

**TOWN OF DAYSLAND**

**BY-LAW NO. 2017-631**

**A BY-LAW OF THE TOWN OF DAYSLAND IN THE PROVINCE OF ALBERTA  
TO REGULATE AND CONTROL DOGS**

**WHEREAS** the *Municipal Government Act*, RSA 2000, Chapter M-26, and amendments thereto, grants Council the authority to pass bylaws to regulate and control dogs and activities in relation to them;

**AND WHEREAS** the Town of Daysland deems it necessary and proper to regulate the keeping of dogs within the limits of the Town of Daysland;

**NOW THEREFORE** the Council of the Town of Daysland, in the Province of Alberta, duly assembled, hereby enact as follows:

**PART 1 – DEFINITIONS AND INTERPRETATION**

**BYLAW TITLE**

1.1 This Bylaw shall be known as the “Dog Control Bylaw”.

**DEFINITIONS**

1.2 In this Bylaw, unless the context otherwise requires:

- (a) **“Animal”** means any live creature, both domestic and wild, and includes fowl, fish and reptiles but does not include a human;
- (b) **“Animal Protection Act”** means the *Animal Protection Act*, RSA 2000 Chapter A-41, and regulations thereunder;
- (c) **“Animal Shelter”** means a facility contracted by the Town for the purposes of housing and providing care for impounded Dogs or other Animals, collecting fees, and otherwise assisting with the administration of this Bylaw, and may include a veterinary clinic;
- (d) **“At Large”** means any Dog that is present at any place other than the Owner’s Property or which is not otherwise restrained or under the physical control of a person by means of some form of Restraining Device securely holding that Dog;
- (e) **“Chief Administrative Officer”** or **“CAO”** means the person appointed as Chief Administrative Officer of the Town of Daysland;
- (f) **“Council”** means the municipal council of the Town of Daysland”;
- (g) **“Court”** means a court of competent jurisdiction in the Province of Alberta;
- (h) **“Dangerous Dog”** means any dog designated as such in accordance with Part V of this

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Bylaws or the Dangerous Dogs Act;

- (i) **"Dangerous Dogs Act"** means the *Dangerous Dogs Act*, RSA 2000, Chapter D-3, and regulations thereunder;
- (j) **"Designated Officer"** means a person appointed to that office pursuant to Section 210 of the *Municipal Government Act*, or an authorized delegate thereof;
- (k) **"Distress"** has the same meaning as in the *Animal Protection Act*;
- (l) **"Dog"** means a member or the species "*Canis Lupus Familiaris*" (commonly referred to as the domestic Dog), whether male or female, including any hybrid offspring of that species;
- (m) **"Harness"** means straps and fittings that are of a suitable size and strength that may be humanely attached to the chest and back of a dog;
- (n) **"Identification Tag"** means:
  - (i) A tag of metal or other similar material setting out the Owner's full name and contact details for a specific Dog and which is to be attached to a Dog at all times by way of a collar or Harness;
  - (ii) A tattoo placed on a Dog by a Registered Veterinarian and being traceable to the Dog's Owner; or
  - (iii) A microchip placed inside a Dog by a Registered Veterinarian and being traceable to the Dog's Owner;
- (o) **"Kennel"** has the same meaning as in the *Land Use Bylaw*;
- (p) **"Land Use Bylaw"** means the Town's *Land Use Bylaw No. 2016-622*, as amended or as repealed and replaced from time to time;
- (q) **"Motor Vehicle"** has the same meaning as in *Traffic Safety Act*, RSA 2000, Chapter T-6, and regulations thereunder;
- (r) **"Municipal Government Act"** means the *Municipal Government Act*, RSA 2000, Chapter M-26 and regulations thereunder;
- (s) **"Municipal Tag"** means a tag or similar document issued by the Town under the *Municipal Government Act* that alleges a bylaw offence and provides a Person with the opportunity to pay an amount to the Town in lieu of prosecution for the offence;
- (t) **"Muzzle"** means a humane fastening or covering device of adequate strength placed over the mouth of a Dog to prevent it from biting;
- (u) **"Owner"** means a person:
  - (i) Who has the care, charge, custody, possession or control of a Dog;
  - (ii) Who owns or claims proprietary interest in a Dog;

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- (iii) Who harbors, suffers, or permits a Dog to be present on any property owned or under his control;
  - (iv) Who claims and receives a Dog from the custody of an Animal Shelter or a Peace Officer; or
  - (v) Where one of two or more Persons, with the knowledge and consent of the other or others, has physical or effective control of a Dog, the Dog shall be deemed to be in the control of each and all of them.
- (v) **"Owner's Property"** means private property owned by or under the control or possession of an Owner of a Dog;
- (w) **"Peace Officer"** means a member of the Royal Canadian Mounted Police, a County Peace Officer, or a Bylaw Enforcement Officer appointed by the Town;
- (x) **"Person"** means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative;
- (y) **"Public Health Act"** means the *Public Health Act*, RSA 2000, Chapter P-37 and the regulations thereunder;
- (z) **"Provincial Offences Procedure Act"** means the *Provincial Offences Procedure Act*, RSA 2000, Chapter P-34 and the regulations thereunder:
- (aa) **"Registered Veterinarian"** has the same meaning as in the *Veterinary Professions Act*, RSA 2000, Chapter V-2;
- (bb) **"Restraining Device"** means any leash, harness or other restraining system capable of allowing the Owner to maintain adequate control of the attached Dog, or if located on the Owner's Property, capable of retaining a Dog within the boundaries of the Owner's Property;
- (cc) **"Secure Enclosure"** means a building, cage, fenced area or other enclosure for retaining a Dog, which prohibits a Dog from jumping, climbing, digging or using any other means to exit the enclosure, and which is capable of prohibiting the entry of young children into the enclosure;
- (dd) **"Serious Wound"** means an injury resulting from a Dog attack which causes breaking of the skin or the flesh to be torn;
- (ee) **"Service Dog"** has the same meaning as in the *Service Dogs Act*, SA 2007, Chapter S-7.5 and regulations thereunder;
- (ff) **"Town"** means the Town of Daysland and its jurisdictional boundaries
- (gg) **"Violation Ticket"** has the same meaning as in the *Provincial Offences Procedure Act*.


#### **RULES OF INTERPRETATION**

- 1.3 Nothing in this Bylaw relieves a Person from complying with any provision of any Provincial or Federal legislation or regulation, other bylaw or any requirement of any lawful permit, order or licence.
- 1.4 Any heading or sub-headings in this Bylaw are included for guidance purposes and convenience only, and shall not form part of this Bylaw.
- 1.5 This Bylaw is gender-neutral and, accordingly, any reference to one gender includes another.
- 1.6 Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a Court, all other provisions of this Bylaw shall remain valid and enforceable.
- 1.7 Any reference to the provisions of a statute of Alberta is a reference to that statute as amended or repealed and replaced from time to time.

#### **PART II – DOG IDENTIFICATION**

- 2.1 Every Person who resides within the Town and who is the owner of a Dog that is over the age of six (6) months shall obtain an Identification Tag for each and every Dog owned.
- 2.2 Every Person who resides in the Town who becomes an Owner of a Dog that is over the age of the age of six (6) months, or who takes up residence within the Town and who is the Owner of a Dog that is over six (6) months, shall obtain an Identification Tag for each and every Dog owned as set out in this Part, within fifteen (15) days of becoming the Owner of such dog or of taking up residence in the Town.
- 2.3 Every Owner shall ensure that the Identification Tag, other than a Tattoo or microchip, is securely fastened to a collar or harness worn by the Dog at all times.
- 2.4 An Owner of a Dog without an Identification Tag is guilty of an offence.
- 2.5 The provisions of this Part shall not apply to the following:
  - (a) Owners of Dogs temporarily visiting the Town for a period not exceeding four (4) consecutive weeks; or
  - (b) Dogs under six (6) months in age.

#### **PART III – NUMBER OF DOGS**

- 3.1 The number of Dogs permitted on an Owner's Property is regulated pursuant to the Land Use Bylaw, Section 8.6.2, which states "no more than three (3) dogs shall be allowed unless a permit for a small animal breeding and boarding establishment or a kennel has be granted".
- 3.2 Notwithstanding Section 3.1, Dogs in excess of the permitted limit may be kept on or in any 

land, house, shelter, room or place, building structure or property within the Town, if:

- (a) The private property is lawfully used for the care and treatment of Animals, operated by or under the charge of a Registered Veterinarian;
- (b) *The Owner is the holder of a valid and subsisting development permit to operate a Kennel or Animal Shelter or similar facility as authorized by the Land Use Bylaw, but only in regard to those Dogs which are intended for sale or adoption or Dogs which are owned by Persons other than the operators of the Kennel or Animal Shelter or similar facility and which are being boarded therein;*
- (c) *The Dogs in excess of the limit are under six (6) months of age;*
- (d) *The Owner is a not-for-profit association, not-for-profit corporation or government organization engaged in the provision of specialized Dog services, including, but not limited to guide or assistance Dogs, police Dogs, and search and rescue Dogs; or*
- (e) *The Owner whose Dog is in excess of the limit is temporarily visiting a resident of the Town for a period not exceeding four (4) consecutive weeks.*

3.3 Any Person who keeps, suffers or harbours more than the permitted number of Dogs within the Town in a manner contrary to this Part is guilty of an offence.

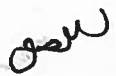
#### **PART IV – GENERAL OFFENCES**

##### **CONTROL AND NOISE**

- 4.1 An Owner whose Dog is At Large is guilty of an offence, or;
- 4.2 The Owner of a Dog that barks, howls, or otherwise makes noise in a manner that, in the opinion of a Peace Officer, is likely to unreasonably disturb the quiet or repose of any Person, is guilty of an offence.
- 4.3 The Owner of a Dog that threatens, attacks, bites, chases, injures, kills, or otherwise harasses any Person or other Animal is guilty of an offence.
- 4.4 The Owner of a Dog that causes damage to property is guilty of an offence.
- 4.5 Any Person who, without the knowledge or consent of the Owner, unties, loosens or otherwise frees a Dog that was tied or otherwise restrained, or opens a gate, door or opening in a fence or Secure Enclosure in which a Dog has been confined, thereby allowing the Dog to be At Large, is guilty of an offence.

##### **HYGIENE AND NUISANCES**

- 4.6 Where a dog has defecated on any property other than the owner's property, the Owner shall



remove excrement immediately and failure to do so shall constitute an offence.

4.7 An owner's Property shall be maintained in a clean and sanitary condition and shall take such steps as are necessary to prevent the presence of nuisances, including but not limited to:

(a) The accumulation of excessive fecal matter;

(b) Offensive or noxious odors arising as a consequence of the keeping of a Dog on the Owner's Property.

4.8 An Owner who fails to maintain property in accordance with Section 4.7 is guilty of an offence.

4.9 An Owner of a female Dog in heat who does not contain or restrain that Dog, both on and off the Owner's Property, in a manner sufficient to avoid attracting other Animals, is guilty of an offence.

#### **CARE**

4.10 Any person who teases, torments, provokes, abuses or injures a Dog is guilty of an offence.

4.11 Any Person who leaves a Dog unattended in or on a Motor Vehicle, without proper protection from the elements or in a manner that places the Dog at risk of harm, is guilty of an offence.

4.12 Any person who fails to properly secure a Dog, inside or on a Motor Vehicle while it is in motion or while it is parked to ensure that the Dog is unable to fall out of or leave the Motor Vehicle, is guilty of an offence.

### **PART V – DANGEROUS DOGS**

#### **DECLARATION OF A DANGEROUS DOG**

5.1 The CAO may declare a Dog to be a Dangerous Dog if the CAO has reasonable grounds to believe, either through personal observation or on the basis of facts determined after an investigation of a complaint, that the Dog:

(a) Has a known propensity, tendency, or disposition to threaten, attack, chase or bite, without provocation, other Animals or humans;

(b) Has inflicted a Serious Wound upon another Animal or human;

(c) Has been the subject of an order or direction of a Justice or Judge, pursuant to the *Dangerous Dogs Act*; is a continuing threat of serious harm to any human or other Animal;

(d) Is continuing threat of serious harm to any human or other Animal; or

(e) Has attacked any human or Animal.

- 5.2 Where the CAO determines that a Dog is a Dangerous Dog, the CAO shall:
- (a) Serve the Owner with a written notice that the Dog has been declared to be a Dangerous Dog pursuant to this Part;
  - (b) Direct the Owner to keep the Dangerous Dog in accordance with the provisions of Section 5.8 or this Bylaw, and provide the Owner with a time limit for compliance; and
  - (c) Inform the Owner that, if the Dangerous Dog is not kept in accordance with Section 5.8 of this Bylaw, the Owner may be fined, subject to enforcement in action pursuant to this Bylaw.
- 5.3 A written notice under Section 5.2 above shall include a summary of the applicable provisions regulating Dangerous dogs under this Bylaw.
- 5.4 A Dangerous Dog declaration shall continue to apply to the Dangerous Dog regardless if it is sold, gifted or transferred to another Person so long as the Dog remains within the Town.

#### **REVIEW OF DECLARATION**

- 5.5 The Owner of a Dog declared a Dangerous Dog may, within fourteen (14) days of receiving written notice of the declaration, request in writing and upon payment of the fee as set out in Schedule "A" that the declaration be reviewed by Council. Council is not obligated to conduct an oral hearing of the review and may instead conduct the review based on written material provided by the CAO and the Owner.
- 5.6 Upon request to review the pursuant to Section 5.5, council may:
- (a) Uphold the declaration of the dog as a Dangerous Dog;
  - (b) Reverse the decision of the CAO; or
  - (c) May uphold the declaration of the Dog as a Dangerous dog and vary the conditions for harbouring the Dog within the Town.
- 5.7 The decision of Council shall be provided to the Owner in writing within fourteen (14) days of Council conducting the review and may be served personally or by registered mail on the Owner, at the address appearing on the Town's assessment roll for the Owner's Property, or the last known address of the Owner.

#### **REQUIREMENTS OF AN OWNER OF A DANGEROUS DOG**

- 5.8 The Owner of a Dangerous Dog shall:
- (a) Maintain in force a policy of liability insurance in a form satisfactory to the Town providing third party liability coverage in a minimum amount of one-million (\$1,000,000)dollars for injuries caused by the Owner's Dangerous dog; and

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- (b) Have a Registered Veterinarian tattoo or implant an electronic identification microchip in or on the Dangerous Dog identifying the dog with a unique identifier; and
  - (c) Provide the information contained on the tattoo or in the microchip to the Town; and
  - (d) If the Dangerous Dog is not spayed or neutered, have the Dangerous dog spayed or neutered; and
  - (e) While the Dangerous Dog is off the Owner's property, muzzle and secure the Dangerous Dog by means of a Restraining Device under the physical control of the Owner or a Person over the age of eighteen (18) years with the Owner's consent; and
  - (f) While the Dangerous Dog is on the Owner's property, confine the Dangerous Dog within a Secure Enclosure or within the residence of the Owner; and
  - (g) Immediately notify a Peace Officer if the Dangerous Dog is At Large; and
  - (h) Remain liable for the actions of their Dangerous Dog until formal notification of sale, gift or transfer is given to the Town.
- 5.9 The Owner of a Dangerous Dog shall immediately notify the Town should the policy of liability insurance expire, be cancelled, or terminated and upon the occurrence of such an event within fifteen (15) days of the expiry, cancellation, or termination of the original policy of liability insurance.
- 5.10 The CAO may require the Owner of a Dangerous Dog to post a sign warning of the presence of a Dangerous dog at all entrances to Owner's Property, and where so otherwise directed.
- 5.11 An Owner who fails to comply with any provision in this Part is guilty of an offence.
- 5.12 In addition to the remedies set forth elsewhere in this Bylaw, if a Designated Officer determines that a Dangerous dog is not being kept in accordance to this Bylaw, the Designated Officer may:
- (a) Issue an order pursuant to Section 545 of the *Municipal Government Act* directing that the Dangerous Dog be kept in accordance with this Bylaw or removed from the Town; or
  - (b) In addition, or in the alternative to the issuance of an order under Subsection (a) above, bring an application pursuant to the *Dangerous Dogs Act* for an order directing the Dangerous Dog be kept in accordance with this Bylaw, destroyed, or such other order as the Court directs.

#### PART VI – DISEASE CONTROL

- 6.1 The Owner of a Dog that has caused a Serious Wound, or if an Owner has reason to suspect their dog may have been exposed to rabies or other communicable disease, shall, in addition to any other duty imposed under the *Public Health Act*, immediately inform a Peace Officer:

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- (a) Of the infliction of the Serious Wound or the suspicion of exposure to rabies or other communicable disease;
  - (b) Of the name and contact of the person having received the Serious Wound; and
  - (c) Whether the matter has been reported to the local community health centre, Public Health Inspector, or the Medical Officer of Health.
- 6.2 A Peace Officer that has reasonable grounds to believe that a Dog found At Large may have or has been exposed to, rabies or another communicable disease may confine that Dog at an Animal Shelter, veterinary facility, or any other location as directed by the Medical Officer of Health or a Public Health Inspector.
- 6.3 A Peace Officer that has reasonable grounds to believe that a Dog within the Town has, or has been exposed to rabies or another communicable disease shall report the matter to the Medical Officer of Health or a Public Health Inspector as soon as reasonable possible.
- 6.4 An Owner of a dog which is suffering from a communicable disease or who has been notified by the town that its Peace Officer has reasonable grounds to believe that the Dog has, or has been exposed to, rabies or another communicable disease, shall:
- (a) Not permit the Dog to be in any public place; and
  - (b) Take all reasonable precautions to prevent the Dog from coming into contact with any other Animal or human.
- 6.5 An Owner who fails to comply with any provision in this Part is guilty of an offence.

## **PART VIII – ENFORCEMENT AND IMPOUNDMENT**

### **AUTHORITY**

- 7.1 A Peace Officer is, in addition to any other powers of authority granted under this Bylaw or any other enactment, authorized to:
- (a) Capture and impound in an Animal Shelter any Dog that is At Large;
  - (b) Take any reasonable measures necessary to subdue any dog, including the use of tranquilizer equipment and materials;
  - (c) Enter onto lands surrounding any building in pursuit of a Dog while it is At Large; and
  - (d) If a Dog is in Distress, whether or not as a result of enforcement action taken pursuant to this Bylaw, take the Dog to a Registered Veterinarian for treatment, and, once treated, transfer the Dog to an Animal Shelter.

### **COSTS**

7.2 Any expenses or costs of any enforcement action or measure taken by the Town under this bylaw, including but not limited to the receipt of legal advice or payment of veterinary treatment, are amounts owing to the Town by the Owner or any other Person responsible for the contravention of this Bylaw, or any or all of them, and may be collected as a civil debt, pursuant to the *Municipal Government Act*.

#### **CONTINUING OFFENCES**

7.3 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a Person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each such day.

#### **NOTIFICATION OF DOGS AT LARGE**

7.4 A person who takes control of any Dog or Dangerous Dog found At Large and fails to immediately notify a Peace Officer is guilty of an offence.

7.5 A person who takes control of any Dog or Dangerous Dog found At Large and fails to surrender same to the possession of a Peace Officer is guilty of an offence.

#### **IMPOUNDMENT**

7.6 Dogs impounded in the Animal Shelter shall be kept for a minimum period of seven (7) days. In the calculation of the seven (7) day period, Saturdays, Sunday, Statutory Holidays and days that the Animal shelter is not open shall not be included.

7.7 Notwithstanding Section 7.6, where a dog that has been impounded bears obvious identification tattoos, brands, marks, tags or licenses, the Dog shall be kept by the animal a minimum of thirty (30) days from the date the Dog was impounded, in accordance with Section 610 of the *Municipal Government Act*.

#### **RECLAIMING AN IMPOUNDED DOG**

7.8 During the period established in Sections 7.6 or 7.7 above, the dog may be reclaimed by its Owner, except as otherwise provided in this Bylaw, upon payment to the Town or its authorized agent of:

- (a) The impoundment fee as set out in Schedule "A" attached hereto; and
- (b) The cost of any veterinary treatment provided in respect of the Dog pursuant to this Bylaw.

7.9 At the expiration of the time period established in Sections 7.6 or 7.7 above, the CAO is authorized to:

- (a) Offer the Dog for sale or as a gift;

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- (b) Have the Dog euthanized by a Registered Veterinarian;
- (c) Allow the Dog to be redeemed by its Owner in accordance with the provisions of Section 7.8 above; or
- (d) Continue to impound the Dog for an indefinite period of time or for such further period of time as the CAO, in their sole and unfettered discretion, may decide.

#### **EUTHANASIA**

- 7.10 Where a Dog has been impounded, of in the opinion of a Registered Veterinarian or a Peace Officer, the Dog should be humanely euthanized for medical reasons, a Registered Veterinarian may immediately proceed to humanely euthanize the Dog.
- 7.11 No action shall be taken against any Person acting under the authority of this Bylaw for damages for destruction or other disposal of any Dog, in accordance with the provisions of this Bylaw.

#### **PART VIII – FINES AND PENALTIES**

- 8.1 A person who is guilty of an offence is liable upon summary conviction to a fine in an amount:
  - (a) Not less than the specified penalty established in Schedule “B”, and
  - (b) Not exceeding \$10,000.00; and
  - (c) To imprisonment for not more than six (6) months for non-payment of a fine.
- 8.2 Without restricting the generality of Section 8.1 above, the fine amounts set out in Schedule “B” are established as specified penalties for use on Municipal Tags and Violation Tickets, if a voluntary payment option is offered.
- 8.3 Notwithstanding 8.1, any Person who commits a second or subsequent offence under this Bylaw within one (1) year of conviction of a first offence under this Bylaw, is liable on summary conviction to double the fine, or be required to a Court appearance, set out in Schedule “B” for the offence, respectively.

#### **PART IX – MUNICIPAL TAG**

- 9.1 A Peace Officer is hereby authorized and empowered to issue a Municipal Tag to any Person whom the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 9.2 A Municipal Tag shall be issued and served to a Person:
  - (a) Either personally; or

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- (b) By mailing a copy, via registered mail, to such person at their last known postal address.
- 9.3 A Municipal Tag shall be in a form approved by the CAO and shall state:
- (a) The name of the Person to whom the Municipal Tag is issued;
  - (b) Particulars of the contravention under this Bylaw;
  - (c) The specified penalty for the offence as set out in Schedule "B" herein;
  - (d) That the specified penalty shall be paid within fourteen (14) days of the issuance of the Municipal Tag in order to avoid prosecution; and
  - (e) Any other information as may be required by the CAO.
- 9.4 Where a Municipal Tag has been issued under this Bylaw, the Person to whom the Municipal Tag has been issued may, in lieu of being prosecuted for the offence, pay to the Town the penalty specified on the Municipal Tag.
- 9.5 If a Municipal Tag has been issued and the specified penalty on the Municipal Tag has not been paid within the prescribed time, a Peace Officer may issue a Violation Ticket to whom the Municipal Tag was issued.
- 9.6 Notwithstanding the above, a Peace Officer may immediately issue a Violation Ticket to any Person whom the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

#### **PART X – VIOLATION TICKET**

- 10.1 A Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act* to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 10.2 If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
- (a) State the specified penalty for the offence as set out in Schedule "B" attached hereto; or
  - (b) Require a Person to appear in Provincial Court without the alternative of making a voluntary payment.
- 10.3 A person who commits an offence may:
- (a) If a Violation Ticket is issued in respect of the offence;
  - (b) And if the Violation Ticket states the specified penalty established by this Bylaw for the offence, as set out Schedule "B" herein;

Make a voluntary payment by submitting to a Clerk of the Provincial Court, on or before the



initial appearance date indicated on the Violation Ticket, the specified penalty set out on the Violation Ticket.

- 10.4 When a Clerk of the Provincial court records the receipt of a voluntary payment pursuant to Section 10.3 above and the *Provincial Offence Procedure Act*, the act of recording constitutes acceptance of the guilty plea and also constitutes a conviction and the imposition of a fine in the amount of specified penalty.

## **PART XI – GENERAL**

### **REMEDIES NOT RESTRICTED TO BYLAW**

- 11.1 A Peace Officer may pursue any and all remedies set out in this Bylaw, the *Municipal Government Act*, and any other law in the Province of Alberta. Nothing in this Bylaw shall restrict, limit, or preclude the Town from taking multiple steps to regulate Dogs in the Town.

### **OBSTRUCTION**

- 11.2 No Person shall obstruct, hinder or impede any Peace Officer, Designated Officer, or Town employee, contractor or agent in the exercise of any of their powers or duties under this Bylaw.

### **POWERS OF CHIEF ADMINISTRATIVE OFFICER**

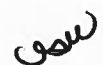
- 11.3 Without restricting any other power, duty or function granted by this Bylaw, the CAO may:
- (a) Establish investigation and enforcement procedures for the purposes of this Bylaw;
  - (b) Establish forms for the purposes of this Bylaw;
  - (c) Delegate any powers, duties or functions under this Bylaw to an employee of the Town.

### **VICARIOUS LIABILITY**

- 11.4 For the purposes of this Bylaw, an act or omission by an employee or agent of a Person is deemed also to be an act or omission of the Person if the act or omission occurred in the course of the employee's employment with the Person, or in the course of agent's exercising the powers or performing the duties on behalf of the Person under their agency relationship.

### **CORPORATIONS AND PARTNERSHIPS**

- 11.5 When a corporation commits an offence under this Bylaw, every principal, director, manager, employee or agent of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.
- 11.6 If a partner in a partnership is guilty of an offence under this Bylaw, each partner in that



partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.

**CERTIFIED COPY OF RECORD**

11.7 A copy of a record of the Town, certified by the CAO as a true copy of the original, shall be admitted in evidence as prima facie proof of the facts stated in the record without proof of the appointment or signature of the person signing it.

**STRICT LIABILITY OFFENCE**

11.8 An offence under this Bylaw is a strict liability offence.

**SCHEDULES**

11.9 The following schedules attached hereto shall form part of this Bylaw:

- (a) Schedule "A" – Fees; and
- (b) Schedule "B": - Specified Penalties.

**PART XII – TRANSITIONAL**

**REPEAL AND EFFECTIVE DATE**

12.1 The following Bylaws are hereby repealed upon this Bylaw passing and coming into effect:

- (a) Bylaw 2015-610

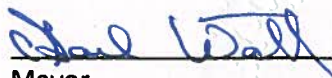
12.2 This Bylaw shall come into force and effect once it receives third and final reading and is duly signed.

READ A FIRST TIME IN COUNCIL this 28 day of August, 2017

READ A SECOND TIME IN COUNCIL this 28 day of August, 2017

AND WITH UNANIMOUS CONSENT

READ A THIRD TIME IN COUNCIL this 28 day of August, 2017

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Chief Administrative Officer

**SCHEDULE "A" FEES**

License Fee before January 31	\$ 15.00
Licence Fee after January 31	\$ 30.00
Review of Dangerous Dog Declaration Fee	\$100.00
Animal Shelter Fee	\$ 33.80 per day
Veterinary Fees	Actual Costs
Euthanization Fees	Actual Costs

**SCHEDULE "B"**



## SPECIFIED PENALTIES

Section Reference	Description	First Offence	Second Offence	Third Offence
<b>PART II - DOG IDENTIFICATION</b>				
2.1	Owner fails to obtain Identification Tag for any dog six (6) months of age and older.	\$200	\$400	Court
2.2	Owner fails to obtain Identification Tag for any Dog within fifteen (15) days of taking ownership or taking up residence in the Town.	\$200	\$400	Court
2.3	Fails to ensure Dog is wearing Identification Tag at all times.	\$200	\$400	Court
<b>PART III – NUMBER OF DOGS</b>				
3.1	Exceeds limit of permitted number of Dogs	\$200	\$400	Court
<b>PART IV – GENERAL OFFENCES</b>				
4.1	Dog At Large	\$200	\$400	Court
4.2	Dog disturbing the peace	\$200	\$400	Court
4.3	Dog that threatens, attacks, bites, chases, injures, kills, or otherwise harasses any Person or other Animal	\$1,000	\$2,000	Court
4.4	Dog causes damage to Property	\$200	\$400	Court
4.5	Person causing Dog to become At Large	\$200	\$400	Court
4.6	Owner fails to immediately remove Dog's excrement from Property	\$200	\$400	Court
4.8	Owner fails to keep Owner's Property in a clean and sanitary condition or fails to prevent nuisance from escaping	\$200	\$400	Court
4.9	Female Dog in heat creating a nuisance	\$200	\$400	Court
4.10	Person teasing, tormenting, annoying, harming otherwise causing Distress to any Dog	\$200	\$400	Court
4.11	Person leaves Dog unattended in or on a Motor Vehicle without proper protection from the elements or in a manner placing the Dog at risk of harm.	\$200.00	\$400	Court
4.12	Person fails to properly secure a dog, inside or on a Motor Vehicle while it is in motion or while it is parked to ensure that the Dog is unable to all out of or leave the Motor Vehicle.	\$500	\$1000	Court
<b>PART V - DANGEROUS DOGS</b>				
5.8(a)	Owner fails to maintain policy of insurance for Dangerous Dog	\$500	\$1000	Court
5.8(b)	Owner fails to tattoo or implant microchip in or on Dangerous Dog	\$500	\$1000	Court
5.8(c)	Owner fails to provide tattoo or microchip information to the Town	\$500	\$1000	Court
5.8(d)	Owner fails to spay or neuter Dangerous dog	\$500	\$1000	Court
5.8(e)	Owner fails to muzzle and restrain Dangerous Dog while off Owner's Property, or provide possession to Person under eighteen (18) years of age.	\$1000	\$2000	Court
5.8(f)	Owner fails to confine Dangerous dog on Owner's Property.	\$1000	\$2000	Court
5.9	Owner fails to immediately notify Town that the policy of insurance has expired, been cancelled, or terminated.	\$500	\$1000	Court
5.10	Owner fails to erect sign giving notice of Dangerous dog	\$500	\$1000	Court
<b>PART VI – DISEASE CONTROL</b>				
6.1	Owner fails to make appropriate notification of Dog with, or	\$1000	\$2000	Court



	expected exposure to, rabies or other communicable disease.			
6.4	Owner fails to isolate Dog suffering from a communicable disease.	\$1000	\$2000	Court
<b>PART VII – ENFORCEMENT AND IMPOUNDMENT</b>				
7.4	Person fails to notify Peace Officer of Dog found At Large	\$200	\$400	Court
7.5	Person fails to surrender Dog found At Large	\$200	\$400	Court
<b>PART VIII-FINES AND PENALTIES</b>				
8.3	Second offence within one (1) year of conviction of a first offence.	Double the Specified Penalty		
8.3	Third offence within one (1) year of conviction of a first offence.			Court
<b>PART X1 - GENERAL</b>				
11.2	Obstructing or causing interference to a person in exercise of their powers or duties under this Bylaw.	\$1000	\$2000	Court

A person found guilty of an offence under this Bylaw for which no penalty has been specifically provided is liable on summary conviction to a minimum fine of not less than \$200, unless the offence is related to a Dangerous Dog in which case not less than \$500, or not more than \$10,000 or to imprisonment for a term not exceeding six (6) months, or to both a fine and imprisonment.

*Handwritten signature*