

BY-LAW 774

OF THE TOWN OF KILLAM IN THE PROVINCE OF ALBERTA

A BYLAW OF THE TOWN OF KILLAM IN THE PROVINCE OF ALBERTA PROVIDING FOR THE CLOSE REGULATION OF RESTRICTED DOGS, GUARD DOGS AND DOGS DETERMINED TO BE 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WHEREAS THE MUNICIPAL GOVERNMENT ACT, RSA 2000, c. M-26 AS AMENDED OR REPEALED AND REPLACED FROM TIME TO TIME, PROVIDES THAT A COUNCIL MAY PASS BYLAWS FOR MUNICIPAL PURPOSES RESPECTING WILD AND DOMESTIC ANIMALS AND ACTIVITIES IN RELATION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 restricted, vicious and guard dogs;

NOW THEREFORE, the Municipal Council of the Town of Killam, duly assembled, enacts as follows:

1. TITLE

1. This bylaw shall be called **"The Restricted, Vicious and Guard Dog Bylaw"**.

2. DEFINITIONS

2. In this bylaw:
 - 2.1 "At large" means a restricted, vicious or guard dog that is on any property not belonging to the owner of the said dog, and is not being restrained by a leash or is not being effectively controlled by the Owner in accordance with this bylaw.
 - 2.2 "Town" means the Town of Killam.
 - 2.3 "Council" means the Council of the Town of Killam.
 - 2.4 "Town Administrator" means a person appointed by Council as the Administrator of the Town of Killam.
 - 2.5 "Dog" means a Restricted, Vicious, or Guard dog.
 - 2.6 "Dog Tag" means a numbered metal tag issued by the Town when the owner of a dog licenses such dog with the Town.
 - 2.7 "Enforcement Officer" means any Peace Officer including a person appointed by Council to enforce the provisions of this bylaw.
 - 2.8 "Guard Dog" means a dog of any age that is trained and used for the prevention of unlawful entry of a business premises in any commercial or industrial area by unauthorized persons.
 - 2.9 "Owner" unless the context otherwise requires, means any person, partnership, association or corporation who has legal title or possession of any vicious, restricted or guard dog, or who harbours or suffers or permits any such dog to remain at or about his/her house or premises or has the care or control of such a dog.
 - 2.10 "Pound" means a place designated by Council where dogs that have been seized shall be kept.
 - 2.11 "Pound keeper" means any person appointed by the Town Administrator to keep a pound for the purpose of controlling and disposing of dogs that have been seized.

2.12 "Restricted dog" means a dog, of any age, of the following breeds or kinds:

- (a) Pit Bull Terrier
- (b) American Pit Bull Terrier
- (c) Pit Bull
- (d) Rottweiler
- (e) Chow Chow
- (f) Doberman Pinscher
- (g) Perrode Presa Canarios
- (h) Alaskan Malamute
- (i) Akita
- (j) American Staffordshire Terrier
- (k) Boxer
- (l) Great Dane
- (m) Wolf-hybrid, or
- (n) any dog of mixed breeding, which can be identified through its physical characteristics as a dog partially of the above mentioned breeds or kinds by a veterinarian licensed to practice in Alberta.

2.13 "Vicious dog" means a dog of any age, including a restricted dog or guard dog which when on or off the property of its Owner:

- (a) shows a propensity, disposition or potential to attack or injure, without provocation, other animals or humans; or
- (b) without provocation, chases persons who approach it; or
- (c) is a continuing threat of serious harm to other animals or humans; or
- (d) without provocation, has attacked a person or other animal.

2.14 "Dog Catcher" means any person appointed by the Town Administrator or Council to seize and impound dogs.

2.15 "Violation ticket" means a ticket issued pursuant to the Provincial Offenses Procedure Act, RSA 2000, c.P-34 and regulations there under, as amended or replaced and repealed from time to time.

3. LICENSING

3.1 Every owner of a restricted, vicious or guard dog in the Town of Killam shall, before the 31st day of January of the current calendar year, license such dog with the Town and pay a license fee for each dog to be licensed as set out in Schedule "A" this bylaw.

3.2 Every owner of a restricted, vicious or guard dog in the Town of Killam, who fails to license such dog as required by Section 3(1) herein, shall license such dog with the Town and pay to the Town an increased license fee as set out in Schedule "A" of this bylaw.

3.3 Every owner of a restricted, vicious or guard dog who takes up residence in the Town of Killam or acquires a dog(s) after January 31st of the current calendar year shall within fourteen (14) days thereof license his or her dog with the Town or pay an increased license fee to the Town as set out in Schedule "A" of this bylaw.

3.4 A maximum of two dog licenses for dogs kept outside the principal residence of the owner will be issued per residential property per calendar year.

3.5 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.

- 3.6 A dog tag is only valid for the calendar year for which it is issued.
- 3.7 A dog tag shall not be transferred from one dog to another, or attached to any dog that has not been registered with the Town.
- 3.8 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

- 4.1 An owner of a restricted or vicious dog shall maintain in force a policy of liability insurance in a form satisfactory to the Town Administrator providing third party liability coverage in a minimum amount of \$500,000.00 for injuries caused by the owner's dog.
- 4.2 The liability policy shall contain a provision requiring the insurer to immediately notify the Town Administrator, in writing, should the policy expire or be cancelled or terminated.
- 4.3 Upon cancellation, expiry or termination of the liability policy, the dog license is null and void.
- 4.4 At all times while a restricted 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.
- 4.5 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.
- 4.6 When any restricted 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 attacking or biting a person or other animal.
- 4.7 The owner of a dog, which the owner believes to be a restricted or vicious dog, shall keep such dog in accordance with the provisions of Sections 4.4 of this bylaw.
- 4.8 Guard dogs may only be kept in areas of the municipality zoned as commercial or industrial districts.
- 4.9 The owner of a guard dog must either keep such dog confined indoors or confined in a securely enclosed fenced area, constructed to prevent the escape of the dog, and capable of preventing the entry of young children. The fence shall have a minimum height of 2.2 metres. The owner shall post, on the perimeter of the fence, warning signs of the presence of guard dogs.
- 4.10 The owner of a restricted or vicious dog shall take all necessary steps to ensure that such dog does not bite, chase or attack any person or other animal, whether the person or animal is on the property of the owner or not.
- 4.11 No more than two dogs that are kept outside the principal residence shall be kept on a residential property, regardless of the number of lots comprising said property.
- 4.12 Restricted and/or Vicious dogs shall not be kept on any residential property other than on residential property upon which the owner resides.

5. EXEMPTIONS (“GRANDFATHERING”)

Notwithstanding Section 3 and Section 4 of this bylaw, the Town of Killam is prepared to offer certain exemptions to Town residents for dogs **currently owned** and that this bylaw classifies as Restricted, Vicious or Guard dogs, subject to the conditions described.

5.1 Section 5

- (a) applies only to dogs currently owned and being kept within the Town as of the date this bylaw comes into effect, and
- (b) shall continue to apply, subject to all conditions as specified in Section 5, until said dog dies or is removed from the Town.

5.2 The licensing fees charged for all dogs to which this bylaw applies:

- (a) will be in the amount set out in Schedule “A” of this bylaw for Guard Dogs, provided that
- (b) current owners, within the grace period determined and advertised by Council for doing so,
 - (i) voluntarily obtain a license for each dog and, when doing so,
 - (ii) identify said dog(s) as being Restricted, Vicious or Guard Dogs based on the criteria set forth in this bylaw.

5.3 The requirement for obtaining liability insurance pursuant to Section 4.1 is hereby waived.

5.4 The requirements for confining dogs pursuant to Section 4.4 and Section 4.5 is hereby modified to the extent that owners keeping dog(s) on residential property

- (a) shall construct and maintain fences and/or other structures, designed to contain dog(s), of sufficient height and strength to effectively confine said dog(s), and
- (b) the latching mechanism on all gates to the confined area shall be designed to prevent children from accidentally or intentionally opening them, and
- (c) the fences are to be placed so as to provide a person with easy access to at least one door of the owner’s home without said dog(s) having access to such person.

5.5 Owners having more than two outside dogs will be issued licenses as needed but are encouraged to

- (a) remove excess dogs from the Town as soon as possible, or
- (b) keep excess dogs inside the principal residence of the owner.

5.6 If any “grandfathered” owner is found to be in violation of any Regulation contained in this bylaw or, in consideration of the exemptions described in Section 5, is found to be in violation of any exemption to the Regulations, for that owner

- (a) all exemptions to this bylaw shall be removed, and
- (b) the full force of this bylaw, excluding exemptions, shall come into effect.

6. ENFORCEMENT

- 6.1 If an Enforcement Officer determines that a dog is a vicious dog, either through personal observation or after an investigation initiated by a complaint, he or she may in writing:
- (a) inform the owner that his dog has been determined to be a vicious dog, and
 - (b) require the owner to keep such dog in accordance with the provisions of Section 4.4 of this bylaw, and
 - (c) inform the owner that if the 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.
- 6.2 Any dog at large may be seized by an Enforcement Officer or the dog catcher and placed in a pound as provided for in this bylaw. Any means necessary to capture and seize the dog at large may be used, provided that:
- (a) no dog shall be seized on private property without the permission of the owner of the said property, except in case of fresh pursuit and it is definitely known that the property is not that of the owner of the dog, and
 - (b) every reasonable precaution is taken to avoid causing any injury or bodily harm to such dog.
- 6.3 Every dog seized under this bylaw shall, as soon as is practical, be taken to the prescribed Pound and restrained therein.
- 6.4 No person shall in any way interfere with, or obstruct an Enforcement Officer or dog catcher who has seized or is attempting to seize a dog at large.
- 6.5 No person shall release or attempt to release a dog that has been seized except as otherwise provided for in this bylaw.
- 6.6 In addition to the remedies set forth in this bylaw, if an Enforcement Officer or dog catcher determines that a restricted dog, vicious dog, or guard dog is not being kept in accordance with this bylaw, he may:
- (a) 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 Town.
 - (b) make a complaint pursuant to the Dangerous Dogs Act for an order directing that the dog be controlled or destroyed or removed from the Town.

7. POUND

- 7.1 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:
- (a) the appropriate fine where applicable; and
 - (b) the appropriate license fee when such a dog is not licensed; and
 - (c) the respective pound fee for each day or part thereof the dog was impounded.
- 7.2 At the expiration of the three (3) day period any dog not redeemed may be destroyed.

- 7.3 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.

8. OFFENCES AND PENALTIES

- 8.1 Every person who contravenes any of the provisions of this bylaw is guilty of an offence and shall be liable on summary conviction to the penalty specified on Schedule A2 for such an offence.
- 8.2 A Provincial Judge, in addition to the penalties provided in this bylaw, may direct or order the owner of a restricted, vicious or guard dog to comply with relevant sections of this bylaw, or have the animal removed from the Town, or have the animal destroyed, or may make any other order or direction deemed appropriate.
- 8.3 Notwithstanding sections 8.1 and 8.2, an Enforcement Officer may issue a violation tag to a person who the Enforcement officer has reasonable and probable grounds to believe has contravened any provision of this bylaw:
- (a) Specifying voluntary payment as described in Schedule A.2 of this bylaw; and
 - (b) The person to whom the violation tag is issued, may, in lieu of being prosecuted for the offence, pay to the Town or the Enforcement Officer the penalty specified within the time period indicated on the violation tag.
- 8.4 A violation tag shall be deemed to have been sufficiently served if:
- a) served to the accused directly, or
 - b) mailed to the address of the registered owner of the vehicle or person occupying a property, or
 - c) secured to the vehicle or property in respect of which the offence is alleged to have been committed.
- 8.5 Where a violation tag has issued and the penalty specified on the violation tag has not been paid within the prescribed time, then an Enforcement Officer may issue a violation ticket specifying that a voluntary payment be made as described in Schedule A.2 of this bylaw.
- 8.6 Notwithstanding sections 8.1 through 8.5 of this bylaw, an Enforcement Officer may immediately issue a violation ticket to any person who the Enforcement Officer has reasonable grounds to believe has contravened any provisions of this bylaw specifying that:
- (a) A voluntary payment be made as described in Schedule A.2 of this bylaw, or:
 - (b) If it is in the public interest to compel the accused to appear before a Judge, issue a summons respecting any offence for which a voluntary payment may be made requiring the accuse to appear before a Provincial Court Judge on the initial appearance date without the alternative of making a voluntary payment.
- 8.7 The levying and payment of any fines shall not relieve a person from the necessity of:
- (a) immediately remedying the situation that created the violation, or
 - (b) paying any fees, charges or costs for which he is liable under the provisions of this bylaw.

9. EXCLUSION

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

10. SEVERABILITY PROVISION

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

11. ATTACHMENTS

11.1 SCHEDULE 'A' shall be included as part of this bylaw.

12. REPEAL

12.1 Town of Killam Bylaw # 757 is hereby repealed

13. EFFECTIVE DATE

13.1 This bylaw shall come into effect on the date of final passing.

READ a FIRST time in COUNCIL this 21st day of June, A.D., 2007.

READ a SECOND time in COUNCIL this 21st day of June, A.D., 2007.

READ a THIRD time and FINALLY PASSED in COUNCIL this 21st day of June, A.D., 2007.

MAYOR.

TOWN ADMINISTRATOR.

BY-LAW _____

SCHEDULE "A"

1. FEES AND COSTS

GUARD DOG LICENSE FEE*	\$15.00
GUARD DOG LICENSE INCREASED FEE*	\$30.00
*or Grandfathered Restricted or Vicious dog	
RESTRICTED OR VICIOUS DOG LICENSE FEE	\$100.00
RESTRICTED OR VICIOUS DOG LICENSE INCREASED FEE	\$200.00
POUND FEES (LOCAL) PER DAY OR PART THEREOF	\$20.00
REPLACEMENT DOG LICENSE	\$3.00
APPLICABLE VETERINARY POUND FEES AND EXPENSES AT COST	

2. OFFENCES and PENALTIES

OFFENCE	PENALTY		
For a first offence:	Summary Conviction before Prov. Court Judge	Violation Tag	Violation Ticket
LICENSING (1) a. Failure to obtain and keep in force a Restricted, Vicious or Guard Dog license, or b. Keep more than two outside dogs on a residential property, at least one of which is a Restricted or Vicious dog, or c. Keep a Guard Dog on other than commercial or industrial property. d. Failure to identify a 'grandfathered' dog as Restricted (per section 2.12), Vicious (as described in section 4.7), or a Guard dog when licensing the dog e. Attempt to license a Restricted, Vicious, or Guard dog under the Dog Control Bylaw.	\$1000.00	\$250.00	\$500.00
LIABILITY INSURANCE (2) Failure to maintain in force a policy of liability insurance pursuant to Section 5 of this By-Law	\$1500.00	\$300	\$600
CONFINEMENT (3) Failure to confine a Restricted dog or Vicious dog when on the premises of the owner or failure to confine a Guard dog on commercial or industrial property in accordance with this bylaw.	\$1000.00	\$250.00	\$500.00
FAILURE TO SECURE (4) Failure to muzzle or otherwise secure a Restricted dog or Vicious dog when off the premises of the Owner or failure to secure a Guard dog on commercial or industrial property.	\$1500.00	\$300.00	\$750.00
PERSONAL INJURY (5) If a Restricted dog or Vicious dog bites or attacks a person or animal causing injury, or if a Guard dog bites or attacks a person having legitimate business on commercial or industrial property causing injury	\$2500.00	\$600.00	\$1200.00
DOG RUNNING AT LARGE (6) Permitting, allowing or causing a Restricted, Vicious or Guard dog to run at large	\$1000.00	\$250.00	\$500.00
OTHER (7) Contravene any section of this bylaw for which a specified penalty is not listed	\$1000.00	\$250.00	\$500.00

Second or subsequent offence			
(8) An owner who commits, for a second or subsequent time, an offence under this bylaw.	Double the fine stipulated for a first offence	Double the fine stipulated for a first offence	Double the fine stipulated for a first offence