

TOWN OF DAYSLAND

BY-LAW NO. 2015-610

A BY-LAW OF THE TOWN OF DAYSLAND IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE LICENSING, REGULATING AND CONFINEMENT OF DOGS.

WHEREAS the Council of the Town of Daysland deems it necessary to regulate dogs and cats being “At Large”, to provide for the licensing, confinement and control of dogs within the said Town.

NOW THEREFORE THE COUNCIL OF THE TOWN OF DAYSLAND in the Province of Alberta, duly assembled, and pursuant to the authority conferred upon it by the *Municipal Government Act*, R.S.A. 2002 c.M-26, as amended, enacts as follows:

1. This By-Law may be cited as the **“Responsible Dog Ownership By-Law”**.
2. **DEFINITIONS**
 - 2.1 “At Large” a Dog is at large when it is at any place other than the property of the owner and is not being carried by any person or is not otherwise restrained by a Permitted Leash held by a person;
 - 2.2 “Council” means the Council of the Town of Daysland in the Province of Alberta;
 - 2.3 “Chief Administrative Officer” means the Chief Administrative Officer for the Town of Daysland and whatever subsequent title may be conferred on that officer by Council or statute, and includes anyone designated and authorized to act on his behalf;
 - 2.4 “Dog” or “Dogs” means either the male or female of any domesticated canine species, and not deemed to be Restricted or Vicious;
 - 2.5 ByLaw Officer means a person appointed by the Chief Administrative Officer to do any act or perform any duties under this By-Law and includes a peace officer, a member of the Royal Canadian Mounted Police and, when authorized, a Special Constable;
 - 2.6 “Kennel” means any place, owned by any person, group of persons, or corporation engaged in the commercial business of breeding, buying, selling, training or boarding Dogs;

- 2.7 “License” means a license issued by the Town for a particular Dog in accordance with section 3 of this Bylaw.
- 2.8 “License Tag” means an identification tag of metal or other material issued by the Town when a License is issued, showing the License number for a specific Dog;
- 2.9 “Neutered Dog” means a Dog which has surgically been altered so offspring may not be produced;
- 2.10 “Motor Vehicle” means:
- 2.10.1 a vehicle propelled by any power other than muscular power; or
- 2.10.2 a moped;
- but does not include a bicycle, an aircraft, a tractor, whether equipped with rubber tires or not, an implement of husbandry or a motor vehicle that runs on rails;
- 2.11 “Owner” means:
- 2.11.1 a person who has the care, charge, custody, Possession or control of a Dog;
- 2.11.2 a person who owns or who claims any proprietary interest in a Dog;
- 2.11.3 a person who harbors, suffers or permits a Dog to be present on any property owned, leased or otherwise under his control;
- 2.11.4 a person who claims and receives a Dog from the custody of the Town Domestic Animal Shelter or a Bylaw Officer; or
- 2.11.5 a person to whom a License Tag was issued for a Dog in accordance with this By-Law;
- 2.12 “Permitted Leash” means a leash attached to a choke chain, collar or harness securely holding a Dog which is adequate to control the attached Dog, and which leash shall be no longer than ten metres;
- 2.13 “Possession” means:
- 2.13.1 having physical or effective control of a Dog; or
- 2.13.2 having given physical or effective control of a dog to another person for the purpose of controlling the Dog for a period of time.
- 2.14 “Property Owner” means any person having a legal or equitable interest in any land or building and includes any resident, tenant or occupier of such land or building;

- 2.15 “Restricted Dog” means any Dog included in Schedule “C” of this By-Law;
- 2.16 “Secure Enclosure” means a building, cage or fenced area of such construction that will not allow the confined Dog or Dogs to jump, climb, dig or force their way out, or allow the entry of young children;
- 2.17 “Town” means the Town of Daysland;
- 2.18 “Domestic Animal Shelter” means the premises designated by the Town of Daysland for impoundment and care of Dogs, which is currently Forestburg Veterinary Clinic;
- 2.19 “Unlicensed Dog” means a Dog for which a valid License has not been issued by the Town;
- 2.20 “Vicious Dog” means any Dog, whatever its age, whether on public or private property, which has:
 - 2.20.1 Chased, injured or bitten any other animal or human,
 - 2.20.2 Damaged or destroyed any public or private property, or
 - 2.20.3 Threatened or created the reasonable apprehension of a threat to a human, and
 Which, in the opinion of a Bylaw Officer presents a threat of harm to other animals or humans, or
 - 2.20.4 any Dog which has been the subject of an order or direction of a Justice, under the Dangerous Dogs Act R.S.A. 2002 c.D-3;
- 2.21 “Violation Tag” means a tag or similar document issued by the Town pursuant to of the Municipal Government Act, R.S.A. 2002 c.M-26, as amended;
- 2.22 “Violation Ticket” means a ticket issued pursuant to Part II of the Provincial Offences Procedure Act R.S.A. 2002, c.P-21, as amended, and Regulations thereunder.

3. LICENSING PROVISIONS

- 3.1 Every person who resides within the borders of the Town as of the last day of December in a given year and being the Owner of a dog, shall pay the applicable License fee as set out in Schedule “B” of this By-Law, and obtain the appropriate License for each Dog by applying at the Town Office.
- 3.2 Every person residing in the Town who becomes the Owner of a dog after the first day of January in any given year, or a person who takes up residence within the Town and who is the Owner of a Dog which is not licensed in accordance with

this By-Law, shall pay the applicable License fee, as set out in Schedule “B” of this By-Law, and obtain the appropriate License within fifteen (15) days after becoming the Owner of a Dog or being the Owner of a Dog and taking up residence within the Town.

- 3.3 An Owner of an Unlicensed Dog, Restricted Dog, or Vicious Dog is guilty of an offence.
- 3.4 An Owner shall provide the following information with each application for a License:
 - 3.4.1 name, telephone number, and street address of the Owner;
 - 3.4.2 name and description of the Dog to be licensed;
 - 3.4.3 the breed or breeds of the Dog; and
 - 3.4.4 such other relevant and necessary information as may be required by the Chief Administrative Officer in respect to the application.
- 3.5 Licenses issued under this By-Law shall not be transferable from one Dog to another, nor from one Owner to another.
- 3.6 Every Owner shall ensure that the License Tag is securely fastened to a choke chain, collar or harness worn by the Dog with the License Tag to be worn by the Dog at all times whenever the Dog is on any public property area, or private property of which the owner is not the Property Owner.
- 3.7 An Owner of a licensed Dog is guilty of an offence if that Dog is not wearing a License Tag.
- 3.8 The Owner of a Dog which has been duly licensed under this By-Law, may obtain a replacement License Tag for one which has been lost, upon payment of the replacement License Tag fee as set out in Schedule “B” of this By-Law.
- 3.9 The provisions of Sections 3.1 to 3.8 inclusive shall not apply to the following:
 - 3.9.1 persons temporarily visiting in the Town for a period not exceeding 4 weeks;
 - 3.9.2 handicapped persons holding an identification card proving ownership of a guide dog for their use, or paperwork to prove it is a trained guide dog; or
 - 3.9.3 Dogs under the age of three months.
- 3.10 No person is entitled to a refund or a rebate for any License fee.
- 3.11 Where a License fee has been paid by cheque, the license is:

- 3.11.1 issued subject to the cheque being honoured by the financial institution against which it is drawn; and
- 3.11.2 automatically suspended if the cheque is not honoured until the License fee is paid.

4. DOG CONTROL PROVISIONS

- 4.1 Except as provided in Section 4.11 herein, an Owner whose Dog is At Large is guilty of an offence;
- 4.2 An Owner of a Dog is guilty of an offence if such Dog:
 - 4.2.1 attacks any person while At Large;
 - 4.2.2 threatens any person;
 - 4.2.3 chases a Motor Vehicle;
 - 4.2.4 chases any person on bicycle, or while walking or running; or
 - 4.2.5 attacks, harasses, injures or kills another animal
- 4.3 An Owner of a female Dog is guilty of an offence if the Owner of the female Dog does not keep such female housed and confined in a Secure Enclosure during the whole period such female Dog is in heat, except that the female Dog may be allowed outside the Secure Enclosure for a reasonable period for the sole purpose of urinating or defecating on the property of the Owner;
- 4.4 An Owner whose Dog barks or howls thereby disturbing the quiet or repose of any person is guilty of an offence;
- 4.5 An Owner of any Dog which caused damage to public or private property in the Town is guilty of an offence;
- 4.6 If a Dog defecates on any private or public property area other than the property of its Owner, the Owner shall cause such defecation to be removed immediately;
- 4.7 The Town may post signs indicating those public property areas within the Town where Dogs are not permitted;
- 4.8 An Owner whose Dog is in an area where a sign prohibits the presence of Dogs, whether At Large or under control of such Owner, is guilty of an offence;
- 4.9 No more than two (2) Dogs shall be harbored, suffered or permitted to remain upon or in any house, shelter, room or place, building, structure, or premises within the Town, provided this section shall not apply to premises lawfully used in accordance with a valid development permit issued by the Town for a) the care and treatment of Dogs, operated by, or under the charge of, a licensed veterinarian

b) any Kennel or c) premises which are temporarily being used for the purpose of a dog show.

- 4.10 No person shall interfere with, hinder or impede a Bylaw Officer in the performance of any duty authorized by this By-Law;
- 4.11 The Town may designate areas where Dogs are permitted to run off leash, and may designate areas where organized canine events may be held by causing signs to be posted in such areas indicating such designations.
- 4.12 The owner of a Dog shall ensure that such Dog At Large does not enter or remain in or on a school ground, playground, sports field, golf course, cemetery or pathway;
- 4.13 The Owner of a Dog shall ensure that such Dog shall not upset any waste receptacles or scatter the contents thereof either in or about a street, lane or other public property or in or about premises not belonging to or in the possession of the Owner of the Dog.

5. **VICIOUS DOG, OR RESTRICTED DOG PROVISIONS**

- 5.1 An owner of a Vicious Dog or Restricted Dog is guilty of an offence:
 - 5.1.1 if such Dog is on any public or private property of which the Owner is not the Property Owner unless such Dog is on a Permitted Leash held and controlled by the Owner, or a person operating with the Owner's consent; or
 - 5.1.2 unless, such Dog, at all times, while on property of which the Owner is the Property Owner, is confined within a Secure Enclosure 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 operating with the Owner's consent.
- 5.2 An Owner shall not be required to leash a Restricted Dog while it is being shown or displayed at a dog show authorized by the Town. If requested in writing by the Chief Administrative Officer, the Owner of a Vicious Dog or Restricted Dog shall post a sign at the entrance to his property stating "Vicious Dog" or "Restricted Dog".
- 5.3 An Owner of a Vicious Dog or Restricted Dog is guilty of an offence if such Vicious Dog or Restricted Dog:
 - 5.3.1 attacks any person while At Large;
 - 5.3.2 threatens any person while At Large;
 - 5.3.3 chases a Motor Vehicle;

5.3.4 chases any person or bicycle, horseback or while walking or running;
or

5.3.5 attacks, harasses, injures or kills any domestic animal or livestock.

6. **POWERS OF AN ANIMAL CONTROL OFFICER**

6.1 The Bylaw Officer is authorized to capture and impound at a designated shelter, any Dog which is At Large at full cost to the Owner. The Bylaw Officer is further authorized to take such reasonable measures as necessary to subdue any Dog, including the use of tranquillizer equipment and materials. If any Dog is injured, it may be taken to a veterinarian for treatment to relieve pain or bleeding at full cost to the Owner.

6.2 All impounded Dogs may be kept in the designated shelter for a period of seventy-two (72) hours. During this period, any Dog may be redeemed by its Owner, except as otherwise provided in this By-Law, upon payment to the Town or its authorized agent of;

6.2.1 the appropriate impoundment fee as set out in Schedule "B" of this By-Law;

6.2.2 the appropriate License fee when the Dog is not licensed; and

6.2.3 the cost of any veterinary treatment to relieve pain or bleeding of any Dog that is found to be injured when picked up or injured in the process of capture.

6.3 At the expiration of the seventy-two (72) hour period, as prescribed in Section 7.2 herein, the Chief Administrative Officer is authorized to:

6.3.1 offer the Dog for sale;

6.3.2 destroy the Dog in a humane manner;

6.3.3 allow the Dog to be redeemed by its Owner in accordance with the provisions of Section 6.2 herein; or

6.3.4 continue to impound the Dog for an indefinite period of time, or for such further period of time in consultation with the Bylaw Officer.

7. **PENALTIES**

7.1 Any person who contravenes any provision of this By-Law is guilty of an offence and is liable to penalty as set out in Schedule "A" herein.

- 7.2 Notwithstanding Section 7.1 of this By-Law, any person who commits a second or subsequent offence under this By-Law within one (1) year of committing the first offence may be liable to a fine as set out in Schedule “A” of this By-Law.
- 7.3 Under no circumstances shall any person contravening any provision of this By-Law be subject to the penalty of imprisonment.

8. VIOLATION TAGS

- 8.1 A Bylaw Officer is hereby authorized and empowered to issue a Violation Tag to any person, who the Bylaw Officer has reasonable and probable grounds to believe has contravened any provision of this By-Law;
- 8.2 A Violation Tag may be issued to such person:
- 8.2.1 By being left at the premises in a secure manner;
 - 8.2.2 by mailing a copy to such person at his last known post office address;
or
 - 8.2.3 upon retrieval of such person’s Dog from the designated Town Animal Shelter at Forestburg, or otherwise by delivered in person.
- 8.3 The Violation Tag shall be in a form approved by the Chief Administrative Officer and shall state:
- 8.3.1 the name of the Owner;
 - 8.3.2 the offence;
 - 8.3.3 the appropriate penalty for the offence as specified in Schedule “A” of this By-Law;
 - 8.3.4 that the penalty shall be paid within 10 days of the issuance of the Violation Tag;
 - 8.3.5 any other information as may be required by the Chief Administrative Officer.
- 8.4 Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by the Bylaw Officer, provided however, that no more than one Violation Tag shall be issued for each day that the contravention continues.
- 8.5 Where a Violation Tag is issued pursuant to Section 9.1 or 9.4 of this By-Law, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Town the penalty specified on the Violation Tag.
- 8.6 Nothing in this By-Law shall prevent a Bylaw Officer from immediately issuing a Violation Ticket.

9. **VIOLATION TICKET**

9.1 In those cases where a Violation Tag has been issued and if the penalty specified on a Violation Tag has not been paid within the prescribed time, then a Bylaw Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, R.S.A. 2002, c. P-21, as amended.

9.2 Notwithstanding Section 8.7 of this By-Law, a Bylaw Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, R.S.A. 2002, c. P-21, as amended, to any person who the Bylaw Officer has reasonable grounds to believe has contravened any provision of this By-Law.

10. **SEVERABILITY PROVISION**

10.1 Should any provision of this By-Law be invalid then such invalid provision shall be severed and the remaining By-Law shall be maintained.

11. **REPEAL OF BY-LAW**

11.1 By-Law No. 2007-466 Dog Control Bylaw is hereby repealed.


12. **EFFECTIVE DATE**

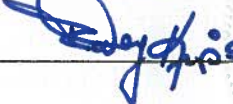
12.1 This By-Law shall come into effect upon third and final reading thereof.

Read a FIRST time this 28th day of November, 2016.

Read a SECOND time this 19th day of December, 2016.

Read a THIRD and FINAL time this 19th day of December, 2016



MAYOR


CAO

SCHEDULE "A"

PENALTIES

	Section	Offense	Penalty
1.	3.1-3.2	Failure to be the holder of a current License (Vicious Dog) (Restricted Dog) (Other Dog)	\$2000 \$1000 \$ 60
2.	3.7	Failure to wear License Tag when off property	\$ 30
3.	4.1	Dog At Large (Vicious Dog) (Restricted Dog) (Unlicensed Dog) (Licensed Dog)	\$2000 \$1000 \$ 100 \$ 50
4.	4.2.1 4.2.2 4.2.3 4.2.4 4.2.5	Dog: -attacking any person -threatening any person -chasing motor vehicle -chasing any person bicycle, horseback, walking or running -attacks, harasses, injures or kills other animals	\$ 350 \$ 200 \$ 100 \$ 100 \$ 350
5.	4.4	Dog barking or howling excessively	\$ 100
6.	4.5	Dog damaging public property or private property	\$ 100
7.	4.5	Failure to remove defecation off Private or Public property	\$ 100
8.	4.8	Dog in area where prohibited by sign	\$ 100
9.	4.9	Harboring more than 2 dogs	\$ 60
10.	4.10	Interference with enforcement of this by-law	\$ 250
11.	5.1.1	Failure to control off owners property (Vicious Dog) (Restricted Dog)	\$1000 \$ 500
12.	5.1.2	Failure to confine a (Vicious Dog) (Restricted Dog)	\$1000 \$ 500
13.	5.3	Failure to post sign "Vicious Dog"	\$ 100
14.	5.4.1	Vicious Dog or Restricted Dog -attacking any person -threatening any person -chasing motor vehicle -chasing any person on bicycle, horseback, walking or running -attacks, harasses, injures or kills any animal	\$2500 \$1500 \$ 500 \$ 500 \$2500
15.		An offence for which a penalty is not provided	\$ 100
16.	8.2	Second or subsequent offences within one year	Double amounts set out above

**SCHEDULE "B"
FEES**

1.	License for each spayed or neutered dog	\$ 15
2.	License for each unaltered dog	\$ 35
3.	License for a Vicious Dog Restricted Dog	\$ 750 \$ 500
	NOTE: Prorating fees may be applied for 1, 2, and 3. See below.	
4.	Replacement License Tag	\$ 5
5.	Impoundment fees Vicious Dog Restricted Dog Other Dogs/Cats *If the animal is wearing a current license, the impoundment fee is reduced by \$20.00	\$250 \$250 \$ 50

LICENSE FEE PRORATING

CONDITIONS

License fees may be prorated for new applications only, in accordance with the following conditions:

- (a) the applicant being a Town resident, became the owner of the dog no more than 15 days prior to the application date; or
- (b) the applicant, already being the owner of a dog, has taken up residence in the Town no more than 15 days prior to the application date.

GUIDELINES

Applications made between:

- (a) January 1 and June 30 full fee;
- (b) July 1 and November 30 one half (1/2) fee; or
- (c) December 1 and December 31 full fee to be applied to the subsequent year, and such Dog will be considered to be licensed from the date of application.

SCHEDULE "C"
RESTRICTED DOGS

1. Any dog commonly known as a Pit Bull;
2. Pit Bull Terrier;
3. American Pit Bull Terrier; or
4. Any dog of mixed breeding which includes any of the following breeds:
 - (a) Pitbull
 - (b) Pitbull Terrier
 - (c) American Pitbull Terrier
 - (d) Staffordshire Bull Terrier, or
 - (e) American Staffordshire Terrier