

DOG CONTROL BYLAW

BEING A BYLAW OF THE TOWN OF ECKVILLE TO LICENSE, RESTRAIN AND REGULATE THE RUNNING AT LARGE OF DOGS.

WHEREAS, the Council for the Town of Eckville has deemed it advisable to pass a Bylaw to regulate the running at large of dogs and to provide for the impoundment and disposition of dogs within the Town limits.

AND WHEREAS, Section 7 of the Municipal Government Act, Chapter M-26.1 as amended, allows a Council to pass Bylaws respecting wild and domestic animals and activities in relation to them.

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

This Bylaw is cited as the **Dog Control Bylaw**.

DEFINITIONS - Part 1

1. "ANIMAL CONTROL OFFICER" means a person employed from time to time by the Contractor under the contract between the Town and the Contractor to enforce the provisions of this bylaw, or a person so appointed by the Town including a member of the Royal Canadian Mounted Police or the Municipal Enforcement Officer;
2. "AT LARGE" means off the premises of the owner and not under the control of any person;
3. "CONTRACTOR" means a person employed or under contract by the Town to enforce the provisions of this bylaw and maintain and administer an impound facility for dogs;
4. "DAMAGE TO PROPERTY" means damage to property other than the Owner's property, and includes defecating or urinating on such property;
5. "DOG" means either male or female of the canidae family;
6. "LICENSE" means a yearly dated, sequentially numbered tag designed to be affixed to a collar that may be worn by a dog;
7. "LICENSE TAG" means a current metal or other tag issued by the Town to an owner for each dog he owns, indicating the year for which the fee has been paid, and which bears a number corresponding to a number in the master register book.
8. "LIVESTOCK" means any horse, mule, donkey, sheep, goats, head of cattle or any other animal that Council, in its unfettered discretion, deems to be livestock;
9. "OWNER" means any person, partnership, association or corporation:
 - (a) owning or possessing or having charge of or control over any dog; or

- (b) harboring any dog; or
 - (c) suffering or permitting any dog to remain about his house or premises.
 - (d) a person whom a license tag has been issued
10. "PARKLAND" means all recreational land owned or controlled by the Town, lying within Town limits, and whether improved in whole or in part, and includes natural areas, neighborhood beautification areas, publicly maintained areas administered by the Town, school grounds and playgrounds and includes all building or other improvement situated on these land areas.
11. "PERMIT" means to allow, an act of not preventing;
12. "TOWN" means the Town of Eckville, in the Province of Alberta;

LICENSING OF DOGS- Part 2

63744. An Eckville resident owner of any dog shall obtain a license for the dog from the office of the Town of Eckville prior to the beginning of each dog license year. In any prosecution or proceedings for a contravention of this section, the burden of proof that the dog is not the property of the owner shall rest upon the owner;

63745. The owner of every dog in the Town shall each year register each such dog with the License Department of the Town and for such registration shall pay an annual license fee which shall be determined and amended from time to time by Resolution of Council;

63746. Upon receipt of payment of the license fee for each dog, a tag indicating a number corresponding to the number in the master register book, shall be issued to the owner; to be renewed annually.

63747. Every owner shall provide his dog with a collar to which the owner shall affix the tag for such dog and the owner shall ensure that the collar and tag are worn during those occasions when the dog is not on the owner's premises;

63748. In case a dog license tag is lost or destroyed, a duplicate or replacement will be issued by the Town upon payment of the sum indicated in Schedule "A" of this Bylaw by the owner and provided the owner can present a receipt of payment of the license fee for the current dog license year or the Town administrative records indicate such payment was made;

63749. Tags are not transferable from one dog to another and no refund shall be made on any paid up dog license fee because of the death or sale of the dog or upon the owner's leaving the Town before expiration of the license period;

- 7(a) The period of validity of a registration shall be from January 1 to December 31, of any year. See Schedule "A" for registration rates.
- (b) If any Owner is new to the Town or is a first time Dog Owner, they shall pay the same rate as anyone paying prior to January 31st.

8. Any dog attaining the age of 6 weeks requires a license tag.
9. No more than two (2) dogs shall be harboured or permitted to remain in any house, shelter, room or place in the Town, provided this section shall not apply to premises lawfully used for the care and treatment of dogs operated by a licensed veterinarian located in a properly zoned area as authorized by the Town's Land Use Bylaw.
10. A registered guide dog owned by a blind person shall be issued a license free of charge;
11. Any dog in the Town of Eckville for a period of longer than 14 days in one year requires a license tag.

OFFENCES AND RESPONSIBILITY OF OWNER - Part 3

The Owner of a dog is guilty of an offence:

1. (a) if he fails to register such dog or obtain a license for such dog;
(b) if the dog is off the premises of the owner without a collar or license tag;
(c) if he harbours more than two (2) dogs (the Animal Control Officer may request additional dogs be removed, within a reasonable time);
2. if the dog is permitted to run at large;
3. if such dog is a female dog in heat and is not confined and housed in the residence of the owner during the whole of the heat period except for the sole purpose of defecating on the premises of the owner;
4. if such dog defecates on any public or private property other than the property of its owner, the owner or person in control of the dog fails to immediately remove such defecation. This provision shall not apply to a registered guide dog while it is assisting a blind person;
5. if such dog is allowed or permitted to be on any school ground, playground, or parkland. This provision shall not apply to an owner attending a recognized training or obedience school for training of dogs at a time or place approved by the Town of Eckville;
6. if such dog barks or howls so as to disturb any person;
7. if such dog damages public or private property;
8. (a) if such dog chases or threatens any person, chases an animal, bicycle, or motor vehicle;
or
(b) attacks or bites any person or animal.
9. The owner of a dog is guilty of a second offence if such dog commits for a second time within a six month period any offence under this bylaw.

RESPONSIBILITIES OF TOWN ADMINISTRATION - Part 4

13904. The Town of Eckville shall arrange for a pound to be established for the keeping and impounding of dogs and the Animal Control Officer shall make all rules and regulations not inconsistent with this Bylaw pertaining to the administration of such pound;

13905. The Animal Control Officer shall keep an up-to-date record of all complaints, notices and reports and a similar record of their disposition;

13906. The Animal Control Officer, Police Constable, or Municipal Enforcement Officer may seize and impound:

- (a) Every dog running at large;
- (b) Every dog not wearing a collar and tag while off the premises of the owner;
- (c) Every dog found on a parkland unless permitted pursuant to Part 3, Section 5;
- (d) Every female dog in heat not confined and housed.

13907. In the act of pursuit of any dog in violation of Section 3 of this Part, any officer empowered to apprehend dogs under said Section 3 of this Part is hereby authorized to enter upon private property at all reasonable times, provided however, that in this section, private property shall not include any building occupied as a residence;

13908. No person, whether or not he is the owner of a dog which is being or has been pursued or captured shall:

- (a) Interfere with or attempt to obstruct an Animal Control Officer, Police Constable or Municipal Enforcement Officer who was attempting to capture or who has captured any dog in accordance with the provisions of this Bylaw;
- (b) Unlock or unlatch or otherwise open the van or vehicle in which dogs captured for impoundment have been placed, so as to allow or attempt to allow any dog to escape therefrom;
- (c) Remove or attempt to remove any dog from the possession of the Animal Control Officer, Police Constable or Municipal Enforcement Officer;
- (d) The owner or occupier of any private property may apprehend a dog found running at large over his property and shall immediately thereafter notify the Animal Control Officer of the fact. The Animal Control Officer shall as soon as possible after receipt of such notice arrange to take delivery of the dog.

6. Where there are more than two (2) dogs harboured, the Animal Control Officer, Police Constable, or Municipal Enforcement Officer may request such dogs to be removed, within a reasonable time.

RELEASE OF IMPOUNDED DOGS - Part 5

13952. The Animal Control Officer shall keep all impounded dogs for a period of no less than 72 hours, including the day of impounding. Sundays and Statutory holidays shall not be included in the computation of the 72 hour period. During this period any healthy dog may be redeemed by its owner, upon payment to the Animal Control Officer of:

- (a) The appropriate fine where applicable; and
- (b) The appropriate license fee when a dog is not licensed; and

- (c) Kennel boarding fees as per contract rate for every twenty-four (24) hour period or fraction thereof;
- (d) Notwithstanding the foregoing, the owner of any dog impounded may not redeem the same if the impounded dog was vicious and had been impounded for being vicious to any person or animal. If the dog impounded was vicious at the time it was picked up, then the Animal Control Officer shall make application under the Dangerous Dog Act for an order directing that the dog be destroyed. No dog having a vicious or annoying record may be resold by the Animal Control Officer.

13953. At the expiration of the 72 hour period any dog not redeemed may be destroyed or sold;

13954. The Animal Control Officer shall report any apparent illness, communicable disease, injury, or unhealthy condition of any dog to a veterinarian and act upon his recommendation. The owner, if known, shall be held responsible for all expenses so incurred.

PENALTIES - Part 6

13992. Any person who contravenes any provision of this Bylaw specified in Schedule "B" hereto is guilty of an offence and liable to payment of the penalty specified in Schedule "B" aforesaid.

2. The Animal Control Officer, Police Constable or Municipal Enforcement Officer may enforce the provisions of this Bylaw, and may issue an offence ticket to an owner of a dog alleged to have committed one or more of the above offences and require a payment of the appropriate fine as provided in this Part and as per Schedule "B".

3. A person whom an offence ticket has been issued may pay the penalty therein specified within the time therein stated;

- (a) Should a person not pay the penalty as provided in subparagraph (a) hereof, and a prosecution has been entered against him, then he shall be liable on summary conviction to pay the minimum fine equal to the penalty stated in the said offence ticket plus court costs;
- (b) Notwithstanding anything therein contained, if a prosecution had been entered against any person for any offence under the Bylaw for which an offence ticket has been issued, the Town may accept payment of the penalty therein specified.

4. The offence ticket may be served upon a person in accordance with the provisions of the Provincial Offences Procedures Act of Alberta.

5. 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 one thousand dollars (\$1000.00) and not less than two hundred dollars (\$200.00), and in default of payment to imprisonment for a period not exceeding sixty (60) days.

KEEPING OF LIVESTOCK - Part 7

1. A person may harbour up to, but no more than two (2) livestock on property described as Lot 1, Plan 9122312 and Lots 7 to 17, Plan 9721912 within the Town. The Animal Control Officer may

request such livestock to be removed, within a reasonable time.

SEVERABILITY OF BYLAW PROVISIONS - Part 8

13993. It is the intentions of Town Council that each separate provision of this Bylaw shall be deemed independent of all provisions, and it is further the intention of Town Council that if any provisions of this Bylaw be declared invalid, all other provisions shall remain valid and enforceable.

REPEAL

Bylaw 597/97 and any amendments thereafter are repealed upon this bylaw coming into force.

This bylaw shall come into effect upon third and final reading thereof.

Read the first time this 9th day of, October, 2001.

Read a second time this 9th day of October, 2001.

Read a third and final time this 22nd day of October, 2001.

Mayor

Administrator

SCHEDULE "A"**ANNUAL DOG LICENSE FEES**

1. Annual Dog License Fees:

Male or Female	\$40.00
Neutered or Spayed Male or Female	\$20.00

If the fee is paid prior to January 31st of the year, it shall be reduced to:

Male or Female	\$30.00
Neutered or Spayed Male or Female	\$15.00

It shall be the responsibility of the owner of any animal to provide a certificate from a veterinarian indicating an animal has been spayed or neutered.

2. If the license is being purchased in the month of December, the amount paid shall be for the next year.
3. If the license tag is lost, it can be replaced by the town for two dollars (\$2.00).
4. If any resident is new to the Town of Eckville or is a first time dog owner, they shall pay the same rate as anyone paying prior to January 31st.
5. Dog licenses are not transferable.
6. No person shall be entitled to a license rebate.

SCHEDULE "B"**PENALTIES**

	INFRACTION	FIRST OFFENCE	SECOND AND SUBSEQUENT OFFENCES
Part 3, Section 1 (a)	Fail to register dog and obtain license	\$50.00	\$100.00
Part 3, Section 1 (b)	Fail to ensure collar and tag worn on dog	\$50.00	\$100.00
Part 3, Section 1 (c)	Harbours more than two (2) dogs	\$50.00	\$100.00
Part 3, Section 2	Permit dog to run at large	\$50.00	\$100.00
Part 3, Section 3	Fail to confine dog in heat	\$50.00	\$100.00
Part 3, Section 4	Fail to remove defecation	\$50.00	\$100.00
Part 3, Section 5	Unleash dog on school ground, playground, park land area	\$50.00	\$100.00
Part 3, Section 6	Permit dog to bark or howl	\$50.00	\$100.00
Part 3, Section 7	Damage public or private property	\$50.00	\$100.00
Part 3, Section 8 (a)	Chase or threaten a person, chase an animal, bicycle or motor vehicle	\$100.00	\$200.00
Part 3, Section 8 (b)	Bite person or animal	\$250.00	Court
Part 4, Section 5	Interfere with enforcement	\$50.00	\$100.00
Part 7, Section 1	Keeping of more than two (2) livestock	\$50.00	\$100.00