

**BYLAW #05/06
OF THE
VILLAGE OF BITTERN LAKE
PROVINCE OF ALBERTA**

A BYLAW OF THE VILLAGE OF BITTERN LAKE IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE LICENSING AND CONTROLLING OF DOGS WITHIN THE SAID VILLAGE.

WHEREAS the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta 2000 and amendments thereto, provides that a Council may pass Bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property, wild and domestic animals and activities in relation to them, and the regulation, prohibition and licensing thereof;

AND WHEREAS the Council of the Village of Bittern Lake deems it advisable to pass a Bylaw for the licensing and controlling of dogs within the Village of Bittern Lake;

NOW THEREFORE the Municipal Council of the Village of Bittern Lake duly assembled enacts as follows:

TITLE:

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

PURPOSE:

2. The purpose of this Bylaw is to establish a system of licensing and control with respect to dogs within the Village of Bittern Lake.

DEFINITIONS:

3. In this Bylaw unless the context otherwise requires:

(1) "Altered" means a dog that has been spayed or neutered.

(2) "At Large" means any dog:

- (a) that is not being restrained by a leash, except when the dog is under the control of a responsible person or owner on his private property or within a designated off-leash area, in accordance with the provisions of this Bylaw, or
- (b) that is on a leash but not under control and which is actually upon property other than the property in respect of which the owner of the dog has the right of occupation, or
- (c) which is under the control of a person by means of a leash and which causes damage to persons, property or other animals.

(3) "Village" means the Village of Bittern Lake.

(4) "Village Manager" means a person appointed by Council as the Manager of the Village of Bittern Lake or his delegate.

(5) "Council" means the Council of the Village of Bittern Lake.

(6) "Dangerous Dog" means a dog of any age, including a guard dog that has:

- (a) without provocation, chased, attacked or bitten any person or other domestic animal, or
- (b) shown a propensity, disposition or potential to attack or injure, without provocation, other animals or humans, or

- (c) been made the subject of an Order under the *Dangerous Dog Act*, or
- (d) threatened or created the reasonable apprehension of a threat to any person or other domestic animal.
- (7) "Dog" means any animal of the Canidae family, female or male of the species, intact or altered.
- (8) "Dog Tag" means a numbered, metal, identification tag issued by the Village for a specific dog. It is intended to be worn on a collar or harness.
- (9) "Enforcement Officer" means a member of the Police Service or a Village of Bittern Lake Bylaw Enforcement Officer, or any other person appointed by Council or the Village Manager to enforce the provisions of this Bylaw.
- (10) "Guard Dog" means a dog that is trained and used for the prevention of unlawful entry of a business premises in any commercial or industrial area by unauthorized persons.
- (11) "Guide Dog" means a dog that is trained as a guide for a blind person and identified on an identification card issued by the Canadian National Institute for the Blind.
- (12) "Leash" means a device that attaches to a dog for the purpose of humanely controlling or restraining the animal.
- (13) "Off Leash Area" means an area designated by Council, where dogs, excepting dangerous dogs or guard dogs are permitted to be off leash, but under the control of the owner at all times. The off leash area will be designated with signage authorized by the Village Manager.
- (14) "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, keeps or has the care or control of a dog, and includes temporary care or control.
- (15) "Parks" or "Parkland" includes playgrounds, picnic grounds, playfields, campgrounds or any other public open space, including all bicycle, walking or skiing trails within same.
- (16) "Police Service Dog" means any dog that is employed by a Police Service for law enforcement purposes.
- (17) "Pound" means a place, designated by Council, where dogs that have been seized shall be kept.
- (18) "Pound Keeper" means any person appointed by the Village Manager to keep a pound for the purpose of controlling and disposing of dogs that have been seized.
- (19) "Violation ticket" means a summons violation ticket, Part 2, of the Provincial Offences Procedure Act, R.S.A 2000, c. P-34.

LICENSING:

4. Every owner of a dog, six (6) weeks of age or older shall license such dog with the Village and pay to the Village a license fee in accordance with Schedule "A" of this Bylaw.
5. Every owner of a dog, six (6) weeks of age or older, who takes up residency within the Village shall, within fourteen (14) days license such dog with the Village and pay to the Village a license fee in accordance with Schedule "A" of this Bylaw.
6. Every owner of a dog within the Village of Bittern Lake, who fails to license such dog by January 31st of each calendar year, shall license such dog with the Village and pay to

the Village an increased license fee.

7. A License shall be issued free of charge to any owner of a Guide Dog and to any Police Service Dog owned by the Bittern Lake Police Service.
8. 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.
9. 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 Village of the fee prescribed.
10. A dog tag shall not be transferred from one dog to another, or attached to any dog that has not been licensed with the Village. No refund shall be made for any license issued pursuant to this Bylaw.
11. Where ownership of a licensed dog is transferred from one owner to another, the new owner shall report the ownership change to the Village however no additional fee will be charged.
12. A dog tag is only valid for the calendar year for which it is issued.
13. 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 worn by the dog.
14. No person residing within the Village of Bittern Lake shall own more than three (3) dogs older than six (6) weeks, at any one time on any land classification under the land use bylaw of the Village of Bittern Lake.
15. An owner of an altered dog must provide a signed certificate, letter or receipt from a registered Veterinarian before the owner is entitled to a reduced fee for a license.

REVOCAION OF LICENSE:

17. An Enforcement Officer may revoke any license issued pursuant to this Bylaw if:
 - (a) the applicant fails to comply with any condition of the license;
 - (b) the license was issued on the basis of incorrect information or a misrepresentation by the applicant;
 - (c) the license was issued in error, or
 - (d) the owner breaches a provision of this Bylaw.

REGULATIONS:

18. The owner of a dog is guilty of an offence if he or she fails to comply with any of the provisions of this Bylaw.
19. 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 2.0 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, or
 - (d) the dog is being exercised in a designated off-leash area.
20. 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.
21. The owner of a dog shall forthwith remove any defecation left by their dog on public property or private property other than that of the owner.

22. The owner of any dog shall ensure that any defecated matter left on the owner's property does not accumulate to such an extent that it is reasonably likely to annoy or pose a health risk to others.
23. When a dog is within an off-leash area, the dog must be under the control and direction of the owner, who shall carry with them a leash not exceeding 2.0 metres in length.
24. No owner shall allow his/her dog to bark or yelp or howl excessively or in any other manner disturb any person.
25. In determining whether barking is reasonably likely to annoy or disturb the peace of others, consideration may be given, but is not limited to the:
 - (a) proximity of the property where the dog resides, or
 - (b) the duration of the barking, or
 - (c) the time or day and day of the week, or
 - (d) nature and use of the surrounding area, or
 - (e) any effect of the barking.
26. Any dog at large may be seized by any dog catcher or Enforcement Officer and placed in a pound as provided for in this Bylaw.
27. An Enforcement Officer 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) reasonable precaution is taken to avoid causing any injury or bodily harm to such dog.
28. Every dog seized under this Bylaw shall, as soon as practical, be taken to the prescribed pound and restrained therein.
29. No person shall in any way interfere with, or obstruct an Enforcement Officer who has seized or is attempting to seize a dog at large.
30. No person shall release or attempt to release a dog that has been seized except as otherwise provided in this Bylaw.
31. 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
 - (d) harassing or tormenting such dog.
32. 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 may take any action he/she considers necessary to locate the animal and relieve its distress, including taking the dog into custody, pursuant to the *Animal Protection Act*.
33. If an Enforcement Officer determines that a dog is a dangerous dog, either through personal observation or after an investigation initiated by a complaint, he or she may in writing:
 - (a) inform the owner that the dog has been determined to be a dangerous dog, and

- (b) require the owner to keep such dog in accordance with the provisions of Section 34, Section 35, Section 36 and Section 37 of this Bylaw, and
 - (c) inform the owner that if the dangerous dog is not kept in accordance with the provisions of this Bylaw, the owner will be fined, or subject to enforcement action pursuant to the Offenses and Penalties section of this Bylaw.
34. An owner of a dangerous dog shall:
- (a) maintain in force a policy of liability insurance in a form satisfactory to the Village Manager providing third party liability coverage in a minimum amount of \$500,000.00 for injuries caused by the owner's dog, and
 - (b) the liability policy shall contain a provision requiring the insurer to immediately notify the Village, in writing, should the policy expire or be cancelled or terminated, and
 - (c) upon cancellation, expiry or termination of the liability policy, the dog license is null and void.
35. At all times while a dangerous dog is on the premises of its owner, the owner shall:
- (a) 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 dog and capable of preventing the entry of young children, and
 - (b) 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) cm.
36. When any dangerous dog is off the premises of the owner, the owner shall 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.
37. The owner of a dangerous 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.
38. 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 six (6) feet. The owner shall post signs on the perimeter of the fence, warning of the presence of guard dogs. Guard dogs will only be permitted in commercial or industrial districts.
39. Dangerous dogs and guard dogs shall not be permitted in an off-leash area.
40. In addition to the remedies set forth in this Bylaw, if an Enforcement Officer determines that a dangerous dog or guard dog is not being kept in accordance with this Bylaw, he/she may make application for an order directing that such dog be kept in a proper way by the owner or that the dog be destroyed.

POUND

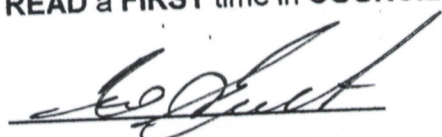
41. A Pound Keeper shall:
- (a) receive and impound any dog seized under the provisions of this Bylaw, and
 - (b) keep a record of such dog on a form approved by the Village, and
 - (c) ensure that any dog so impounded is provided with sufficient food and potable water to maintain the health and comfort 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.
42. Any dog, which 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 claimed prior by the owner or otherwise disposed of in accordance with this Bylaw.

43. 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.
44. All fees and costs, as applicable, shall be paid to the Pound Keeper prior to release to the owner of any dog.
45. 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.
46. 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 surrendered to a recognized Humane Society or Animal Rescue Organization at no cost, or
 - (c) be destroyed by a Veterinarian.
47. No person shall purchase an impounded dog and thereafter return it to the previous owner, unless he/she first reports his/her intention to return the dog to such owner and provides the name and address of said owner to the Pound Keeper or Enforcement Officer.
48. 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.
49. The Pound Keeper shall submit to the Village, on or before the last working day of each month, all monies, copies of receipts and invoices for the pound facility.

OFFENCES AND PENALTIES:

50. Where an Enforcement Officer has reasonable grounds to believe that a person has contravened any provision of this Bylaw, he or she may serve upon such person an offence ticket allowing payment of the specified penalty as set out in Schedule "B" to this Bylaw, which shall be accepted by the Village in lieu of prosecution for the offence or, may issue a violation ticket requiring a person to appear in court without the alternative of making a voluntary payment or may lay an Information in respect of the offence.
51. When a penalty is not specified under this Bylaw, a person who is guilty of an offence is liable to a fine not exceeding \$10,000.00 or to imprisonment for not more than 6 months for non-payment of the fine.
52. The levying and payment of any penalties shall not relieve a person from the necessity of paying any fees, charges or costs from which he/she is liable under the provisions of this Bylaw.
53. A Provincial Court Judge, in addition to the penalties provided in this Bylaw, may direct or order the owner of the dog to obtain a license or to prevent such animal from doing mischief or causing a disturbance, or a nuisance complained of, or have the dog removed from the Village, or to have the dog destroyed, or to order the owner of the dog to comply with other relevant sections of this Bylaw, or in any other manner deemed appropriate.
54. Schedule "A" and Schedule "B" attached hereto forms part of this Bylaw.
55. This Bylaw shall take effect on the 15th day of June, A.D. 2006 and Bylaw # 04/05 is hereby rescinded.

READ a **FIRST** time in **COUNCIL** this **15th** day of June , A.D., **2006**

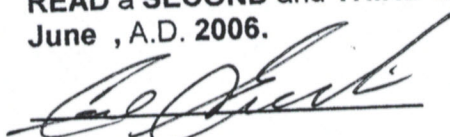


MAYOR KERRY GRETUM

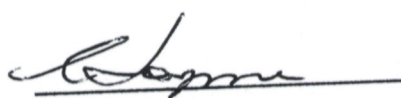


C.A.O. ANNE R HOYME

READ a **SECOND** and **THIRD** time in **COUNCIL** and **FINALLY PASSED** this **15th** day of June , A.D. **2006**.



MAYOR KERRY GRETUM



C.A.O. ANNE R. HOYME

BYLAW #05/06

SCHEDULE "A"

LICENSE FEES

Altered (spayed or neutered) Dogs (6 weeks of age or older)

Dog License Fee (prior to January 31st)..... \$10.00

Dog License Fee (after January 31st)..... \$20.00

Dangerous Dogs

Dog License Fee (prior to January 31st)..... \$150.00

Dog License Fee (after January 31st)..... \$250.00

Replacement Dog License

All Dogs..... \$10.00

BYLAW #05/06

SCHEDULE "B"

PENALTIES

All Dogs (excepting Dangerous Dogs and Guard Dogs):

<u>PENALTIES</u>	<u>Voluntary</u>
FIRST OFFENSE.....	\$ 75.00
SECOND OFFENSE.....	\$150.00
SUBSEQUENT OFFENSES.....	\$300.00

Dangerous Dogs and Guard Dogs:

DOG LICENSE

Failure to obtain and keep in force a restricted, vicious or guard dog license.....\$500.00

LIABILITY INSURANCE

Failure to maintain in force a policy of liability
Insurance pursuant to Section 34 of this Bylaw.\$1,500.00

CONFINEMENT

Failure to confine a dangerous dog or guard dog when on
the premises of the owner in accordance with this Bylaw.\$500.00

FAILURE TO SECURE

Failure to muzzle or otherwise secure a dangerous dog
or guard dog when off the premises of the owner.\$500.00

INJURY

If a dangerous dog or guard dog bites or attacks a person
or animal, causing injury, the owner shall be subject to a fine of.\$1,500.00

DOG RUNNING AT LARGE

Permitting a dangerous dog or guard dog to run at large.....\$500.00

SECOND OR SUBSEQUENT OFFENSES

An owner who commits, for a second or subsequent time, any of the offences listed, the penalty shall be double the initial fine.