biting other domestic animals or humans, as well as preventing damage to public and/or private property; and
 - c) under the control of a competent person over the age of eighteen (18) years.
- v) such dog is not running at large.

5. COMMUNICABLE DISEASES

The owner of a dog or animal suffering from a communicable disease:

- a) Shall not permit the dog or animal to be in any public place;
- b) Shall not keep the dog or animal in contact with or in proximity to any other dog or animal;
- c) Shall not allow the dog or animal to come in contact with any other dog or animal
- d) Shall keep the dog or animal locked or tied up;
- e) Shall immediately report the matter to the Animal Control Officer or Bylaw Enforcement Officer of the Village of Linden, to a Veterinarian Inspector of the Health of Animals Branch of the local office of the Federal Department of Agriculture, and the local Royal Canadian Mounted Police.

6. LICENSING

- a) The owner of a dog shall apply for an annual license for each dog aged three (3) months and older, and shall pay therefore an annual fee as set out in Schedule 'A' of this Bylaw.
- b) Notwithstanding Subsection 'a', the owner of a dog older than three (3) months who has purchased a valid license for a non-spayed/neutered dog for the given year will be entitled to a \$20.00 refund if all of the following conditions are met:
 - i) prior to the year end the dog is spayed/neutered;
 - ii) a valid certificate from a duly licensed and registered veterinary is submitted for photocopy at the Village of Linden office;

- iii) there will be a one-time refund per dog.
- c) Notwithstanding Subsection (a), where the Village of Linden is satisfied that a person who is blind, whose vision is impaired or has other medical conditions requiring a guide dog or animal, is the owner of a dog or animal trained and used as a guide dog or animal, there shall be no fee payable by the owner for a license under this section.
- d) Where a person is granted to be exempt from the license fee under Subsection (c) the person is still required to obtain a metal tag and fill out the required information at the Village of Linden office.
- e) The owner of a dog shall:
 - i) obtain the annual license for it on or before the first day when the Village of Linden office is open for business in February, in every year;
 - ii) obtain the license within the first two weeks of purchasing, bringing into the Village or becoming in possession of any dog, or in the first two weeks of becoming a new resident of the Village of Linden. The burden of proof that the dog is not the property of the said owner shall rest upon the said owner;
 - iii) pay the appropriate fee for obtaining such license;
 - iv) complete the prescribed registration form for such dog setting forth the full description, age, and other pertinent information relating to such dog;
 - v) provide his dog with a collar to which the owner shall affix the metal tag for such dog;
 - vi) ensure that the dog wears the collar and tag during these occasions when the dog is not on the owner's premises.
- f) Upon payment of the license fee by the owner, the Village of Linden shall issue to the owner a metal tag for each dog licensed.
- g) Upon losing a Village of Linden dog tag, an owner of a dog shall present the receipt for payment of the current year's Village of Linden license fee to the Village of Linden who will issue a new tag to the owner at no cost to the owner for the first replacement tag. Subsequent replacements in the same calendar year shall be borne by the owner at the cost outlined in Schedule 'A' of this Bylaw.
- h) It is the responsibility of the dog owner to notify the Bylaw authority immediately if his dog has gone missing. It is not the responsibility of the Bylaw authority to find the owner of any animal who is not wearing a current affixed license tag.
- i) The buyer, purchaser or new owner of a dog registered under the Bylaw shall report such transfer of registration to the Village of Linden but no annual license fee for the current year shall be payable in respect of such transfer of registration if the dog was already licensed in the Village of Linden for the current year;
- j) No person shall be entitled to a license rebate under this Bylaw notwithstanding Section 6(b);
- k) The Village of Linden shall keep a book in which they shall record the name and address of each owner, the breed, color and sex of each owner's dog, together with the date of registration of the owners dog, the number stamped on the metal tag issued to the owner and the amount paid;

- l) A dog license is not required by a dog(s) temporarily in the Village of Linden for a period not exceeding two (2) weeks;
- m) Where a license required pursuant to this section has been paid by the tender of an uncertified cheque, the license:
 - i) 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
 - ii) is automatically revoked if the cheque is not accepted and cashed by the bank of which it is issued.
- n) Shall obtain a license for a dog notwithstanding that it is under the age of three (3) months, where the dog is found running at large.

7. NUMBER OF ANIMALS

The maximum number of dogs in a single dwelling is three (3). The maximum number of animals, as defined in this Bylaw, in a single dwelling is three (3). Subject to Section 3 Subsection (c), (d), and (e), the Bylaw Enforcement Officer, Animal Control Officer, Peace Officer or their designate shall direct the owner to remove the dogs or animals that contravene this bylaw from the Village of Linden.

8. ANIMAL CONTROL AUTHORITY

- a) An Animal Control Officer, a Bylaw Officer, a Peace Officer or any person authorized by this Bylaw may capture and impound any dog or animal:
 - i) in respect of which he believes or has reasonable grounds to believe an offence under this Bylaw is being or has been committed;
 - ii) which is required to be impounded pursuant to the provisions of any statute of Canada or the Province of Alberta, or any regulation made there under.
- b) An Animal Control Officer, a Bylaw Officer, or a Peace Officer or any person authorized by this Bylaw to enforce the provisions contained therein may enter into the land surrounding any building in pursuit of any dog or animal that has been observed contravening any section of this Bylaw.
- c) The Animal Control Officer, Bylaw Enforcement Officer, Peace Officer, or their designate may use any humane method in his attempts to capture a dog or animal. Should the dog or animal be hurt during capture or attempted capture, neither the Village of Linden, Council nor the Animal Control Officer, Bylaw Enforcement Officer, Peace Officer or their designate are liable for such injury.

9. OBSTRUCTION

No person, whether or not he is the owner of any dog or animal which is being or has been pursued or captured, shall:

- a) Interfere with or attempt to obstruct an Animal Control Officer, a Bylaw Officer, or a Peace Officer or any person authorized by this Bylaw, who is attempting to capture or who has captured a dog or animal which is subject to being impounded pursuant to the provisions of this Bylaw.
- b) Induce the dog or animal to enter a house or other place where it

may be safe from capture or otherwise assist the dog or animal to escape capture.

- c) Falsely represent himself as being in charge or control of a dog or animal so as to establish that the dog or animal is not running at large.
- d) Unlock or unlatch or otherwise open the Pound Van or vehicle in which dogs or animals kept for impoundment have been placed so as to allow or attempt to allow any dog or animal to escape there from.

10. NEGLIGENCE

No person shall:

- a) Untie, loosen or otherwise free a dog or animal that has been tied or otherwise restrained; or
- b) Negligently or willfully open a gate, door, or other opening in a fence or enclosure in which a dog or animal has been confined and thereby allow a dog or animal to run at large in the Village of Linden.
- c) Be exempt from the regulations under the 'Animal Protection Act', whether the dog or animal is licensed or not.

11. TORMENT

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

12. NOTIFICATIONS

- a) If the Animal Control Officer, Bylaw Enforcement Officer, Peace Officer, or their designate knows or can ascertain the name of the owner of any impounded dog or animal, he shall serve the owner with a copy of the Notice in Schedule 'B' of this Bylaw, either personally or by leaving it at, or mailing it to the last known address of the owner.
- b) An owner of a dog or animal to whom a Notice is mailed pursuant to the provisions of Subsection (a) is deemed to have received a Notice within forty-eight (48) hours of the time it is mailed.

13. RECLAIMING

a) Impound Fees:

The owner of any impounded dog or animal may reclaim the dog or animal from the Pound by paying to the Animal Control Officer, or Bylaw Enforcement Officer the fees as set out in Schedule 'A' of this bylaw and by obtaining the license for such dog or animal should a license be required under this Bylaw, and

b) Penalties:

Pay the fee or fees as provided for in Schedule 'C' and/or Schedule 'D'

- c) The Pound Keeper shall report any apparent illness, communicable disease, injury or unhealthy condition of any dog or animal to a veterinarian and act upon his recommendations. Notwithstanding Subsection (a), the owner, if known, shall be held responsible for all charges resulting.
- d) Each dog and/or animal impounded under the provisions of this Bylaw shall be subject to impounding fees and charges at the rate agreed upon from time to time by the Village of Linden Council and the Animal Control Officer, which shall include fees and charges for holidays, or other days, when the pound is closed to business.

14. DISPOSAL

An Animal Control Officer or Bylaw Enforcement Officer shall not sell, destroy or otherwise dispose of an impounded dog or animal until the following conditions are met:

- a) After a dog or animal is retained in the Pound:
 - i) On the sixth (6th) day after the owner has received notice or is deemed by Section 12 to have received notice that the dog or animal is in the Pound, when the name and address of the owner are known, or
 - ii) seventy-two (72) hours, if the name and address of the owner are not known, or unless a person having the authority orders the retention of the dog or animal, or unless the owner of the dog or animal makes arrangements with the Animal Control Officer or Bylaw Enforcement Officer for the further retention of the dog or animal, the Animal Control Officer or Bylaw Enforcement Officer may cause the dog or animal to be sold, destroyed, or otherwise disposed of.
- b) Any impounded dog or animal that is unclaimed and requisite pound and license fees unpaid within the time specified herein, may be destroyed or otherwise disposed of by the Animal Control Officer or Bylaw Enforcement Officer, in which case those costs incurred will be borne by the Village of Linden. However, provided the owner is duly informed and ownership of the dog or animal is established, the Village of Linden may then bill the owner for such expenses that have actually been incurred.
- c) Any dog or animal so captured and impounded shall not be released from the pound unless the owner can prove to the Pound Keeper that all fines and pound fees have been paid and a current license has been obtained if required, pursuant to the provisions of this Bylaw.
- d) The Animal Control Officer or Bylaw Enforcement Officer may retain an animal or dog for a longer period if in his opinion the circumstances warrant the expense.
- e) The purchaser of any dog or animal from the Pound pursuant to the provisions of this subsection shall obtain full right and title to it and the right and title of the former owner of the dog or animal shall cease thereupon.

15. PENALTIES AND VOLUNTARY PAYMENT TICKETS

- a) Where an Animal Control Officer, a Bylaw Officer, a Peace Officer or any person authorized by this Bylaw, believes that a person has contravened any provision of this Bylaw, he may serve upon such a person a ticket provided by this section either personally or by mailing or leaving the same at his last known address and such service shall be adequate for the purpose of this Bylaw.
- b) A ticket shall be in such form as determined by the Village of Linden and shall state the section of the Bylaw, which was contravened and the amount which is provided in Schedule 'C' or 'D' that will be accepted by the Village of Linden in lieu of prosecution.

- c) The specified penalty payable in respect of a contravention of a provision of this Bylaw is the amount shown in Schedule 'C' of this Bylaw in respect of that provision, with the exception of vicious dogs, where Schedule 'D' will apply;
- d) Notwithstanding Section 15(c):
 - (i) where any person contravenes the same provision of this Bylaw twice within one (1) twelve (12) month period, the specified penalty payable in respect of the second contravention is double the amount shown in Schedule C of this Bylaw in respect of that provision; and
 - (ii) where any person contravenes the same provision of this Bylaw three or more times within one (1) twelve (12) month period, the specified penalty payable in respect of the third or subsequent contravention is triple the amount of the fine for the second offense in respect of the provisions shown in Schedule C of this Bylaw.
- e) Subsection 15(d) applies to vicious dogs, however the fees outlined in Schedule 'D' shall be used as a basis rather than Schedule 'C'
- f) Notwithstanding the provisions of this section, a person to whom a ticket 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 the Bylaw.

16. SUMMARY CONVICTION

- a) A person who contravenes a provision of this Bylaw by doing something that he is prohibited from doing, or by failing to do something which he is required to do, or by doing something in a manner different from that in which he is required or permitted to do by this Bylaw, is guilty of an offence and liable upon summary conviction to a fine of:
 - i) not less than one (1) hundred dollars or more than nine thousand (9,000) dollars for an infraction of this Bylaw.
 - ii) no less than one (1) hundred dollars or more than nine thousand (9,000) dollars for any other offence under this Bylaw, or upon failure to pay the fine and costs to imprisonment for a period not exceeding ninety (90) days unless such fines and costs or committal are sooner paid.
- b) The levying and payment of any fine or the imprisonment for any period provided in this Bylaw shall not relieve a person from the necessity of paying any fees, charges or costs for which he is liable under the provisions of the Bylaw.
- 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 harbors a dog or animal, to stop the dog or animal from doing mischief or causing the disturbance or a nuisance complained of, or to have the dog or animal removed from the Village or to have the dog or animal destroyed or otherwise disposed of.

17. UPON its third and final reading, this Bylaw hereby rescinds Bylaw No. 10-01.

READ A FIRST TIME this 25th day of August 2003
READ A SECOND TIME this 27th day of October 2003
UNANIMOUS Motion to move to Third reading.
READ A THIRD and final time, and finally passed this 27th day of October 2003.

Mayor

Municipal Administrator

APPROVED

SCHEDULE 'A'
Fees

License fee for each altered Dog on or before the first business day in
February of each given year; and any time during the calendar
year for a first time licensed altered Dog as per Section 6 of this Bylaw \$20.00

License fee for each non-altered Dog on or before the first business day in February of each given year; and any time during the calendar year for a first time licensed non-altered Dog as per Section 6 of this Bylaw	\$40.00
License fee for each altered Dog after the first business day in February of each given year, as per to Section 6 of this Bylaw	\$40.00
License fee for each non altered Dog after the first business day in February of each given year, as per Section 6 of this Bylaw	\$80.00
License fee for a Vicious Dog	\$250.00
Replacement License Fees	As per Section 6(g)
Impound Fees (payable to Animal Control Officer Or Bylaw Enforcement Officer)	Rate set by Animal Control/ Bylaw Enforcement Officer
Impound Fees for a Vicious Dog	Rate set by Animal Control/Bylaw Enforcement Officer plus \$250.00
Veterinary Fees	Amount Expended
Kennel License Fee	\$100.00 plus purchase of individual licenses for each Dog

APPROVED

SCHEDULE 'B'

You are hereby notified that a dog or animal bearing License No. _____ for the year _____ registered under the name _____

_____ at _____ Linden, Alberta, was impounded on _____, _____, pursuant to the provision of Bylaw No.04-03 of the Village of Linden and that, unless the said dog or animal is claimed and all impoundment charges are paid, on or before _____, _____, the said dog or animal will be sold, destroyed or otherwise disposed of pursuant to the said Bylaw.

Animal Control or Bylaw Enforcement Officer
or Peace Officer

APPROVED

SCHEDULE 'C'

Penalties and fees charged for infractions of Bylaw 04-03 will be as follows:

Section 3:	a)	Running at Large:	
			Unlicensed Dog
		\$250.00	
			Licensed Dog
			Licensed Dog Not Wearing a Current Linden Tag
			\$100.00
			\$200.00
	b)	Harboring more than three (3) animals or three (3) dogs or three (3) animals and three (3) dogs aged three (3) months or older without a license to operate a kennel	\$250.00
	c)	Livestock within the Village of Linden limits	\$250.00
Section 4:	a)	Biting a person or dog or animal	\$250.00
	b)	Biting stock, bicycles, automobiles or other vehicles	\$250.00
	c)	Barking, howling or otherwise disturbing any person	\$250.00
	d)	Female in Season	\$100.00
	e)	Upsetting waste receptacles	\$100.00
	f)	Dog or Animal in floral area	\$100.00
	g)	Dog or Animal in swimming pool	\$100.00
	h)	Defecation	\$250.00
	i)	Livestock within the Village of Linden	\$250.00
Section 5:		Communicable disease	\$250.00
Section 6:		Unlicensed dog	\$250.00
Section 9:		Obstruction	\$250.00
Section 10:		Negligence	\$100.00
Section 11:		Torment	\$100.00

Second and subsequent offenses shall be as per Section 15(d) and 15(e) of this Bylaw.

Except as otherwise provided by the Animal Control Officer, a Bylaw Officer or Peace Officer or any person authorized by this Bylaw, a person who is guilty of any offense under the Animal Control Bylaw, excluding Vicious Dogs and Animals, for which a penalty is not otherwise provided is liable to a penalty of \$100.00 per offense and subject to Section 15(d) and 15 (e) of this Bylaw.

SCHEDULE D

MINIMUM PENALTIES WITH RESPECT TO VICIOUS DOGS

Vicious dog chasing, injuring or biting a person or animal	\$1,500.00
Vicious dog damaging or destroying public or private property	\$1,000.00
Failure to keep a vicious dog under the control of a competent adult person	\$1,000.00
Failure to keep a vicious dog confined	\$1,000.00
Failure to keep a vicious dog muzzled, harnessed or leashed properly	\$1,000.00
Improper pen or other structure	\$1,000.00
Vicious dog running at large	\$1,000.00
Failure to notify the Municipal Administrator if the dog is sold, gifted, transferred or dies	\$ 250.00
Failure to tattoo or implant dog with electronic identification microchip	\$1,000.00

Except as otherwise provided by the Animal Control Officer, a Bylaw Officer or Peace Officer or any person authorized by this Bylaw, a person who is guilty of any offense under the Animal Control Bylaw regarding Vicious Dogs and Animals for which a penalty is not otherwise provided is liable to a minimum penalty of \$1,000.00 per offense.

SCHEDULE E

**BYLAW ENFORCEMENT OFFICERS VICIOUS DOG OR ANIMAL
DECLARATION FORM**

OFFICIAL NOTICE

DATE:

TO:

WHEREAS _____, a Bylaw Enforcement Officer, Animal Control Officer, Peace Officer or their designate, after completing an investigation, has reasonable grounds to believe that the dog or animal belonging to _____ will be from this point forward declared a Vicious Dog or Animal and must follow the provisions of the Animal Control Bylaw accordingly.

DECLARED before me at the _____ in the Province of Alberta this _____ day of _____, 2_____

Signature

Commissioner for Oaths Signature

Printed Name of Commissioner

Expiry Date of Commission

SCHEDULE F

Voluntary Fines Ticket:

VILLAGE OF LINDEN
Animal Control Ticket
Voluntary Fines

This ticket is issued for breach of Bylaw No. 04-03
Section: _____

NATURE OF OFFENSE: _____

PENALTY

FIRST OFFENSE	\$ _____
SECOND OFFENSE	\$ _____
THIRD AND ADDITIONAL OFFENCES	\$ _____

PENALTY will be reduced by 50% if payment is received within the first fifteen (15) days, or will be reduced by 25% if payment is received within the first sixteen (16) to thirty (30) days, from the date the ticket was issued.

PRESENTATION OF THIS TICKET within thirty (30) days of the date of issue, together with voluntary payment of the penalty indicated, plus pound fees, if applicable, will be accepted in lieu of prosecution.

PAYMENT may be made to the Village of Linden at the Village of Linden Office during regular office hours, or by mail. If remitting by mail, payment must be received at the Village of Linden office within thirty (30) days from the date the ticket was issued.

FAILURE TO REMIT PAYMENT WITHIN THIRTY (30) DAYS WILL RESULT IN PROSECUTION IN PROVINCIAL COURT.

DATE: _____ TIME: _____

NAME: _____

ADDRESS: _____

LOCATION OF OFFENSE: _____

ISSUED BY: _____