

BYLAW 358-12  
VILLAGE OF DEWBERRY  
PROVINCE OF ALBERTA

A BYLAW OF THE VILLAGE OF DEWBERRY, IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE LICENSING, REGULATION AND CONTROL OF ANIMALS IN THE VILLAGE OF DEWBERRY.

WHEREAS the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 as amended, provided that a Council of the Municipality may pass Bylaws for the safety, health and welfare of people and the protection of people and property; services provided by or on behalf of the municipality and the enforcement of Bylaws. This Bylaw to incorporate all previous related bylaws, upon third and final reading this Bylaw hereby rescinds and repeals Bylaw 326 and Bylaw 167 and Bylaw 273 and Bylaw 228.

AND WHEREAS the Council of the Village of Dewberry wishes to provide a By-law for the safety, health and welfare of people, the protection of people and property;

AND WHEREAS the provisions of the Provincial Offences Procedure Act, being chapter P-21 revised statutes of Alberta, 1908 and all amendments thereto, empower Council to pass Bylaws respecting voluntary penalties;

AND THEREFORE the Council of the Village of Dewberry, in the Province of Alberta duly assembled enacts as follows:

Bylaw Jurisdiction

1. This Bylaw shall be enforceable within the Village of Dewberry
2. In this Bylaw

"Appendix" means the schedules set in this Bylaw and shall not form a part of the body of this Bylaw. Such Appendices may be changed by resolution of Council from time to time

"Bylaw Officer" means any person appointed by the Village as a Bylaw officer or a Special Constable employed by the Municipality.

"Council" means the Municipal Council of the Village of Dewberry in the Province of Alberta

"Dwelling Unit" means any building, structure or portion thereof, designed and used exclusively for human exclusively for human habitation, but does not include the property surrounding the house.

"He" shall mean either the person of the male or female gender

"Municipal Administrator" means the Municipal Administrator of the Village of Dewberry or any other person acting under the authority of the Municipal Administrator.

"Municipal Tag" means a tag or ticket wherein the person alleged to have committed a breach of a provision of this Bylaw is given an opportunity to pay a voluntary penalty of the Village of Dewberry in lieu of prosecution for the offense.

"Officer" means a Bylaw enforcement officer appointed by Council to enforce its bylaws or a Special Constable or a member of the Royal Canadian Mounted Police or a Municipal Police Officer.

"Peace Officer" means a member of the Royal Canadian Mounted Police, a member of a municipal police force, a special constable, or a Village of Dewberry Bylaw Officer.

"Person" includes any person, individual, owner, corporation, public body corporate, society, firm or partnership

"Premises" means any land or building or any portion thereof, and includes, without restricting the generality of the foregoing, any house, residence, apartment, flat, site, lodging, room, office or place of business.

"Municipality" means a municipal corporation of the Village of Dewberry, in the Province of Alberta

"Voluntary Penalty" means a penalty specified in this Bylaw for a contravention of provision this Bylaw which amount may be paid by a person to whom a Municipal tag or provision violation ticket was issued.  
Powers of Council

3. All fees and voluntary penalties identified in Appendixes "A" as well as Specified Penalties identified in Schedule 1 Of this Bylaw may be amended by a resolution of Council.

## PART 1 OFFENSES IN RELATION TO DOGS

### Definitions

4. In this part

"Animal" shall mean any animal including dogs and cats , either wild or domesticated unless otherwise stated in this Bylaw

"Animal Control Officer" shall mean any person, firm, corporation or persons appointed or authorized by the Village or under Contract by the Village to enforce the provisions of this Bylaw

"At Large" or "Run at Large" as applied to a dog or cat means a dog or cat which is found off the premises of its owner and within the corporate limits of the Municipality and is not under the immediate, continuous and effective control, by means of a leash, of its owner or person with the consent of the owner at the time of being found.

"Dog" means a male or 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.

"Dog Breeder" means a person engaged in breeding dogs and offering for sale or trade to the general public. Individuals must be able to verify their status as a registered breeder by providing to Municipal Administration with proof of valid membership to the Canadian Kennel Club.

"Enclosed Property" means

(a) secure confinement in a dwelling unit; or

(b) secure confinement in a:

(i) locked fenced yard, which fence is at least 5 feet in height, is suitable to prevent the entry of children and is designed to prevent the dog from escaping or coming into contact with individuals or domestic animals; or

(ii) locked pen measuring at least 6 feet in width, at least 12 feet in length and 6 feet in height, and capped if there is a dog hour inside or if the dog can climb or jump the 6 feet in height, with secure sides, with a secure bottom securely attached to the sides, which provides protection from the elements for the dog, is suitable to prevent the entry of children, and is designed to prevent the dog from escaping or coming into contact with individuals or domestic animals, but shall not include a motor vehicle.

"Floral Area" means flowerbeds

"Housed and Confined" means to confine a female dog or cat during a whole period of time that such dog or cat is in estrus or in heat in such a manner that the dog or cats will not be a source of attraction to other dogs or cats will not be a source of attraction to other dogs or cats.

"License Tag" means a metal tag issued to any owner of a dog or cat upon payment of license registration fee

"Owner" means any person or body corporate who is legal title to a dog or cat, who possess or harbors a dog or cat, who suffers any dog or cat to remain about the person's residence or premises; any person occupying a residence or premises where a dog or cat is kept or harbored, or allowed to remain, shall be deemed to be the owner of the dog or cat.

"Peace Officer" includes any person appointed by the Council as a Animal Control Officer, and any Special Constable employed by the SPCA

"Possession" means that a person possesses a dog or cat when he has it in his actual possession, he leave it in the actual possession or custody of another person, he has it in any place, whether that place belongs to that person or another person. Where two or more persons with the knowledge and consent of the rest have a dog or cat in their custody or possession, it shall be deemed to be in the custody of each and all of them.

"Pound" means a place designated by the Municipal Council as a place where animals may be placed and kept impounded.

"Pound Keeper" means a person or persons appointed to this Bylaw to be in charge of the Municipality pound and their authorized servants, agents and employees.

"Restricted Animal" shall mean any dog, whatever its age, of the following breeds or kinds or cross breeds thereof:

- Rotweiler
- Pitbull Terrier
- American Pitbull Terrier
- Pitbull
- Doberman Pincher
- Akita

Description of a restricted animal means any animals, whatever its age, declared as restricted by a motion of Village Council of the Municipality of the Village of Dewberry.

"Running at large" shall mean that an animal or dog is found on any public street, lane, alley, sidewalk or other public place in the Municipality or is on any private property without the consent of the owner or occupant thereof, and which that animal is not controlled by any person by means of a leash or other similar device for that purpose.

"Spayed" means a dog is certified by a licensed veterinarian to be sexually sterile

"Municipality Boundaries" shall mean all lands within the Municipal boundaries of the Municipality of Dewberry in the Province of Alberta.

"Vicious Dog" means a dog of any age, including a restricted animal, which when off or on the property of its owner:

- Has shown a propensity, disposition or potential to attack or injure, without provocations, other animals or humans or
- Without provocation, chases persons who approach it; or
- Is a continuing threat of serious harm to other animals or humans; or
- Without provocation has attacked persons or other animals

#### **General**

5. No damages or compensation may be recovered on account of an animal destroyed by a peace officer, acting in good faith and with reasonable cause under this bylaw.

6. Part 1 of this Bylaw shall not apply to dogs owned by the Royal Canadian Mounted Police while the dogs are engaged in police work.

7. For the purposes of enforcing this Bylaw the owner, possessor, or harbor of an animal shall provide his or her correct name and resident address to a peace officer upon demand. Failure or refusal to do so upon first demand of the peace officer shall constitute an offense under this Bylaw.

## **Licenses**

1. Every owner of a dog or cat applying for a license shall produce the following:
  - Full name and phone number of the owner
  - Name and description of the dog to be licensed
  - Any such information as may be required by the Municipality
2. A person licensed as a "dog or cat breeder" as referred to in this Bylaw shall register and license all "breeder stock" and any dog over the age of 6 (six) months that remain in the person's possession.
3. Fees and any late penalty fees deemed necessary by the Village Council of the Village of Dewberry to be set out in the Current fee schedule bylaw.
4. Upon payment of the annual dog license fee, the Municipal Administrator, shall issue to the owner a metal license tag, on which shall be inscribed a registration number corresponding to the registration in a master register database to be kept by the Municipal Administrator, as provided in this bylaw. The period of validity of a registration shall be from January 1<sup>st</sup> to December 31<sup>st</sup> of any year. The full amount of the license fee shall be payable regardless when the dog is registered during the year.
5. No registration shall be required under this section for a dog accompanying a person, if such dog is not permitted to run at large and if such person does not remain in the Municipality of Dewberry for a period in excess of 30 days, the proof of which shall be on that person.
6. If a tag for any dog becomes lost in any manner whatsoever, a new tag shall be required. The replacement tag shall be issued for such dog by the Municipal Administrator upon payment of the sum determined by the current fee schedule.
7. If in the case of the removal from the Municipality or death of a dog, the owner may transfer the license and tag to a new animal upon registering the new animal with the Municipal Administrator and payment of the sum determined by the current fee schedule.
8. Notwithstanding sub section 1 where a person who is blind or impaired, is the owner of a dog, trained and used as a guide dog, there will be no fee payable by the owner for a license under this section. No registration shall be required under this section in respect of a dog less than six (6) months old provided that such dog is not permitted to run at large.
9. No person shall be entitled to a license rebate under this Bylaw

## **At Large**

10. No person shall allow any animal to run at large within the municipal boundaries of the Municipality
11. Any person may use as much force as necessary to prevent injury to any person being attacked by a dog.
12. No person being the owner of a dog shall permit such dog to run at large within the corporate limits of the Municipality

### **Vicious, Restricted and Rabid Animals**

13. An owner shall maintain in force a policy of liability insurance in a form satisfactory to the Municipality of Dewberry providing third part liability coverage in a minimum amount of \$500 000.00 for injuries caused by owner's restricted animal.

14. (1) At all times while a restricted animal is on the premises of its owner, the owner shall either keep such animal confined indoors or confined in a securely enclosed and locked pen or other such structure to prevent the escape of the restricted animal.

(2) When any restricted animal is off the premises of the owner, the owner shall harness or leash it securely to effectively prevent it from attacking or biting a person or other animal.

15. If a peace 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:

- Inform the owner that his dog has been determined to be a vicious dog, and
- Require the owner to keep such dog in accordance with the provisions Section 13 & 14 of this bylaw and
- Inform the owner that if the vicious dog is not kept in accordance with Section 13 & 14 of this bylaw the owner will be fined, or subject to enforcement action pursuant to this Bylaw.

16. The owner of a vicious dog shall take all necessary steps to ensure that such dog does not bite, chase or attack any person or other animals, whether the person is on the property of the owner or not. 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 72 hours; and

- a) if found to be rabid, destroyed; or
- b) if found to be rabid, disposed of.

17. Where it has been determined by a peace officer that a dog has made an attack that causes damage or injury to a person or animal. The dog may be impounded and quarantined for a period of 72 hours.

18. 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 Municipality will bear the costs of impoundment and quarantining.

19. When an impoundment of a dog is made due to actions being taken by a peace officer with respect to the Dangerous Dog Act the actual costs of impoundment shall be borne by the owner.

### **General Prohibitions**

20. No household shall be allowed to own and keep within the limits of the Village of Dewberry more than two (2) dogs subject to penalties on recommendation of Village Council.

21. The only exemption from Section 20 would be in the situation of a dog breeder as described in Section 2 & 3 And shall in possession of a valid breeder development permit.

22. Where a dog is on any private property or premises without the permission of the owner or occupant a Municipal appointed dog catcher may with permission of the owner or occupant enter upon such property premises to apprehend the dog.

23. Where an animal has been impounded, the owner thereof has 72 hours to reclaim the animal and the pound keep shall, subject to the provision of this Bylaw respecting dangerous, vicious or rabid animals, release such animals thereof upon being satisfied that;

- a) all penalties and pound fees have been paid and
- b) a valid tag has been obtained for any dog

24. 1) No person shall allow any animal in his possession, charge or control;
- a) to pursue or bark at any vehicle on a highway so as to constitute a nuisance;
  - b) to pursue or bark at any person so as to constitute a nuisance ; or
  - c) to upset any garbage containers; or
  - d) to cause damage to any other person or their property; or
  - e) to create a disturbance by barking or otherwise; or
  - f) to defecate on any public or private property other than the property of its owner.
- 2) If any animal defecates on any public property other than the property of its owner, the owner shall cause such Defecation to be removed immediately.

25. No person shall run a dog or dogs in a harness so as to obstruct traffic or pedestrians

26. A tag issued pursuant to this Bylaw shall be securely attached to a collar, which shall at all times be worn by the dog For which it is issued.

27. No person, unless permitted by this Bylaw, an act of the Province of Alberta or an act of the Government of Canada Shall harm or cause injury to any animals.

28. No person shall:

- a) remove any collar or license from any dog
- b) untie, loosen or otherwise free an animal which has been tied or otherwise restrained
- c) open a gate, door or other opening in a fence or enclosure in which an animal is being confined and thereby allow an animal to run at large.

29. No person, whether or not he is the owner of an animal which is being or has been pursued or captured shall:

- a) interfere with or attempt to obstruct a peace officer or assistants in the capturing, attempting to capture or take to the pound, any dog liable to be impounded under the provision of this bylaw;
- b) induce an animal to enter the house or other place where it may be safe from capture or otherwise assist the animal to escape capture;
- c) falsely represent himself as being in charge or control of an animal so as to establish that the animal is not running-at-large

#### **Traps**

30 .It shall be lawful for an animal control officer or pound keeper to employ the use of lures, bait, nets, sonic, tranquilizers and mechanical devices, or combination of the same or any other means whatsoever for purposes of capturing an animal running at large. Providing always that such method are applied in the inepst of humaneness.

#### **Powers of Officers**

31. A peace officer may capture and impound any animal in respect of which he believes an offense is being or has been committed under this Bylaw.

32. A peace officer may enter onto private property without loss of jurisdiction while pursuing an animal at large and should the animal attain the safety of its home, the owner, possessor or harbored may be charged for allowing an animal to run at large whether possession of the animal is obtained by the peace officer or not.

33. A peace officer , in order to enforce the provisions contained herein may enter onto the land surrounding a dwelling-house in pursuit of any animal which has been in violation of this bylaw irrespective of any "No Trespassing" signs posted on the premises.

34. 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 the dog forthwith.

35. A peace officer may delegate his powers to any person for the purposes of assisting the peace officer in the apprehension of any animal is contravention of this bylaw.

## Offenses

36. Any person who contravenes any provision of this bylaw or regulations is guilty of an offense.

37. A notice of form commonly called a dog control ticket, having printed wording approved by the Village Council may be issued by a dog catcher, police constable or by a Village Secretary – Treasurer to any person alleged to have breached any provision of this bylaw and the said notice shall require a payment to the Village as specified in this Bylaw.

38. A dog control ticket shall be deemed to be sufficiently served:

- a) if served personally on the owner of the dog
- b) if mailed to the address of the owner of the dog as recorded at the time of registration of said dog with the license department of the Village of Dewberry Alberta.
- c) Where the accused is a corporation, association, partnership or registered kennel, is served registered mailed or left with a person who is an employee or officer of the corporation, association partnership or registered kennel.

39. A person who is guilty of an offense under Part 1 is liable upon summary conviction to a fine. Fines to be determined by current fee schedule as approved by Village Council of the Village of Dewberry.

40. Where an Officer or other person authorized to carry out the provisions of this Bylaw believes that a person has contravened any provisions of this bylaw, he may serve upon such person a notice, or form of intention to prosecute by way of a municipal tag, Provincial Violation Ticket, or by way of a summons to appear in court. The notice shall set out the name of the offender, time, location, briefly describing the nature of the offense and the Section, applicable penalty and the court date on which the accused has the option of appearing to enter a plea.

41. A notice, ticket or summons shall be deemed to have sufficiently serviced if:

- Served personally on the accused, or
- Served by registered mail, or
- Left at the accused usual place of residence with an inmate thereof who appears to be at least sixteen (16) years of age, or
- Where the accused is a corporation, association, partnership or registered kennel, is served by registered mail or left with a person who is an employee or officer of the corporation, association partnership or registered kennel.

42. Nothing in this Bylaw shall prevent:

- Any person from exercising his right to defend any charge of committing a breach of any of the provisions of the bylaw, or
- Any person from laying an information or complaint against any other persons for committing a breach of any of the provisions of this bylaw, or
- An officer appointed specifically to enforce the provisions of this bylaw from laying an information and complaint against any other person for a breach of this bylaw, or
- Any officer being saved harmless and not subject to prosecution of reason of his doing anything for the purpose of enforcing this bylaw, and for so doing, acting on reasonable and probable grounds to do whatever he does in honest belief that it is legal and in accordance with this bylaw.

43. Any person charged with a duty under this bylaw, acting in good faith and without malice toward the Municipality in discharge of those duties is hereby indemnified by the Municipality against all personal liability for any damage that may occur to persons or property by reason of any act or omission made in the discharge of his or her duties. Any suit brought against a person because of an act or omission performed by him in the performance of any provision of this bylaw, shall be defended by and at the cost of the Municipality until final determination of the proceedings.

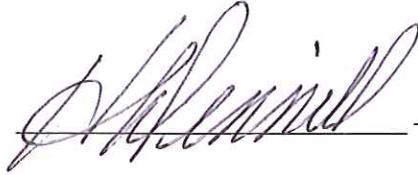
44. This Bylaw shall come into full and force and effect as of the date of the third and final reading.

Given a first reading this 22 day of October 2012

Given a second reading this 22 day of October 2012

Motioned for a third and unanimously agreed upon reading 22 day of October 2012

Given a third and final reading this 22 day of October 2012

  
\_\_\_\_\_ - Mayor

  
\_\_\_\_\_ Secretary/Treasurer