

TOWN OF SEXSMITH
BYLAW 649
CONTROL OF VICIOUS DOGS

1. This Bylaw shall be called "The Vicious Dog Bylaw".
2. (1) All provisions of Bylaw No. 598, as amended, Dog Bylaw, are incorporated into and shall form a part of this bylaw, except to the extent that such provisions conflict with or are inconsistent with this Bylaw shall prevail.

(2) In case of such conflict or inconsistency, the provisions of this Bylaw shall prevail.
3. (1) "Restricted dog" means any dog, whatever its age, of the following breeds or kinds:
 - a) Pit Bull Terrier;
 - b) American Pit Bull Terrier; or
 - c) Pit Bull;
 - d) American Staffordshire (as per Resolution No. 88-04-06)
 - e) Rottweiler (as per Resolution No. 88-04-06)

or 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) "Vicious dog" means a dog of any age, including a restricted 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 persons or other animals.
4. (1) An owner shall obtain and keep in force a restricted license for his or her restricted dog.

(2) The restricted license fee for a restricted dog shall be One Hundred Dollars (\$100.00) per year.
5. (1) An owner shall maintain in force a policy of liability insurance in a form satisfactory to the Town of Sexsmith providing third party liability coverage in a minimum amount of \$500,000.00 for injuries caused by the owner's restricted dog.

(2) The liability policy shall contain a provision requiring the insurer to immediately notify the Town in writing should the policy expire or be cancelled or terminated.

(3) Within 3 months after the passage of this bylaw, the owner shall provide to the License Inspector proof that such liability policy is in force before he may obtain a restricted dog license;

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- (4) Upon cancellation, expiry or termination of the liability policy the restricted dog license is null and void.
6.
 - (1) At all times while a restricted 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 to prevent the escape of the restricted dog, and capable of preventing the entry of young children.
 - (2) 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 one (1) foot.
 - (3) When any restricted dog is off the premises of the Owner, the Owner shall securely muzzle such dog, and either harness is or leash it securely to effectively prevent it from attacking or biting a person or other animal.
 - (4) Subsection (3) shall not apply when the restricted dog is in a pen meeting the requirements of subsection (1), or when the restricted dog is in a building or enclosure in attendance at a bona fide dog show.
7.
 - (1) The owner of a dog which the owner believes to be a vicious dog, shall keep such dog in accordance with the provisions of Section 6 of the bylaw.
 - (2) If the Poundkeeper, a License Inspector, a Police Constable or a Bylaw Enforcement Officer determines that a dog is vicious dog, either through personal observation of after an investigation initiated by a complaint, her 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 6 of this bylaw, and
 - c) inform the owner that if the vicious dog is not kept in accordance with Section 6 of this bylaw, the owner will be fined, or subject to enforcement action pursuant to Section 10 of this bylaw.
8. The owner of a vicious or restricted 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 is on the property of the owner or not.
9. In addition to the fines provided in bylaw No. 801, the Dog bylaw, persons who commit offences under this bylaw are subject to the following fines"
 - 1) failure to obtain and keep in force a restricted dog license
\$500.00
 - 2) failure to maintain in force a policy of liability insurance pursuant to Section 5 of this bylaw
\$1,500.00
 - 3) failure to confine a restricted dog or a vicious dog when on the premises

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of the owner in accordance with this bylaw
\$500.00

- 4) failure to muzzle or otherwise secure a restricted dog or a vicious dog when off the premises of the owner
\$500.00
 - 5) if a restricted dog or vicious dog bites or attacks a person or animal, causing injury, the owner shall be subject to a fine of
\$1,500.00
 - 6) permitting a restricted or vicious dog to run at large
\$500.00
 - 7) an owner who commits for a second time any of the offences listed in this Section, providing the offence is committed within 6 months of committing the first offence - double the initial penalty.
10. In addition to the remedies set forth in this bylaw, if the Poundkeeper, the License Inspector, a Police Constable, or a Bylaw Enforcement Officer determines that a vicious dog or a restricted dog is not being kept in accordance with this bylaw, he may:
- 1) make application pursuant to Section 422 of the Municipal Government Act for an order directing that such dog be controlled in accordance with this bylaw, or be removed from the Town; and
 - 2) make a complaint pursuant to the Dangerous Dogs Act for an order directing the dog be controlled destroyed.
11. (1) The Animal Control Officer shall keep all impounded restricted or vicious dogs for a period of at least seventy-two (72) hours, including the day of impounding. Sunday and statutory holidays shall not be included in the computation of the seventy-two (72) hour period. During this period any healthy restricted or vicious dog may be redeemed by its owner, or agent of the owner, upon payment to the Town of:
- a) the appropriate fine where applicable; and
 - b) the appropriate license fee when such a dog is not licensed; and
 - c) kennel fees as identified in Section 33 of Bylaw No. 598 as amended, for every twenty-four (24) hour period or fraction thereof such a dog has been impounded. No kennel fees are payable for the first twenty-four (24) hour period or fraction thereof.
- (2) At the expiration of the seventy-two (72) hour period any restricted or vicious dog not redeemed shall be destroyed.
 - (3) The Poundkeeper shall report any apparent illness, communicable disease, injury or unhealthy condition of any such dog to a veterinarian and act upon his recommendation. The owner, if known, shall be held responsible for all charges resulting.
12. This bylaw shall not apply to dogs owned by the Police Department of the Royal Canadian Mounted Police while the dogs are engaged in police work.

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13. This bylaw shall come into force and effect on final passage thereof.

READ THIS FIRST TIME THIS 21ST DAY OF NOVEMBER, A. D. 1988

READ THE SECOND TIME THIS 3RD DAY OF APRIL, A.D. 1989

READ THIS THIRD TIME THIS 3RD DAY OF APRIL, A. D. 1989

Bob Zahara, Mayor

Len Imrie, Town Administrator

Amend Dog Bylaw #649 to include

**American
Staffordshire**

RESOLUTION NO. 088-04-06

Moved by Councillor ?????? that Council amend Bylaw #649, the Control of Vicious Dogs Bylaw, to include item 3. (1) d) American Staffordshire and e) Rottweillers.

CARRIED UNANIMOUSLY

**Amend Dog
Bylaw #649**

RESOLUTION NO. 100-04-06

Moved by Councillor Hall that the Dog Bylaw, No. 649, to include Rottweillers as restricted dogs be effective January 1, 2007.

CARRIED UNANIMOUSLY