

# BY-LAW 755

## OF THE TOWN OF KILLAM PROVINCE OF ALBERTA

A BY-LAW OF THE TOWN OF KILLAM IN THE PROVINCE OF ALBERTA PROVIDING FOR THE LICENSING AND CONTROLLING OF DOGS WITHIN THE SAID TOWN.

WHEREAS **THE MUNICIPAL GOVERNMENT ACT, RSA 2000, c. M-26 AS AMENDED OR REPEALED AND REPLACED FROM TIME TO TIME, PROVIDES THAT A COUNCIL MAY PASS BYLAWS FOR MUNICIPAL PURPOSES RESPECTING WILD AND DOMESTIC ANIMALS AND ACTIVITIES IN RELATION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 **the Council of the Town of Killam deems it advisable to pass a bylaw for restraining and regulating the running at large of dogs and the licensing, impoundment and disposal of dogs running at large within the Town of Killam.**

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

### 1. TITLE:

1. This bylaw may be cited as "**The Dog Control Bylaw**".

### 2. DEFINITIONS:

2. In this bylaw unless the context otherwise requires:
  - 2.1 "Town" means the Town of Killam.
  - 2.2 "Council" means the Council of the Town of Killam.
  - 2.3 "Town Administrator" means a person appointed by Council as the Administrator of the Town of Killam.
  - 2.4 "Dog" means any animal of the Canidae family, regardless of the sex of such animal.
  - 2.5 "Dog Tag" means a numbered metal tag issued by the Town when the owner of a dog licenses such dog with the Town.
  - 2.6 "Dog at Large" means a dog that is on any property not belonging to the owner of said dog and is not being restrained by a leash or is not being effectively controlled by the owner.
  - 2.7 "Enforcement Officer" means any peace officer or any other person appointed by Council to enforce the provisions of this bylaw.
  - 2.8 "Pound" means a place, designated by Council, where dogs that have been seized shall be kept.
  - 2.9 "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.
  - 2.10 "Owner" unless the context otherwise requires, means any person, partnership, association or corporation who has legal title or possession of a dog or who harbours or keeps or has the care or control of a dog.
  - 2.11 "Dog Catcher" means any person appointed by the Town Administrator to seize and impound dogs.
  - 2.12 "Violation tag" means a ticket or similar document issued by the Town pursuant to the Municipal Government Act, R.S.A. 2000, c.M-26, as amended or replaced and repealed from time to time.
  - 2.13 "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 dog over the age of three months in the Town of Killam shall, before the 31st. day of January of each calendar year, license such dog with the Town and pay to the Town a license fee for each dog so licensed as specified in Schedule A.1.

- 3.2 Every owner of a 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 specified in Schedule A.1.
- 3.3 Notwithstanding the provisions of sections 3.1 and 3.2 herein, every owner who after the 31st. day of January in any calendar year acquires a dog or who has a dog and takes up residence in the Town shall within fourteen (14) days thereof license his or her dog with the Town and pay to the Town a license fee for each dog being licensed. In the event that such an owner fails to license his or her dog within fourteen (14) days as aforesaid and if such owner keeps a dog within the Town he or she shall license such dog with the Town and pay to the Town an increased license fee as specified in Schedule A.1.
- 3.4 Notwithstanding Sections 3.1, 3.2 and 3.3 herein, a blind person possessing a registered or certified guide dog shall NOT be required to pay a license fee.
- 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 a license number and the year of such license.
- 3.6 In the event that a dog tag is lost, a new dog tag may be issued, upon proof of license of the dog and upon payment to the Town of a fee.
- 3.7 A dog tag shall not be transferred from one dog to another, or attached to any dog that has not been licensed with the Town.
- 3.8 A dog tag is only valid for the calendar year for which it is issued.
- 3.9 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:**

- 4.1 No owner shall allow his dog to be or to remain on any property not his own unless:
- (a) a leash of sufficient strength to restrain the dog, and not longer than 1.5 meters is securely attached to the dog, and
  - (b) the leash is being held by a person able to restrain the dog, or
  - (c) the leash is securely tied to a stationary object which cannot be moved by the dog.
- 4.2 No owner shall allow his dog, while on property not his own to:
- (a) bark at any person, or
  - (b) chase any person or vehicle, or
  - (c) attack any person, or
  - (d) chase or attack any animal owned or being kept by another person, or
  - (e) cause any damage or nuisance thereon. An owner whose dog defecates on said property shall forthwith remove any defecated matter to a suitable receptacle as would not constitute a nuisance. The provisions of this section shall not apply to a blind person who is being guided by a bona fide "seeing eye" or guide dog.
- 4.3 No owner shall allow his dog to be or remain on any private property without having first obtained the permission of the owner of said property.
- 4.4 No owner shall allow his dog to bark or yelp or howl excessively or persistently or in any other manner disturb the quiet of any person.
- 4.5 No owner shall own, possess, keep, harbour, or have care or control of more than two dogs that by nature of their size, breed, disposition, or for any other reason are sheltered or fed or exercised or otherwise kept on a property outside the structural walls of the principal residence of the owner.
- 4.6 No person shall in any way permit a dog to be in distress by:
- (a) causing any unnecessary physical pain to the dog, or
  - (b) neglecting to provide food, potable water, care or shelter as is necessary to maintain the good health of the dog, or

- (c) neglecting to provide the necessary treatment for a dog suffering from disease or injury or which is infested by any vermin or parasite, or
- (d) harassing or tormenting such dog.

## **5. ENFORCEMENT:**

- 5.1 Any dog at large may be captured and seized by any dog catcher or Enforcement Officer and placed in a pound as provided for in this bylaw.
- 5.2 An Enforcement Officer or a dog catcher may use any means necessary to capture and seize a dog at large, provided that:
  - (a) no dog shall be seized on private property without the permission of the owner of 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.
- 5.3 Every dog seized under this bylaw shall, as soon as practical, be taken to the prescribed pound and restrained therein.
- 5.4 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 except that the owner of such dog may redeem the dog by signing a Claim and Release form as approved by the Town Administrator.
- 5.5 No person shall release or attempt to release a dog that has been seized except as otherwise provided in this bylaw.
- 5.6 If a dog is in distress and
  - (a) the owner does not forthwith take steps that will relieve its distress, or
  - (b) the owner cannot be found immediately and informed of the dog's distress,an Enforcement Officer or dog catcher may, with the assistance of a member of the Royal Canadian Mounted Police, take any action he considers necessary to locate the animal and relieve its distress, including taking the dog into custody, pursuant to the Animal Protection Act.

## **6. POUND**

- 6.1 A pound keeper shall:
  - (a) receive and impound any dog seized under the provisions of this bylaw, and
  - (b) keep a record of such dog on a form approved by the Town Administrator, and
  - (c) ensure that any dog so impounded is provided with sufficient food and potable water to maintain the health and comfort of the dog, and
  - (d) provide the services of a veterinarian, as soon as practical, for any dog which appears to be ill or injured, and
  - (e) ensure that no dog, while impounded is unnecessarily mistreated.
- 6.2 Any dog that has been placed in a pound shall be kept therein for a period of not less than three clear days, exclusive of Saturdays, Sundays and statutory holidays unless sooner claimed by the owner or otherwise disposed of in accordance with this bylaw.
- 6.3 An owner may redeem an impounded dog upon payment to the pound keeper of all fines and fees and costs as prescribed in this bylaw and shall sign a Claim and Release form as approved by the Town Administrator.
- 6.4 All fees and costs, as applicable, shall be paid to the pound keeper prior to release to the owner of any dog.
- 6.5 In any case, where a dog is found to be ill or has been injured and it has been determined by a veterinarian or other competent person that the dog should be destroyed to prevent needless suffering, the dog may be destroyed as soon as practical.

- 6.6 Any dog that has been impounded for longer than the period of time prescribed in this bylaw may at the discretion of the pound keeper:
- (a) be sold at a price to cover the cost of the impoundment, provided that the dog is not sold to the owner or to any other person representing the owner, or
  - (b) be destroyed by a veterinarian.
- 6.7 No person shall purchase an impounded dog and thereafter return it to the previous owner, unless he first reports his intention to return the dog to such owner and provides the name and address of said owner to the pound keeper.
- 6.8 The pound keeper shall, if the dog being impounded is wearing a dog tag or any other identification, make a conscientious effort to notify the owner that the dog has been impounded and give said owner a reasonable period of time to claim the dog before disposing of same.
- 6.9 The pound keeper shall, on or before the last working day of each month submit all monies, copies of receipts and invoices, covering all transactions for the previous month, to the Town Administrator.

## **7. OFFENCES AND PENALTIES:**

- 7.1 A person who contravenes any section of this bylaw is guilty of an offence and liable, on summary conviction before a Provincial Court Judge, to fines as listed in Schedule A.3 of this bylaw.
- 7.2 A Provincial Judge, in addition to the penalties provided in this bylaw, may direct or order the owner of the dog
- (a) to obtain a license, or
  - (b) to prevent such animal from doing mischief, or causing a disturbance, or a nuisance complained of, or
  - (c) to have the dog destroyed or removed from the Town, or
  - (d) to comply with any other relevant sections of this bylaw, or
  - (e) in any other manner deemed appropriate.
- 7.3 Notwithstanding sections 7.1 and 7.2 of this bylaw, 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 a 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.
- 7.4 In those cases where a violation tag has been 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.
- 7.5 Notwithstanding sections 7.1 through 7.4 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 offense 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.
- 7.6 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.

**8. SEVERABILITY PROVISION**

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

**9. ATTACHMENTS**

9.1 SCHEDULE A shall be included as part of this bylaw.

**10. REPEAL**

10.1 Town of Killam bylaw # is hereby repealed

**11. EFFECTIVE DATE**

11.1 This bylaw shall take effect on the date of passing thereof.

**READ A FIRST TIME THIS \_\_\_ DAY OF \_\_\_\_\_, 2006.**

**READ A SECOND TIME THIS \_\_\_ DAY OF \_\_\_\_\_, 2006.**

**READ A THIRD AND FINAL TIME THIS \_\_\_ DAY OF \_\_\_\_\_, 2006 AND FINALLY PASSED.**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Town Administrator

**BY-LAW #**

**SCHEDULE "A"**

**SCHEDULE A.1**

LICENSE FEE	\$15.00
INCREASED LICENSE FEE	\$30.00
DOG LICENSE LOSS - REPLACEMENT FEE	\$3.00

**SCHEDULE A.2**

PENALTIES FOR FIRST OFFENCE	\$75.00
PENALTIES FOR SECOND OFFENCE	\$150.00
PENALTIES FOR SUBSEQUENT OFFENCES	\$300.00
POUND FEES PER DAY*	\$20.00

\*PLUS APPLICABLE VETERINARY EXPENSES AND TRANSPORTATION FEES AS PER SCHEDULE OF FEES

**SCHEDULE A.3**

ON A FIRST OFFENSE, TO A FINE OF \$300.00 OR 2DAYS IN JAIL

ON A SECOND OFFENSE, TO A FINE OF \$600.00 OR 4 DAYS IN JAIL

ON A THIRD OR SUBSEQUENT OFFENSE TO A FINE OF NOT LESS THAN \$2500.00 OR 30 DAYS IN JAIL