

BYLAW NUMBER 718-2009

BYLAW NUMBER 718-2009 OF THE TOWN OF BASHAW IN THE PROVINCE OF ALBERTA, BEING A BYLAW TO REPEAL BYLAW NO. 687-2005 AND ANY AMENDMENTS THERETO, AND BEING REPLACED BY THIS BYLAW TO REGULATE, RESTRAIN THE RUNNING AT LARGE, THE LICENSING, AND IMPOUNDING OF DOGS.

WHEREAS, THE MUNICIPAL GOVERNMENT ACT, R.S.A. 2000, c. M-26 AS AMENDED AND THE PROVINCIAL OFFENCES PROCEDURE ACT, R.S.A. 2000, c. P-34 AS AMENDED, ENABLES A COUNCIL OF THE TOWN TO PASS BYLAWS RESPECTING WILD AND DOMESTIC ANIMALS, AND ACTIVITIES IN RELATION TO THEM;

NOW THEREFORE, THE MUNICIPAL COUNCIL OF THE TOWN OF BASHAW, IN THE PROVINCE OF ALBERTA ENACTS A BYLAW REFERRED TO AS THE “DOG CONTROL BYLAW.”

DEFINITION – Part 1

1. “AT LARGE” means a Dog that is present at any place other than the property of its Owner and which is not being carried by any person, or is not otherwise restrained by a person controlling the Dog by means of a securely fastened leash.
2. “CONTRACTOR” means a person under contract by the Town to maintain and administer a pound facility or animal shelter for Dogs.
3. “BYLAW ENFORCEMENT OFFICER” means an employee or independent contractor appointed by the Town to enforce the provision of the Town Bylaws, and includes a member of the Royal Canadian Mounted Police, and when authorized a Community Peace Officer. A Bylaw Enforcement Officer is a Designated Officer for the purposes of s.542 of the Municipal Government Act.
4. “DOG” means either male or female of the canine family;
5. “OWNER” means:
 - (a) a person who has the care, charge, custody, Possession, or control of a Dog;
 - (b) a person who owns or claims a proprietary interest in a Dog;
 - (c) a person who harbours, suffers, or permits a Dog to be present on any property of the Owner or under that person’s control;
 - (d) a person who claims and receives a Dog from the custody an animal shelter or a Bylaw Enforcement Officer, or;
 - (e) a person to whom a license has been issued under Part 2 of this bylaw.
6. “POSSESSION” means:
 - (a) Exercising physical or effective control of a Dog;
 - (b) Having been given physical or effective control of a Dog by it’s Owner for the purpose of controlling the Dog for a specific period of time;
7. “PRIVATE PROPERTY” means all property within the Town other than property constituting Public Property.
8. “PUBLIC PROPERTY” means property owned by or under the control and management of the Government of Canada, Government of Alberta, or the Town, contained within the boundaries of the Town.
9. “SCHOOL GROUNDS” means any public or private school and surrounding property that is controlled and maintained by the school and or school board.
10. “TAG” means a current metal or other Tag issued by the Town to an Owner for each Dog he owns, indicating the year for which the fee has been paid, and which bears a number corresponding to a number in the master register book.

11. "TOWN" means the Town of Bashaw, in the Province of Alberta;
12. "VIOLATION TICKET" means a ticket issued pursuant to Part 2 of the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34, as amended, and any regulations thereunder;
13. "VIOLATION TAG" means a written notice, in a form approved by the Chief Administrative Office, issued by a Bylaw Enforcement Officer, to advise a person that a violation of this Bylaw has occurred and that, by payment of a specified amount to the Office within a set time period, that person will avoid prosecution for the offence.

LICENSING OF DOGS – PART 2

1. A resident of Bashaw who is the Owner of any Dog aged six (6) weeks or older shall obtain a license for the Dog from the office of the Town of Bashaw as per Schedule "B".
2. The Owner of every Dog shall, annually, on or before January 31st, renew the license for that Dog by submitting to the Town the annual licensing fee, as set out in Schedule "B", along with any other information as may be required by the Town. A license shall be valid only for the year for which it was issued, regardless of actual date upon which the license was purchased;
3. Upon receipt of payment of the license fee for each Dog, a Tag indicating the year for which the fee has been paid and marked with a number corresponding to the number assigned to the Dog in the master register book, shall be issued to the Owner;
4. Every Owner shall provide his Dog with a collar to which the Owner shall affix the Tag for such Dog and the Owner shall ensure that the collar and Tag are worn during those occasions when the Dog is not on the Owner's premises;
5. In case a Dog license Tag is lost or destroyed, a duplicate or replacement will be issued by the Town upon payment of the sum of five dollars (\$5.00) by the Owner and provided the Owner can present a receipt of payment of the license fee for the current Dog license year or the administrative records indicate such payment was made;
6. Licenses and Tags are not transferable from one Dog to another and no refund shall be made on any paid up Dog license fee because of the death or sale of the Dog or upon the Owner's leaving the Town before expiration of the license period;
7. Any person that becomes the Owner of a Dog licensed under this Bylaw shall report the change of ownership to the licensing department of the Town and the Town shall transfer ownership of the license to that person, but no additional license fee shall be owing by that person to the Town for the year for which that license was purchased;
8. A registered guide Dog owned by a blind person shall be issued a license free of charge;

OFFENCES AND RESPONSIBILITY OF OWNER – PART 3

1. A resident of Bashaw who is the Owner of a Dog is guilty of an offence if he fails to obtain a license for such Dog.
2. The Owner of a Dog is guilty of an offence if such Dog:
 - (a) runs At Large;
 - (b) is without a collar and Tag while off the premises of its Owner;
 - (c) is a Dog in heat and is not confined and housed in the residence of the Owner or in a licensed kennel during the whole of the heat period except for the sole purpose of defecating on the premises of the Owner;
 - (d) defecates on any Public or Private Property other than the property of its Owner and the Owner or person in control of the Dog fails to immediately remove such defecation. This provision shall not apply to a registered guide Dog while it is assisting a blind person;
 - (e) is on School Property unless otherwise permitted or allowed by the School Board;

- (f) is within a site containing playground apparatus and/or sand play area located on Public or Private Property other than the property of its Owner;
 - (g) is within an area, whether the dog is At Large or on a leash, where the presence of signs indicating that dogs are not permitted are present;
 - (h) barks or howls so as in the opinion of the Bylaw Enforcement Officer based on information gathered to cause an unreasonable disturbance given, but not limited to, location, circumstances, time of day, and duration;
 - (i) damages Public or Private Property;
 - (j) chases any person, animal, bicycle, or motor vehicle;
 - (k) bites any person or animal;
 - (l) attacks or injures any person or animal
3. The Owner of a Dog is guilty of an offence if the Owner:
- (a) fails to provide identification (Name, Address, Date of birth and Dog Tag number) and proof thereof to a Bylaw Enforcement Officer;
 - (b) provides false or misleading information to a Bylaw Enforcement Officer.
4. No more than three (3) Dogs shall be harboured, suffered, or permitted to remain upon or in any land, house, shelter, room or place, building structure, or premises within the Town unless:
- (a) the Dogs in excess of the limit are under six weeks of age and the offspring of a licensed Dog residing at the same location;
 - (b) the premises are lawfully used for the care and treatment of dogs operated by and under the charge of a registered veterinarian.
5. An Owner that has more than the permitted three (3) dogs shall be allowed to continue to license those grandfathered Dogs prior to the enactment of this Bylaw provided they obtain a License Tag for such dogs on or before January 31, 2010 and until such Dogs become deceased or they are no longer the Owner of such dogs. The Owner shall not be permitted to replace any such Dogs so as to be over the permitted number of dogs as noted in Section 4 above.

RESPONSIBILITIES OF TOWN ADMINISTRATION – Part 4

1. The Town of Bashaw shall arrange for a Pound to be established for the keeping and impounding of Dogs and may do so by entering into an agreement with a Contractor. A Contractor or any such Pound may make rules and regulations for the operation and management of the Pound, provided they are not inconsistent with this Bylaw.
2. The Bylaw Enforcement Officer may seize and impound any Dog found At Large.
3. In the active pursuit of any Dog while that Dog is At Large, any Bylaw Enforcement Officer empowered to apprehend Dogs under this Part is hereby authorized to enter upon any lands surrounding any building at all reasonable times.
4. No person, whether or not he is the Owner of a Dog which is being or has been pursued or captured shall:
 - (a) Interfere with or attempt to obstruct a Bylaw Enforcement Officer who was attempting to capture or who has captured any Dog in accordance with the provisions of this Bylaw;
 - (b) Unlock or unlatch or otherwise open the motor vehicle in which Dogs captured for impoundment have been placed, so as to allow or attempt to allow any Dog to escape therefrom;
 - (c) Remove or attempt to remove any Dog from the Possession of the Bylaw Enforcement Officer;

RELEASE OF IMPOUNDED DOGS – Part 5

1. The Contractor shall keep all impounded Dogs for a period of no less than three (3) days, not including the day of impounding. Sundays and Statutory holidays shall not be included in the computation of the three (3) day period. During this period any healthy Dog may be redeemed by its Owner, upon payment to the Contractor of:
 - (a) The appropriate license fee when a Dog is not licensed; and
 - (b) Kennel boarding fees as per contract rate for every twenty-four (24) hour period or fraction thereof;
2. At the expiration of the three (3) day period any Dog not redeemed may be destroyed or sold.
3. The Bylaw Enforcement Officer or Contractor shall report any apparent illness, communicable disease, injury, or unhealthy condition of any Dog to a veterinarian and act upon his recommendation. The Owner, if known, shall be held responsible for all expenses so incurred.

PENALTIES – Part 6

1. Any Person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine as set out in Schedule “A” herein and in default of payment of any fine, to imprisonment for up to (1) one year.
2. Notwithstanding Section 1 of this Part of this Bylaw, any person who commits a second or subsequent offence under this Bylaw within twelve (12) months of committing a first offence under this Bylaw, may be liable to an increased fine as set out in Schedule “A”.
3. A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this bylaw;
4. A Violation Tag may be issued to such person:
 - (i) either personally;
 - (ii) by mailing a copy to such person at his last known post office address; or
 - (iii) upon retrieval of such person’s Dog from the Town’s Pound;
5. The Violation Tag shall be in a form approved by the Chief Administrative Officer and shall state:
 - (i) the name of the Owner;
 - (ii) the offence;
 - (iii) the appropriate penalty for the offence as specified in Schedule “A” of this Bylaw;
 - (iv) that the penalty shall be paid within twenty-two (22) days of the issuance of the Violation Tag to avoid possible prosecution; and
 - (v) any other information as may be required by the Chief Administrative Officer.
6. Where a Violation Tag is issued pursuant to this Bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay the Town the penalty specified on the Violation Tag;
7. Nothing in this Bylaw shall prevent a Bylaw Enforcement Officer from immediately issuing a Violation Ticket.
8. The Bylaw Enforcement Officer may enforce the provisions of this Bylaw, and where a Bylaw Enforcement Officer has reasonable grounds to believe that a provision of this bylaw has been contravened, the Bylaw Enforcement Officer is authorized and empowered to immediately issue a Violation Ticket pursuant to Part 2 of the Provincial Offences Procedures Act, R.S.A. 2000, c. p-34, as amended, to any person who the Bylaw Enforcement Officer has reasonable grounds to believe is responsible for the contravention.

- 9. Where a Violation Ticket has been issued to a person pursuant to this Bylaw, that person may plead guilty to the offence by submitting to a Clerk of the Provincial Court the specified penalty set out in the Violation Ticket at any time prior to the appearance indicated on the Violation Ticket.
- 10. The Violation Ticket shall be served upon the person who is believed to be responsible for the contravention under the Bylaw in accordance with the provisions of the Provincial Offences Procedures Act, R.S.A. 2000, c. P-34, as amended.
- 11. Should any Person be guilty of an offence for which no penalty is specified in Schedule "A" herein, then such Person shall be liable upon summary conviction to a fine of not less than five hundred dollars (\$500.00) and not more than ten thousand dollars (\$10,000.00) and in default of payment of any fine, to imprisonment for up to one (1) year.

SEVERABILITY OF BYLAW PROVISIONS – Part 7

- 1. It is the intention of Town Council that each separate provision of this Bylaw shall be deemed independent of all provisions, and it is further the intention of Council that if any provisions of this Bylaw be declared invalid, all other provisions shall remain valid and enforceable.

REPEAL – Part 8

Bylaw No. 687-2005 and any amendments thereto are hereby repealed by passage of this Bylaw.

AUTHENTICATION – Part 9

- 1. This by-law shall come into full force and effect January 1, 2010 subsequent to third and final reading and it is signed in accordance with the Municipal Government Act.

Read a first time in Council this ____ day of _____, 2009.

Read a second time in Council this ____ day of _____, 2009.

Unanimous consent for third reading this ____ day of _____, 2009.

Read a third time in Council and finally passed this ____ day of _____, 2009.

Mayor

Chief Administrative Officer