

Bylaw No. 659
"Domestic Animal Control Bylaw"
OF THE VILLAGE OF BERWYN
IN THE PROVINCE OF ALBERTA

A BYLAW OF THE VILLAGE OF BERWYN IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE REGULATION, LICENSING AND CONTROL OF DOMESTIC ANIMALS AND OTHER ANIMALS WITHIN THE VILLAGE OF BERWYN.

WHEREAS

The Council of the Village of Berwyn deems it necessary to provide for the regulation, licensing and control of domestic animals and other animals within the Village of Berwyn.

NOW THEREFORE

The Council of the Village of Berwyn, in the Province of Alberta, duly assembled, and pursuant to the authority conferred upon it by the *Municipal Government Act*, Chapter M-26, R.S.A. 2000, as amended, (the "MGA") enacts as follows:

1. This Bylaw may be cited as the "Domestic Animal Control Bylaw".
2. **Definitions**
 - 2.1 "Animal Control Officer" means a Village of Berwyn Bylaw Enforcement Officer appointed by the Village of Berwyn to do any act or perform any duties under this Bylaw.
 - 2.2 "Attack" means an assault resulting in bleeding, bone breakage, sprains, serious bruising, or multiple injuries.
 - 2.3 "At Large" means a domestic animal, when at any place other than the Property of the Owner that is not, at all times, under the control of the Owner or a person capable of exercising and maintaining control of that Domestic Animal and is not being carried by any person or is not otherwise restrained by a permitted leash held by a person attached to a choke chain, collar or harness securely holding that Domestic Animal shall be deemed to be "At Large".
 - 2.4 "Bite" means a wound to the skin causing it to bruise, puncture, or break.
 - 2.5 "Cat" or "Cats" means either the male or female of any domesticated feline species.
 - 2.6 "Chief Administrative Officer" means the Chief Administrative Officer for the Village or his or her designate.
 - 2.7 "Children" means any person under the age of majority.
 - 2.8 "Controlled Confinement" means when a Dog is confined to a pen, cage or building or securely tethered in a manner that will not allow that Domestic Animal to bite or harm any person or Domestic Animal.
 - 2.9 "Council" means the Council of the Village of Berwyn.
 - 2.10 "Damage to Public or Private Property" means damage to property other than the Owner's property and includes a dog defecating on such property.
 - 2.11 "Dog" or "Dogs" means either the male or female of any domesticated canine species and includes a Vicious Dog.
 - 2.12 "Domestic Animal" means a dog, or a cat, or a rabbit.
 - 2.13 "Hen" means a female chicken.
 - 2.14 "License" means a annual registration, as established from time to time by Council, for the keeping of Domestic Animals.
 - 2.15 "License Tag" means an identification tag of metal or other material issued by the Village showing the license number for a specific Dog or Cat.
 - 2.16 "License Fee" means the fee payable to license a Dog or Cat under this bylaw, for the License Period.

- 2.17 **“Licensed Period”** means a period of one calendar year commencing January 1st and ending December 31st.
- 2.18 **“Licensed and Neutered/Spayed Dog or Cat”** means a Dog or Cat that has been surgically altered so offspring may not be produced.
- 2.19 **“Medical Officer of Health for the Town”** means a person designated by the Regional Health Authority or designated by the Minister under the *Public Health Act* as a Medical Officer of Health.
- 2.20 **“Motor Vehicle”** means a vehicle propelled by any power other than muscular power.
- 2.21 **“Owner”** includes
- 2.21.1 a person who has possession or control of a Domestic Animal;
 - 2.21.2 a person who owns or who claims any propriety interest in a Domestic Animal;
 - 2.21.3 a person who harbors, suffers or permits a Domestic Animal to be present on any property owned or under his control;
 - 2.21.4 a person who claims and receives a Domestic Animal from the custody of the Village Pound or Animal Control Officer; or
 - 2.21.5 a person to whom a License Tag was issued for a Dog or Cat in accordance with this Bylaw; while the property of the Owner means any property owned by the Owner or in respect of which the Owner has a right of occupation, excluding Public Property.
- 2.22 **“Peace Officer”** means a Person defined in Section 1(k) of the *Provincial Offences Procedure Act* and includes a member of the Royal Canadian Mounted Police and a Bylaw Enforcement Officer.
- 2.23 **“Prohibited Animals”** means
- 2.23.1 a horse, mule, ass, swine, emu, ostrich, camel, llama, alpaca, sheep, or goat,
 - 2.23.2 domestically reared or kept deer, reindeer, moose, elk or bison,
 - 2.23.3 farm bred fur bearing Animal including foxes or mink,
 - 2.23.4 animals of the bovine species,
 - 2.23.5 animals of the avian species including-turkeys, ducks, geese, or pheasants,
 - 2.23.6 bees,
 - 2.23.7 pigeons,
 - 2.23.8 poisonous snakes or reptiles or insects, and
 - 2.23.9 all other animals that are kept for agricultural purposes.
- But does not include dogs, cats, rabbits or hens.
- 2.24 **“Provincial Court”** means the Provincial Court of the Province of Alberta.
- 2.25 **“Permitted Leash”** means a leash, of no more than two meters in length, which is adequate to control a Dog.
- 2.26 **“Private Property”** means any land, other than Public Property and includes all buildings, chattels and fixtures located thereon.
- 2.27 **“Public Property”** means any land including parks owned or under the direction, management and control of the Town, other than Private Property, and includes all buildings, chattels and fixtures located thereon.
- 2.28 **“Secure Enclosure”** means a building, cage or fenced area of such construction that will not allow a Dog to force their way out or allow entry of children.
- 2.29 **“Serious Wound”** means an injury resulting from a Dog bite which causes the skin to be broken or the flesh to be torn.
- 2.30 **“Town”** means the Village of Berwyn
- 2.31 **“Village Pound”** means the premises designated by the Village for impoundment and care of Domestic Animals.

- 2.32 **“Unlicensed Dog”** means either the male or female of any domesticated canine species, which is not the holder of a valid License issued by the Town.
- 2.33 **“Unlicensed Cat”** means either the male or female of any domesticated feline species, which is not the holder of a valid License issued by the Town.
- 2.34 **“Unsanitary Condition”** means an excessive accumulation of fecal matter, an objectionable odor, or insect or rodent infestation that is, in the opinion of the Animal Control Officer or Medical Officer of Health for the Town, a danger, or potential danger, to the health, comfort or well being of any Domestic Animal or person.
- 2.35 **“Vicious Dog”** includes any Dog which
- 2.35.1 has a known propensity tendency or disposition to attack, without provocation, other Domestic Animals or persons;
 - 2.35.2 has, without provocation, inflicted a Serious Wound upon another Domestic Animals or a person;
 - 2.35.3 has been the subject of an order of direction of a Justice, under the *Dangerous Dog Act*, Chapter D-3, R.S.A. 2000, as amended.
- 2.36 **“Village of Berwyn Violation Ticket”** means a ticket or similar document issued by the Village pursuant to the MGA.
- 2.37 **“Violation Ticket”** means a ticket issued pursuant to Part II of the *Provincial Offences Procedure Act*, Chapter P-34, R.S.A. 2000, as amended, and regulations thereunder.
- 2.38 In this Bylaw, unless the contrary expressly appears, an Owner is responsible for his Domestic Animal, irrespective of whether the Owner is in actual control of his Domestic animal, and any person who is in control of that Domestic Animal, other than the Owner, is presumed to be in control of that Domestic Animal with the permission of that Owner.
- 2.39 In this Bylaw, a person will be deemed in possession of a Domestic Animal if that person has the physical or effective control of the Domestic Animal, notwithstanding that person having given such control to another person for a period of time. In the event that two or more people have the physical or effective control of a Domestic Animal, that Domestic Animal will be deemed to be in possession of both of them.

3 Licensing Provisions

- 3.1 An Owner of a Dog or Cat that is less than three (3) months old is not required to obtain a License until that Dog or Cat becomes three (3) months of age, at which time the Owner of such Dog or Cat must obtain a License for the Dog or Cat for the License Period, pursuant to this Bylaw.
- 3.2 Subject to 3.1 hereof, every person resident in the Village who is the Owner of a Dog or Cat, must obtain a License for that Dog, Cat, or Vicious Dog for the License Period.
- 3.3 Subject to 3.1 hereof, every person resident in the Village who becomes the Owner of a Dog, or Cat on or before the first day of January in any year, or a person who takes up residence within the Village and who is the Owner of a Dog, or Cat must obtain a license for the License Period, within fifteen days of becoming the Owner.
- 3.4 An Owner of a hen(s) must obtain a License for that Coop for the

License Period.

- 3.5 An Owner of a Dog or Cat must provide the following information with each application for a License:
- 3.5.1 his or her name, telephone number -home, business and cellular, and street address of the Owner;
 - 3.5.2 the name and description of the Dog or Cat to be licensed;
 - 3.5.3 the breed or breeds of the Dog or Cat;
 - 3.5.4 the date of registration of the Dog or Cat;
 - 3.5.5 where the Owner is a body corporate, the name, address and telephone number of the natural person responsible for the Dog or Cat;
 - 3.5.6 information establishing that the Dog or Cat is neutered or spayed if requested to do so;
 - 3.5.7 the age of the Dog or Cat;
 - 3.5.8 such other information as may be required by the Village in respect to the application.
- 3.6 The Owner of a Dog or Cat must produce a declaration or other documentation, acceptable to the Village or the Animal Control Officer, verifying the information referred to in Section 3.5, if required to do so by the Village or Animal Control Officer.
- 3.7 A License may be transferred from one Owner-of a Dog or Cat to a new Owner of that same Dog or Cat.
- 3.8 Upon payment of the License Fee, and providing the information required under Section 3.5, the Owner of a Dog or Cat will be supplied with a License Tag having a number which will remain registered to that Dog or Cat for the License Period.
- 3.9 Every Owner of a Dog or Cat must ensure that the License Tag is securely fastened to a choke chain, collar or harness worn by the Dog or Cat at all times.
- 3.10 The Owner of a Dog or Cat must forthwith obtain a Replacement License Tag in eth event that the License Tag issued to that Owner for that Dog or Cat is lost.
- 3.11 No person is entitled to a refund, rebate or prorating for any License Fee.
- 3.12 Where a license fee has been paid by cheque, the License is
- 3.12.1 issued subject to the cheque being accepted by the financial institution against which it is drawn; and
 - 3.12.2 automatically suspended if the cheque is not accepted until the License Fee is paid.

3. Domestic Animal Provisions

- 4.1 Domestic or Commercial Kennels are not permitted in the Village of Berwyn unless the Village of Berwyn Land Use Bylaw has provisions for such kennels. Premises operated by a Veterinarian for the care and treatment of animals or the Village of Berwyn pound are exempt.
- 4.2 No person shall at any time keep or harbor more than three dogs that are three months or age or older on any residential, commercial, industrial or agricultural property within the Village of Berwyn.
- 4.3 No person shall at any time keep or harbor more than three cats that are three months or age or older on any residential,

commercial, industrial or agricultural property within the Village of Berwyn.

- 4.4 No person shall at any time keep or harbor more than four hens that are three months or age or older on any residential, commercial, industrial or agricultural property within the Village of Berwyn.
- 4.5 The keeping of these hens shall be based on a “Best Management Practices” model, having due regard for concerns relating to sanitation, noise, vermin and other nuisances.
 - 4.5.1 Roosters are not permitted.
 - 4.5.2 Coops must be approved and licensed by the Animal Control Officer prior to obtaining the hens. Coops and runs shall be located only in back yards and shall be in good repair capable of being maintained in a clean and sanitary condition free of vermin, obnoxious smells and substances and not create a nuisance or disturbance to neighboring residents due to noise, odor, damage or threats to public health.
 - 4.5.3 The slaughtering of hens on the Owner’s property is not permitted.
- 4.6 An Owner must ensure that his Domestic Animal is not “At Large” at any time within the Town.
- 4.7 An Owner must ensure that his Dog does not, at any time,
 - 4.7.1 attack any person or another domestic animal;
 - 4.7.2 bite any person or another domestic animal;
 - 4.7.3 chase a motor vehicle;
 - 4.7.4 chase any person on a bicycle or while walking or running; or
 - 4.7.5 upset any waste receptacles or scatters the contents thereof either in or about any street, lane, Park, Public Property Area or upon other property.
 - 4.7.6 remain unattended in any motor vehicle unless the dog is restricted so as to prevent access to individuals, provided that at all times the dog has suitable ventilation.
- 4.8 If a Dog or Cat is on any Public or Private Property, other than the Owner, the owner shall carry or keep his or her dog or cat on a permitted leash at all times.
- 4.9 An Owner of a female Dog or Cat must ensure that such Dog or Cat is housed and confined in a building during the whole period such female Dog or Cat is in heat, except that the female Dog or Cat may be allowed outside the said building under control and on a permitted leash at all times when off the Owner’s property for the purpose of exercise and elimination;
- 4.10 No Owner will permit or allow his or her Dog to bark or howl in a manner that is reasonably likely to annoy or disturb the peace of others.
 - 4.10.1 An Animal Control Officer, when determining whether barking or howling is reasonably likely to annoy or disturb the peace of others consideration may be given, but is not limited to:
 - Proximity of the property where the dog resides;
 - Duration of the barking or howling;
 - Time of day or night;
 - Nature and use of the surrounding area; and
 - Any effect of the barking or howling.
 - 4.10.2 Any person complaining about a dog barking or howling must then submit a written complaint addressed to the

Chief Administrative Officer or Animal Control Officer of the Village of Berwyn. The complainant may be requested by the Chief Administrative Officer to keep a log of all occurrences for a specified period of time. The complainant must agree to give a statement and testimony in any court proceedings that may arise.

- 4.11 No Owner will permit or allow his or her Domestic Animal to cause damage to Public or Private Property. An Owner, whose Dog or Cat defecates on any Private or Public Property; other than the Property of the Owner, must ensure that such defecation is removed immediately, and placed into a waste receptacle.
- 4.12 No Owner will permit his property to be in or remain in an unsanitary condition at any time.
- 4.13 No person will interfere with, hinder or impede an Animal Control Officer in the performance of any duty by that Animal Control Officer under this Bylaw.
- 4.14 No person shall, at any time, own or have in his possession prohibited animals, unless otherwise authorized by the Chief Administrative Officer in writing and the Chief Administrative Officer shall specify the number of animals permitted including any other conditions with such authorization.
- 4.15 No person, without the express or implied permission of the Owner, shall untie, loosen or otherwise free a Domestic Animal from any restraint, or negligently or willfully open or leave a gate door or other opening in a fence or enclosure in which a Domestic Animal has been confined.

5. Vicious Dog Provisions

- 5.1 Procedural Guidelines for Vicious Dog Classification therein setting out definitive guidelines for the classification of a "vicious dog" shall be adopted by resolution by the Council of the Village of Berwyn.
- 5.2 An owner of a Vicious Dog must apply for and at all times keep in force a Vicious Dog License for his or her vicious dog for the License Period and shall pay a license fee as set out in Schedule "A" of this Bylaw.
- 5.3 If such Dog is on any Public or Private Property, other than the Property of the Owner, the owner shall securely muzzle the dog, and either harness it or leash it securely to effectively prevent it from attacking or biting a person or other animal.
- 5.4 Such Dog, at all times, while on Property of the Owner, is confined within a Secure Enclosure with a working locking device to be approved by the Animal Control Officer and is not allowed out of such Secure Enclosure unless such Dog is on a Permitted Leash held and controlled by the Owner or a person capable of exercising and maintaining control of that Dog at all times.
- 5.5 An Animal Control Officer may at times enter upon property where a Vicious Dog is harboured to ascertain that the provisions of this Bylaw are being complied with.

- 5.6 Any Owner of a Vicious Dog must at all times prevent such dog from running at large. The Owner of a Vicious Dog shall notify the Village if the dog is running at large.
- 5.7 The Chief Administrative Officer may require the Owner of a Vicious Dog to post a sign at the entrance to his property stating, "Vicious Dog".
- 5.8 An Owner of a Vicious Dog must ensure that such Vicious Dog, at no time,
 - 5.8.1 attacks any person or another domestic animal;
 - 5.8.2 bites any person or another domestic animal;
 - 5.8.3 chases a motor vehicle;
 - 5.8.4 chases any person on bicycle, horseback or while walking or running.

6. Controlled Confinement, Rabies or Quarantine Provisions

- 6.1 A person or Domestic Animal which has received a Serious Wound and the Owner of a Dog which has inflicted the Serious Wound, must promptly report the Dog to the Animal Control Officer who may thereupon place the Dog under Controlled Confinement and the Dog must not be released from such Controlled Confinement except by written permission of the Animal Control Officer or a licensed Veterinarian. At the discretion of the Animal Control Officer, such Controlled Confinement may be on the Property of the Owner, with a licensed Veterinarian within the Village or at the Village Pound. In the case of stray Dogs whose ownership is not known, such Controlled Confinement must be at the Village Pound. Should such Controlled Confinement be on the Property of the Owner, and the Owner fails to keep the dog confined, the Animal Control Officer shall promptly place the dog under Controlled Confinement with a licensed veterinarian within the Village or at the Village Pound.
- 6.2 Upon demand made by the Animal Control Officer, the Owner must forthwith surrender for quarantine, any Dog which has inflicted a Serious Wound to a person, or any Dog which the Animal Control Officer has reasonable and probable grounds to suspect of having been exposed to rabies and the Dog may be reclaimed by the Owner if adjudged free of rabies, upon payment of confinement expenses outlined in Schedule "A" and upon compliance with the licensing provisions of this Bylaw.
- 6.3 In the event of an outbreak or a threatened outbreak of rabies or any disease affecting Dogs which may be transmitted to human beings, Council may, by resolution, order and direct that all Dogs must be securely tied up on the Property of the Owner or must be otherwise effectively confined and prevented from leaving such Property of the Owner. Any Dog found in contravention of this Section may be impounded, and at the discretion of the Animal Control Officer may be quarantined.
- 6.4 When a Dog under quarantine has been diagnosed as rabid, or suspected by a licensed Veterinarian as being rabid, and dies while under such observation, the Animal Control Officer may immediately arrange to have the head of such Dog removed and sent to the appropriate laboratory for a pathological examination and may provide the Medical Officer of Health for the Village with the names of human contacts, the particulars of the suspect Dog, and any other information required by the Medical Officer of Health for the Town.
- 6.5 Except as herein provided, no person must kill, or cause to be killed, any rabid Dog, and any Dog suspected of having been

exposed to rabies, or any Dog which has bitten a person or Domestic Animal, without immediately thereafter notifying the Animal Control Officer nor remove such Dog from the Village without written permission from the Animal Control Officer.

- 6.6 The carcass of any Dog exposed to rabies must, upon demand, be surrendered to the Animal Control Officer.

7. Powers of an Animal Control Officer

- 7.1 An Animal Control Officer is authorized to capture and impound any Domestic Animal, which is at large. If any domestic animal is injured, the Animal Control Officer may, without liability to or recourse from the Owner, and in the sole and absolute discretion of the Animal Control Officer, take the Domestic Animal to a Veterinarian for treatment and then to the Village Pound, the costs of all of which will be borne by the Owner.
- 7.2 An Animal Control Officer or any person authorized by this Bylaw to enforce the provisions contained herein and who is delegated the authority of a designated officer under the *Municipal Government Act, Chapter M-26, RSA 2000 Section 542*, may enter onto land to carry out an inspection, enforcement or action authorized or required or required by this Bylaw,
- 7.2.1 after reasonable notice to the Property Owner or occupier; or
 - 7.2.2 with the consent of the Property Owner or occupier; or
 - 7.2.3 without reasonable notice or the consent of the Property Owner or occupier in the event of an emergency or in extraordinary circumstances.
- 7.3 An Animal Control Officer may assist in the capture of any Domestic Animal through the use of humane live capture traps and also may provide such traps to complainants on the terms set out in the regulations attached as Schedule "B" to this Bylaw.
- 7.4 All impounded Domestic Animals may be kept in the Village Pound for a period of seventy-two (72) hours. Sundays and Statutory holidays must not be included in the computation of the seventy-two (72) hour period. During this period, any Domestic Animal may be redeemed by its Owner, except as otherwise provided in this Bylaw, upon payment to the Village of:
- 7.4.1 the impoundment fees as per Schedule "A";
 - 7.4.2 the Licence Fee if applicable; and
 - 7.4.3 the cost of any Veterinary treatment incurred in relation to the Domestic Animal.
- 7.5 At expiration of the seventy-two (72) hour period, as prescribed in Section 7.4 herein, the Village is authorized to:
- 7.5.1 offer the Domestic Animal for sale to any person who resides outside of the corporate limits of the Village of Berwyn;
 - 7.5.2 destroy the Domestic Animal in a humane manner;
 - 7.5.3 allow the Domestic Animal to be redeemed by its Owner in accordance with the provisions of Section 7.4 herein; or
 - 7.5.4 continue to impound the Domestic Animal for an indefinite period of time or for such further period of time as the Animal Control Officer, in his or her discretion, may decide. The Owner may be liable to pay the Village all the costs incurred by the Village under this Bylaw in respect of such actions.

8. Penalties

- 8.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable to penalty as set out in Schedule "A" of this Bylaw in respect of that provision. The minimum penalty payable in respect of a contravention of a provision of this Bylaw is the amount shown in Schedule "A" of this Bylaw in respect of that provision.
- 8.2 Notwithstanding Section 8.1 of this Bylaw, any person who commits a second or subsequent offence under this Bylaw within one twelve-month period, the minimum penalty payable in respect of the second or third contravention is double the amount shown in Schedule "A" of this Bylaw in respect of that provision.
- 8.3 Under no circumstances will any person contravening any provision of this Bylaw be subject to the penalty of imprisonment.
- 8.4 In addition to the penalty provided for under Schedule "A", the Court may order the person to comply with this Bylaw pursuant to the *MGA*.

9. Village of Berwyn Violation Ticket

- 9.1 An Animal Services Officer is hereby authorized and empowered to issue a Village of Berwyn Violation Ticket to any person, who the Animal Control Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw;
- 9.2 A Village of Berwyn Violation Ticket may be issued to such person:
 - 9.2.1 by personal service on that person; or
 - 9.2.2 by mailing a copy to such person at the last known post office address or the address listed on the Town's licence form.
- 9.3 The Violation Ticket must be in a form approved by the Chief Administrative Officer of the Village of Berwyn and must state:
 - 9.3.1 the name of the Owner;
 - 9.3.2 the offence;
 - 9.3.3 the appropriate penalty for the offence as specified in Schedule "A";
 - 9.3.4 that the penalty must be paid within 21 days of the issuance of the ticket.
 - 9.3.5 that any person who fails to pay the penalty within 21 days may be assessed a late penalty fee as set out in Schedule "A";
 - 9.3.6 any other information as may be required by the Chief Administrative Officer of the Village of Berwyn.
- 9.4 Where a contravention of this Bylaw is of a continuing nature, the Animal Control Officer may issue further Village of Berwyn Violation Tickets, provided however, that no more than one Violation Ticket must be issued for each day that the contravention continues.
- 9.5 Where a Village of Berwyn Violation Ticket is issued, the person whom the Violation Ticket is issued may, in lieu of being prosecuted for the offence, pay to the Village the penalty specified on the Violation Ticket.

- 9.6 Nothing in this Bylaw must prevent the Animal Control Officer from immediately issuing a Violation Ticket pursuant to Part II of the *Provincial Procedures Act*

10. Violation Ticket -Part II of the Provincial Offences Procedure Act

- 10.1 In those cases where a Village of Berwyn Violation Ticket has been issued and if the penalty specified on a Village of Berwyn Violation Ticket has not been paid within the prescribed time, then an Animal Control Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*, Chapter P-34, R.S.A. 2000 as amended.
- 10.2 Notwithstanding Section 10.1 of this Bylaw, an Animal Control Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*, Chapter P-34, R.S.A. 2000, as amended, to any person who the Animal Control Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

11. Severability Provisions

- 11.1 Should any provision of this Bylaw be invalid then such invalid provision will be severed from this Bylaw and such severance will not affect the validity of the remaining portions of this Bylaw, except to the extent necessary to give effect to such severance.


12. Repeal of Bylaw

- 12.1 Subject to Section 12.2 of this Bylaw, Bylaw 1131 is repealed as of the effective date of this Bylaw.
- 12.2 If on the effective date of this Bylaw, Village of Berwyn Violation Tickets or Violation Tickets – Part II of the Provincial Procedures Offences Act have been issued with respect to alleged offences under the bylaw as specified in Section 12.1 of this Bylaw, all relevant sections of such Bylaw, including penalty provisions, shall be deemed to remain in force until the conclusion of such proceedings.

13. Effective Date


- 13.1 This Bylaw shall come into force and take effect on the day of third and final reading thereof.

READ THE FIRST TIME THIS 27th DAY OF June, 2019.


Ken Montie, Mayor



Cathie Bailey, Chief Administrative Officer

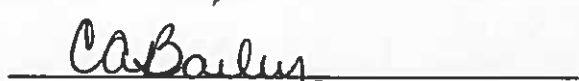
READ THE SECOND TIME THIS 27th DAY OF June, 2019.


Ken Montie, Mayor


Cathie Bailey, Chief Administrative Officer

READ THE THIRD TIME AND FINALLY PASSED THIS 27th DAY OF June, 2019


Ken Montie, Mayor


Cathie Bailey, Chief Administrative Officer

SCHEDULE "A"
BYLAW-659
VILLAGE OF BERWYN

FEES AND PENALTIES

A. LICENSE FEES FOR DOGS

The Village of Berwyn may request proof from the owner of the Dog, from a veterinary surgeon, of immunization from rabies and distemper; and, in the case of spayed/neutered Dogs, a certificate from a veterinary surgeon that the Dog has been spayed/neutered.

<u>Annual Fee</u>	
Spayed Female/Neutered Male	\$20.00
Un-spayed Female/Unneutered Male	\$25.00
License Fee for Handicapped Owner of a Work Dog or Seeing Eye/Police Dog	Free
Vicious Dog	\$50.00
Replacement Tags	\$3.00

B. LICENSE FEES FOR CATS

The Village of Berwyn may request proof from the owner of the Cat, from a veterinary surgeon, of immunization from rabies and distemper; and, in the case of spayed/neutered Cats, a certificate from a veterinary surgeon that the Cat has been spayed/neutered.

<u>Annual Fee</u>	
Spayed Female/Neutered Male	\$20.00
Un-spayed Female/Unneutered Male	\$25.00
Replacement Tags	\$3.00

ANNUAL LICENSE FEES FOR HEN COOP

The Village of Berwyn has requirements that must be met that are listed in the "Best Practices" section of this Bylaw; prior to obtaining a Coop License. \$50.00

D. IMPOUNDMENT FEES:

Impoundment fees: As established annually between the Village and the Veterinary Clinic As Set

E. DESTRUCTION OF DOMESTIC ANIMAL OR VICIOUS DOG Amount Expended

F. VETERINARY FEES Amount Expended

G. SPECIFIED PENALTY

Section	Offence (Brief Description)	Amount
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3.1, 3.2, 3.3, 3.4	Failure to be the holder of a valid License	\$50.00
3.9	Failure to ensure that a license tag is worn	\$50.00
4.6	Domestic Animal at Large	\$100.00
4.7.1	Dog attacks any person or another domestic animal	\$250.00
4.7.2	Dog bites any person or another domestic animal	\$150.00
4.7.3	Dog chases motor vehicle	\$50.00
4.7.4	Dog chases any person on bicycle or while walking or running	\$100.00
4.7.5	Dog upsets waste receptacles	\$50.00
4.7.6	Dog unattended in Motor Vehicle	\$100.00
4.8	Failure to carry or keep a dog or cat on a leash	\$50.00
4.9	Failure to confine and house a female in heat	\$100.00
4.10	Dog barking or howling	\$75.00
4.11	Domestic Animal damaging Public or Private Property	\$75.00
4.12	Failure to keep property in a clean and sanitary condition	\$75.00
4.13	Interference with enforcement of this Bylaw	\$250.00
4.14	Ownership of Prohibited Animals	\$250.00
5.3,	Failure to confine a Vicious Dog, or muzzle	\$200.00
5.6	Vicious Dog – At Large	\$200.00
5.7	Failure to Post Sign "Vicious Dog"	\$50.00
5.8.1	Vicious Dog attacks any person or another domestic animal	\$500.00
5.8.2	Vicious Dog bites any person or another domestic animal	\$300.00
5.8.3	Vicious Dog chases a Motor Vehicle	\$150.00
5.8.4	Vicious Dog chases any person on bicycle, etc.	\$200.00
4.5.1	Keep a Rooster	\$250.00
4.5.2	Have an unlicensed Coop	\$250.00
4.5.2	Fail to meet Coop requirements as set out in "Best Practices "section of this Bylaw	\$250.00
4.5.3	Slaughter of a Hen on Property	\$250.00
4.4	Exceed maximum number of permitted hens	\$150.00
	An offence for which a penalty is not in Schedule "A" of this Bylaw	\$100.00

SCHEDULE "B"
BYLAW 659
VILLAGE OF BERWYN

**Village of Berwyn
Contract/Regulations for the Use of Animal Traps**

- 1) Office hours vary daily. Should you catch a Domestic Animal in the trap, please call the Animal Control Officer at (780) 625-9774. If we have not responded to your call within a reasonable time of two hours, then please call the Village Office at 332-4626. If after four hours you have not been contacted by either the Animal Control Officer or the Village Office Staff, please release the animal in the area where you captured it.
- 2) Please protect all traps and animals from inclement weather. This may be done by placing the trap in an area protected from direct rain, placing a tarp over the trap, etc. Once the animal is in the trap, you should place the trap in a garage, utility shed, etc.
- 3) Any animal that is caught in a trap becomes the property of the Village of Berwyn until such time that it is returned to its rightful owner. The person using the trap hereby agrees not to take any independent action to dispose of the animal, other than is directed by an Animal Control Officer.
- 4) Traps may be supplied for a short term period of up to two weeks, depending on the demand and need elsewhere.

I have read these regulations for using a Domestic Animal trap and fully agree that I understand them and will abide by them. I further agree to indemnify the Village of Berwyn from liability arising from or related to my use of the trap.

Signature

Date

PROCEDURAL GUIDELINES FOR VICIOUS DOG CLASSIFICATION

The intent of this document is to initiate definitive guidelines for the classification of a "vicious dog" by the Animal Control Officer under the Village of Berwyn Animal Control Bylaw 659.

Using these guidelines, the Animal Control Officer may deem a dog to be "Vicious" if he/she has documentation about any dog that meet or exceed the following:

If any dog commits any of the following acts:

1. Any documented attack, which results in the death or dismemberment of any person or domestic animal shall result in an immediate classification of "vicious".
2. Any documented, unprovoked attack, inflicting a "Bite" or "Serious Wound" as defined in Bylaw to any person or Domestic Animal, shall result in a file being kept and any second documented offence shall result in a classification of "vicious"
3. Any animal owner, which has been found guilty of an offence under the Dangerous Dog Act in any municipality, shall be deemed to be the owner of a vicious dog under this bylaw.
4. Any dog which exhibits unprovoked aggressive behavior and at least three separate documented complaints by more than one person, on more than one occasion, shall be deemed "vicious".

The Animal Control Officer must follow these guidelines:

1. Maintain all files and records of any dog, which commits any of the acts listed.
2. Any complaints registered with the Village of Berwyn will be thoroughly investigated by the Animal Control Officer without prejudice.
3. All parties involved must be permitted to submit written documents outlining, in detail, the events which caused the initiation of the investigation.
4. He/she shall, upon request, make available to the Chief Administrative Officer, all documentation concerning any dog, which has been classified as "vicious" under Bylaw 659.
5. No classification of any dog shall occur without the written consent of the Chief Administrative Officer and/or the Protection Committee of Council.
6. Any owner of a dog which commits an offence causing death or dismemberment of a person or domestic animal, shall be charged under the Dangerous Dog Act. The Animal Control Officer or any Peace Officer, shall immediately seize the offending dog for quarantine at the Village Pound or any veterinary clinic pending a hearing with the Provincial Court of Alberta.

Best Practices Guidelines for the Keeping of Hens in the Village of Berwyn

DEFINITIONS

Hen – Female Chicken

Henhouse – structure that houses the hens at night and includes a place for laying eggs and eating

Run – attached open area that the hens can range in

Coop – henhouse and run

SITE REQUIREMENTS FOR HEN COOP AND RUN

- Coops may only be located in backyards of properties that are completely fenced and secured. Some properties, due to the smaller size of a backyard or other situational factors, may not be deemed suitable for urban hen keeping through the application process.
- Coop sites should take into consideration backyard locations that would minimize impact to adjacent neighbours (away from bedroom windows, furthest point from building, etc.)
- An approved site may house only one coop and run, and they must be pre- approved by the Enforcement Officer prior to setting up and again after the coop and run are set up.

NUMBER OF HENS AND COOP SIZE

- Approved sites shall not exceed four hens per site. **Roosters are not permitted.** Hen Breed and numbers shall be indicated through the application process.
- A minimum of 0.37 square meters per hen is required for the coop, along with a minimum of 0.93 square meters per hen for the outdoor enclosure.
- All coops must contain sufficient perch locations, nest box, have adequate ventilation, and be weather and predator proof.
- All hens must remain in the coop or an enclosed run at all times.

NUISANCE CONDITIONS

- The site and coop must be properly maintained to prevent negative impacts, including but not limited to: attracting nuisance animals, the spread of food over the property, and excessive smells or noise.

STANDARD OF CARE

- Hen sites shall adhere to good management and husbandry practices; maintain hens in such a condition to prevent distress, disease, and welfare issues. Hens require appropriate food, liquid (unfrozen) water, shelter, light, warmth, ventilation, veterinary care and opportunities for essential behaviours such as scratching, pecking, dust-bathing and roosting, in order to be comfortable and healthy.
- Enforcement Services must be notified immediately of any disease or welfare issues that arise that may affect the public and the steps taken to rectify the situation.

WASTE & DISPOSAL

- Manure must be removed, discarded, and/or properly composted to prevent nuisance odors.
- There is to be no on-site slaughter or euthanizing of hens within Village limits. Removal methods include (but are not limited to) humane euthanasia by a veterinarian, relocation to a farm, or taking hens to a licensed abattoir. Deceased birds should be double-bagged and placed for garbage collection or taken to a veterinarian for disposal. All changes to flock size must be reported to Enforcement Services as a permit requirement.

TRAINING & MENTOR

- The permit holder must have completed an accepted urban hen keeping course provided by the Town.
- These conditions must be met, or reasonable steps towards meeting the requirement must be made prior to a Prohibited Animal Exemption Permit being issued. An applicant shall provide proof of completion of a training course recognized by Enforcement Services as comprehensive and specific to the Alberta climate.

INSPECTIONS

- Permit holders shall make themselves and the coops available for inspection on reasonable request from Bylaw Enforcement Officers.

REGISTRATION

- Permit holders must comply with all Provincial regulations regarding the keeping of hens. The Province of Alberta requires all owners of poultry (including small urban flocks) to register their flocks into the provincial database and obtain a Premise Identification (PID) Number. The PID enables the province to keep track of livestock site locations in case of potential disease outbreak. The Province will maintain communication with site owners should any information or incidents occur that would require site owners to take action.
- Speaking with your neighbors prior to applying for a Urban Hen coop is recommended as this is good neighborly practice.

Sale of Eggs and Meat

Permit holders will not sell eggs, manure, meat or other product derived from an urban hen