

By-Law No. 387/99

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

WHEREAS, by virtue of the power conferred on it by the Municipal Government Act, the Council of the Village of Duchess, in the Province of Alberta duly assembled, enacts as follows:

SECTION 1 - SHORT TITLE

1.1 This Bylaw shall be known and may be cited as the “Dog Control Bylaw” of the Village of Duchess.

SECTION 2 - INTERPRETATION

2.1 In the Bylaw the following terms unless the context specifically requires otherwise shall have the following meanings:

- a. “At Large shall mean where a Dog which is at any place other than the property of the Owner or Permitted Property and is not being carried by any person or is not otherwise restrained by a Permitted Leash held by a person and that leash is attached to a choke chain, collar or harness securely holding that Dog;
- b. “Controlled Confinement” shall mean the confinement of a Dog in a pen, cage, or building or securely tethered in a manner that will not allow the dog to bite, harm or harass any person or animal;
- c. “Damage to Public or Private Property” shall include defecating on such property;
- d. “Dog” shall mean either the male or female of any domesticated canine species;
- e. “Dog Control Officer” shall mean a Bylaw Enforcement Officer appointed by the Village to do any act or perform any duties under this Bylaw and includes a member of the Royal Canadian Mounted Police and, when authorized, a Special Constable;
- f. “Dog Fancier’s License” shall mean a license issued by the Village in accordance with the provisions of section 3.14 herein;
- g. “Dog Show” shall mean any event for the purpose of showing or exhibiting Dogs which is sanctioned or recognized by the Canadian Kennel Club or the Village of Duchess;
- h. “Dog Training School” shall mean any facility for which the primary purpose is the training activities are under the direct control and supervision of a Dog trainer;
- i. “Entrance” shall mean any access to Property of the Owner by which persons or vehicles may enter onto the Property of the Owner;

- j. "Household" shall mean a self-contained residential unit within which an owner usually resides
- k. "Land Use Bylaw" shall mean the Village's Land Use By-Law as amended from time to time or replaced by a land use Bylaw enacted pursuant to the Municipal Government Act.
- l. "License" shall mean a Dog License issued by the Village in accordance to the provisions of this Bylaw;
- m. "License Tag" shall mean an identification tag issued by the Village showing the License number for a specific Dog;
- n. "License Fee" shall be that fee set out in Schedule "B" of this Bylaw;
- o. "Muzzle" shall mean any humane device which prevents a Dog from biting or otherwise injuring with its mouth any person, animal or property;
- p. "Ordinarily Resident" shall mean usually present on a particular property;
- q. "Owner" shall mean:
 - i. a person who has the care, charge, custody, possession or control of a Dog;
 - ii a person who owns or who claims any proprietary interest in a Dog
 - iii a person who harbours, suffers, or permits a Dog to be present on any property owned or under his control;
 - iv a person who claims and receives a Dog from the custody of the Town Dog Shelter or a Dog Control Officer or;
 - v a person to whom a License Tag was issued for a Dog in accordance with this By-Law;

And for the purpose of this Bylaw a Dog may have more than one (1) Owner;

- r. "Permitted Leash" shall mean a leash adequate to control the Dog to which it is attached, and which leash shall not exceed two metres in length;
- s. "Permitted Property" shall mean private property upon which the Owner has the express permission of the owner of that property to allow the Owner's Dog to be At Large, and which public property is posted with signs to that effect. This provision shall not apply to vicious Dogs.
- t. "Possession" shall mean:
 - i. having physical or effective control of a Dog;
 - ii. having given physical or effective control of a Dog;
 - iii where one of two or more persons has physical or effective control of a Dog, it shall be deemed to be in the control of each and all of them;

- u. "Property of the Owner" shall mean any property in which the Owner has a legal or equitable interest or over which the Owner has been given the control over or use of by the legal or equitable Owner of the property, and which property shall include, without limiting the generality of the foregoing, land, buildings, and vehicles;
- v. "Public Property Area" shall mean property owned by or under the control and management of the Village which, without limiting the generality of the foregoing
- w. "Secure Enclosure" shall mean a building, cage or fenced area or such construction which will not allow the confined Dog or Dogs to escape from that enclosure;
- x. "Vehicle" shall mean a device in, on or by which a person or thing may be transported or drawn on a highway;
- y. "Vicious Dog" shall mean:
 - i. any Dog with a known propensity, tendency or disposition to attack, without provocation, any person or animal;
- z. "Village" shall mean the Village of Dutchess;
- aa. "Village Dog Shelter" shall mean premises designated by the Village for the impoundment and care of dogs;
- ab. "Violation Ticket" shall mean a ticket as defined in the Provincial Offenses Procedure Act (S.A. 1988, c. P-21-5), as amended.

SECTION 3 - LICENSING PROVISIONS

3.1 Every person who resides within the municipal boundaries of the Village being the Owner of a Dog over the age of six (6) months shall on or before the second (2nd) day of January in each year, pay the License Fee as set out in "Schedule B" of this Bylaw, and obtain a License Tag for each Dog for the current year commencing on the third (3rd) day of January, by applying at the Village Office or at the Village Dog shelter or from an agent approved by the Dog Control Officer.

3.2 Every person who resides within the municipal boundaries of the Village who becomes the Owner of a Dog, or a person who takes up residence within the municipal boundaries of the Village and who is the Owner of a Dog which is not licensed in accordance with this Bylaw, shall pay the License Fee, as set out in "Schedule B" of this Bylaw, and obtain a License within fourteen (14) days after becoming the Owner of a Dog or being the Owner of the Dog and taking up residence within the Village.

3.3 A Dog Owner shall provide to the Village the following information with each application for a Dog License or a Dog Fancier's License;

- a. Name, telephone number, street or rural address of the Owner;

- b. Payment to the Village of an annual Dog Fancier's License Fee of \$50.00 for 3 or 4 dogs on or before the second (2nd) day of January in each year for the current year commencing on the third (3rd) day of January;
- c. A valid Village Dog License must have been issued for each Dog owned by the person applying for the Dog Fancier's License;
- d. The Village in its sole discretion revoke the Dog Fancier's License upon (30) days notice;

SECTION 4 - DOG CONTROL PROVISIONS

- 4.1 An Owner whose Dog is At Large is guilty of an offense.
- 4.2 An Owner whose Dog barks or howls so as to disturb the quiet or repose of any person is guilty of an offense.
- 4.3 An Owner of any Dog which has damaged any Public Property Area or private property not the Property of the Owner within the municipal boundaries of the Village is guilty of an offense.
- 4.4 The Village may post signs indicating those Public Property Areas where Dogs are not permitted, and an Owner whose Dog is in an area where a sign prohibits the presence of Dogs, whether At Large or under the control of such Owner, is guilty of an offense.
- 4.5 No person shall own more than two (2) Dogs over the age of six (6) months which Dogs are located on any property within the municipal boundaries of the Village.
- 4.6 No more than two (2) Dogs over the age of six (6) months shall be Ordinarily Resident in a Household within the municipal boundaries of the Village.
- 4.7 An Owner who owns more than two (2) Dogs over the age of six (6) months as provided in section 4.6 herein, is guilty of an offense.
- 4.8 Any person who is the Owner of two (2) or more Vicious Dogs over the age of six (6) months located on any property within the municipal boundaries of the Village is guilty of an offense.
- 4.9 Section 4.5, 4.6, 4.7 and 4.8 herein, shall not apply to:
 - a. Premises lawfully used for the care and treatment of Dogs, operated by, or under the supervision of a licensed Veterinarian;
 - b. Any premises which may be used for the purpose of a Dog Show;
 - c. Any person in possession of a valid Village Dog Fancier's License

4.23 An Owner who fails to comply with the provisions of section 4.22 herein, is guilty of an offense.

4.24 Any person interfering with, hindering or impeding a Dog Control Officer in the performance of any duty authorized by this Bylaw is guilty of an offense.

SECTION 5 - POWERS OF A DOG CONTROL OFFICER

5.1 Except as otherwise provided herein, a Dog Control Officer or any person acting under the authority of a Dog Control Officer is hereby empowered to carry out the duties described herein and to enforce the provisions of this Bylaw.

5.2 A Dog Control Officer or a person acting under the authority of a Dog Control Officer is authorized to capture and impound in the Village Dog Shelter any Dog which is at Large. A Dog Control Officer, but not a person acting under the authority of a Dog Control Officer, is further authorized to take such reasonable measures as are necessary to subdue such dogs, including the use of tranquillizer equipment and materials. If any such Dog is injured, it may be taken to a Veterinarian for treatment and then to the Village Dog Shelter.

5.3 An impounded Dog may be kept in the Village Dog Shelter for a period of seventy-two (72) hours. Sundays and Statutory Holidays shall not be included in the computation of the seventy-two (72) hour period. During this period, any Dog may be redeemed by its Owner, except as otherwise provided in this Bylaw, upon payment to the Village or its authorized agent of:

- a. The appropriate impoundment fee as set out in "Schedule B" of this Bylaw;
- b. The appropriate License Fee when the Dog is not licensed; and
- c. The cost of any veterinary treatment of any Dog that is found to be injured in the process of capture.

5.4 Upon having been impounded in the Village Dog Shelter for a period of seventy-two (72) hours in accordance with the provisions of section 5.2 herein, the Dog Control Officer is authorized to:

- a. Offer the Dog for sale;
- b. Destroy the Dog in a humane manner;
- c. Allow the Dog to be redeemed by its Owner in accordance with the provisions of section 5.3 herein;
- d. Continue to impound the Dog for an indefinite period of time;

4.10 An Owner of a Dog is guilty of an offense if such Dog;

a. Attacks any person;

b. Threatens or harasses any person;

c. Chases any person while such person is on foot or bicycle;

d. Attacks, harasses, injures or kills any animal belonging to any person while the Dog is not on the Property of the Owner;

4.11 An Owner of a Vicious Dog is guilty of an offense if such Dog is not at all times while on Property of the Owner confined within a Secure Enclosure, unless such Dog is on Permitted Leash held and controlled by the Owner.

4.12 An Owner of a Vicious Dog shall, at all times when such Dog is on the Property of the Owner, post each Entrance to that property with a clearly visible warning sign which warns that a Vicious Dog is on the Property of the Owner.

4.13 Any Owner who fails to post warning signs as required in section 4.12 herein, is guilty of an offense.

4.14 An Owner of a Vicious Dog is guilty of an offense if such Dog is not, at all times while on property which is not the property of the owner, confined within a Secure Enclosure, unless such Vicious Dog is wearing a Muzzle and is on a Permitted Leash held and controlled by the Owner.

4.15 Any person who abuses or injures any Dog in the Village is guilty of an offense.

4.16 Any person who teases, torments or annoys any Dog in the Village is guilty of an offense.

4.17 Subject to Section 4.18 any person who kills a Dog of which is not the Owner in the Village is guilty of an offense.

4.18 Section 4.17 herein, shall not apply to a Dog Control Officer pursuant to Section 5.4 herein, licenses veterinarian or anyone killing a Dog under the direction of a Veterinarian.

4.19 Any person who without the authorization of the Owner unties, loosens or otherwise frees a Dog which is not in distress is guilty of an offense.

4.20 An Owner of a Dog shall, while the Dog is not on the Property of the Owner, ensure that any defecation by his/her Dog is immediately removed and disposed of in a sanitary manner.

4.21 An Owner who fails to comply with the provisions of section 4.20 herein, is guilty of an offense.

4.22 The Owner of a Dog shall ensure that when that Dog is in a vehicle that the Dog is either enclosed within the vehicle or if the Dog is in the uncovered box of a truck that the Dog is tethered in such a manner as to ensure that the Dog cannot fall out of or otherwise escape the truck.

5.5 If a Dog Control Officer believes that a Dog is a Vicious Dog, the Dog Control Officer shall in writing inform the Owner of that Dog that:

- a. The Dog has been determined to be a Vicious Dog; and
- b. The Dog must be kept in accordance with the Vicious Dog provisions of this Bylaw.

5.6 In the event that a Dog is determined to be a Vicious Dog pursuant to section 5.5 herein, the Vicious Dog provisions of this Bylaw shall upon the Owner of a Vicious Dog receiving written notice that the Dog has been determined to be a Vicious Dog.

SECTION 6 - PENALTY PROVISIONS

6.1 Any person who contravenes any provision of this Bylaw is guilty of an offense and is liable on summary conviction to a fine as set out in "Schedule A" of this Bylaw.

6.2 Notwithstanding Section 6.1 of this Bylaw, any person who commits a second or subsequent offense under this Bylaw within one (1) year of committing the first offense may be liable to a fine as set out in "Schedule A" of this Bylaw.

6.3 Under no circumstances shall any person contravening any provision of this Bylaw be subject to the penalty of imprisonment.

SUBJECT 7 - ENFORCEMENT

7.1 A Dog Control Officer is hereby authorized and empowered to issue a violation Tag to any person who the Dog Control Officer has reasonable and probable grounds to believe has contravened any provisions in this Bylaw.

7.2 A Violation Tag may be issued to such person:

- a. Personally; or
- b. By mailing a copy to such person at his last known post office address; or
- c. Upon retrieval of such person's Dog from the Village Dog Shelter.

7.3 A Violation Tag shall be in a form approved by the Village and shall state:

- a. The name of the Owner;
- b. The offense;
- c. The appropriate penalty for the offense as specified in "Schedule A" of this Bylaw;
- d. That the penalty shall be paid within fourteen (14) days of the issuance of the Violation Tag, and ;
- e. Any other information as may be required by the Village.

7.4 Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by the Dog Control Officer, provided however, that no more than one Violation Tag shall be issued for each day that the contravention continues.

7.5 Where a Violation Tag is issued pursuant to section 7.1 and 7.4 of this Bylaw, the person to whom the Violation Tag is issued may, in lieu of be prosecuted for the offense, pay to the Village within the time specified in section 7.3(d) herein, a reduced early payment penalty specified on the Violation Tag, and as set out in "Schedule A" of this Bylaw.

7.6 If the penalty specified on a Violation Tag is not paid within the prescribed time period, the Dog Control Officer is hereby authorized and empowered to lay a complaint and issue a Summons by means of a Violation Ticket, with the issuance of a Violation to be carried out in accordance with the provisions of the Provincial Offences Procedure Act (S.A. 1988, c. P-21.5) as amended.

7.7 Where a contravention of this Bylaw is of a continuing nature, further Violation Tickets may be issued by the Dog Control Officer, provided however, that no more than one Violation Ticket shall be issued for each day that the contravention continues.

7.8 No penalty imposed pursuant to this Bylaw shall include a prison term in default of payment of any fine imposed pursuant to this Bylaw.

SECTION 8 - EXISTING RIGHTS AFFECTED

8.1 The terms and provisions of this Bylaw shall apply with respect to any and all rights, interests and property existing both prior and subsequent to the date of the enactment of this Bylaw with respect to Dogs which are not licensed in accordance with the provisions of this Bylaw on January 1, 1999.

SECTION 9 - REPEAL

9.1 This Bylaw shall repeal Village Bylaw No. 310-86 upon this Bylaw coming into force in accordance with section 10.1 herein.

SECTION 10 - EFFECTIVE DATE

10.1 This Bylaw shall come into force on final passing thereof.


Read a first time this November 15, 1999

Read a second time this December 20, 1999

Read a third time this December 20, 1999



Mayor



Administrator

SCHEDULE A
PENALTIES

OFFENSE	Penalties	Second or Subsequent offense within one year	Section Subsection
Providing false or misleading information	\$100.00	\$150.00	3.4
Licensed Dog not wearing License tag	\$ 25.00	\$ 50.00	3.8
Dog At Large - Vicious Dog	\$300.00	\$600.00	3.10
Other Dogs:			
- Unlicensed Dog	\$100.00	\$150.00	4.1
- Licensed and Unaltered Dog	\$ 75.00	\$150.00	4.1
- Licensed and Neutered Dog	\$ 40.00	\$ 80.00	4.1
Dog damaging a Public Property Area or private property	\$100.00	\$200.00	4.1
Dog barking and howling	\$ 50.00	\$100.00	4.2
Dog in an area where the presence of dogs is prohibited by a sign	\$100.00	\$200.00	4.4
Harbouring three (3) or more Dogs over the age of six(6) months	\$250.00	\$500.00	4.7
Harbouring two(2) or more Vicious Dogs	\$250.00	\$500.00	4.8
Dog:			
-attacking a person	\$250.00	\$500.00	4.10(a)
-threatening or harassing a person or animal	\$100.00	\$200.00	4.10(b)
-chasing persons while walking running, or on bicycle	\$100.00	\$200.00	4.10(c)
-attacking, injuring o killing any animal	\$250.00	\$500.00	4.10(d)

Vicious Dog:			
-attacking a person	\$500.00	\$1,000.00	4.10(a)
-threatening or harassing a person or animal	\$200.00	\$400.00	4.10(b)
-chasing persons while walking running, or on bicycle	\$200.00	\$400.00	4.10(c)
-attacking, injuring or killing any animal	\$500.00	\$1,000.00	4.10(d)
Vicious Dog on property of Owner not in Secure Enclosure on Permitted Leash held and controlled by the Owner	\$150.00	\$300.00	4.11
Failing to Post property with warning signs	\$100.00	\$200.00	4.13
Vicious Dog on property not the property of Owner not in Secure Enclosure or wearing a Muzzle and on Permitted Leash held and controlled by owner	\$250.00	\$500.00	4.14
Abusing or injuring any Dog	\$200.00	\$500.00	4.15
Teasing or annoying any Dog	\$100.00	\$200.00	4.16
Killing any Dog	\$400.00	\$800.00	4.17
untying, loosening or otherwise freeing a Dog without authorization	\$ 200.00	\$400.00	4.19
Failing to Ensure Dog is enclosed in vehicle or tethered in a truck box	\$ 50.00	\$100.00	4.23
An offense under this Bylaw, for which a penalty is not otherwise provided	\$100.00	\$200.00	
Interference with enforcement of this Bylaw	\$250.00	\$500.00	4.24

Dog Licensing Fee Schedule B

1.	License for each neutered/spayed dog	\$10.00
2.	License for each unaltered dog	\$20.00
3.	Replacement tag	\$ 4.00
4.	One time license fee for a tattooed dog	\$20.00