



BYLAW NO. 11-2017 TOWN OF VEGREVILLE

THIS BYLAW NO. 11-2017 OF THE TOWN OF VEGREVILLE, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF CONTROLLING AND REGULATING DOGS WITHIN THE TOWN OF VEGREVILLE

WHEREAS, under the provisions of the *Municipal Government Act, R.S.A 2000, c. M-26* and any amendments thereto, the Council of the Town of Vegreville may pass bylaws respecting the safety, health and welfare of people and the protection of people and property;

AND WHEREAS, pursuant to section 7(h) of the *Municipal Government Act*, a Council may pass bylaws for municipal purposes respecting wild and domestic animals and activities in relation to them; and

AND WHEREAS, Council deems it necessary and in the public interest to control dogs within the Town of Vegreville;

NOW THEREFORE, by the authority of the Council of the Town of Vegreville, in the Province of Alberta, duly assembled hereby enacts as follows:

1. SHORT NAME

1.1 This Bylaw may be cited as the Town of Vegreville “Dog Bylaw.”

2. DEFINITIONS

2.1 “**Animal**” means any vertebrate species other than a human being, or fish.

2.2 “**Attack**” means, an injury, excluding a Bite, including but not limited to bruising, laceration, bone break or sprain.

2.3 “**At Large**” means, an Animal off of private property and not on a Leash held by a person able to control the Animal.

2.4 “**Bite**” means, an injury by teeth including but not limited to a bruise, puncture, or bone break.

2.5 “**Chase**” means, to pursue or catch up with.

2.6 “**Communicable Disease**” means a disease that affects Animals and may be transmitted to human beings and/or other Animals.

2.7 “**Collar**” means, a band, which is of suitable size and strength that may be humanely placed around the neck of an Animal.

2.8 “**Dog**” means, a member of the domesticated canine family.

2.9 “**Feral**” means, an Animal, which is wild in nature and shows no signs of domestication.

2.10 “**Harboring**” means, to give shelter, care for, or give home to.

- 2.11 “Harness”** means, straps and fittings that are of suitable size and strength that may be humanely attached to the chest and back of an Animal.
- 2.12 “Identification”** means, an object, mark, or device which is found on an Animal and can be traced to current ownership information including but not limited to a tag, microchip, or tattoo.
- 2.13 “Kennel”** means, any person, group of persons, firm or corporation that is approved and currently licensed by the Town, which is engaged in the business or recreation of breeding and/or boarding and/or selling of Dogs.
- 2.14 “Leash”** means, a tether >2m long of suitable strength that may be humanely attached to the Collar or Harness of an Animal.
- 2.15 “Muzzle”** means, a humane fastening or covering device of adequate strength placed over the mouth of an Animal to prevent it from biting.
- 2.16 “Off-Leash Area”** means, an area designated and signed by Town Administration where Owners may legally have their Dog At Large.
- 2.17 “Owner”** means, any person, partnership, association or corporation owning, possessing or having charge of or care and control over any Animal; or Harboring any Animal; or suffering or permitting any Animal to remain about the Owner’s private property.
- 2.18 “Peace Officer”** means, a member of a police service as per the *Police Act, R.S.A. 2000, c. P-17*, a Community Peace Officer appointed by the Town as per the *Peace Officer Act, S.A. 2006, c. P-3.5*, and a Bylaw or Animal Control Officer, appointed by the Town, pursuant to the *Municipal Government Act, R.S.A. 2000, c. M-26*.
- 2.19 “Pest”** means, an Animal excluding Dogs, Livestock or Domesticated Animals that may cause damage to a person, other Animal, or property including, but not limited to; bees, wasps, mice, gophers, pigeons, skunks and porcupines.
- 2.20 “Provocation”** means, an action, gesture or speech that could reasonably be considered threatening.
- 2.21 “Pound”** means, the premises designated by the Town for the purpose of impounding, housing, and caring for Animals regulated under this Bylaw.
- 2.22 “Town” or “Town Administration”** means, the Town of Vegreville.
- 2.23 “Veterinarian”** means, a registered Veterinarian as defined in the *Veterinary Profession Act, R.S.A. 2000, c. V-2*.
- 2.24 “Violation Notice”** means, a tag or similar documents issued by the Municipality pursuant to the *Municipal Government Act, R.S.A. 2000, c. M-26*.
- 2.25 “Violation Ticket”** means, a ticket issued pursuant to Part II or III as applicable, of the *Provincial Offences Procedure Act, R.S.A. 2000, c. P-34* and the regulations there under.

3. LICENSING

- 3.1.** No person shall be an Owner of any Dog over the age of six (6) months within the Town, unless such Dog is licensed with Town Administration.

- 3.2.** The Owner of every Dog over the age of six (6) months in the Town shall each calendar year, renew every Dog license by January 31 as set out in the Town Fees & Charges Schedule. Owners who fail to renew the license fee shall be considered to not have a valid license for their Dog.
- 3.3.** Every person who is a resident and becomes the Owner of a Dog over the age of six (6) months or every person that takes up residence within the Town and is the owner of a Dog which is over the age of six (6) months, shall license the same, within fifteen (15) days after becoming Owner of the said Dog; or taking up residence within the Town.
- 3.4.** In relation to this Bylaw, the burden of proof relating to the age of the Dog shall be upon the Owner and unless the contrary is proven, the Dog shall be presumed to have attained the minimum age of six (6) months prior to the time of the violation.
- 3.5.** Licenses issued under this Bylaw shall not be transferable from one Dog to another or from one Owner to another.
- 3.6.** Upon receiving the required license, the Owner of a license will be supplied by Town Administration with either:
- (a) a license tag if the Dog in question had not been licensed the previous year within the Town; or
 - (b) a license renewal receipt if the Dog in question had been licensed the previous year within the Town.
- 3.7.** If said license tag is lost, a replacement tag can be supplied by making payment of the fee set out in the Town Fees & Charges Schedule to Town Administration.
- 3.8.** If said license is not issued to the current Owner and/or Dog, the license shall be deemed invalid.
- 3.9.** No person shall be entitled to a license rebate under this Bylaw.
- 3.10.** Every Dog shall wear the provided Town license tag when it is off the private property of the Owner of said Animal.
- 3.11.** Dog Owners shall provide Town Administration with the following information with each application for a Dog license:
- (a) name, address and phone number of Owner via valid identification; and,
 - (b) name, breed and description of Dog or to be licensed; and
 - (c) any other reasonable information deemed appropriate by the Town.
- 3.12.** Any person wishing to obtain a Dog license shall be a minimum of eighteen (18) years old.
- 3.13.** Town Administration shall keep a record of all Dog licenses pursuant to this Bylaw.
- 3.14.** Every Owner of a Dog shall notify Town Administration within fifteen (15) days if:
- (a) The Dog has changed ownership; and/or
 - (b) The Owner, Dog has changed address; and/or
 - (c) The Dog is deceased.

4. RESPONSIBILITIES

- 4.1.** No person shall be an Owner of more than two (2) Dogs within Town over the age of six (6) months of age on any one property within the Town of Vegreville. Any person having more than two (2) Dogs must have the approval of a Peace Officer or the Development Officer.
- 4.2.** Subsection 4.1 of this Bylaw shall not apply to:
- (a) any premises with a valid business license for the care and treatment of Dogs operated by and in charge of a Veterinarian; and/or
 - (b) an organization with a valid business license that is offering a recognized training or obedience class for Dogs; and/or
 - (c) any person in possession of a valid business license to operate a pet store, Kennel or Pound, as long as said person adheres to said Town business license and land use conditions; and/or
 - (d) Dogs temporarily in the Town for a period not exceeding fifteen (15) days in any three (3) month period. Longer periods may be authorized by written permission from a Peace Officer.
 - (e) other properties at the determination of a Peace Officer.
- 4.3.** No Owner of an Animal shall allow it to be At Large within the Town.
- 4.4.** No Owner of an Animal shall allow it to be in a playground, on a sports field, or in any other area signed for no Animals or as directed by a Peace Officer.
- 4.5.** An Owner of a female Animal in heat shall confine the Animal indoors the whole period that the Animal is in heat; except for the sole purpose of allowing defecating and/or urinating and only if on a Leash or Harness under direct supervision to prevent escape.
- 4.6.** If an Animal defecates on any public or private property other than the property of its Owner, the Owner shall cause such feces to be removed immediately.
- 4.7.** No Owner of an Animal shall allow it to bark, howl or make other noise excessively in a manner as to disturb a reasonable person.
- 4.8.** No Owner of an Animal shall allow it to damage public or private property.
- 4.9.** No Owner of an Animal shall allow the Animal to:
- (a) Chase a person or Animal; and/or
 - (b) Attack a person or Animal; and/or
 - (c) Bite a person or Animal.
- An Owner cannot be fined for more than one of these subsections arising from a single event. These fines are separate to each Animal involved.
- 4.10.** No violation of subsections 4.7, 4.8 and 4.9 shall be deemed to have occurred if the Animal's actions were determined by a Peace Officer to be a result of Provocation.
- 4.11.** Owners under investigation for violations under subsection 4.9 shall be required at a Peace Officer's request to provide documents for the involved Animal(s) including but not limited to Veterinarian records.
- 4.12.** No person shall negligently or willfully open any gate, door or other opening in a fence, enclosure, structure, or otherwise release an Animal which has been confined, thereby allowing said Animal to run At Large.
- 4.13.** No person shall willfully or negligently tease, torment, or annoy any Animal.

- 4.14. No person shall willfully or negligently harm or injure any Animal. No violation shall have occurred if the harm or injury caused was a result of self-defense.
- 4.15. No person shall leave an Animal unattended in or on a vehicle, trailer or similar object without proper protection from the atmospheric elements such as the sun, snow, rain, wind, cold or hot temperatures.
- 4.16. No person in the opinion of a Peace Officer shall leave an Animal in a vehicle, trailer, or similar object for an unreasonable length of time.
- 4.17. Every person driving a vehicle shall ensure that an Animal in or on said vehicle is secured in a fashion as to prevent potential injury or escape.
- 4.18. Every person parking a vehicle shall ensure that an Animal in or on said vehicle is contained in a fashion as to prevent the Animal from escaping, and/or Chasing, Biting, Attacking people or Animals when walking by.
- 4.19. Every Owner of an Animal shall provide sufficient food, water, and shelter including protection from the atmospheric elements such as the sun, snow, rain, wind, cold or hot temperatures.
- 4.20. Every Owner of an Animal shall provide care and medical attention when required.
- 4.21. A person shall not obstruct or hinder a Peace Officer in the execution of their powers and duties pursuant to this Bylaw.

5. NUISANCE & RESTRICTED ANIMALS

- 5.1. Any Animal may be deemed a Nuisance Animal by a Peace Officer, if the said Owner has been fined for a violation involving being At Large and/or excessive noise and a Peace Officer determines on reasonable grounds based through personal observation, history, or on the basis of facts in an investigation that the Animal is likely to violate again.
- 5.2. If an Animal has been deemed a Nuisance Animal, a Peace Officer shall:
 - (a) give the Owner a written notice that the Animal has been determined to be a Nuisance Animal for the applicable violation; and
 - (b) require the Owner, upon receipt of the notice, to keep such Animal in accordance with conditions specified by a Peace Officer pursuant to sections 5.4 to 5.8 of this Bylaw; and
 - (c) inform the Owner that if the Animal is not kept in accordance with the conditions specified by a Peace Officer and this Bylaw, the Owner will be fined, and/or subject to enforcement action under this Bylaw.

Where the Owner of an Animal that has been deemed a Nuisance Animal produces information that may alter a determination made, a Peace Officer, as soon as is reasonably possible, may cause the matter to be reviewed and make a final determination.

- 5.3. A Peace Officer may impose reasonable conditions based on history and circumstances to an Owner of a Nuisance Animal to reduce or deter future violations. Violation of conditions imposed may result in fines and/or enforcement under this Bylaw.
- 5.4. A Peace Officer may order an Owner to have permanent identification placed on a Nuisance Animal and/or a Restricted Animal including but not limited to a microchip, and/or tattoo, so that they may be identified at all times.

- 5.5. If the Owner of a Nuisance Animal violates conditions imposed and/or violates other sections of this Bylaw, and in the opinion of a Peace Officer based on the evidence presented is a threat to reoffend, a Peace Officer may give written notice to the Owner specifying that the Nuisance Animal be permanently removed from the Town by a specified date.

6. OFF-LEASH DOG AREAS

- 6.1. Licensed Dogs and Dogs under six (6) months of age are permitted to be At Large within locations of Town signed as Off-Leash Areas. All other provisions of this Bylaw shall remain in effect at all designated Off-Leash Areas.
- 6.2. Dogs that are Unlicensed, a Nuisance Animal are not permitted to be in an Off-Leash Dog Area at any time.
- 6.3. Each Owner of a Dog in an Off-Leash Area must carry a suitable Leash for each Dog.
- 6.4. When a Dog is At Large in a designated Off-Leash Area, the Owner of the Dog must be in the Off-Leash Area and be within a distance to monitor the Dog.
- 6.5. All persons in charge of a Dog at an Off-Leash Area must maintain control of said Dog at all times. If a Dog becomes a concern, or threatening to persons, property or other Animals while At Large in an Off-Leash Area, the Owner or person in care and control of the said Dog shall immediately take physical control by fastening a suitable Leash to the said Dog.
- 6.6. A Peace Officer may direct that any Dog be put or kept on a Leash in an Off-Leash Area and/or direct a Dog to be removed from an Off-Leash Area.
- 6.7. A Peace Officer in writing may ban a person or Dog from use of an Off-Lease Area for a period of time to be determined by the Peace Officer.

7. COMMUNICABLE DISEASE CONTROL

- 7.1. An Owner of an Animal who on reasonable grounds believes said Animal has contracted a Communicable Disease shall immediately notify a Peace Officer.
- 7.2. When an Animal having a Communicable Disease dies, the Veterinarian and/or Owner shall send the complete body of said Animal to the appropriate health department for pathological examination and to notify a Peace Officer of reports of human contact, and the diagnosis made of the suspected Animal by a Veterinarian.
- 7.3. In the event of an outbreak, or threatened outbreak of a Communicable Disease affecting Animals, A Peace Officer may order and direct that any Animal in Town be confined to the Owner's premises and/or indoors as to limit the chance of infection to persons or Animals.
- 7.4. During such period of a Communicable Disease quarantine as herein mentioned, every Animal affected by said Communicable Disease shall, at the Owner's expense, be treated for the Communicable Disease by a Veterinarian, and be humanely euthanized if so directed by such Veterinarian.
- 7.5. The carcass of any Animal exposed to a Communicable Disease shall upon demand, be surrendered to a Peace Officer.

8. SEIZURE, IMPOUNDMENT AND DISPOSITION

- 8.1.** A Peace Officer may enter any private or public land, or place, other than a dwelling house if necessary, for the purposes of carrying out their duties under this Bylaw as per the *Municipal Government Act, R.S.A. 2000, Section 542, c. M-26*.
- 8.2.** A Peace Officer may utilize bait, live traps, nets, catch poles, snappy snares and/or any other humane equipment or technique to assist in the seizure or capture of a Dog in accordance with this Bylaw. Said equipment or technique shall be used in a humane manner.
- 8.3.** No person unless under the supervision of a Peace Officer shall use a trap or similar device to capture an animal at large.
- 8.4.** A Peace Officer may capture and impound any Animal found Running At Large.
- 8.5.** A person who has captured an Animal At Large shall turnover said Animal to a Peace Officer. Failure to turn the captured Animal over may also result in criminal action and/or civil liability.
- 8.6.** A Peace Officer may authorize a person to transport an Animal captured At Large to the Pound. Any person authorized to do so by a Peace Officer shall take all necessary steps to ensure the humane wellbeing of the Animal while under their care and control.
- 8.7.** If in the opinion of a Peace Officer, an Animal is found to be in distress and where an Owner is not able to be contacted and immediately relieve the distress or is unlikely to do so, a Peace Officer may immediately seize the Animal by reasonable means. A Peace Officer may then either impound the Animal to provide adequate food, water and shelter, or in the case of more severe distress, transport the Animal to a Veterinarian.
- 8.8.** A Peace Officer who takes custody of an Animal shall take all reasonable steps to:
 - (a) ensure the Animal is provided with adequate care, food, water, shelter; and
 - (b) locate the Owner of the Animal, including a search of the Animal's Identification; and
 - (c) in the case of any apparent illness, Communicable Disease, injury, unhealthy condition of any Animal where the Peace Officer is unable to locate and contact the Owner within a reasonable time, transport the Animal to a Veterinarian, and act upon the Veterinarian's recommendation including but not limited to medical care and euthanasia. If located, the Owner shall be liable for any associated medical costs incurred.
- 8.9.** A Peace Officer may capture and/or seize any Animal alleged to have been involved in a Chase, Attack or Bite and may impound said Animal at the Pound. The Animal seized under this subsection shall be subject to an impound time of no longer than the completion of an investigation by a Peace Officer or as otherwise specified by Order of the Court.
- 8.10.** A Peace Officer may seize and impound a Nuisance Animal if the Owner has failed to comply with the conditions imposed by a Peace Officer. The Nuisance Animal shall be released to the Owner when in the opinion of the Peace Officer, the conditions have been met.

- 8.11. A Peace Officer may seize an Animal or the carcass of an Animal with a Communicable Disease. A Peace Officer shall consult a Veterinarian or appropriate health official when determining proper follow up action.
- 8.12. An Owner shall, upon the request of a Peace Officer, surrender an Animal for seizure and impoundment under this Bylaw. Failure to do so may result in a fine and/or application to the Court of Queen's Bench for an order restraining a person from interfering with the enforcement of this Bylaw as per the *Municipal Government Act R.S.A. 2000, Section 543, c. M-26*.
- 8.13. An Animal captured/seized and impounded with no Identification shall be held in the Pound for a period of at least three (3) days. If the Animal has a Town of Vegreville tag or identification tag is shall be held in the Pound for a period of five (5) days. The day of impoundment, statutory holidays and each day that the Pound is closed shall not be included in the computation of the holding period. During this period, any Animal not under investigation may be redeemed by its Owner, or agent of the owner who provides valid identification, proof of ownership and takes payment of:
- (a) associated impound fee as per the Town Fees & Charges Schedule; and,
 - (b) any associated medical costs that may have been incurred.
- 8.14. A Peace Officer may waive any or a portion of impound fees and/or medical costs upon the Animal's release to the Owner.
- 8.15. At the expiration of the holding periods described in subsection 8.13, any impounded Animal shall become the property of the Town and may be adopted. A Peace Officer shall be required to authorize the adoption of the said Animal. Any person or organization who adopts an Animal shall obtain full rights and title of said Animal and the right and the title of the former Owner shall cease forthwith.
- 8.16. A Peace Officer may consider euthanizing an unclaimed Animal if the Animal is:
- (a) in the opinion of a Veterinarian, Feral; and/or
 - (b) in the opinion of a Veterinarian cannot be adopted due to medical reasons; and/or,
 - (c) in the opinion of a Peace Officer is unfit for adoption due to observed behaviors; and/or
 - (d) unable to be adopted within a reasonable time, and unable to be accommodated at the Pound or by other reasonable means.
- 8.17. An Owner in writing may voluntarily relinquish Ownership to the Town via a Peace Officer of any Animal seized. Any such Animal shall be handled in accordance with the provisions of this Bylaw.

9. **PENALTIES AND ENFORCEMENT**

- 9.1. Any person violating a provision of this Bylaw shall be liable to the specified penalty set out in Schedule "A".
- 9.2. A Peace Officer is hereby authorized to issue a Violation Notice or a Violation Ticket with a specified penalty pursuant to the *Provincial Offences Procedure Act, R.S.A. 2000, c. P-34*.
- 9.3. Nothing in this Bylaw shall preclude a Peace Officer from issuing a Violation Ticket for a mandatory court appearance to any person who contravenes any provision of this Bylaw.

- 9.4. Nothing in this Bylaw precludes a Peace Officer from laying charges under alternate legislation including, but not limited to, the *Dangerous Dogs Act, R.S.A. 2000, c. D-3* and the *Animal Protection Act R.S.A. 2000, c. A-41*.
- 9.5. Charges, conditions or rulings under Provincial legislation including, but not limited to, the *Dangerous Dogs Act, R.S.A. 2000* and the *Animal Protection Act R.S.A. 2000* shall overrule similar sections of this Bylaw.
- 9.6. It is the intention that each separate provision of this Bylaw shall be deemed independent of all other provisions, and it is further the intention that if any provisions of this Bylaw be declared invalid, all other provisions shall remain valid and enforceable.

10. SCHEDULE AMENDMENTS

- 10.1 Schedule "A" and Schedule 'B' may be changed by resolution of Council from time to time.

11. EFFECTIVE DATE AND REPEAL

- 11.1 Bylaw# 4-95 is hereby repealed
- 11.2 This Bylaw shall come into effect upon the third and final reading.

READ for a first time this day of 2017 A.D.

READ for a second time this day of 2017 A.D.

UNANIMOUS CONSENT RECEIVED FOR THIRD AND FINAL READING

READ for a third time this day of 2017 A.D.

MYRON HAYDUK
MAYOR

CLIFF CRAIG
TOWN MANAGER

BYLAW NO. 11-2017
“SCHEDULE A”
Offences and Penalties

Section	Offence	Fine
3.1	Fail to obtain a Dog license	\$250
3.10	Fail to display a license tag on a Dog	\$100
3.14	Fail to update Owner/Dog information	\$100
4.1	Harbor excessive Dogs	\$250
4.3	Animal At Large	\$250
4.4	Animal in prohibited area	\$100
4.5	Fail to keep female Animal in heat confined	\$250
4.6	Fail to immediately remove defecation off Owner’s property	\$250
4.7	Animal make excessive noise	\$250
4.8	Animal damage public/private property	\$500
4.9(a)	Animal Chase a person or Animal	\$500
4.9(b)	Animal Attack a person or Animal	\$500
4.9(c)	Animal Bite a person or Animal	\$500
4.11	Fail to produce documents	\$250
4.12	Allow or cause an Animal to become At Large	\$250
4.13	Tease, torment, or annoy an Animal	\$500
4.14	Harm or injure an Animal	\$1000
4.15	Leave an Animal unprotected from the elements in a vehicle/trailer/object	\$500
4.16	Leave an Animal in a vehicle/trailer/object for an unreasonable amount of time	\$500
4.17	Drive vehicle with an unsecured Animal	\$250
4.18	Fail to adequately confine an Animal in a parked vehicle	\$250
4.19	Fail to provide adequate food/water/shelter to an Animal	\$1000
4.20	Fail to provide needed medical care to an Animal	\$1000
4.21	Obstruct a Peace Officer	\$1000
5.5	Fail to remove a Nuisance Animal from Town as directed	\$1000
6.2	Have a Dog that is unlicensed/Nuisance Animal in an Off-Leash Dog Area	\$100
6.3	Fail to carry a Leash in an Off-Leash Dog Area	\$100
6.4	Fail to adequately supervise a Dog in an Off-Leash Dog Area	\$100
6.5	Fail to adequately control a Dog in an Off-Leash Dog Area	\$250
6.6	Fail to obey the direction of a Peace Officer in an Off-Leash Dog Area	\$500
6.7	Fail to comply with a ban from an Off-Leash Dog Area	\$500
7.1	Fail to notify a Peace Officer of an Animal with a Communicable Disease	\$1000
7.2	Fail to turn over carcass of an Animal with a Communicable Disease to the appropriate health official	\$1000
7.3	Fail to confine Animal during an outbreak as directed	\$1000
7.4	Fail to seek treatment for Animal with a Communicable Disease	\$1000
7.5	Fail to surrender the carcass of an Animal with a Communicable Disease as requested	\$1000
8.3	Person use a trap or similar device	\$250
8.5	Failure to surrender captured Animal	\$500
8.12	Failure to surrender Animal for seizure and impoundment	\$1000

BYLAW NO. 11-2017
“SCHEDULE B”
Offences and Penalties

Dog License (Male or Female)	\$35.00
Replacement Tag	\$5.00
Kennel License	\$100.00
Impound Fee	\$50.00/day