

BYLAW NO. 851

The Dog Control Bylaw

**Being a Bylaw of the Village of Delburne, in the Province of Alberta,
to provide for the licensing, regulating and confinement of Dogs.**

WHEREAS, by virtue of the power conferred on it by the Municipal Government Act, S.A. 1994, C. M-26.1, as amended, the Council of the Village of Delburne, in the Province of Alberta, duly assembled, enacts as follows:

SECTION 1 - SHORT TITLE

- 1.1 This Bylaw may be cited as the "Dog Control Bylaw" of the Village of Delburne.

SECTION 2 - DEFINITIONS

- 2.1 "Animal Control Ticket" means a tag or similar document issued by the Village pursuant to Section 7 of the Municipal Government Act, S.A. 1994, c. M-26-1, as amended.
- 2.2 "At Large" means where a Dog is at any place other than the Owner's Property or Permitted Property and is not being carried by any person or is not otherwise restrained by a Permitted Leash held by a person, and that Permitted Leash is attached to a choke chain, collar or harness securely holding that Dog.
- 2.3 "Controlled Confinement" means the confinement of a Dog in a pen, cage or building or securely tethered in a manner that will not allow the Dog to bite, harm or harass any person or animal.
- 2.4 "Damage to Property" means damage to property other than the Owner's Property, and includes defecating or urinating on such property.
- 2.5 "Dog" means either the male or female of any domesticated canine species.
- 2.6 "ADog Control Officer" means a Bylaw Enforcement Officer appointed by the Village to do any act or perform any duties under this Bylaw and includes a member of the Royal Canadian Mounted Police, an independent contractor who is under contract with the Village to provide bylaw enforcement services and, when authorized, a Special Constable.
- 2.7 "Dog Fancier's License" means a license issued by the Village to a person who is an Owner of three, but not more than five Dogs, in accordance with the Section 3.14 and 3.15 of this Bylaw. Bylaw 939

- 2.8 "Dog Fancier's License Fee" means the applicable annual fee payable in respect of a Dog Fancier's License as set out in the **Fees and Charges Bylaw**.
- 2.9 "Dog Shelter" means premises designated by the Village for the impoundment and care of Dogs and includes premises supplied by an independent contractor under contract with the Village to provide such premises.
- 2.10 AKennel@ means premises intended or used for the keeping or harboring of three (3) but not more than five (5) Dogs at one and the same time, but does not include premises operated by a duly qualified veterinary surgeon used solely for the care and treatment of Dogs.
- 2.11 AKennel License@ means a license issued by the Village to a person who is an owner or operator of a Kennel.
- 2.12 AKennel License Fee@ means the applicable annual fee payable in respect of a Kennel License as set out in the **Fees and Charges Bylaw**.
- 2.13 "License" means an annual Dog License issued by the Village in accordance with the provisions of this Bylaw.
- 2.14 "License Fee" means the applicable annual fee payable in respect of a License for any particular Dog as set out in the **Fees and Charges Bylaw**.
- 2.15 "License Tag" means an identification tag issued by the Village showing the license number for a specific Dog.
- 2.16 ANeutered@ shall mean either male or female dogs that have been neutered, spayed or altered so as to prohibit reproduction.
- 2.17 "Owner" means:
- 2.17.1 a person who has the care, charge, custody, possession or control of a Dog;
 - 2.17.2 a person who owns or who claims any proprietary interest in a Dog;
 - 2.17.3 a person who harbors, suffers or permits a Dog to be present on any property owned, occupied or leased by the Owner, or which is otherwise under his control;
 - 2.17.4 a person who claims and receives a Dog from the custody of the Dog Shelter or a Dog Control Officer; or

Village of Delburne - Bylaw 851

- 2.17.5 a person to whom a License Tag was issued for a Dog in accordance with this Bylaw; and for the purposes of this Bylaw a Dog may have more than one (1) Owner.
- 2.18 "Owner's Property" means any property in which the Owner of a Dog has a legal or equitable interest or over which the Owner of a Dog has been given the control or use of, by the legal or equitable owner of the property, and which property shall include, without limiting the generality of the foregoing, land, buildings and vehicles.
- 2.19 "Permitted Leash" means a leash adequate to control the Dog to which it is attached, and which leash shall not exceed three (3) meters in length.
- 2.20 "Permitted Property" means private property upon which the Owner of a Dog has the express permission of the owner of that property to allow the Owner's Dog to be At Large thereon.
- 2.21 "Replacement License Tag" means a License Tag issued to replace a lost or damaged License Tag pursuant to Section 3.9 of this Bylaw.
- 2.22 "Serious Wound" means an injury to a human or animal resulting from a Dog bite which causes the skin to be broken or flesh to be torn.
- 2.23 "Village" means the Village of Delburne.

SECTION 3 - LICENSING PROVISIONS

- 3.1 Every person who:
- 3.1.1 on January 1st in any given year, is the Owner of a Dog which is three months of age or older, shall obtain a License for that Dog by submitting an application to the Village Office, and paying the applicable License Fee as set out in the **Fees and Charges Bylaw** by no later January 31st of that same year;
- 3.1.2 on January 1st in any given year, is the Owner of a Dog which is less than three (3) months of age, shall obtain, within fifteen (15) calendar days of that Dog reaching the age of three months, a License for that Dog by submitting an application to the Village Office, and paying the applicable License Fee as set out in the **Fees and Charges Bylaw**;
- 3.1.3 becomes the Owner of a Dog after January 1st in any given year, shall obtain a License for that Dog, by submitting an application to the Village Office, and paying the applicable License Fee as set out the **Fees and Charges Bylaw**, within fifteen (15) calendar days of:

Village of Delburne - Bylaw 851

- (a) becoming the Owner of that Dog if the Dog is three (3) months of age or older; or
 - (b) that Dog reaching three (3) months of age, if the Dog is less than three (3) months of age at the time when the person becomes the Owner;
- 3.1.4 who takes up residence within the Village after January 1st in any given year and is the Owner of a Dog shall obtain a License for that Dog, by submitting an application to the Village Office, and paying the applicable License Fee as set out in the **Fees and Charges Bylaw**, within fifteen (15) calendar days of:
- (a) taking up residence in the Village if the Dog is three (3) months of age or older; or
 - (b) that Dog reaching three (3) months of age, if the Dog is less than three (3) months of age at the time when the person takes up residence within the Village.
- 3.1.5 Is the owner of a registered Guide Dog, and is legally blind, shall be issued a License Without Fee or Charge.
- 3.1.6 is the Owner of a Dog, but fails to purchase a license for that Dog as required by Section 3.1 shall be subject to a penalty as set out in the **Fees and Charges Bylaw**.
- 3.2 An Owner of a Dog which is unlicensed is guilty of an offence.
- 3.3 An Owner shall provide the following information with each application for a License or Dog Fancier's License:
- 3.3.1 Name, telephone number, and civic address of the Owner;
 - 3.3.2 Name and description of the Dog or Dogs to be licensed;
 - 3.3.3 The breed or breeds of the Dog or Dogs to be licensed;
 - 3.3.4 The birth date and age of the Dog or Dogs at the time of application for a License or Dog Fancier's License; and
 - 3.3.5 Such other information as may be required by the Village or Dog Control Officer in respect of the application for a License or Dog Fancier's License.

Village of Delburne - Bylaw 851

- 3.4 Any person who provides the Village with false or misleading information with respect to the information required in Section 3.3 of this Bylaw is guilty of an offence.
- 3.5 A License or Dog Fancier's License issued under this Bylaw shall not be transferable from one Dog to another, nor from one Owner to another.
- 3.6 Upon payment of the required License Fee and providing the information set out in Section 3.3 of this Bylaw, the Owner will be supplied with a License Tag which shall have a number registered to that Dog.
- 3.7 An Owner shall ensure that the License Tag is securely fastened to a choke chain, collar or harness worn by the Dog, with the License Tag to be worn by the Dog at all times when the Dog is on other than the Owner's Property.
- 3.8 An Owner of a licensed Dog is guilty of an offence if that Dog is not wearing a License Tag while that Dog is on property other than the Owner's Property.
- 3.9 An Owner of a Dog which has been duly licensed under this Bylaw, may obtain a Replacement License Tag for one which has been lost, upon payment of the Replacement License Tag fee as set out in the **Fees and Charges Bylaw**.
- 3.10 The provisions of Section 3.1 to 3.9 shall not apply to persons temporarily visiting in the Village for a period not exceeding four (4) weeks.
- 3.11 No person is entitled to a refund or a rebate for any License Fee or Dog Fancier's License Fee or Kennel Fee.
- 3.12 Where a License Fee or Dog Fancier's License Fee has been paid by cheque, the License or Dog Fancier's License, as the case may be, is:
- 3.12.1 issued subject to the cheque being honored by the financial institution against which it is drawn; and
- 3.12.2 automatically suspended if the cheque is not honored until such time as the applicable License Fee or Dog Fancier's License Fee has been paid.
- 3.13 No person shall be the Owner of three (3) but not more than five (5) or more Dogs at any given time unless expressly permitted pursuant to Section 3.14, 3.15 and 3.16 of this Bylaw, and where not expressly permitted, any person who is the Owner of three (3) but not more than five (5) Dogs shall be guilty of an offence. Bylaw 939

Village of Delburne - Bylaw 851

- 3.14 Any person who has been issued, and is in possession of a valid Dog Fancier's License shall be entitled to be the Owner of three (3) but not more than five (5) Dogs within the Village.
- 3.15 A Dog Fancier's License may be issued by the Village to any person applying for such Dog Fancier's License upon such person complying with the following conditions:
- 3.15.1 Providing the Village with the information required in Section 3.3 of this Bylaw;
 - 3.15.2 Payment to the Village of an annual Dog Fancier's License Fee as set out in the **Fees and Charges Bylaw**;
 - 3.15.3 A valid Dog License must have been issued for each Dog owned by the person applying for the Dog Fancier's License; and
 - 3.15.4 The Village may in its sole discretion revoke the Dog Fancier's License upon thirty (30) days written notice to the holder of the Dog Fancier's License.
- 3.16 A Kennel License may be issued by the Village to any person applying for such Kennel License upon such person complying with the following conditions:
- 3.16.1 Providing the Village with the information required in Section 3.3 of this Bylaw;
 - 3.16.2 Provided that the proposed Kennel otherwise meets the requirements of all other applicable municipal legislation and, in particular with the Land Use Bylaw, and any conditions lawfully imposed thereunder;
 - 3.16.3 Payment to the Village of an annual Kennel License Fee as set out in the **Fees and Charges Bylaw**;
 - 3.16.4 A valid Dog License must have been issued for each Dog kept or harbored by the person applying for the Kennel License; and
 - 3.16.5 Should the Village receive bonafide complaints from two (2) or more neighbors, the Village may revoke the Kennel License.
 - 3.16.6 The Village may in its sole discretion revoke the Kennel License upon thirty (30) days written notice to the holder of the Kennel License.

Village of Delburne - Bylaw 851

- 3.17 Every license, Dog Fancier's License or Kennel License shall expire on December 31st in the year in which it was issued.

SECTION 4 - DOG CONTROL PROVISIONS

- 4.1 An Owner whose Dog is At Large is guilty of an offence.
- 4.2 An Owner of a Dog is guilty of an Offence if such Dog is allowed or permitted:
- 4.2.1 to be in a park while not on a leash and not under the control of a person;
 - 4.2.2 to be within a site containing playground apparatus and/or a sand play area;
 - 4.2.3 to be in an area designated as a picnic ground.
- 4.3 An Owner whose Dog barks or howls thereby disturbing the quiet or repose of any person is guilty of an offence.
- 4.4 An Owner whose Dog has caused Damage to Property within the Village including upsetting waste receptacles or scattering the contents thereof in or about any property not belonging to the owner of the Dog is guilty of an offence.
- 4.5 The Village may post signs in areas where Dogs are not permitted, and an Owner whose Dog is in an area where a sign prohibits the presence of Dogs, is guilty of an offence regardless of whether or not such Dog is At Large.
- 4.6 An Owner of a Dog is guilty of an Offence if such Dog:
- 4.6.1 bites, attacks, threatens, harasses, barks at, chases, kills, injures any person including, but not limited to, when such person is on bicycle, horse-back or while walking or running;
 - 4.6.2 bites, attacks, threatens, harasses, barks at, chases, kills, or injures any livestock, poultry, or pets belonging to other persons; or
 - 4.6.3 bites, barks at, or chases any vehicle.
- 4.7 If a Dog defecates on property which is not the Owner's Property, the Owner shall cause such defecation to be removed immediately and

Village of Delburne - Bylaw 851

disposed of in a sanitary manner, and failure to do so means that the Owner is guilty of an offence.

- 4.8 An Owner of a female Dog is guilty of an offence if the Owner of such female Dog does not keep it confined in a building or kennel during the entire period such female Dog is in heat except that the female Dog may be allowed outside any such building or kennel for a reasonable period for the sole purpose of eliminating on the Owner's Property.
- 4.9 No person shall tease, torment, annoy, abuse or injure any Dog, and any person who does so is guilty of an offence.
- 4.10 Subject to Section 4.10 of this Bylaw, no person shall kill any Dog, and any person who does so is guilty of an offence.
- 4.11 Section 4.9 of this Bylaw shall not apply to a Dog Control Officer acting pursuant to Section 6.3 of this Bylaw, or to a registered veterinarian or anyone killing a Dog under the direction of a registered veterinarian.
- 4.12 No person shall untie, loosen or otherwise free a Dog which is not in distress unless such person has the authorization of the Owner, and any person acting contrary to this Section is guilty of an offence.
- 4.13 No person shall interfere with, hinder or impede a Dog Control Officer in the performance of any duty authorized by this Bylaw, and any person who does so is guilty of an offence.
- 4.14 No person shall keep more than two (2) Dogs on any land classified as residential land use as defined by the Land Use Bylaw of the Village of Delburne where:
 - 4.14.1 Such person has failed to obtain a Dog Fancier's License or a Kennel License; or
 - 4.14.2 The Village has revoked the said Dog Fancier's License or Kennel License.

SECTION 5 - CONTROLLED CONFINEMENT

- 5.1 A person who has received a Serious Wound or the Owner of any livestock, poultry or pets which have received a Serious Wound and the Owner of a Dog which has inflicted the Serious Wound shall promptly report the Dog to a Dog Control Officer who may thereupon place the Dog under Controlled Confinement and the Dog shall not be released from such Controlled Confinement except by written permission of a registered veterinarian. At the discretion of the Dog Control Officer, such Controlled Confinement may be on the premises

Village of Delburne - Bylaw 851

of the Owner, a registered veterinarian within the Village or County of Red Deer, or the Dog Shelter. In the case of stray Dogs whose ownership is not known, such Controlled Confinement shall be at the Dog Shelter.

- 5.2 Upon demand made by the Dog Control Officer, the Owner shall forthwith surrender for quarantine, any Dog which has inflicted a Serious Wound to any person, or any Dog which the Dog Control Officer has reasonable and probable grounds to suspect of having been exposed to rabies, and the Dog may be reclaimed by the Owner if adjudged free of rabies, upon payment of confinement expenses and upon compliance with the licensing provisions of this Bylaw.

SECTION 6 - POWERS OF A DOG CONTROL OFFICER

- 6.1 A Dog Control Officer is authorized to capture and impound in the Dog Shelter, any Dog which is At Large. The Dog Control Officer is further authorized to take such reasonable measures as are necessary to subdue any Dog which is At Large, including the use of tranquillizer equipment and materials. If any such Dog is injured, it may be taken to a registered veterinarian for treatment and then to the Dog Shelter.
- 6.2 An impounded Dog may be kept in the Dog Shelter for a period of seventy-two (72) hours. Sundays and Statutory Holidays shall not be included in the computation of the seventy-two (72) hour period. During this period, any Dog may be redeemed by its Owner, except as otherwise provided in this Bylaw, upon payment to the Village or its authorized agent of:
 - 6.2.1 The appropriate impoundment fee as set out in the **Fees and Charges Bylaw**;
 - 6.2.2 The appropriate License Fee when the Dog is not licensed; and
 - 6.2.3 The cost of any veterinary treatment to relieve pain or bleeding of any Dog that is found to be injured when picked up or injured in the process of capture.
- 6.3 At the expiration of the seventy-two (72) hour period as prescribed in Section 6.2 of this Bylaw, the Dog Control Officer is authorized to:
 - 6.3.1 Offer the Dog for sale;
 - 6.3.2 Destroy the Dog in a humane manner;
 - 6.3.3 Allow the Dog to be redeemed by its Owner in accordance the provisions of Section 6.2, herein; or

Village of Delburne - Bylaw 851

6.3.4 Continue to impound the Dog for an indefinite period of time or for such further period of time as the Dog Control Officer, in his discretion, may decide.

6.4 The Dog Control officer is authorized to enter any privately owned premises, other than a dwelling house at any reasonable time for the purposes of enforcing the provisions of this Bylaw but not for the purposes of investigation only.

SECTION 7 - PENALTIES

7.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable to a penalty as set out in the **Fees and Charges Bylaw**.

7.2 Notwithstanding Section 7.1 of this Bylaw, any person who commits a second offence under this Bylaw within one (1) year of committing the first offence may be liable to a fine of not less than nor more than the sum as set out in the **Fees and Charges Bylaw**, while any person who commits a third or subsequent offence under this Bylaw within one (1) year of committing the first offence may be liable to a fine of not less than nor more than the sum as set out in the **Fees and Charges Bylaw**.

7.3 Under no circumstance shall any person contravening any provision of this Bylaw be subject to the penalty of imprisonment.

SECTION 8 - ANIMAL CONTROL TICKET (FINES)

8.1 A Dog Control Officer is hereby authorized and empowered to issue a Animal Control Ticket to any person who the Dog Control Officer has reasonable and probable grounds to believe has contravened any provision in this Bylaw.

8.2 Animal Control Ticket may be issued to such person:

8.2.1 either personally;

8.2.2 by mailing a copy to such person at his last known post office address; or

8.2.3 upon retrieval of such person's Dog from the Dog Shelter.

8.3 The Animal Control Ticket shall be in a form approved by the Village of Delburne and state:

8.3.1 the name of the Owner;

Village of Delburne - Bylaw 851

- 8.3.2 the offence;
 - 8.3.3 the appropriate penalty for the offence as specified in the Fees and Charges By-law.
 - 8.3.4 that the penalty shall be paid within thirty (30) days of the issuance of the Animal Control Ticket; and
 - 8.3.5 any other information as may be required by the Village.
- 8.4 Where a contravention of this Bylaw is of a continuing nature, further Animal Control Tickets may be issued by the Dog Control Officer, provided however, that no more than one Animal Control Ticket shall be issued for each day that the Contravention continues.
- 8.5 Where an Animal Control Ticket is issued pursuant to Section 8.1 or 8.4 of this Bylaw, the person to whom the Animal Control Ticket is issued may, in lieu of being prosecuted for the offence, pay to the Village the fine specified on the Animal Control Ticket.
- 8.6 In those cases where an Animal Control Ticket has been issued and the fine specified on an Animal Control Ticket has not been paid within the prescribed time, the Village or a Dog Control Officer may issue a late penalty and take steps to see that the fine and applicable penalties are collected.
- 8.7 Nothing in this Bylaw shall prevent a Dog Control Officer from immediately issuing an Animal Control Ticket.
- 8.8 A Dog Control Officer is hereby authorized and empowered to immediately issue an Animal Control Ticket to any person who the Dog Control Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

SECTION 9 - SEVERABILITY

- 9.1 Should any provision of this Bylaw be invalid, then such invalid provision may be severed and the remaining Bylaw shall be maintained.

SECTION 10 - EFFECTIVE DATE

- 10.1 This Bylaw shall come into effect on January 1, 1998
- 10.2 This Bylaw shall rescind Bylaw 626.

FIRST READING of Bylaw No. 851 granted this 22nd day of December, 1997.

Village of Delburne - Bylaw 851

SECOND READING of Bylaw 851 granted this 22nd day of December, 1997.

Moved and passed unanimously that Bylaw No. 851 be presented for third and final reading.

THIRD AND FINAL READING of Bylaw 851 granted this 22nd day of December, 1997.

Robert M. (Bob) Manning, Mayor

Debbie Bobocel, Municipal Administrator

Village of Delburne - Bylaw 851