

TOWN OF SEXSMITH
BYLAW NO. 694

LICENSING AND CONTROL OF DOGS

Being a bylaw of the Municipal Council of the Town of Sexsmith in the Province of Alberta for the control, licensing and prevention of cruelty to dogs.

Pursuant to the Municipal Government Act Chapter M-26 Section 164 of the Revised Statutes of Alberta 1980, as amended.

The Municipal Council of the Town of Sexsmith in regular session duly assembled, enacts as follows:

SHORT TITLE:

1. This bylaw may be cited as the "Dog Bylaw".

INTERPRETATION:

2. In this Bylaw

- a) "at large" means off the premises of the owner of the animal when not under the immediate physical control by means of a leash, chain or other similar device of a competent and responsible person.
- b) "Town" means the Municipal Town of Sexsmith in the Province of Alberta.
- c) "Town dog pound" means the place of confinement for dogs as designated by the Town from time to time.
- d) "Council" means the Council of the Town of Sexsmith.
- e) "dog" means a male or a female animal of the canine species and includes an animal that is a cross between a wolf and a dog or a coyote and a dog or a combination thereof.
- f) "neutered dog" means a dog certified by a licensed veterinarian to be sexually sterile.
- g) "Officer" means a Special Constable, Bylaw Officer, a member of the Royal Canadian Mounted Police or any person who is appointed by Council as an Animal Control Officer for the purposes of enforcing this Bylaw.
- h) "owner" means a person who owns, harbours, possesses, has the charge of, control or custody of a dog or permits any dog to remain about his or her premises.
- i) "Peace Officer" means any person appointed to enforce the provision of this Bylaw.
- j) "pound keeper" means a person or persons appointed to this Bylaw to be in charge of the Town Dog Pound and their authorised servants, agents and employees.
- k) "spayed" means a dog certified by a licensed veterinarian to be

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sexually sterile.

- l) "specified penalty" means the sum of money to be paid following the issuance of a Violation Ticket to an accused. It shall be paid to the Clerk of the Provincial Court prior to the date set for the first appearance as stated on the ticket.
- m) "working day" means the hours during which the Town Dog Pound is opened for business.

LICENSES

- 3. No person shall own a dog within the Town unless the dog is licensed in accordance with the provisions of this Bylaw.
- 4. Every owner of a dog shall apply to the Town for a dog license for the current year;
 - a) on or before January 31st, where the dog shall have attained the age of three months on or before December 31st of the previous year, or
 - b) on or before the last day of the month following the month in which the dog shall have attained the age of three months, and pay a license fee as set out in Schedule "A: attached to this Bylaw.
- 5. For the purposes of Section 4, a dog shall not be licensed as a neutered dog unless the applicant produces a certificate acceptable to the Town certifying that such dog is sexually sterile.
- 6. Where the owner of a dog licensed as un-neutered produces a certificate acceptable to the Town that such dog has been rendered sexually sterile, he shall be entitled to a refund or twenty dollars (\$20.00) of the license fee paid for the year in which such certificate is produced.
- 7. Every owner of a dog applying for a license shall produce or provide the following:
 - a) name, street address and postal address of the owner;
 - b) name and description of the dog to be licensed;
 - c) a certificate acceptable to the Town certifying that the dog to be licensed has received a rabies vaccination not more than twelve months before the date of application; and
 - d) such other information as may be required by the Town.
- 8. Where application is made for a dog license in accordance with Section 7 and the appropriate fee is paid in accordance with Section 4 the Town or Poundkeeper shall issue a numbered tag for the current year and shall record the number of the tag and the details of the dog and owner.
- 9. Where a dog license is lost or stolen, the Town or Pound keeper may issue a substitute tag upon being satisfied of the loss or theft, upon payment of the sum of two dollars (\$2.00) for each substitute tag so issued.
- 10. Any person who, through lack of eyesight, requires the assistance of a guide

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dog shall, upon application, be issued with a license tag for such dog without payment of any fee.

11. A dog license issued shall be effective from the date of issue until the 31st day of December next following and no refund of the license fee paid or of any portion thereof shall be made because of death, disposal or removal from the Town of the dog before the expiration of the license period.
12. Dog licenses issued shall not be transferable between dogs.
13. Every person who becomes the owner of a dog in respect of which a valid license has been obtained by the former owner of the dog shall notify the Town of the name, street address and postal address of the new owner and the number of the dog license tag within fifteen days of becoming the owner of such dog.
14. A dog license tag issued shall be securely fastened to the collar, choke or harness worn by the dog to which the license applies.

AT LARGE

15.
 - a) An Officer may take whatever actions are necessary to seize a dog found at large and may deliver such dog to the Town Dog Pound for impoundment.
 - b) An Officer may enter onto private property without loss of jurisdiction while pursuing a dog at large and should the animal attain the safety of its home, the owner, possessor or harbourer may be charged for allowing a dog to run at large whether possession of the animal is obtained by the Officer or not.
 - c) Any person may seize a dog found at large and deliver such dog to an Officer who, upon being satisfied that such dog was at large, may deliver such dot to the Town Dog Pound for impoundment.
 - d) Where a dog cannot be captured and the owner cannot be ascertained so that the animal is considered without an owner, and Officer may destroy the dog. A report shall be kept in writing as to the steps taken to locate the owner and shall be kept on file for a period not exceeding one calendar year after which time they may be destroyed.
16. Any person may use as much force as necessary to prevent injury to any person being attacked by a dog.
17. Where an Officer reasonably believes that a dog has attacked, is attacking, or is about to attack, injure or menace any person, the Officer may destroy such dog forthwith.
18. A dog left in a vehicle off the premises of the owner of such dog shall be deemed to be at large unless the dog is contained within an enclosed portion of such vehicle or is securely fastened within and unable to exit that vehicle to any area surrounding the said vehicle.
19. No person may;
 - a) interfere with, obstruct or attempt to obstruct an Officer or anyone

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- assisting him while lawfully engaged in the pursuit or seizure of a dog at large;
- b) induce a dog to enter a house or other place where it may be safe from capture or otherwise assist the dog to escape capture;
- c) falsely represent himself as being in charge and control of a dog so as to establish the dog is not running at large;
- d) unlock or unlatch or otherwise open a vehicle in which dogs seized by an Officer have been or are being placed; or
- e) remove or attempt to remove a dog from the possession or control of the poundkeeper except in accordance with the provisions of this Bylaw.
- f) untie, loosen or otherwise free a dog which has been tied or otherwise restrained

IMPOUNDMENT

20. Where a dog is delivered to the Town Dog Pound by an Officer or other person, the pound keeper shall take custody of such dog and provide all the necessary care to ensure the animal is fed and sheltered properly and take as many steps as possible to locate the registered owner of the dog through the current year dog license tag provided the dog has one attached.
21. (1) Where a dog has been impounded, the owner thereof has three working days to reclaim the dog, and the pound keeper shall, subject to the provisions of this Bylaw respecting dangerous, vicious or rabid dogs, release such dogs thereof upon being satisfied that;
- a) all penalties and pound fees have been paid, and
 - b) a valid dog license has been obtained for such dog.
- (2) Where an impounded dog has not been reclaimed within three working days, the poundkeeper may on the fourth day;
- a) sell such dog for a sum of not less than the total of all fees and penalties owing this Bylaw in respect of such dog, but, the poundkeeper may, in his discretion, reduce such sum of a young dog to a lesser amount; or
 - b) destroy or otherwise dispose of such dog.
- (3) No impounded dog shall be sold by the pound keeper;
- a) to any resident of the Town until a license has first been purchased for the dog by the resident; or
 - b) to any non-resident of the Town until they have proven that they are not a resident of Town and that the dog shall be kept outside the Town.
22. The Town will not be responsible for any dog impounded for more than three working days.

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23. Pound fees shall be outlined in Schedule B to this Bylaw.
24. The following penalties shall be paid to the Town or to the poundkeeper in respect of a dog seized under this Bylaw.
 - a) the sum of \$75.00 on the first occasion of seizure
 - b) the sum of \$150.00 on the second occasion of seizure;
 - c) the sum of \$300.00 on each occasion of seizure subsequent to the second in any one calendar year.

VICIOUS OR RABID DOGS

25. Any dog shall be deemed to be vicious or a public nuisance if it has made an unprovoked attack upon any person or animal in the course of which such person or animal is bitten or injured or suffers damage to his clothing or personal property.
26. Where a dog is deemed vicious or a public nuisance, such dog shall, in the public interest, be forthwith impounded and quarantined for a period of ten days; and
 - a) if found to be rabid, destroyed; or
 - b) if found not to be rabid, disposed of in accordance with Section 21 (2) (b) hereof,

provided that all costs for the impoundment and quarantining of such dog shall be borne by the owner of the dog; but if no owner is identified, the Town will bear the costs of impoundment and quarantining.
27. Where an impounded dog is found to show severe symptoms of mange, canine distemper, hepatitis, or parvo virus, including depression, dehydration, loss of appetite, vomiting and diarrhea with or without blood, the pound keeper, after notifying the Town, shall have the authority to destroy the dog.
28. Where it has been determined by an Officer that a dog has been provoked into making an attack that causes damage or injury to a person or animal, the dog may be impounded and quarantined for a period of ten days.
29. (1) On a complaint made on oath before a Commissioner of Oaths that a dog has pursued, attacked, worried, menaced or injured any person or animal, the Commissioner for Oaths may issue a summons directed to the owner of such dog requiring the owner to appear before a Provincial Court Judge at a time and place therein stated to answer such complaint.
 - (2) On the evidence of one or more witnesses other than the complainant, the Provincial Court, the Provincial Court Judge, upon summary proceedings;
 - a) May, in the case of a first complaint against such dog;
 - i) make an order for the destruction of such dog within three (3) days, or

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- ii) impose a penalty on the owner of such dog as set out in Section 36.
 - b) Shall, in the case of a second complain against such dog:
 - i) make an order for the destruction of such dog within three (3) days.
- 30. Where a dog is known to an Officer to have pursued, attacked worried menaced, or injured any person on any previous occasion, such dog may, in the public interest, be destroyed by an Officer.
- 31. No order made pursuant to Section 28 shall bar any person from bringing an action for the recovery of damages for injury done or caused by a dog.

GENERAL PROHIBITIONS

- 32. No person shall allow any dog in his possession, charge or control;
 - a) to run at large;
 - b) to pursue or bark at any vehicle on a highway so as to constitute a nuisance;
 - c) to pursue or bark at any person so as to constitute a nuisance;
 - d) to disturb the peace and quiet of any person by howling or barking so as to constitute a nuisance;
 - e) to enter upon any park, playground or other public places where signs erected by the Town pursuant to Council resolution restrict or prohibit such entry; or
 - f) to upset waste receptacles or scatter the contents thereof, either in or about a lane, street, or other public property or in or about premises not belonging to the owner of the dog, and shall be subject to pay all costs incurred for the cleanup as a result of the actions of his dog.
- 33. No person shall run a dog or dogs in a harness so as to obstruct traffic or pedestrians.
- 34. No person shall cause unnecessary suffering to a dog by neglect or deprivation nor punish or abuse a dog in a manner or to an extent that is cruel or unnecessary.
- 35. If a dog defecates on any public or private property other than the property of its owner, the owner shall cause such defecation to be removed immediately.

PENALTIES AND OFFENCES

- 36. Every person who violates any provision of this Bylaw is guilty of an offence and is liable upon summary conviction:
 - a) For a first offence to a fine of not less than seventy-five (\$75.00) dollars and not more than two hundred (\$200.00) dollars or to

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- imprisonment for not more than six (6) months or to both fine and imprisonment.
 - b) For a second or subsequent offence to a fine of not less than one hundred and fifty (\$150.00) dollars and not more than five hundred (\$500.00) dollars or to a term of imprisonment not more than six (6) months or to both fine and imprisonment.
 - c) For a third and subsequent offence to a fine of not less than three hundred (\$300.00) dollars and not more than five hundred (\$500.00) dollars or to a term of imprisonment not more than six (6) months or to both fine and imprisonment.
37. In lieu of prosecution pursuant to Section 36 of this Bylaw, an Officer may issue a Violation Ticket in the form accepted for use by the Town for infractions of its Bylaws to any person who violates any provision of this Bylaw and such person may within twenty one (21) days after receipt of the said Violation Ticket pay to the Provincial Court a sum calculated as follows:
- | | | |
|----|----------------------|----------|
| a) | For a first offence | \$75.00 |
| b) | For a second offence | \$150.00 |
| c) | For a third offence | \$300.00 |

within any twelve (12) month period.

GENERAL

- 38. Where a dog located on private property is suspected of violating any provision of this Bylaw, and the owner cannot be located, and in the interest of the public to stop a continuation of an offence, an Officer may enter onto the property and take the dog into his possession and cause it to be impounded for which the owner of the dog shall bear all costs of impoundment and penalties therein.
- 39. No damages or compensation may be recovered on account of a dog destroyed by an Office, acting in good faith and with reasonable cause under this Bylaw.
- 40. One or more persons from time to time may be appointed by resolution of Council to be poundkeepers for carrying out the purposes of this Bylaw.
- 41. Where a dog is sold pursuant to this Bylaw, the proceeds of the sale of the dog shall be paid to the Town.
- 42. The provisions of this Bylaw do not apply to any dog used in the service of the Royal Canadian Mounted Police or any dog so used in the service of the Town for the purposes of law enforcement.
- 43. Bylaw No. 598 is hereby repealed.
- 44. This bylaw will come into effect on receiving Third Reading.

Read a first time this 01 day of February, 1993, A. D.

Read a second time this 01 day of February, 1993, A. D.

Read a third and finally passed this 01 day of February, 1993, A. D.

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Mayor Bob Zahara
SCHEDULE B

I. Basisty

POUND FEES

Pound fees shall be computed as follows for each day of impoundment in the Town Dog Pound, including the day of seizure, in respect of each dog impounded;

For the period of January 01, 1993 to December 31, 1993, \$10.00 per day

For the period of January 01, 1994 to December 31, 1994, \$11.00 per day

SCHEDULE A

LICENSE FEES

License fees shall be computed as follows:

- | | | |
|------|----------------------|---------|
| i) | Each neutered dog | \$20.00 |
| ii) | Each un-neutered dog | \$40.00 |
| iii) | Each spayed dog | \$20.00 |
| iv) | Each un-spayed dog | \$40.00 |