

## **BY-LAW 560/08**

**A BYLAW OF THE VILLAGE OF BAWLF IN THE PROVINCE OF ALBERTA PROVIDING FOR THE CLOSE REGULATION OF DOGS DETERMINED TO BE AGGRESSIVE OR VICIOUS.**

**WHEREAS THE MUNICIPAL GOVERNMENT ACT, RSA 2000, c. M-26 AS AMENDED OR REPEALED AND REPLACED FROM TIME TO TIME, PROVIDES THAT A COUNCIL MAY PASS BYLAWS FOR MUNICIPAL PURPOSES RESPECTING WILD AND DOMESTIC ANIMALS AND ACTIVITIES IN RELATION TO THEM; AND**

**WHEREAS Council considers it necessary for the protection of the public health, safety and welfare to provide for the close regulation of Aggressive and Vicious Dogs;**

**NOW THEREFORE, the Municipal Council of the Village of Bawlf, duly assembled, enacts as follows:**

### **1. TITLE**

1. This bylaw shall be called **"The Aggressive and Vicious Dog Bylaw"**.

### **2. DEFINITIONS**

2. In this bylaw:
  1. "AGGRESSIVE DOG" means any dog that has been convicted of chasing, attacking, or biting a person or animal and has attained a single incident or lifetime total of two (2) or less points on the Dog Bite Assessment on Schedule "C" attached.
  2. "AT LARGE" means a Dog that is present at any place other than the property of its Owner and which is not being carried by any Person, or is not otherwise restrained by a Person controlling the Dog by means of a securely fastened muzzle and leash.
  3. "BYLAW ENFORCEMENT OFFICER" means an employee or independent contractor appointed by the Village to enforce the provision of the Village Bylaws, and includes a member of the Royal Canadian Mounted Police, and when authorized a Community Peace Officer. A Bylaw Enforcement Officer is a Designated Officer for the purposes of s.542 of the Municipal Government Act.
  4. "COUNCIL" means the Council of the Village of Bawlf.
  5. "DOG" means an Aggressive or Vicious Dog.
  6. "DOG TAG" means a numbered metal tag issued by the Village when the Owner of a Dog licenses such Dog with the Town/Village.
  7. "MICROCHIP" means a chip inserted below a dog's skin by a licensed and qualified Veterinarian that is encoded with a number identifying the Owner of a Dog by such number.
  8. OWNER" means:
    - (a) a Person who has the care, charge, custody, Possession, or control of a Dog;

- (b) a Person who owns or claims a proprietary interest in a Dog;
  - (c) a Person who harbors, suffers, or permits a Dog to be present on any property of the Owner or under that Person's control;
  - (d) a Person who claims and receives a Dog from the custody an animal shelter or a Bylaw Enforcement Officer, or;
  - (e) a Person to whom a license has been issued under Part 2 of this bylaw.
9. "PERSON" includes a partnership, association, or corporation.
10. "POUND" means a place designated by Council where Dogs that have been seized shall be kept.
11. "POUND KEEPER" means any person appointed by the Village Manager to keep a Pound for the purpose of controlling and disposing of Dogs that have been seized.
12. POSSESSION" means:
- (a) Exercising physical or effective control of a Dog;
  - (b) Having been given physical or effective control of a Dog by its Owner for the purpose of controlling the Dog for a specific period of time;
  - (c) Where one or more Persons with the knowledge and consent of the others, has physical or effective control of a Dog, it may be deemed to be in the control of all of them.
13. "VILLAGE" means the Village of Bawlf, Alberta.
14. "VICIOUS DOG" means any dog including an Aggressive Dog that has been convicted of chasing, attacking, or biting a person or animal and has attained a single incident or lifetime point total of three (3) or more on the Dog Bite Assessment on Schedule "C" attached.
15. "VILLAGE MANAGER" means a person appointed by Council as the MANAGER of the Village.
16. "VIOLATION TAG" means a written notice, in a form approved by the Village Manager, issued by a Bylaw Enforcement Officer, to advise a Person that a violation of this Bylaw has occurred and that, by payment of a specified amount to the Village Office within a set time period, that Person will avoid prosecution for the offence.
17. "VIOLATION TICKET" means a ticket issued pursuant to the Provincial Offenses Procedure Act, RSA 2000, c.P-34 and regulations there under, as amended and any regulations thereunder.

### **3. LICENSING AND MICRO CHIPPING OF AGGRESSIVE AND VICIOUS DOGS**

1. Every owner of an Aggressive or Vicious Dog in the Village of Bawlf shall, on or before the 1<sup>st</sup> day of January of the current calendar year, license such Dog with the Village and pay a license fee for each dog to be licensed as set out in Schedule "A" of this Bylaw.
2. Every owner of an Aggressive or Vicious Dog who takes up residence in the Village of Bawlf or acquires a Dog(s) after January 1st of the current calendar year shall within seven (7) days thereof license his or her dog with the Village.

3. Every Owner of a Vicious Dog shall obtain a Microchip for each such dog at the Owner's expense within fourteen (14) days of the Dog being deemed such and provide proof including, but not limited to, the Name, Address, Phone Number, Microchip number, and copy of a receipt from a qualified and licensed Veterinarian.
4. Every Owner of an Aggressive or Vicious Dog shall ensure that any sale or transfer of the dog is immediately reported to the Bylaw Enforcement Officer and Village Office and also that the Microchip information is updated to reflect such change of ownership. Any Owner who fails to update this information shall still be held liable under this bylaw for the actions of such Dog(s)
5. A maximum of two (2) Dog licenses for Aggressive and/or Vicious Dogs will be issued per residential property per calendar year.
6. Upon licensing a Dog as required in this bylaw, the owner shall be issued with a metal dog tag that has been stamped with the license number and the year of licensing. In the event the tag is lost, a new tag may be issued, upon payment of a fee as set out in Schedule "A" of this bylaw.
7. A Dog Tag is only valid for the calendar year for which it is issued.
8. A Dog Tag shall not be transferred from one Dog to another, or attached to any Dog that has not been registered with the Village.
9. At all times, when a Dog is on any property other than that of its owner, the Dog Tag issued for such Dog shall be attached to a collar or harness that is being worn by said Dog.

#### **4. REGULATIONS**

1. An owner of a Vicious Dog shall maintain in force a policy of liability insurance in a form satisfactory to the Village Manager providing third party liability coverage in a minimum amount of \$500,000.00 for injuries caused by the owner's Dog.
2. The liability policy shall contain a provision requiring the insurer to immediately notify the Village Manager, in writing, should the policy expire or be cancelled or terminated.
3. Upon cancellation, expiry or termination of the liability policy, the dog license is null and void.
4. At all times while an Aggressive or Vicious Dog is on the premises of its Owner, the Owner shall either keep such dog confined indoors under the effective control of a Person over the age of sixteen (16) years, or confined in a securely enclosed and locked pen, or other structure, constructed as described in Section 4(5) to prevent the escape of the Dog, and capable of preventing the entry of young children.
5. Such pen shall have secure sides and a secure top, and if it has no bottom secured to the sides, the sides must be embedded in the ground to a minimum depth of thirty (30) centimetres.
6. When any Aggressive or Vicious Dog is off the premises of the Owner, the Owner shall either:

- (a) keep such dog contained as set out in Section 4(4), or
  - (b) securely muzzle such Dog, and either harness it or leash it securely to effectively prevent it from chasing, attacking, or biting a Person or other animal.
7. The Owner of an Aggressive or Vicious Dog shall ensure that such Dog does not chase any Person or animal, whether the Person or animal is on the property of the Owner or not.
  8. The Owner of an Aggressive or Vicious Dog shall ensure that such Dog does not bite or attack any Person or animal, whether the Person or animal is on the property of the Owner or not.
  9. Aggressive or Vicious Dogs shall not be kept on any residential property other than on residential property upon which the Owner resides.

## 5. ENFORCEMENT

1. If an Bylaw Enforcement Officer determines that an Aggressive or Vicious Dog is not being kept in accordance with this Bylaw he or she may in writing:
  - (a) inform the owner that his dog has been determined to be an Aggressive or Vicious Dog, and/or
  - (b) require the owner to keep such dog in accordance with the provisions of Section 4(4) and of this bylaw, and
  - (c) inform the owner that if the Aggressive or Vicious Dog is not kept in accordance with Section 4(4) of this bylaw, the owner will be fined or subject to enforcement action pursuant to Section 8 of this Bylaw.
2. Any Dog At Large may be seized by a Bylaw Enforcement Officer and placed in a Pound as provided for in this Bylaw. Any humane means necessary to capture and seize the Dog At Large may be used.
3. Every Dog seized under this bylaw shall, as soon as is practical, be taken to the prescribed Pound and restrained therein.
4. No person shall in any way interfere with, or obstruct a Bylaw Enforcement Officer who has seized or is attempting to seize a Dog At Large.
5. No Person shall release or attempt to release a Dog that has been seized.
6. In addition to the remedies set forth in this bylaw, if a Bylaw Enforcement Officer determines that an Aggressive or Vicious Dog is not being kept in accordance with this bylaw, he may make application pursuant to Section 545 of the Municipal Government Act for an order directing that the owner keep such Dog in accordance with this bylaw or that the Dog be removed from the Village.

## 6. POUND

1. The Pound Keeper shall keep all impounded dogs for a period of not less than three (3) clear days, exclusive of Saturdays, Sundays and Statutory Holidays, unless otherwise disposed of in accordance with this Bylaw. During this period any healthy dog may be redeemed by its owner, or agent of the owner, upon payment to the pound keeper of:

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- (a) the appropriate license fee when such a dog is not licensed; and
  - (b) the respective pound fee for each day or part thereof the dog was impounded.
2. At the expiration of the three (3) day period any dog not redeemed may be destroyed.
3. The Pound Keeper shall report any apparent illness, communicable disease, injury or unhealthy condition of any such dog to the veterinarian and act upon his recommendation. The Owner, if known, shall be held responsible for all charges resulting.

## **7. OFFENCES AND PENALTIES**

1. Any Person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a penalty as set out in Schedule "B" herein.
2. Notwithstanding Section 1 of this Part of this Bylaw, any Person who commits a second or subsequent offence under this Bylaw within twelve (12) months of committing a first offence under this Bylaw, may be liable to an increased fine as set out in Schedule "B".
3. A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any Person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this bylaw;
4. A Violation Tag may be issued to such Person:
  - (a) either personally;
  - (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 Town's Pound;
5. The Violation Tag shall be in a form approved by the Village Manager and shall state:
  - (a) the name of the Owner;
  - (b) the offence;
  - (c) the appropriate penalty for the offence as specified in Schedule "A" of this Bylaw;
  - (d) that the penalty shall be paid within twenty-two (22) days of the issuance of the Violation Tag to avoid possible prosecution; and
  - (e) any other information as may be required by the Village Manager.
6. Where a Violation Tag is issued pursuant to this Bylaw, the Person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay the Village the penalty specified on the Violation Tag;
7. Nothing in this Bylaw shall prevent a Bylaw Enforcement Officer from immediately issuing a Violation Ticket.
8. The Bylaw Enforcement Officer may enforce the provisions of this Bylaw, and where a Bylaw Enforcement Officer has reasonable grounds to believe that a provision of this bylaw has been contravened, the Bylaw Enforcement Officer is authorized and empowered to immediately issue a Violation Ticket pursuant to Part 2 of the Provincial Offences Procedures Act, R.S.A. 2000, c. p-34, as amended, to any Person who the Bylaw Enforcement Officer has reasonable grounds to believe is responsible for the contravention.

9. Where a Violation Ticket has been issued to a Person pursuant to this Bylaw, that Person may plead guilty to the offence by submitting to a Clerk of the Provincial Court the specified penalty set out in the Violation Ticket at any time prior to the appearance indicated on the Violation Ticket.
10. The Violation Ticket shall be served upon the Person who is believed to be responsible for the contravention under the Bylaw in accordance with the provisions of the Provincial Offences Procedures Act, R.S.A. 2000, c. P-34, as amended.
11. Should any Person be guilty of an offence for which no penalty is specified then such Person shall be liable upon summary conviction to a fine of not more than ten thousand dollars (\$10000.00) and not less than twenty-five hundred dollars (\$2500.00).

#### **9. EXCLUSION**

1. This bylaw shall not apply to dogs owned or contracted by the Royal Canadian Mounted Police, or any peace force, while the dogs are engaged in police work.

#### **10. SEVERABILITY PROVISION**

1. Should any provision of this bylaw be invalid, then such provision shall be severed and the remaining bylaw shall be maintained.

#### **11. ATTACHMENTS**

1. SCHEDULES "A", "B", and "C" shall be included as part of this bylaw.

#### **12. REPEAL**

1. Village of Bawlf Bylaw 546/07 is hereby repealed

#### **13. EFFECTIVE DATE**

1. This Bylaw shall come into effect on the date of final passing.

**READ a FIRST time in COUNCIL this 22<sup>nd</sup> Day of April, 2008.**

**READ a SECOND time in COUNCIL this 20<sup>th</sup> Day of May, 2008.**

**READ a THIRD time in COUNCIL this 20<sup>th</sup> Day of May, 2008 and FINALLY PASSED.**

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
VILLAGE MANAGER

Bylaw #560/08

**BY-LAW NUMBER 560/08**

**SCHEDULE "A"**

**1. FEES AND COSTS**

AGGRESSIVE DOG LICENSE FEE	\$100.00
VICIOUS DOG LICENSE FEE	\$250.00
AGGRESSIVE AND VICIOUS DOG LICENSE REPLACEMENT FEE	\$75.00

THE OWNER IS RESPONSIBLE FOR OBTAINING A MICROCHIP WHEN REQUIRED FOR THE DOG AND PROVIDING PROOF OF SUCH BEFORE ANY LICENSE IS SOLD TO THE OWNER.

**SCHEDULE "B"**

	<b>INFRACTION</b>	<b>FIRST OFFENCE</b>	<b>SECOND OFFENCE</b>	<b>THIRD OFFENCE</b>
<b>PART 3</b>				
1	Fail to obtain an Aggressive or Vicious dog license	\$300.00	\$750.00	\$1000.00
3	Fail to obtain a Microchip for a dog deemed Vicious	\$300.00	\$750.00	\$1000.00
4	Fail to report sale or transfer of Aggressive or Vicious dog	\$500.00	\$1000.00	\$1500.00
9	Fail to ensure collar and Current tag worn on Aggressive or Vicious dog while off property	\$300.00	\$750.00	\$1000.00
<b>PART 4</b>				
1	Fail to maintain a current liability policy	\$500.00	\$1000.00	\$1500.00
4	Fail to ensure Aggressive or Vicious dog is properly confined on Owner's property	\$500.00	\$1000.00	\$1500.00
6	Fail to ensure Aggressive or Vicious dog is properly confined while off Owner's property	\$500.00	\$1000.00	\$1500.00
7	Aggressive or Vicious dog chases any person or animal	\$750.00	\$1500.00	\$3000.00
8	Aggressive or Vicious dog bites or attacks any person or animal causing an injury of Level Three (3) or lower.	\$1000.00	\$2500.00	COURT
8	Aggressive or Vicious dog bites or attacks any person or animal causing an injury of Level Four (4) or higher.	\$2000.00	\$4000.00	COURT
9	Aggressive or Vicious dog kept on property other than the Owner's	\$500.00	\$1000.00	\$1500.00

### **SCHEDULE "C"**

Level 1- Dog chases, growls, lunges, or snarls but no teeth touch skin.

Level 2- Teeth touch skin but no punctures. May have red mark/minor bruise from dog's head or snout, may have minor scratches from paws/nails.

Level 3- Punctures  $\frac{1}{2}$  the length of a canine tooth, one to four holes, single bite. No tearing or slashes. Victim not shaken side to side and no bruising.

Level 4- One to four holes from a single bite, one hole deeper than  $\frac{1}{2}$  the length of a canine tooth, typically contact/punctures from more than canines only. Black bruising, tears and/or slashing wounds. Dog clamped down and shook or slashed victim.

Level 5- Multiple bites at Level 4 or above. A concerted, repeated attack. Any bite resulting in death of an animal.

Level 6- Any bite resulting in death of a human