

Corporation of the Town of Bow Island
Bylaw No. 2011 04

A Bylaw of the Town of Bow Island, in the Province of Alberta, to provide for the control of dogs kept within the Town.

WHEREAS Section 7(h) of the *Municipal Government Act*, S.A. 1994 c. M-26. 1, as amended, authorizes municipalities to pass bylaws for municipal purposes respecting wild and domestic animals and activities in relation to them.

AND WHEREAS, the provisions of the Provincial Offences Procedure Act, being Chapter P-21 RSA, 1980 and amendments thereto, empowers Council to pass bylaws respecting voluntary penalties;

AND WHEREAS, the Council deems it proper and expedient to pass such a bylaw;

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

- 1) This bylaw may be cited as the **“Dog Control Bylaw”**.
- 2) (1) Unless a word is specifically defined in this bylaw, the meaning, if any ascribed in the Interpretation Act, being Chapter I-7, RSA 1980, and amendments thereto, shall apply.

(2) In this bylaw:
 - a) **“Council”** means the Municipal Council of the Town of Bow Island duly assembled and acting as such.
 - b) **“Day”** means a continuous period of twenty four (24) hours.
 - c) **“Dog”** means any canine animal.
 - d) **“Dog Tag”** means a device bearing a distinctive serial number intended to be attached to the collar of a dog and issued by the Town Administration Staff upon payment of a licensing fee as prescribed by this bylaw.
 - e) **“Infectious Physical condition”** means any abnormal physical condition which is liable to be passed on to other animals or humans by invasion of an organism emanating from the animal suffering from the abnormal physical condition.
 - f) **“Owner”** means the person having legal title to the dog in question and includes:
 - i. the person in whose name the animal is registered,
 - ii. any other person who has possession or custody of the animal,
 - iii. any person who harbors, houses or permits such animal to be upon his property, and
 - iv. a person acting on behalf of the actual owner of a dog, where such person furnishes proof to the satisfaction of the Enforcement Officer of his authority to deal with the Enforcement Officer on behalf of the actual owner in respect of the dog.
 - g) **“Pound”** means the Town’s facility for the impounding of dogs as set out in this bylaw.
 - h) **“Enforcement Officer”** means a Bylaw Enforcement Officer of the Town, a Peace Officer, or a member of the Royal Canadian Mounted Police.
 - i) **“Pound keeper”** means any person, firm or body corporate employed or appointed by the Town to manage and operate the Pound and to carry out such other duties as prescribed

in this bylaw, and includes any person appointed by the Town as an assistant to the Pound Keeper.

- j) **“Dangerous Dog”** means
 - i. any dog with a known propensity, tendency or disposition to attack without provocation other domestic animals or humans, or
 - ii. any dog which has bitten another domestic animal or human without provocation, or
 - iii. any dog which has been deemed a dangerous dog by a justice through the *Dangerous Dog Act of Alberta*, or
 - iv. Any dog known or commonly known as a Pit Bull Terrier, American Pit Bull Terrier, Pit Bull, Stafford-shire Bull Terrier, American Strafford-shire Terrier or any dog of mixed breeding which includes any of the aforementioned breeds, which can be identified through its physical characteristics as a dog partially of the aforementioned breeds or kind by a Veterinarian licensed to practice in Alberta.

- k) **“Running at Large”** means, when used to describe a dog:
 - i. the state of being upon any land other than land on which the owner or person having responsibility for, or custody of the dog resides, or
 - ii. a dog not securely restrained by a leash, held by a person capable of properly restraining the dog.

- l) **“Town”** means the Town of Bow Island, or the area contained within the boundary thereof, as the context requires.

- m) **“Harbor”** means allowing any dog to take up refuge in, around or near a property, whether or not the person harboring the dog is the owner of that property or not.

- n) **“Multi-dog license”** means a license provided by the town in addition to the annual dog licensing fee, which allows the person to harbor more than two (2) dogs, but not more than three (3) dogs.

- o) **“Nuisance Dog”** means any dog in respect of which there have been two or more convictions for offences under this bylaw.

PART 1 – DOG CONTROL PROVISIONS

- 3) A person who owns, or has custody of, or responsibility for, a dog which:
 - i) bites or chases any person or animal, or
 - ii) bites, barks at, or chases any motor vehicle or bicycle, or
 - iii) barks, howls, or otherwise comports itself in such a fashion as to disturb or alarm any person, or to cause any person to fear for his physical safety, or
 - iv) causes any damage whatsoever to any property or any injury whatsoever to any person or animal, or
 - v) is at any time in any swimming or wading pool or water park intended for public use, whether or not the dog is then running at large, or
 - vi) upsets any waste receptacles and scatters the contents thereof whether or not the dog is running at large or not,

No person shall do anything or omit to do anything where such act or omission has or may have the effect of allowing a dog in their control to exhibit behaviour contrary to this section.

- 4) No person shall do anything or omit to do anything where such act or omission has or may have the effect of causing or permitting the running at large of a dog within the Town.

- 5) No person shall leave a dog unattended in a motor vehicle, unless the dog is restrained so as to prevent the dog from coming into contact with any person or other animal outside the motor vehicle.
- 6) No person shall do anything or omit doing anything where such act or omission has the affect of leaving a dog in a vehicle without first assuring suitable ventilation is provided for the dog.
- 7)
 - a) An Enforcement Officer may, on having reasonable and probable grounds to believe a dog is a Nuisance Dog, direct the Owner in writing to take such action as deemed necessary by the Enforcement Officer to ensure this Bylaw is not further contravened.
 - b) The Owner of a Nuisance Dog who fails to comply with the written direction of an Enforcement Officer pursuant to subsection (1) is guilty of an offence.
- 8) Any owner of a dog, or person having custody of, or responsibility for a dog, which defecates on property other than the property on which the owner or person having custody of, or responsibility for the dog resides, shall forthwith remove from said property and deposit in a proper waste receptacle the matter defecated by the dog.
- 9) An owner shall at all times keep the property, where a dog is kept, in a clean and tidy condition. For purposes of this section, "clean and tidy condition" means clean and tidy in the opinion of an Enforcement Officer, acting reasonably.
- 10) Any person who harbors a dog within the town shall:
 - a) Apply for and obtain, from the Town, a dog license for the dog in accordance with the provisions of section 11 of this bylaw.
 - b) Upon receipt of the proper licensing fee there shall be issued a receipt for payment of the licensing fee, and a dog tag, to the owner of the dog in respect of which the fee was paid.
 - c) Notwithstanding subsection 10(1), where a person who is blind or visually impaired is the owner of a dog, which is trained and used by that person as a guide dog, there shall be no licensing fee payable by such owner under this bylaw.
 - d) A dog tag issued under the authority of this bylaw shall be proof that the dog, in respect of which the dog tag was issued, is duly licensed for the calendar year for which the dog tag was issued, and every dog license issued under the authority of this bylaw shall expire and be of no further force or effect after December 31 of the year for which the dog tag was issued.
- 11) An owner of a dog shall:
 - i) if the dog is or will be over the age of three months as of December 31st of any year, apply for and obtain a dog license for such dog for the following calendar year prior to February 1 of that following year,
 - a) notwithstanding a violation tag has been issued in respect of a dog license that was or is expired, any dog license that is shown on the records of the Town to be expired as of February 2 of each year there will be added a \$25.00 service charge in addition to the licensing fee for that year,
 - ii) if the dog is not or will not be over the age of three months as of December 31st of any year, apply for and obtain a dog license for such dog on the first day when the Town Office is open for business after the dog becomes three months of age,
 - iii) notwithstanding any other provisions of this section, forthwith apply for and obtain a dog license if the dog is found "running at large" and no dog licensed in respect of the dog has previously been issued,

- iv) in the year that the dog is acquired, apply for and obtain a dog license no later than 15 days from the date the dog is acquired or from the date that the dog reaches the age or three months, whichever date occurs first,
- v) pay the full amount of the annual licensing fee as stipulated in Schedule "A" of this bylaw,
- vi) provide the dog with a secure collar to which shall be securely affixed the dog tag obtained for such dog, and ensure that both the collar and the dog tag are worn by the dog at all times when the dog is not upon property, which the owner resides.
- vii) this section as well as section 9 and 10, shall not apply to:
 - i) any person holding a valid license to operate a retail pet sales business within the Town, or
 - ii) owner of an animal just visiting the town, but for no longer than 7 consecutive days, or
 - iii) a handicapped person, in possession of an identification card, proving ownership of a guide dog for their use.

- 12) a) In addition to sections 10 and 11 of this bylaw, a person shall:
 - i) if he keeps or harbors more than two dogs aged three months or more, apply for and obtain a "multi-dog license", as prescribed in schedule "D" of this bylaw or as prescribed from time to time by regular motion of council, and
 - ii) Pay the full amount of the annual "multi-dog license" fee as stipulated in Schedule "A" of this bylaw.
 - iii) No person shall be allowed to harbor more than 3 dogs within the Town without first acquiring written approval from Council, notwithstanding they have already paid the licensing fees laid out in subsection 12(a).
- b) The Enforcement Officer in charge of enforcing the provisions of this bylaw may refuse purchase of, or revoke a "multi-dog license".
- c) The license referred to in Subsection 12(1) shall expire and be of no further force or effect after December 31st of the year for which the license was issued; all the provisions of section 10, of this bylaw, shall apply to this section with all the applicable modifications.
- 13) a) If a dog tag is lost or destroyed, and town records show a license issued for current licensing year, a replacement dog tag may be issued by the Administration Staff at the Town Office without the owner of the dog incurring any further costs.
- b) No person shall affix or permit to be affixed to a dog's collar a dog tag, which has been issued in respect of another dog.
- c) No refund shall be made of any dog licensing fee for any reason whatsoever.

PART 2- IMPOUNDED DOGS

- 14) a) An owner of an impounded dog may reclaim the dog upon payment to the Town of an amount equal to:
 - i) the total of all impoundment fees as set out in schedule "B" of this bylaw and any veterinary expenses incurred by the Town in respect of the dog during the period of impoundment, and
 - ii) any licensing fees payable under this bylaw at the time the dog is reclaimed.

- b) The Enforcement Officer may require an owner, who reclaims a dog from the Pound, to provide a receipt for the payment of all outstanding fees in respect of the dog's impoundment before the owner can take possession of the dog from the pound.
- 15)
- a) When a dog has been in the Pound for 72 hours, or more, and the owner of the dog has not reclaimed the dog in accordance with section 14 of this bylaw, the Town may:
 - i) destroy the dog,
 - ii) offer the dog for sale at the price stipulated for purchase of a dog in Schedule "B",
 - iii) retain the dog in the pound for such further period of time as the Enforcement Officer may think advisable under the circumstances.
 - iv) For the purpose of this bylaw the time frame for the 72 hour impound will start at 8:00am the day after the impoundment of the dog and will not include Saturday, Sunday or Statutory Holidays.
 - b) When a dog is destroyed, pursuant to subsection (1), the owner of the dog shall be liable for the costs, if any, incurred by the Town to impound and destroy the dog. The Town will supply the owner of the dog an invoice in relation to the destruction of the dog, which will be due within 30 days after the invoice has been received by the owner, said bill is a debt owed to the Town and will be collected as such.
 - c) Where the owner of an impounded dog has advised the Town Administration Staff that he has no further interest in the dog, the Town may destroy the dog, or offer the dog for sale at the price stipulated for purchase of a dog in Schedule "B" of this bylaw, notwithstanding that the dog may then have been in the pound less than 72 hours.
 - d) The Town shall not sell any impounded dog:
 - i) to a resident of the Town, unless at the time of purchasing the dog that person fulfills all licensing requirements under this bylaw including payment of the annual licensing fee prescribed in Schedule "A" of this bylaw, or
 - ii) to any other person, unless that person furnishes proof to the satisfaction of the Town Administration Staff that he is not a resident of the Town and that the dog will be kept outside the Town, or
 - iii) to the person who owned the dog prior to the impoundment.
 - e) Upon sale of a dog in accordance with the provisions of this bylaw, the person purchasing the dog shall be conclusively deemed the owner and all claims or rights of ownership of any other person are extinguished by and at the time of the sale.
 - f) Notwithstanding any other provision of this section, no dog impounded as evidence pursuant to any provisions of this bylaw shall be sold or destroyed until the judicial proceedings associated therewith have been determined.

PART 3- DANGEROUS DOGS

- 16) Every owner of a dangerous dog will purchase a license in relation to that dog, as set out in appendix "A", and
- a) any owner who has purchased a license for a dog, which was not classified as a dangerous dog prior to the passing of this bylaw, will forthwith purchase a license for a dangerous dog pursuant to schedule "A" 1(c) of this bylaw, and
 - b) All provisions and regulations of section 11 of this bylaw apply to the licensing of a dangerous dog, and
 - c) an owner of a dangerous dog must insure that at all times licensing requirements are valid, any owner that fails to do so is guilty of an offence.

- 17) An owner of a dangerous dog, whose dog is at any time found running at large, in the Town, is guilty of an offence.
- 18) Every owner of a dangerous dog shall:
 - a) Ensure that the dog, while on private property, is kept either securely confined indoors, or in a securely enclosed and locked pen, structure or compound, which
 - i) is capable of preventing the entry of young children and preventing the dog from escaping,
 - ii) has minimum dimensions of five by ten feet,
 - iii) has secure sides,
 - iv) provides protection from injurious heat or cold for the dog.
 - b) not permit the dog upon public property unless it is muzzled, restrained by a chain or leash not exceeding six feet in length and under the control of a person over the age of 18,
 - c) display at each entrance to the property and/or building of which the dog is kept, signs warning of a "Dangerous Dog Contained Within",
 - d) in the event of selling or giving away a dangerous dog provide the Town with the name, address and telephone number of the new owner within two business days of selling or giving away the dog,
 - e) in the event of the death of a dangerous dog advise the Town within two business days of the death of the dog,
 - f) inform the Town forthwith if the dangerous dog is loose, has bitten or attacked any person or animal, and
 - g) Maintain, in force, a comprehensive general liability insurance policy including coverage for damage or injury caused by his dog with a minimum limit liability of \$300, 000.00 per occurrence.

PART 4- POWERS OF A BYLAW OFFICER

- 19) The Town shall maintain a facility of such size and design and in such location as the Town Council may from time to time direct, for the purpose of impounding dogs pursuant to the provisions of this or any other bylaw of the Town and such facility shall be designated as the Pound.
- 20) The Town may employ as many Enforcement Officers and other such employees in connection with the operation of the Pound, and the carrying out and enforcement of the provisions of this bylaw, as the Town Council considers necessary or expedient.
- 21) The Enforcement Officer shall act as the Pound Keeper and shall report directly to and be under the authority and supervision of the Town Administrator.
- 22) An Enforcement Officer may capture and impound any dog, which:
 - a) in respect of which there are reasonable and probable grounds to believe that an offence under this bylaw is being committed or has been committed, or
 - b) which is required or permitted to be impounded pursuant to the provisions of any statute of Canada, or of the Province of Alberta or any regulation made hereunder.
- 23) An Enforcement Officer may enter upon the land surrounding any building for the purpose of pursuing any dog, which has been observed running at large.
- 24) An Enforcement Officer may obtain, from a Provincial Court Judge, a warrant to search within or upon any property; upon satisfying the Provincial Court Judge by Affidavit under oath that there are reasonable and probable grounds to believe that there has occurred or is occurring within or upon such property a contravention of the provisions of this bylaw. If, upon conducting such

search, it appears that a number of dogs in excess of the maximum number permitted under section 12(c) is being kept or harbored upon such property, then upon laying a charge under this bylaw the Enforcement Officer, conducting the search, may forthwith remove from the property and impound as evidence for trial any number of dogs in excess of the maximum number permitted by this bylaw.

- 25) The provisions of the Criminal Code, being C-34 RSC, 1985 and amendments thereto, respecting search warrants apply, with all necessary modifications to this section.
- 26) No person shall do anything or omit doing anything where such act or omission has or may have the effect of obstructing, hindering or impeding an Enforcement Officer from doing anything in furtherance of the carrying out or enforcement of any provision of this bylaw.

PART 5- PENALTIES

- 27) a) Where an Enforcement Officer has reasonable and probable grounds to believe that any person has contravened any provision of this bylaw, he may serve upon such person a written violation tag either personally or by mailing the said violation tag to the person in respect of which it is issued, addressed to the last known address of the person, and service of the violation tag as provided for in this section shall be deemed adequate for the purpose of this bylaw. The violation tag referred to in this section shall allow for the voluntary payment of a penalty, to the Town, in lieu of prosecution for the offence. The amount of the voluntary penalty shall be prescribed in Schedule "C" of this bylaw.
- b) A violation tag issued pursuant to the provisions of subsection (1) shall be in the form prescribed from time to time by Town Council or their agent.
- 28) a) Notwithstanding the provisions of section 27 of this bylaw, pursuant to the provisions of the *Provincial Offence Procedures Act*, where an Enforcement Officer believes that a person has contravened any provision of this bylaw, provided such provision is listed in Schedule "C", he may commence proceedings under Part 2 of the *Provincial Offence Procedure Act*.
- b) Nothing in this section shall:
 - i) prevent a person from exercising the right to defend any charge for committing a breach of any provision of this bylaw, or
 - ii) prevent an Enforcement Officer from laying an information or complaint in lieu of serving a violation ticket, or commencing proceedings under Part 2 of the *Provincial Offence Procedure Act*.
- 29) a) A person who contravenes any provision of this bylaw is guilty of an offence and liable upon summary conviction to pay a fine of not less than seventy five (75.00) and not more than two thousand five hundred dollars (\$2500.00) or in default of payment to imprisonment for a period not exceeding six months.
- b) Payment of any fine or imprisonment for any period of time, pursuant to the provisions of this bylaw, shall not relieve any person from the obligation to pay any fees, charges or costs for which that person is liable.
- c) Payment of any fine or imprisonment for any period as provided for in this bylaw shall not relieve any person from any civil liability whatsoever, which may arise by reason of that person's contravention of any provision of this bylaw.
- 30) In this bylaw the singular may be read as though the plural were expressed and the masculine gender may be read as though the feminine or neuter was expressed, where ever the context is applicable.
- 31) It is the intention of Council that each separate provision of this bylaw shall be deemed independent of all other provision, and it is further the intention of the Council that if any provisions of this bylaw be declared invalid for any reason by a Court of competent jurisdiction, then all other provisions of this bylaw shall remain valid and enforceable.

SCHEDULE "A"

1. Every owner of a dog shall pay an annual licensing fee in accordance with the following classifications of dogs:

a. for a dog of either sex which has been spayed or neutered..... \$15.00

b. for a dog of either sex which has not been spayed or neutered..... \$25.00

c. for a dangerous dog..... \$250.00

d. for a nuisance dog..... \$100.00

2. Every person who has applied for a "multi-dog license" shall pay an annual licensing additional fee of..... \$25.00

SCHEDULE "B"

Amounts payable to the Town Administration Staff to reclaim, destroy, or purchase a dog at the pound:

- 1. Impound Fees:
 - a. for the first impoundment in a calendar year..... \$50.00 per day
 - b. for the second impoundment in a calendar year..... \$100.00 per day
 - c. for the third impoundment in a calendar year..... \$150.00 per day
 - d. for the fourth or subsequent impoundment in a calendar year..... \$200.00 per day
 - e. impoundment of a dangerous dog..... \$350.00 per day

- 2. Veterinary Expenses.....Amount expended

- 3. Purchase of Dog.....\$20.00

SCHEDULE "C"

AMOUNTS WHICH WILL BE ACCEPTED, BY THE TOWN, IN LIEU OF PROSECUTION:

Offence	Section	1st offence	2nd offence
Prohibitions in sections i) through vi) inclusive	3	\$75.00	\$100.00
Allowing the running at large of a dog	4	\$75.00	\$100.00
leaving a dog in a motor vehicle not restrained from coming in contact with a person or animal	5	\$75.00	\$100.00
Leaving a dog in a vehicle with improper ventilation	6	\$100.00	\$200.00
Failing to comply with order of bylaw enforcement officer in regards to a "Nuisance Dog"	7(b)	\$125.00	\$250.00
Fail to clean up defecated matter	8	\$125.00	\$250.00
Fail to keep the property "clean and tidy"	9	\$75.00	\$150.00
Fail to comply with licensing requirements	11	\$125.00	\$250.00
Keep or harbor excessive number of dogs	12(a)(iii)	\$175.00	\$300.00
Improper use of dog tag	13(b)	\$75.00	\$150.00
Fail to comply with licensing requirements of a dangerous dog	16(c)	\$250.00	\$500.00
Allow running at large of dangerous dog	17	\$150.00	\$300.00
Prohibitions in sections a) through g) inclusive	18	\$225.00	\$400.00
Obstruction of enforcement officer	26	\$250.00	\$500.00

NOTE: Upon the commission of at third or subsequent offence, in a calendar year, the voluntary penalty for a breach of any provision of this bylaw shall be double the amount in the second offence section of schedule "C" of this bylaw.

Schedule "D"
BYLAW NO. 2011-04
TOWN OF BOW ISLAND

Multi Dog License No. _____

This is to certify, _____, has this day paid the sum of twenty five (\$25.00) dollars for a "Multi Dog License" pursuant to section 12(a)(i) of the bylaw. Said license is in force until the 31st day of December, 20____, unless sooner revoked by the officer in charge of the Bylaw Enforcement Department of the Town.

This license is issued on the following conditions:

1. All provisions of the Animal Control Bylaw, being Bylaw #2011-04 must be complied with.
2. _____

3. _____

Issued this ___ day of _____, 20___ A.D.

Bylaw Enforcement Department

