

## BYLAW NO. 601-15

A BYLAW OF THE VILLAGE OF INNISFREE IN THE PROVINCE OF ALBERTA TO REGULATE, RESTRAIN THE RUNNING AT LARGE, NUISANCE BEHAVIOR AND PROVIDE FOR LICENSING, IMPOUNDMENT AND CONFINEMENT OF CANINE ANIMALS IN THE VILLAGE,

WHEREAS, the *Municipal Government Act, R.S.A. 2000, c. M-26*, as amended, and the *Provincial Offenses Procedure Act, R.S.A. 2000, c. P-34*, as amended, enables a Municipal Council to pass Bylaws respecting wild and domestic animals, and activities in relation to them; and

WHEREAS, the Council of the Village of Innisfree deems it expedient and in the public interest to pass such a Bylaw,

NOW THEREFORE, the Council of the Village of Innisfree, duly assembled, enacts as follows:

This Bylaw may be cited as the "Canine Control Bylaw"

### 1. DEFINITIONS

- a. "Animal Control Officer" means the Chief Administrative Officer of the Village of Innisfree or his/her designate, a Bylaw Enforcement Officer, and includes a member of the Royal Canadian Mounted Police.
- b. "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 any person controlling the Dog by means of a securely fastened leash.
- c. "Bylaw Enforcement Officer" means a person appointed, through bylaw, by the Council of the Village to enforce municipal bylaws.
- d. "Chief Administrative Officer" means the Chief Administrative Officer of the Village of Innisfree.
- e. "Contractor" means a person under contract by the Village to maintain, operate and administer a pound facility or animal shelter for Dogs.
- f. "Council" means the Council of the Village of Innisfree.
- g. "Dog" means a male or female member of the canine family.
- h. "Leash" means a restraint that is less than three meters in length and made of material capable of restraining the Dog on which it is being used.
- i. "Minor Injury" means any physical injury to another domestic animal or person, caused by a Dog that results in bleeding, bruising, tearing of skin or any other injury that is not life threatening, disfiguring or debilitating.
- j. "Owner" means the owner of the Dog and includes any person or group of people named on a dog tag, in possession or control of a dog or in possession or control of the property where a dog appears to reside, either temporary or permanently.
- k. "Possession" means any person exercising physical or effective control of a Dog or any person having been given physical or effective control of a Dog by its Owner for the purpose of controlling the Dog for a specific period of time.
- l. "Private Property" means all property within the Village other than property constituting Public Property.



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- m. "Public Property" means property owned by or under the control and management of the Government of Canada, Government of Alberta or the Village of Innisfree, contained within the boundaries of the Village.
- n. "Severe Injury" means any physical injury to another domestic animal or a person caused by a Dog that requires sutures or cosmetic surgery.
- o. "School Grounds" means any public or private school and surrounding property that is controlled or maintained by the school or the school board.
- p. "Tag" means a current year metal or any other tag issued by the village to an Owner for each Dog he/she owns, indicating the year for which the fee has been paid, and which bears a number corresponding to the number recorded in the Village's master dog license register.
- q. "Threatening Behavior" means behavior that creates a reasonable apprehension of a threat of physical injury and may include growling, lunging, snarling or chasing in a menacing fashion.
- r. "Village" means the Village of Innisfree, in the Province of Alberta.
- s. "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.
- t. "Violation Tag" means a written notice, in a form approved by the Chief Administrative Officer, issued by an Animal Control Officer, to advise a Person that a violation of this Bylaw has occurred and that, by payment of a specific amount to the Village Office within a set time period, that Person will avoid prosecution for the offence.

## 2. LICENSING OF DOGS

- a. A resident of the Village who is the owner of any dog aged six (6) months or older shall obtain a license for the dog from the Office of the Village of Innisfree as per the Village's Master Rates Bylaw, as amended from time to time.
- b. The owner of every dog shall, annually, on or before January 31<sup>st</sup> of the current year, renew the license for that dog by submitting to the Village the annual licensing fee, as set out in the Village's Master Rates Bylaw, as amended from time to time, along with any other information as may be required by the Village. A license shall be valid only for the year for which it was issued, regardless of the actual date upon which the license was purchased.
- c. 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 dog in the Village's master dog license register, shall be issued to the owner.
- d. Every owner shall provide the 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.
- e. In the case a dog license is lost or destroyed, a duplicate or replacement will be issued by the Village upon the payment of a sum of ten (10) dollars by the owner, provided that the owner can present a receipt of payment for the license fee for the current dog license year or the Village administrative records indicate such payment was made.
- f. Licenses and tags are not transferrable from one dog to another and no refund shall be made on any paid dog license fee because of the sale or death of the



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dog or upon the owners leaving the Village before expiration of the license period.

- g. 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 Village and the Village shall transfer ownership of the license to that person, but no additional licensing fee shall be owing to the Village for the year for which the license was purchased.
- h. A registered guide dog owned by a visually impaired person or a dog which is trained by a recognized agency to provide assistance to a person with a physical or mental disability; provided the person is using the dog for such assistance, shall be issued a dog license free of charge.

### 3. OFFENSES AND RESPONSIBILITIES OF OWNER

- a. The owner of a dog is guilty of an offense if he/she fails to obtain a license for such dog.
- b. The owner of a dog is guilty of an offense if such dog:
  - i. Runs at large;
  - ii. Is without a collar and tag while off the premises of its owner;
  - iii. Is dog in heat and is not confined and housed in the residence of the owner or in a kennel during the whole of the heat period except for the sole purpose of urinating or defecating on the premises of the owner;
  - iv. Defecates on any public or private property other than the property of the owner and the owner or person in control of the dog fails to immediately remove such defecation, This provision shall not apply to registered guide dog while it is assisting a visually impaired person;
  - v. Is on school property unless otherwise permitted or allowed by the school board or school administration;
  - vi. 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;
  - vii. Barks or howls so, as in the opinion of the Animal Control Officer, based on information gathered, to cause an unreasonable disturbance given, but not limited to, location, circumstances, time of day, and duration;
  - viii. Damages public or private property, other than the property of its owner.

### 4. THREATENING BEHAVIOR, INJURIES AND DEATH

#### Threatening Behavior

- a. The owner of a dog is guilty of an offense if, whether on or off the owners property, the dog:
  - i. Exhibits threatening behavior toward another domestic animal or a bicycle or motor vehicle that is being operated; or
  - ii. Exhibits threatening behavior toward a person.
- b. Subsections (i) and (ii) do not apply to threatening behavior to a dog that is confined within a building or securely fenced area on any land.

#### Minor Injury

- c. The owner of a dog is guilty of an offense if the dog:
  - i. Bites, attacks or causes minor injury to another domestic animal; or
  - ii. Bites attacks or causes minor injury to a person.

#### Severe Injury or Death

- d. The owner of a dog is guilty of an offense if the dog:
  - i. Causes severe injury to another domestic animal; or



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- ii. Causes severe injury to a person
- iii. Causes death to another domestic animal; or
- iv. Causes death to a person.

### 5. GENERAL ENFORCEMENT PROVISIONS

- a. The owner of a dog is guilty of an offense if the owner:
  - i. Fails to provide identification (Name, Address and Dog Tag number) and proof thereof to an Animal Control Officer;
  - ii. Provides false or misleading information to an Animal Control Officer.
- b. The owner of a dog is guilty of an offense if they allow any fecal matter to remain on their property or to accumulate to such an extent as to, in the opinion of the Animal Control Officer, constitute a nuisance by way of odor, unsightliness, or detrimental impact on the use, enjoyment, or value of nearby properties.
- c. No more than two (2) dogs shall be harbored, suffered, or permitted to remain upon or in any land, house, shelter, room or place, building structure, or premises within the Village unless:
  - i. There are more than two dogs residing at the premises at the time of the passing of this bylaw. In such a case, the dogs will be considered to be 'grandfathered in' and will be permitted to reside at the premises until such time as they leave the Village to reside elsewhere or are deceased.
  - ii. The premises are lawfully used for the care and treatment of dogs operated by and under the charge of a registered veterinarian;
  - iii. The owner is the holder of a current year Business License and a valid and subsisting development permit to operate a kennel, animal hospital, shelter, pound, or other operation as authorized by the Village's Land Use Bylaw, as amended from time to time;
  - iv. The dog(s) in excess of the limit are under twelve (12) weeks of age and are the offspring of a licensed dog residing at the same location.
- d. The Village shall arrange for a pound to be established for the keeping and impounding of any 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 that they are not inconsistent with this Bylaw.
- e. The Animal Control Officer may seize and impound any dog found at large.
- f. Subject to the provisions of the Municipal Government Act, R.S.A. 2000 c.M-26, an officer may enter upon privately owned property, other than a dwelling house, for the purpose of enforcing the provisions of this Bylaw.
- g. No person, whether or not the owner of a dog which is being or has been pursued or captured shall:
  - i. Interfere with or attempt to obstruct an Animal Control Officer who was attempting to capture or who has captured any dog in accordance with the provisions of this Bylaw;
  - ii. 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.
  - iii. Remove or attempt to improve any dog from the possession of the Animal Control Officer.
- h. Upon capturing or receiving any dog for impound, the Animal Control Officer shall make reasonable efforts to identify and contact the owner of the dog.

### 6. RELEASE OF IMPOUNDED DOGS

- a. The contractor shall keep all impounded dogs for a period of no less than three (3) days, including the day of impounding. Sundays and Statutory holidays shall not be included in the computation of the three (3) day period. During this



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period any healthy dog may be redeemed by its owner, upon payment to the contractor of:

- i. The appropriate license fee when a dog is not licensed;
  - ii. Kennel boarding fees as per contract rate for every twenty-four (24) hour period or fraction thereof.
- b. At the expiration of the three (3) day period any dog not redeemed may be destroyed or sold.
  - c. The Animal Control 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.

### 7. PENALTIES

- a. Any person who contravenes any part of this Bylaw is guilty of an offense and is liable, upon summary conviction, to the specified penalty set out in Schedule "A" and in default of any payment of any fine imposed, to imprisonment for not more than six (6) months. Any person who contravenes any provision of this Bylaw for which there is either 'court' or no penalty specified in Schedule "A", is guilty of an offense and is liable on 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 imposed, to imprisonment for not more than six (6) months.
- b. Notwithstanding Section 6 (a) of this Bylaw, any person who commits a second or subsequent offense 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".
- c. An Animal Control Officer is hereby authorized and empowered to issue a Violation Tag to any person who the Animal Control Officer has reasonable and probable grounds to believe has contravened any portion of this Bylaw.
- d. A Violation Tag may be issued to such person:
  - i. Either personally;
  - ii. By mailing a copy to such person at his/her last known post office address;
  - iii. Upon retrieval of such persons dog from the Village's pound.
- e. 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 offense;
  - iii. The appropriate penalty for the offence as specified in Schedule "A" of this Bylaw;
  - iv. That the penalty shall be paid within thirty (30) 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.
- f. Where a Violation Tag has been 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 Village the penalty specified on the Violation Tag.
- g. Nothing in this Bylaw shall prevent a Bylaw Enforcement Officer from immediately issuing a Violation Ticket.
- h. The Bylaw Enforcement Officer may enforce the provisions of this Bylaw, and where a Bylaw Enforcement Office 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

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amended to any person who the Bylaw Enforcement Officer has reasonable grounds to believe is responsible for the contravention.

- i. Where a Violation Ticket has been issued to a person pursuant to this Bylaw, that person may plead guilty to an offense 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.
- j. 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.

### 8. FULL RIGHT AND TITLE

- a. The purchaser of a dog from the contractor pursuant to the provisions of this Bylaw shall obtain full right and title to the dog and title and right of the former owner shall cease upon the purchase.

### 9. PROOF OF LICENSE AND AGE OF DOG

- a. In any prosecution or proceedings for a contravention of this Bylaw, the onus of proving all of the following:
  - i. A person has a valid and subsisting license for the dog;
  - ii. A dog is under six (6) months of age;
  - iii. The length of time a dog has been in the Village is less than thirty (30) days in a year.

### 10. SEVERABILITY

- a. If any clause of this Bylaw is found to be invalid, it shall be severed from the remainder of this Bylaw and shall not invalidate the whole Bylaw.

### 11. RESCIND

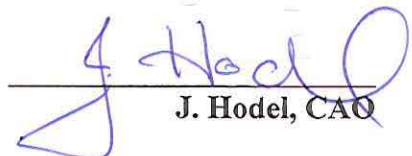
- a. Bylaw No. 510-95 is hereby rescinded.

### 12. EFFECTIVE DATE

- a. This Bylaw shall come into full force and effect upon the date of the third and final reading.

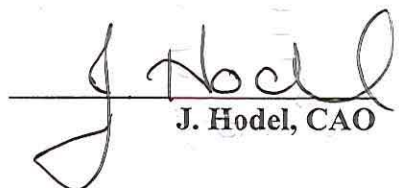
**READ A FIRST AND SECOND TIME THIS 21<sup>ST</sup> DAY OF JULY, 2015.**

  
Mayor D. McMann

  
J. Hodel, CAO

**READ A THIRD TIME AND FINALLY PASSED THIS 25<sup>TH</sup> DAY OF AUGUST, 2015**

  
Mayor D. McMann

  
J. Hodel, CAO



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### SCHEDULE "A"

#### PENALTIES

INFRACTION	1 <sup>ST</sup> OFFENCE	2 <sup>ND</sup> OFFENCE	3 <sup>RD</sup> OFFENCE
Fail to obtain a dog license	\$100	\$250	\$500
Dog running at large	\$100	\$250	\$500
Failure to ensure tag worn on collar	\$100	\$250	\$500
Failure to confine dog in heat	\$100	\$250	\$500
Failure to immediately remove dog's defecation	\$100	\$250	\$500
Dog on school property	\$100	\$250	\$500
Dog in playground or sand area	\$100	\$250	\$500
Dog barks or howls so as to disturb any person	\$100	\$250	\$500
Dog damages or destroys public or private property other than the owners	\$100	\$250	\$500
Harboring, suffering or permitting more than two dogs at a residence unless permitted under Section 5c.(i)	\$100	\$250	\$500
Dog exhibiting threatening behavior toward animal, bicycle or motor vehicle	\$250	\$1000	\$2000
Dog exhibiting threatening behavior to a person	\$500	\$1000	Court
Providing false or misleading information	\$500	\$1000	Court
Allowing dog's fecal matter to accumulate on property	\$500	\$1000	Court
Interfering with an Animal Control or Bylaw Enforcement Officer in the performance of their duties	\$500	\$1000	Court
Dog biting/attacking/causing minor injury to a domestic animal	\$500	\$1000	Court
Dog biting/attacking/causing minor injury to a person	\$1000	\$2500	Court
Dog causing severe injury to a domestic animal	\$1000	\$2500	Court
Dog causing severe injury to a person	\$2000	\$5000	Court

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Dog causing death to a domestic animal	\$2500	\$5000	Court
Dog causing death to a person	\$5000	\$7500	Court