

TOWN OF SUNDRE

Bylaw No. 822

Being a Bylaw to provide for licensing, regulation and control of dogs in the Town of Sundre, Province of Alberta

WHEREAS: Pursuant to the provisions of the Municipal Government Act, Revised Statutes of Alberta, 2000 Chapter M-26 and amendments thereto, Council may pass a Bylaw for the purpose of regulating and controlling wild and domestic dogs and activities in relation to them;

AND WHEREAS: It is deemed necessary and expedient to pass a Bylaw to regulate and control dogs;

AND WHEREAS: Council has deemed it necessary to repeal and replace Bylaw No. 01-11;

NOW, THEREFORE, THE COUNCIL OF THE TOWN OF SUNDRE, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

1. TITLE

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

2. DEFINITIONS AND APPLICATION

- 2.1 (a) **"Animal Control Officer"** means a Bylaw Officer appointed by Council of the Town of Sundre or a Special Constable appointed by the Solicitor General of Alberta employed by the Town of Sundre or a member of the Royal Canadian Mounted Police;
- (b) **"Chief Administrative Officer"** means a municipal official in the responsible role of Chief Administrative Officer of the Town of Sundre or anyone authorized to act on his behalf;
- (c) **"Competent Person"** means a person who is physically and mentally capable of restraining and controlling a dog to an extent that the dog cannot interfere with other persons or animals or damage property;

- (d) **“Days”** when used with respect to the issue of a Notice, an appeal period or impoundment, does not include weekends or statutory holidays for calculating the number of days;
- (e) **“Impound”** means to take possession of and arrange for the lodging of and caring for a dog at a facility contracted to the Town of Sundre for such purpose;
- (f) **“Leash”** means a chain or other material capable of humanely restraining a dog;
- (g) **“License”** means a dog License issued by the Town to the Owner of a dog;
- (h) **“Motor Vehicle”** means any motorized vehicle, excluding a motor cycle, designed to be used or driven on a roadway
- (i) **“Notice”** means written or verbal communication, or combination thereof, directed to an Owner informing the Owner that a dog is being declared a “Vicious Dog” pursuant to this Bylaw and includes details of the appeal process available to the Owner to contest such declaration;
- (j) **“Off Leash Area”** means an area established by resolution of Council as being an area where a dog, that is under the control of a competent person, is permitted without such dog being on a leash;
- (k) **“Owner”** means
 - (i) a person to whom a dog is Licensed pursuant to this Bylaw, or
 - (ii) a natural person or body corporate who has legal title to a dog, or
 - (iii) a person who has possession or custody of a dog, either temporarily or permanently, or
 - (iv) a person who harbours or permits a dog to reside in a dwelling occupied by that person, or
 - (v) a person who harbours or permits a dog to be present on and remain on property occupied by that person.
- (l) **“Premise”** means a property, including a building, other structure or land, located within the Town of Sundre;
- (m) **“Running at Large”** means a dog that is not on a leash, except

- (i) when the dog is fully contained upon and within private property with the consent of the owner or person in control of said property; or
 - (ii) when the dog is under control of the Owner or of a competent person and upon the property of the Owner or within an "Off Leash Area", or
 - (iii) while the dog is participating in an organized dog show or competition and under the control of a competent person;
- (n) **"Town"** means the municipal corporation of the Town of Sundre;
- (o) **"Trespassing"** as used in Section 4.1(b) of this Bylaw, means where a person enters a Premise without permission from the Owner or occupant of the Premise, but does not include where persons enter the Premise for the purposes of paper delivery, utility meter reading, charity solicitations, or other normally expected and lawful purposes;
- (p) **"Under Control"** or **"Under the Control"** means a dog that is in the care of a competent person such that the dog is not allowed to interfere with any other person or another animal;
- (q) **"Vicious Dog"** means a dog that, whether on public or private property, has:
- (i) bitten, attacked, chased, injured or caused injury to a person or other animal, or
 - (ii) destroyed or damaged any public or private property, or
 - (iii) threatened or created the reasonable apprehension of a threat to a person or other animals;

and which in the opinion of an Animal Control Officer, based on personal observation or on the basis of facts gathered through an investigation, or which in the opinion of a Judge or Justice of the Provincial Court who has entered a conviction in respect of the dog for a contravention of this Bylaw, presents a threat of serious harm to a person or persons or other animals, or

- (iv) been declared by a Court to be a "Dangerous Dog", or declared pursuant to a Bylaw of another municipal jurisdiction to be a "Vicious Dog" or otherwise a danger or threat to persons or other animals;

3. RESPONSIBILITIES OF DOG OWNERS

3.1 The Owner of a dog shall:

- (a) obtain an annual License from the Town in accordance with the provisions of Section 7 of this Bylaw;
- (b) ensure that the dog is not running at large;
- (c) ensure that the dog, when off the Owner's property, is Under the Control of a Competent Person;
- (d) not keep more than 2 dogs of ages of 3 months or more per household.
- (e) when the dog defecates on any public or private property other than the property of the Owner, immediately remove all feces.

3.2 (a) The Owner of a dog shall not abandon a dog;

- (b) For the purpose of Section 3.2(a) a dog will be deemed to have been abandoned when:
 - (i) the dog is left behind at a Premise or neighbourhood after the Owner has moved away; or
 - (ii) the dog, for whatever reason, is running at large and the Owner has not made reasonable attempts to locate the dog, such attempts including but not necessarily limited to notifying the Town or the Royal Canadian Mounted Police that the dog is missing and making enquiries with local veterinary facilities.

3.3 No person shall leave a dog inside an unattended Motor Vehicle, whether on public or private property, unless:

- (a) there is adequate ventilation and temperature control provided for the health and well-being of the dog; and
- (b) the dog is restricted and restrained so as to prevent the dog's escape from the vehicle, or it's access to persons or animals in the vicinity of the vehicle.

3.4. The owner of a Motor Vehicle involved in a contravention of Section 3.3 of this Bylaw is guilty of an offence unless that vehicle owner satisfies the Court that the vehicle was being driven or was parked by another person that did not have the vehicle owner's express or implied consent to operate the said vehicle.

4. NUISANCE

4.1 An Owner of a dog shall ensure that the dog does not:

- (a) attack or bite a person or another animal, whether on or off the property of the Owner;
- (b) chase or threaten a person by lunging towards, growling, snapping at or by doing anything else that causes that person to fear for his safety while on public or private property, except where that person is actually trespassing on the property of the dog Owner;
- (c) chase another animal, bicycles, motor vehicles or other vehicles;
- (d) engage in any other activity that causes injury to a person or another animal whether on the property of the Owner or not;
- (e) cause damage to public property or private property, not including the private property owned or occupied by the Owner;
- (f) do anything to cause garbage retained in waste receptacles or other containers to be scattered on public or private property;
- (g) in the case of a female dog in season, be kept at any location where the dog is a source of attraction to other dogs;
- (h) enter a garden or floral area on public or private property;
- (i) enter into or upon the immediate area of a playground equipment area or a sand play area of a playground.

4.2 An Owner of a dog shall ensure that such dog does not habitually or excessively bark, howl or engage in any other activity that disturbs any person.

4.3 An Owner or occupant of a Premise where one or more dogs are kept shall not allow the Premise to become littered with dog feces to an extent that the Premise becomes objectionable, either visually or because of foul odors, to residents of neighbouring properties.

5. INTERFERENCE

5.1 No person shall:

- (a) untie, loosen or otherwise free a dog which has been tied up or otherwise restrained, or willfully or negligently open a gate, door or

other opening in a fence, pen or other enclosure in which a dog has been confined and thereby allow the dog to run at large; or

- (b) abuse, tease, torment or annoy a dog.

6. VICIOUS DOGS

- 6.1 (a) A dog may be declared by an Animal Control Officer to be a “Vicious Dog” pursuant to this Bylaw and will be Licensed as such by the Town and subject to special provisions of this Bylaw pertaining to “Vicious Dogs”.
- (b) The Owner of a dog declared to be a “Vicious Dog” pursuant to this Section shall be served with a Notice setting out the reasons therefore, the responsibilities of an Owner of a “Vicious Dog” pursuant to this Bylaw and the process of appeal available to the Owner of the dog.
- (c) A Notice issued pursuant to Section 6.1(b) may be appealed in writing to the Chief Administrative Officer within ten (10) days of the service of such Notice.
- (d) For the purposes of this Section, a Notice will be deemed to have been sufficiently served when:
 - (i) served personally upon the Owner of the dog, or served substitutionally upon any person who is 18 years of age or older who resides in the same residence as the Owner of the dog;
 - (ii) the Owner of the dog, or any person who is 18 years of age or older who resides in the residence where the dog is kept, is notified verbally by an Animal Control Officer, and a written Notice is sent by regular or registered mail or by electronic means to the Owner as soon as practicable thereafter.
- (e) A decision on an appeal made pursuant to Section 6.1(c) will be communicated to the appellant verbally or in writing within ten (10) days of receipt of the appeal.

- (f) A decision made by the Chief Administrative Officer on an appeal made pursuant to Section 6.1(c) may be appealed to Council in writing within ten (10) days of being notified of the decision.
 - (g) Where a Notice has been served on the Owner of a dog declared to be a "Vicious Dog" by an Animal Control Officer, for the purposes of this Bylaw, the dog will be deemed to be a "Vicious Dog" throughout any appeal proceedings unless a decision arising from an appeal is rendered that the dog is not a "Vicious Dog".
- 6.2 Within five (5) days of a dog being declared a "Vicious Dog" pursuant to this Bylaw, the Owner shall:
- (a) arrange to have the dog tattooed or implanted with an electronic identification microchip by a Licensed veterinarian and provide the Town with documentary proof of doing so immediately thereafter;
 - (b) License the dog as a "Vicious Dog" with the Town,
- 6.3 The Owner of a Vicious Dog shall:
- (a) when selling or otherwise giving the dog to a new Owner, fully inform the new Owner that the dog has been declared a "Vicious Dog" by the Town of Sundre. A new Owner of a "Vicious Dog" must be at least 18 years of age;
 - (b) notify the Town of a change in Ownership of the dog or the death of the dog within three (3) days of the date of change in Ownership or death;
 - (c) when becoming a new Owner of a dog known be declared a "Vicious Dog" pursuant to this Bylaw, license the dog with the Town of Sundre within three (3) working days, excluding weekends and statutory holidays of acquiring the dog;
 - (d) thereafter obtain an annual "Vicious Dog" License from the Town of Sundre as required by this Bylaw; and
 - (e) ensure that the dog wears the current License Tag for that dog whenever the dog is off the property of the Owner.
- 6.4 For the purposes of Section 6.3(b), a dog shall be deemed to have been sold or otherwise given to a new Owner when the dog is left in the care of anyone for a period of thirty (30) consecutive days or more, whether or not there was an exchange of money or a formal agreement for a change of Ownership

- 6.5 When a “Vicious Dog” is on the Premise of the Owner, the Owner shall ensure that:
- (a) the dog is confined indoors; or
 - (b) when the dog is not confined indoors, it is confined in a locked pen or other structure that complies with the provisions of Section 6.6 of this Bylaw, and which is constructed so as to prevent the escape of the dog and the entry of any person not in possession or control of the dog.
- 6.6 A locked pen or other structure required pursuant to Section 6.5 shall:
- (a) be of minimum dimensions of 1.5 metres by 3 metres, and 3 metres in height;
 - (b) have secure sides and a secure top, and if it has no bottom secured to the sides, the sides must be embedded into the ground to a minimum dept of 30 centimetres; and
 - (c) not be located within one (1) metre of the property line of the Owner of the dog or within five (5) metres of a neighbouring residential dwelling.
- 6.7 When a “Vicious Dog” is off the property of the Owner, the Owner shall ensure that:
- (a) the dog is securely muzzled;
 - (b) the dog is secured in a harness or leash which shall not exceed one (1) metre in length and is adequate to control the dog;
 - (c) the dog is under the control of a competent person who is at least eighteen (18) years of age; and
 - (d) when the dog is running at large, the Town is notified immediately.
- 6.8 The Owner of a “Vicious Dog” shall ensure that the dog does not:
- (a) bite or attack a person or another animal;
 - (b) chase a person or another animal;
 - (c) injure or cause injury to a person or another animal; or
 - (d) damage or destroy public or private property.

- 6.9 An Owner of a “Vicious Dog” who contravenes of any provision of this Bylaw is guilty of an offence and is subject to penalties applicable to “Vicious Dogs” as provided for in Schedule “B” of this Bylaw.

7. LICENSING

- 7.1 An Owner of a dog shall annually purchase a dog License from the Town of Sundre for each dog owned at the annual fee as set out in Schedule “A” of this Bylaw:

- (a) on or before January 31 of the current License year; or
- (b) within thirty (30) days following the dog having attained three (3) months of age; or
- (c) within thirty (30) days after acquiring possession of the dog;

whichever date is the latter.

- 7.2 For the purposes of Section 7.1, where a dog is kept at a Premise within the Town of Sundre for more than 30 days total during a one year period, the dog is required to be Licensed pursuant to Section 7.1(c) of this Bylaw.

- 7.3 No person shall, while knowing that the dog to be Licensed is a “Vicious Dog” as defined in this Bylaw, attempt to License the dog other than as a “Vicious Dog”.

- 7.4 The Owner of a Licensed dog may obtain a replacement License tag for a fee as set out in Schedule “A” of this Bylaw.

- 7.5 No person shall provide false or misleading information that is used for dog-licensing purposes.

- 7.6 An Owner of a dog that is Licensed with the Town of Sundre shall not allow the dog to leave the property of the Owner unless the dog is wearing a collar and current License tag assigned for that dog.

- 7.7 In the case of a change in ownership of a dog or the death of a dog:

- (a) the License and corresponding tag is not transferable to a new Owner and the new Owner must apply for a new License;
- (b) the License and corresponding tag is not transferable to another dog acquired by the Owner;
- (c) no refund shall be made for any License issued pursuant to this Bylaw because of the death or sale of the dog or upon the dog

being moved outside the Town of Sundre before the expiration of the License; and

- (d) when the dog subject of the Ownership change is already licensed for that year with the Town, there will be no fee for a new License obtained by the new Owner.

7.8 Notwithstanding Section 7.1, where the Town is satisfied that a dog is being trained for and/or is being used as a guide dog for a visually impaired person, the dog must be Licensed but there will be no fee payable by the Owner of the dog.

8. DOG CONTROL AUTHORITY

8.1 An Animal Control Officer may capture and impound any dog:

- (a) which is observed to be running at large or which is on private property, including property of the Owner, and is not adequately confined or restrained so as to prevent it from running at large;
- (b) that has engaged in any activity that is in contravention of any provision of Section 4.1 of this Bylaw;
- (c) where there is a prolonged continuation of an offence under Section 4.2 of this Bylaw (habitual barking) and the Owner of the dog cannot be contacted or refuses to take steps to terminate the disturbing activity of the dog;
- (d) in the case of a "Vicious Dog", where there are reasonable grounds to believe that the Owner is in contravention of any provision of this Bylaw; or
- (e) which is required to be impounded pursuant to the provisions of any Statute of Canada or of the Province of Alberta, or any regulation thereunder.

8.2 An Animal Control Officer may enter onto the land surrounding any building for the purpose of impounding a dog pursuant to this Bylaw.

8.3 An Animal Control Officer may use any humane method, including, but not limited to, the use of capture devices or tranquilizer equipment to capture a dog that is subject to impoundment pursuant to this Bylaw.

8.4 Through a resolution of Council, the Town may establish designated areas as Off Leash Areas.

9. OBSTRUCTION

- 9.1 No person shall willfully interfere with or obstruct an Animal Control Officer who is attempting to capture or impound a dog or who is in possession of a dog captured or impounded pursuant to this Bylaw.
- 9.2 No person, whether or not the Owner, shall provide false information with respect to ownership of a dog to an Animal Control Officer who is conducting an investigation with respect to an offence or alleged offence under this Bylaw.

10. DISPOSITION OF AN IMPOUNDED DOG

- 10.1 An impounded dog may be reclaimed by or on behalf of the Owner after payment is first made to the Town during normal office hours of:
 - (a) any required dog License fee;
 - (b) the other fees as set out in Schedule "A" of this Bylaw relating to the dog's capture, impoundment, care and subsistence; and
 - (c) the costs of any required veterinary services provided.
- 10.2
 - (a) An impounded dog will be retained for a minimum of 3 days where the identity of the Owner is not determined within that time, or a minimum of 5 days where the identify of the Owner is known and the dog is not claimed within that time by the Owner by either taking possession of the dog or by making arrangements through the Town for further retention of the dog.
 - (b) An impounded dog that has not been claimed within the time periods specified in Section 10.2(a) of this Bylaw may be disposed of thereafter in accordance with Section 10.3 of this Bylaw.
 - (c) An Animal Control Officer may retain a dog for a longer period than provided in Section 10.2(a) if it is determined that the circumstances warrant the extension. The decision to allow such an extension is at the sole discretion of the Animal Control Officer and all additional expenses are the responsibility of the Owner.
- 10.3
 - (a) An impounded dog that is not claimed within the applicable time period and in accordance with the provisions this Bylaw, may be disposed of under the authorization of an Animal Control Officer by:
 - (i) selling or adopting the dog out, or
 - (ii) euthanization by a qualified veterinarian when the Animal Control Officer is satisfied, through consultation with a

qualified veterinarian, that the dog is ill or injured to an extent that medical treatment is not practical, and under the circumstances, such measure is appropriate for humane purposes.

- (b) In the case of a dog that is obviously in extreme distress due to injury, an Animal Control Officer may perform, or cause to be performed, euthanization in a humane manner without consultation with a qualified veterinarian when such consultation cannot be done in a timely manner.

- 10.4 When an impounded dog is disposed of in accordance with the provisions of this Bylaw, the Owner at the time it was impounded shall cease to have any right or title to the dog and such right or title shall transfer to a person that has adopted the dog.

11. ENFORCEMENT PROCEDURES

- 11.1 Where an Animal Control Officer believes that a person has contravened any provision of this Bylaw, he may serve upon such person a Violation Ticket in accordance with Part 2 of the Provincial Offences Procedure Act, R.S.A. 2000, c.P-34.
- 11.2 Notwithstanding Section 11.1, an Animal Control Officer may, in lieu of prosecution, issue to any person by personal service or regular or registered mail, a Bylaw Violation Tag in a form as approved by the Chief Administration Officer.
- 11.3 A person who has been issued a Bylaw Violation Tag in respect of a contravention of this Bylaw and who has fully paid the penalty in lieu of prosecution prescribed thereon within the time allowed for payment shall not be liable to prosecution for the contravention.

12 PENALTIES

- 12.1 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 (\$2500.00) and not less than SEVENTY-FIVE DOLLARS (\$75.00) and in default of payment is liable to imprisonment for a term not exceeding six (6) months.
- 12.2 Notwithstanding Section 12.1, the minimum fine on summary conviction with respect to a contravention of this Bylaw in relation to a "Vicious Dog" shall be TWO HUNDRED AND FIFTY DOLLARS (\$250.00).

- 12.3 The specified penalty in respect of a contravention of a specific provision of this Bylaw is the amount provided for in Schedule “B” of this Bylaw.
- 12.4 The penalty in lieu of prosecution payable for a specific contravention of this Bylaw is the amount provided for in Schedule “B” of this Bylaw.
- 12.5 (a) Where any person contravenes the same provision of this Bylaw twice within a twelve (12) month period, the specified penalty payable in respect of the second contravention shall be double the amount provided for in Schedule “B” of this Bylaw.
- (b) Where any person contravenes the same provision of this Bylaw three or more times within a twelve (12) month period, the specified penalty payable in respect of the third or subsequent contravention shall be triple the amount provided for in Schedule “B” of this Bylaw.
- (c) A contravention of this Bylaw proceeded with in lieu of prosecution shall be deemed to be a contravention for the purposes of Sections 12.5(a) and 12.5(b).
- (d) For the purposes of Sections 12.5(a) and 12.5(b), a second or subsequent contravention shall be deemed to have been committed irrespective of whether or not a different dog was involved in the contravention.
- 12.6 The payment of any penalty or the imprisonment for any period as imposed pursuant to this Bylaw shall not relieve a person from the payment of any fees, charges or costs for which he is liable under the provisions of this Bylaw.
- 12.7 A Provincial Court Judge or Justice may, upon rendering a conviction under this Bylaw against the Owner of a dog, in addition to the penalties provided for in this Bylaw:
- (a) direct or order the Owner of the dog to:
- (i) take measures to stop the dog from engaging in any activity that constitutes a contravention of this Bylaw;
- (ii) have the dog removed from the Town of Sundre; or
- (iii) have the dog humanely destroyed.
- (b) declare the dog involved in the contravention resulting in the conviction to be a “Vicious Dog” pursuant to this Bylaw.

13. GENERAL

- 13.1 Schedules "A" and "B" may, from time to time, be amended by resolution of Council.
- 13.2 Whenever the singular and masculine gender is used in this Bylaw, the same shall include the plural, feminine and neuter gender whenever the context so requires.
- 13.3 No action for damages shall be taken against the Town or any person acting under the authority of this Bylaw in respect of the impoundment or attempted impoundment, adoption, destruction, sale or other disposal of any dog dealt with pursuant to this Bylaw.
- 13.4 All monies or any monies received for licensing, impoundment fees, veterinary services or sale of a dog become part of the general revenue of the Town.
- 13.5 It is the intention of the Council of the Town that all offences created pursuant to this Bylaw be construed and considered as being Strict Liability Offences
- 13.6 It is the intention of the Council of the Town that each section of this Bylaw should be considered as being separate and severable from all other sections. Should any section or part of this Bylaw be found to have been improperly enacted, then such section or part shall be regarded as being severable from the rest of this Bylaw and that the Bylaw remaining after such severance shall be effective and enforceable
- 13.7 This Bylaw shall come into effect upon third reading and Bylaw Numbers, 32, 301, 364, 372, 729 is hereby repealed upon this Bylaw coming into effect.

Read a first time this 13th day of March, 2006

Read a second time this _____ day of _____, 2006

Read a third and final time this _____ day of _____, 2006

Mayor

Chief Administrative Officer

Schedule "A" of Bylaw No. 822 - Dog Control Licensing and Impounding Fees

Annual Fees	Before Jan 31, 2006	After Jan 31, 2006
Annual license for dog - unaltered male or female	\$0.00	*\$35.00
Annual license for dog - altered male or female	\$0.00	*\$25.00
Annual license for dog declared as ``vicious dog``	\$100.00	\$100.00
Replacement license - all licenses	\$5.00	\$5.00
Guide dog for blind person	free	free
Transfer of current Town license to new dog	No	No
Change of owner for dog already licensed with the Town	Free	Free
Other Fees		
Impoundment Fees - non-vicious dog	\$25.00	
Impoundment Fees - vicious dog	\$100.00	
Care & Subusistence	as set by pound	
Veterinary Services	as incurred	

*provided owner was legally required to obtain a license on or before January 31st.

