

**BYLAW 326-09  
DOG BYLAW**

**VILLAGE OF LONGVIEW  
BYLAW NUMBER 326-09**

**BEING A BYLAW OF THE VILLAGE OF LONGVIEW TO PROVIDE FOR THE LICENSING REGULATIONS AND CONTROL OF DOGS IN THE VILLAGE OF LONGVIEW.**

**WHEREAS** Council for the Village of Longview has deemed it advisable to pass a bylaw dealing with regulating dogs;

**THEREFORE** pursuant to and under authority of the Municipal Government of Act, Chapter M26 RSA 2000 and amendments thereto. Now therefore, the council of the Village of Longview, in the Province of Alberta, duly assembled, enacts the following::

**TITLE**

1.1 This Bylaw may be cited as the "Dog Control Bylaw".

**INTERPRETATION**

2.1 In this Bylaw:

- (a) "Bylaw Enforcement Officer" means a person appointed by Council as bylaw enforcement officer or in his absence, the Village CAO or an employee designated by the Village CAO.
- (b) "Commercial" means breeding or raising of dogs for profit.
- (c) "Complaint" means a written document recording a complaint with the name, home phone number and civic address of the complainant, the nature of the complaint, the description of the dog, and if possible the name of the dog owner.
- (d) "Council" means the Council of the Village of Longview.
- (e) "Day" means a continuous period of twenty-four (24) hours excluding weekends and statutory holidays.
- (f) "Dog" means either a male or female of the canine family.
- (g) "Floral Park" means an area of a public park area cultivated for floral plant display

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- (h) "Former Owner" means the person who at the time of the impoundment is the owner of the dog which is subsequently sold or destroyed.
- (i) "Health Inspector" means the appointed health inspector of the Calgary Regional Health Authority or other government body in control at the time.
- (j) "Justice" has the meaning as defined in the Provincial Offenses Procedure Act R.S.A. 1988 Chapter P-21.5 as amended or replaced from time to time.
- (k) "Kennel" means any person, group of persons or corporation which have received all necessary approvals to harbour more than two (2) dogs and are engaged in the business of breeding, buying, selling or boarding dogs.
- (l) "Neutered male" means a male dog which has been operated on to prevent reproduction.
- (m) "Owner" means a natural person or body corporate who has legal title to the dog and includes any person who has possession or custody of the dog, either temporarily or permanently or harbours the dog or allows the dog to remain on his premises.
- (n) "Poundkeeper" means a person appointed by the Village CAO to be responsible for the registration and release of dogs from the pound.
- (o) "Provincial Court" means the Provincial Court of Alberta.
- (p) "Public lands" means recreational and parkland owned by the Village of Longview
- (q) "Appointed Employee" means an employee of the Village of Longview duly appointed by the Village CAO with authority under Sections 11 and 12 of this bylaw.
- (r) "Puppy" means a baby member of the canine species that has not been weaned and not left its mother or has not yet opened its eyes, and is under 6 months of age.
- (s) "Running at large" means:

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- (i) a dog which is not under the control of a person by a leash, and is actually upon property other than the property in respect of which the owner of the dog has the right of occupation, or upon any highway, thoroughfare, street, road, trail, avenue, parkway, lane, alley, bridge, sidewalk (including the boulevard portion of the sidewalk) park or other public place; or
  - (ii) a dog which is under the control of a person responsible by means of a leash and which causes damage to persons, property or other animals.
- (t) "Spayed Female" means a female dog which has been operated upon to prevent conception.
- (u) "Tag" means the receipt provided by the Village to signify purchase of a current year license.
- (v) "Leash" means a line for leading or restraining an animal. The leash may be an expandable/retractable device. However, when contact is made between leashed animal and pedestrians or other animals, within a distance of no less than 50(fifty) feet, the owner of said leashed animal must retract the leash to no more that 6(six) feet in length until a distance of not less than 50(fifty) feet is between said leashed animal and others.
- (w) "Vicious dog" means any dog whatever its age, whether on public or private property, which has without provocation:
- (i) injured or bitten any other domestic animal or human; or
  - (ii) threatened or created the reasonable apprehension of a threat to other domestic animals or humans; or which, in the opinion of a Justice, presents a threat of serious harm to other domestic animals or humans.
- (x) "Village" means the Village of Longview
- (y) "Village CAO" means the Village CAO as appointed by the Council of the Village of Longview

**RUNNING AT LARGE**

- 3.1 The owner of a dog shall ensure that such dog is not running at large.

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- 3.2 Where a dog is running at large, the owner or occupant of a property on which the dog is running at large may make a written complaint, signed by the complainant, to the Bylaw Enforcement Officer.

**NUISANCE**

- 4.1 The owner of a dog shall ensure that such dog shall not
- (i) without provocation, bite a person or persons whether on the property of the owner or not;
  - (ii) without provocation, do any other act that injures a person or persons whether on the property of the owner or not;
  - (iii) chase or otherwise threaten a person or persons whether on the property of the owner or not, unless the person chased or threatened is a trespasser on the property of the owner.
  - (iv) bite, bark at, or chase stock, bicycles, automobiles or other vehicles;
  - (v) bark, howl or otherwise disturb any person at any time during the day that the Bylaw Enforcement Officer has reasonable grounds to believe is creating a nuisance; upset any waste receptacles or scatter the contents thereof either in or about the street, lane or other public property or in or about premises not belonging to or in the possession of the owner of the dog.
  - (vi) cause damage to property or other animals;
  - (vii) be left unattended in any unenclosed portion of a motor vehicle unless the dog is restricted so as to prevent access to persons as long as such restraint provides for suitable ventilation;
- 4.2 The owner of a dog shall not permit his dog in the area of a park designated as a Floral Park except when on a leash and kept outside of the flower beds.
- 4.3 If a dog defecates on any public or private property other than the property of its owner, the owner shall remove such defecation immediately.
- 4.4 No owner shall permit his dog to enter a man-made pool of water located in a public park.
- 4.5 The owner of a dog shall ensure that the residences and grounds where any dogs are kept shall at all times be maintained in a clean, sanitary and inoffensive condition, satisfactory to the Bylaw Enforcement Officer and Health Inspector.

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- 4.6 The owner of a dog shall ensure that such dog, when upon property other than the property in respect to which the dog owner has the right of occupation, is attended by the owner or person thereby appointed by the owner, and is under the control of the said owner by a leash at all times.

**VICIOUS DOGS**

- 5.1 If a complaint is received by the Bylaw Enforcement Officer that a dog may be vicious, the Bylaw Enforcement Officer may do the following if deemed necessary:
- (a) in the event the dog does not appear to be posing a threat to persons or property, make application to the Justice to determine if the dog is vicious or;
  - (b) if it appears that the dog may pose a threat to persons or property make a complaint pursuant to the Dangerous Dog Act R.S.A. 1980 c. D-3 and amendments thereto, for an order directing the dog be controlled or destroyed.
- 5.2 When an application is made pursuant to Section 5.1(a), the owner of a dog alleged to be vicious shall be provided notice of a hearing via double registered mail for the determination by the Provincial Court ten (10) days before the date of the hearing.
- 5.3 Upon application pursuant to Section 5.1 (a), if it appears to the Justice that the dog should be declared to be a vicious dog, he shall make an order in a summary way declaring the dog as a vicious dog.
- 5.4 When the poundkeeper becomes aware that the dog to be impounded is deemed as a vicious dog, arrangements will be made to house the dog at an approved specially equipped pound to handle vicious dogs. All costs relating to transportation and sustenance while impounded at the facility shall become part of the impoundment and sustenance fees for the dog and must be paid by cash or certified cheque to the Village Office prior to the release of the dog.
- 5.5 Along with all other provisions of this bylaw, the owner of a dog declared a vicious dog shall ensure that:

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- (a) when such dog is on the property of the owner:
  - (i) either such dog is confined indoors; or
  - (ii) when such dog is outdoors it is:
    - a) kept in a locked pen; or
    - b) confined in an 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) kept as if the provision of Section 5.4 (c) applied to such dog while on the property of the owner.
- (b)
  - (i) The locked pen 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 at a minimum depth of thirty (30) centimetres and shall 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.
  - (ii) The locked pen or other structure shall provide the vicious dog with shelter from the elements;
  - (iii) The locked pen shall not be within one (1) metre of the property line or within five (5) metres of a neighbouring dwelling unit.
- (c) at all times, when off the property of the owner, such dog is securely
  - (i) muzzled, and
  - (ii) harnessed or leashed on a 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 or private property, and
  - (iii) under the control of a person over the age of sixteen (16) years.
- (d) Maintain in force a policy or liability insurance in a form satisfactory to the Village CAO, providing third party liability coverage in a minimum amount of five hundred thousand dollars (\$500,000) for injuries caused by the owner's vicious dog. The liability policy shall contain a provision requiring the insurer to immediately notify the Village CAO- in writing should the policy expire or be cancelled or terminated.

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- (e) Post on all sides of the property adjacent to public lands and roadways, clearly marked signs of not less than one (1) square foot and not more than three (3) square feet in dimension warning that a vicious dog is located on the premises.

**COMMUNICABLE DISEASES**

- 6.1 An owner of a dog which is suffering from a communicable disease:
  - (a) shall immediately report the matter to Agricultural Canada, Veterinary Inspection-Directorate or to a local veterinarian pursuant to the Statutes of Alberta.
  - (b) shall not permit the dog to be in any public place;
  - (c) shall not allow the dog to be in contact with or in the proximity of any other animal free of such disease;
  - (d) shall confine or isolate the dog in such a manner as to prevent further spread of the disease, for a period of not less than ten (10) days or as recommended by a Veterinarian.
- 6.2 Any costs incurred for inspection, isolation, medication or any other matter relative to communicable diseases shall be borne by the owner of the dog.
- 6.3 Any owner of a dog that does not comply with the provision of Section 6.1 shall be subject to a penalty as provided for in this Bylaw for each consecutive demand made by the Bylaw Enforcement Officer.

**RESTRICTION IN NUMBER OF DOGS**

- 7.1 No person(s) within the Village limits, with the exception of Section 7.1 shall harbor more than two (2) dogs per residence at any time excepting the non commercial harbouring of puppies of a licensed dog which may remain with their mother up to the age of six (6) months of age.
- 7.2 Notwithstanding the provisions of Section 7.2 persons residing within the Village limits may temporarily harbour on a non-commercial basis for a period not to exceed one (1) month in each calendar year two additional dogs.

**LICENSING**

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- 8.1 The owner of a dog shall, upon providing the Village Office with the name, civic and mailing address and phone number of the owner, sex and description of the dog to be licensed and any other information as may be required with respect to the application, obtain an annual license for such dog at such times as specified in Section 8.4 and shall pay an annual fee as set out in Schedule "C" of this bylaw.
- 8.2 Every owner, when requested by the Bylaw Enforcement Officer or Village staff, shall present for inspection a spay/neuter certificate or if unavailable a statutory declaration or other acceptable documentation establishing that the said dog is neutered or spayed and such other information as the Bylaw Enforcement Officer or Village Administration staff may require in order to determine the license payable by the owner.
- 8.3 No person shall give false information when applying for a dog license.
- 8.4 The owner of a dog shall:
- (a) subject to the provisions of Section 8.4 (c) obtain a license for such dog within five (5) days on which the Village Office is open for business after the dog becomes six (6) months of age; or
  - (b) obtain a license within five (5) days on which the Village Office is open for business after he becomes the owner of the dog; or
  - (c) obtain a license for a dog notwithstanding that is under the age as outlined in Section 8.4 (a), where the dog is found running at large; or
  - (d) obtain an annual license for the dog within 30 days from mailing of the renewal notice each year for the current year.
- 8.5 Subject to the provisions of Section 8.4 the owner of a dog that has relinquished ownership of their dog or failed to claim their dog pursuant to Section 16 of this bylaw, all fees that were associated with the impoundment and release or destruction of the dog shall be charged to the owner in the form of a fine.
- 8.6 Any person applying for a license must pay all outstanding fines prior to issuance of a license for a new dog.
- 8.7 The license shall take the form of a tag that will have a number in sequential order.



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- 8.8 The owner of a dog shall provide the licensed dog with a collar to which the owner shall affix the tag for such dog and the owner shall ensure that the collar and tag are worn by the licensed dog at any time the dog is not on the owner's property. If the current tag is not worn, the Village will not be held responsible for non-identification of the dog.
- 8.9 Upon losing a dog tag, an owner of a dog shall present the receipt for payment or cancelled cheque for the purchase of the current year's license fee or other document acceptable to the Village Office and a clerk will issue a new tag to the owner for a fee set out in Schedule "C" of this Bylaw.
- 8.10 No person shall be entitled to a license rebate under this bylaw.
- 8.11 Licenses and tags are non-transferrable from one dog to another dog.
- 8.12 Where a license required pursuant to this Section has been paid for by the tender of an uncertified cheque the license:
- (a) 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
  - (b) is automatically revoked if the cheque is not accepted and cashed by the bank on which it is issued.
- 8.13 The licensing provision of this Bylaw shall not apply to dogs accompanying a person temporarily in the Village for a period not exceeding one (1) month in a calendar year.

**HANDICAPPED OWNERS**

- 9.1 Notwithstanding Section 8.1 where the Bylaw Enforcement Officer is satisfied that a person who is handicapped is the owner of a dog trained and used to assist such handicapped person, there shall be no fee payable by the owner for a license under Section 8.
- 9.2 Section 3 does not apply where a person who is handicapped is the owner of the dog trained and used to assist such handicapped person and such dog is under his control

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- 9.3 Section 4.4 does not apply where a person is handicapped in such a way as to reasonably preclude compliance and is the owner of a dog trained and used to assist such handicapped person.

**POUNDS**

10.1 The Village CAO shall:

- (a) establish such number of pounds and appoint such pound keepers as are necessary to provide reasonable facilities for the impounding of dogs; and
- (b) make rules and regulations not inconsistent with this bylaw, pertaining to the administration of the pound.

**CAPTURE AND IMPOUNDMENT**

11.1 A Bylaw Law Enforcement Officer or Appointed Employee, may capture and impound any dog:

- (a) found running at large;
- (b) he has reasonable grounds to believe has been running at large;
- (c) found not wearing a current tag while off the premises of the owner; or
- (d) which is required to be impounded pursuant to the provisions of any Statute of Canada or of the Province of Alberta, or any Regulation made there under.

11.2 The Bylaw Enforcement Officer or Appointed Employee may enter onto the land surrounding any building with the owner's consent in pursuit of any dog which has been observed running at large to enforce provisions contained in this Bylaw.

**OBSTRUCTION**

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

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- (a) interfere with or attempt to obstruct a Bylaw Enforcement Officer or Appointed Employee who is attempting to capture or who has captured a dog which is subject to impoundment;
- (b) falsely represent himself as being in charge or control of that dog so as to establish that the dog is not running at large; or
- (c) unlock, unlatch or otherwise open the pound, van or other vehicle in which dogs are kept for impoundment so as to allow or attempt to allow any dog to escape there from.

**INTERFERENCE**

13.1 No person shall:

- (a) untie, loosen or otherwise free a dog which has been tied or otherwise restrained;
- (b) negligently or willfully open a gate, door or other opening in a fence or enclosure in which an animal has been confined and thereby allow a dog to run at large in the Village; or
- (c) tease, torment or annoy a dog.

**NOTIFICATIONS**

14.1 If the dog is wearing a license and the Peace Officer can ascertain the name of the owner of any impounded dog, he shall serve the owner with a copy of the Notice in Schedule "A" of this Bylaw either personally or by leaving it at their normal place of residence or by mailing it to the last known address of the owner.

14.2 An owner of a dog to whom a Notice is mailed pursuant to the Section 14.2 is deemed to have received a Notice within forty-eight (48) hours from the time it is mailed.

**RECLAIMING**

15.1 The owner of any impounded dog may reclaim the dog from the Pound by paying with cash or certified cheque, to the Poundkeeper the costs of impoundment as set

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out in Schedule "B" of this Bylaw and by obtaining the license for such dog should a license be required under this bylaw.

- 15.2 Where the dog is claimed, the Poundkeeper may request that the owner provide proof of ownership of the dog.

**SALE OR DESTRUCTION**

- 16.1 The Village shall not sell or destroy an impounded dog until the dog has been retained in the Pound for:

- (a) five (5) days after the owner has been served notice pursuant to Section 14.1 that the dog is in the Pound, or
- (b) three (3) days if the name and address of the owner is not known,

unless the owner of the dog makes arrangements and receives permission from the Poundkeeper for the further retention of the dog.

- 16.2 Notwithstanding the provisions of Section 16.1 the Bylaw Enforcement Officer, or in his absence the Village CAO, may refer the dog to a veterinarian in order to determine if the veterinarian deems it necessary to order the destruction of the dog at an earlier date for safety or health reasons.

- 16.3 Notwithstanding the provisions of Section 16.1 (a) (b), if the owner of a dog provides written consent to relinquish ownership of the impounded dog prior to the periods outlined in the aforementioned Section, the dog may be retained for a lesser period of time.

- 16.4 The Poundkeeper will firstly arrange to release the dogs to a kennel approved by the Council; if unsuccessful, secondly offer the dog for sale to an individual not residing in the Village, at a fee established by the Village CAO, if unsuccessful with sale arrangements within twenty-four (24) hours, arrange with a vet to euthanize all unclaimed dogs which have been in the Pound for the period longer than outlined in Section 16.1, 16.2 or 16.3.

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16.5 Notwithstanding the provision of 16.4, no dog shall be sold to an individual or a company that plans to use or resell the dog for research purposes. The purchaser of a dog pursuant to the provisions of this Section, shall obtain full right and title to it and the right and title of the former owner of the dog shall cease thereupon.

**PENALTIES**

17.1 Where a Bylaw Enforcement Officer believes that a person has contravened any provision of this Bylaw, he may commence proceedings by issuing a summons by means of a violation ticket in accordance with Part 2 of the Provincial Offenses Procedure Act, S.A. 1988 Chapter P-21.5.

17.2 The specified penalty payable in respect of a contravention of the provision of this Bylaw is the amount shown in Schedule "D" of this Bylaw in respect of that provision.

17.3 Notwithstanding Section 17.2:

- (a) where a person contravenes the same provision of this bylaw twice within one twelve month period, the specified penalty payable in respect of the second contravention is double the amount shown in Schedule "D" of this Bylaw in respect of that provision, and
- (b) where any person contravenes the same provisions of this bylaw three (3) or more times within one twelve month period, the specified penalty payable in respect of the third or subsequent contravention is triple the amount shown in Schedule "D" of this Bylaw in respect of that provision.
- (c) where a person contravenes the same provision of this bylaw three (3) or more times within one twelve month period with the same dog, in addition to triple the specified penalty payable in respect of the contravention of the amount shown in Schedule "D" of this Bylaw in respect of that provision, the Bylaw Enforcement Officer may apply to the Justice under Summary Conviction for an order to remove the said dog from the Village or have the dog destroyed.

**SUMMARY CONVICTION**

18.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine of not more than TWO THOUSAND, FIVE HUNDRED DOLLARS (\$2,500.00) and in default of payment is liable to imprisonment for a term not exceeding six (6) months.

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- 18.2 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 from which he is liable under the provisions of this Bylaw.
- 18.3 A Justice, in addition to the penalties provided in this Section, may if he considers the offence sufficiently serious direct or order the owner of the dog to stop the animal from doing mischief, or causing a disturbance or nuisance complained of, or to have the dog removed from the Village or have the dog destroyed.
- 18.4 A Justice, after convicting the owner of a dog of an offence under this bylaw may, in addition to any other penalties imposed or orders made, and without further notice or hearing, declare the subject dog a vicious dog pursuant to the provisions of this Bylaw.
- 19.1 Bylaws 132-00 are hereby rescinded.

Read a first time this 4th day of December, A.D., 2009 on a motion by  
Mayor Ivor McCorquindale

*JANUARY 9<sup>th</sup>*

Read a second and third time this 5<sup>th</sup> day of JANUARY A.D., 2010 on a  
motion by \_\_\_\_\_

*Ivor McCorquindale*

*Leslie Fitzgerald*

**MAYOR**

**CHIEF ADMINISTRATIVE OFFICER**

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**VILLAGE OF LONGVIEW  
SCHEDULE "A"**

Name:

Address:

Date Mailed:

You are hereby notified that a dog bearing license number \_\_\_\_\_ registered in your name and address was impounded on \_\_\_\_\_, A.D. 20 \_\_\_\_ pursuant to the provisions of Bylaw Number \_\_\_\_\_ of the Village Longview. Unless the said animal is claimed and all impoundment charges are paid by cash or certified cheque on or before \_\_\_\_\_ A.D. 20 \_\_\_\_ the said animal will be sold or euthanized pursuant to the said Bylaw.

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VILLAGE OF LONGVIEW SCHEDULE "B"**

AMOUNT TO BE PAID TO VILLAGE OF LONGVIEW BY OWNER OF DOG IN  
ORDER TO RECLAIM AND RELEASE FROM THE POUND

	Amount
1. Impoundment Fee	
Dogs (except vicious dogs) with a current license	\$ 25.00
Dogs (except vicious dogs) without a current license	\$50.00
 Vicious Dogs (deemed vicious pursuant to Section 5.3)	 \$250.00
 2. Care and sustenance (except vicious dogs) (per day or portion thereof) to commence at the time of impoundment	 \$ 20.00
 3. Care and sustenance for Vicious dogs (deemed vicious pursuant to Section 5.3, 5.4)	 rate dependant upon facility



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SCHEDULE "C"  
LICENSE FEES**

**Annual License Fees**

	Fee before January 31st	Fee After January 31st
<b>DOGS:</b>		
<b>First dog per residence:</b>		
Neutered/Spayed dog over 6 months of age	15.00	40.00
Unneutered/unsprayed dog over 6 month of age	40.00	60.00
<b>Second Dog per residence:</b>		
Neutered/Spayed dog over 6 months of age	20.00	45.00
Unneutered/unsprayed dog over 6 month of age	45.00	65.00
Vicious Dogs (deemed vicious pursuant to section 5.3)	150.00	200.00
Replacement License	1.00	1.00

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**VILLAGE OF LONGVIEW SCHEDULE "D"**

**Offence:**

Section 3.1		
	<b>Running at large</b>	\$50.00
Section 4.1		
	<b>Public Nuisance</b>	\$50.00
Section 4.2		
	<b>Defecation</b>	\$ 50.00
Section 4.3		
	<b>Allow Dog in Floral Park</b>	\$ 50.00
Section 4.4		
	<b>Allow Dog in pools</b>	\$ 50.00
Section 4.6		
	<b>Allow Dog in Village owned Community Facility</b>	\$ 50.00
Section 5		
	<b>Vicious Dogs</b>	\$ 100.00
Section 5.4 (a), (b), (c)		
	<b>Vicious Dog Confinement</b>	\$ 500.00
Section 5.4 (d)		
	<b>Vicious Dog insurance</b>	\$1,500.00
Section 6.1		
	<b>Failure to have animals examined by a licensed veterinarian for rabies on demand of Bylaw Enforcement Officer</b>	\$ 100.00 per demand
Section 7.1		
	<b>Harbouring more than two (2) dogs</b>	\$ 50.00
Section 8.1		
	<b>Failure to purchase license</b>	\$ 50.00
	<b>Failure to purchase license (vicious dogs)</b>	\$ 400.00
Section 8.5	<b>Failure to reclaim animal from pound *</b>	\$50.00
Section 12	<b>Obstruction</b>	\$100.00

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**Section 13 Interference Torment**

**\$100.00**

\* Section 8.5 actual costs of impoundment and release or destruction \*\* If owner is  
ascertained - additional \$50.00