

VILLAGE OF BOYLE
BYLAW # 08-09

09-08

**BY-LAW 08-09, BEING A BY-LAW OF THE VILLAGE OF BOYLE
 IN THE PROVINCE OF ALBERTA TO REPLACE BY-LAW 08-97,
 BEING THE ANIMAL CONTROL BY-LAW.**

WHEREAS The Municipal Government Act being Chapter M-26, RSA 2000 and amendments thereto, provides authority to pass bylaws to regulate the safety, health and welfare of people and the protection of people and property; and, wild and domestic animals and activities in relation to them; and with relation to the enforcement of those bylaws create offences, set fees and impose fines; and

WHEREAS the Council of the Village of Boyle has previously passed By-law 08-97 for the purpose of regulating and controlling animals within the Corporate limits of the Village of Boyle; and

WHEREAS it has now been deemed necessary and expedient to replace By-law 08-97 with this By-law 08-09

WHEREAS the Council of the Village of Boyle wish to pass a bylaw for the purpose of regulating and controlling animals within the Corporate limits of the Village of Boyle and specifically:

- A) Restraining and regulating the running at large of dogs.
- B) Providing for the impounding within a reasonable distance from the point of seizure of dogs running at large and for the elimination, sale or other disposition of impounded dogs if not claimed from the pound within a specified time or if the claimant does not comply within a specified time with any conditions governing payment of costs and expenses and removal from the pound that the bylaw provides.
- C) Classifying dogs for licensing purposes, defining a "Restricted Dog" and limiting restrictions on the ownership of a "Restricted Dog", and,
- D) Prescribing a tariff of license fees to be paid by persons owning, possessing or harboring dogs, which fees may vary as between the different classifications of dogs.

**NOW THEREFORE, THE COUNCIL OF THE VILLAGE OF BOYLE IN THE
 PROVINCE OF ALBERTA, DULY ASSEMBLED ENACTS AS FOLLOWS:**

1. This bylaw may be cited as the Animal Control Bylaw.

2. DEFINITIONS

"**Council**" – shall mean the duly elected Council for the Municipal Corporation of the Village of Boyle, Alberta

"**Dog**" – shall mean either a male or female dog.

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“Dog Catcher” – shall mean any Peace Officer, Bylaw Officer or any other person or firm engaged by the Village of Boyle to capture and impound dogs under the provisions of this bylaw and shall include any employee/s of the Village of Boyle as designated by Council.

“Enforcement Services” – shall mean any Peace Officer or Bylaw Officer engaged by the Village of Boyle and as part of their duties enforcing any provision of this bylaw.

“Kennel” – shall mean the keeping of dogs in any number greater than two.

“Owner” – shall mean and include any person, partnership, association or corporation,

- owning or possessing, or having charge of, or control over, any dog
- harboring any dog
- suffering or permitting any dog to remain about his home or premises

“Pound” – shall mean a place designated by Council as a place where dogs and other animals may be placed and kept impounded.

“Restricted Dog”- shall mean any dog:

- Certified by a veterinarian licensed to practice veterinary medicine in Alberta to be primarily of the breed Staffordshire Bull Terrier as that breed is defined by the Canadian Kennel Club;
- Certified by a veterinarian licensed to practice veterinary medicine in Alberta to be primarily of the breed American Staffordshire Terrier as that breed is defined by the Canadian Kennel Club;
- That has chased, attacked or bitten any person or animal causing physical injury and resulting in a conviction under this bylaw;
- That has chased, attacked or bitten any person or animal on more than one occasion, with or without causing physical injury, and resulting in separate convictions under this bylaw;
- That has been made the subject of an order under the *Dangerous Dogs Act*.

“Running at Large” – shall mean a dog which is off the premises of its owner, and is not on a leash or under the direct, continuous and effective control of its owner or some competent person.

“Summons”- shall mean a Part 2 of a Provincial Traffic ticket and will be a sworn traffic complaint for an offence issued under this Bylaw.

“Village”- shall mean the Municipal Corporation of the Village of Boyle in the Province of Alberta.

“Violation Ticket”- shall mean a form prescribed by the Village of Boyle and will have the heading of “Violation Ticket”.

3. The Village of Boyle or the Enforcement Services shall keep an up to date registry of all dogs within the corporate limits of the Village of Boyle and all complaints, notices and particulars of registration.

4. LICENSING

a. No person shall keep a dog in the Village unless the dog is licensed and registered with the Office of the Municipal Administrator of the Village of Boyle

b. Every person in the Village of Boyle who is the owner of a dog within the Village shall, on or before the 31st day of January in each year, or within one week of the time he/she becomes the owner of a dog, purchase a license, in a type and manner as prescribed by the Village of Boyle, and shall be required at that time to leave with the Municipal Administrator or his/her designate, his/her name and address to which notices may be sent.

c. Every license issued in part (B) shall expire on the 31st day of December of the year in which such license is issued.

d. Such license shall be affixed to a collar which shall be worn around the dog's neck.

e. The fees for licensing and registration for each dog shall be as follows:

- ANNUAL FEE for a neutered male or spayed female dog.....\$25.00
- ANNUAL FEE for unneutered male or unsprayed female dog..... \$50.00
- ANNUAL FEE for a Restricted Dog (male or Female).....\$175.00

1) No dog shall be registered as a "Spayed Female" or "Neutered Male" until and unless certified as such by a qualified veterinary surgeon or his/her designate.

2) A duplicate license will be issued by the Village of Boyle for a lost or destroyed current license upon presentation by the owner of a receipt showing payment of the license fee for the current license year. Such duplicate license will be issued upon the payment of the sum of \$15.00 (Fifteen Dollars).

5 REGULATIONS APPLYING TO RESTRICTED DOGS

Upon a dog being declared by Council as a "Restricted Dog" through breed or an application made by the Village of Boyle for a dog convicted for an offence listed under the definition of a "Restricted dog" and being passed by Council the owner of a "Restricted dog" shall comply with the following:

a. **INSURANCE:** The owner of a Restricted Dog shall have liability insurance specifically covering any damages for personal injury caused by the Restricted Dog in an amount of not less than one million dollars. Proof of insurance must be produced to obtain a Restricted Dog License.

b. **OFF PROPERTY OF OWNER:** The Owner or any other person having care or control of a Restricted Dog shall, at all times when it is off the property of the Owner, have it:

- under control;
 - muzzled; and
 - held on a leash not exceeding two meters in length
- c. ON PROPERTY OF OWNER: The Owner or any other person having care or control of a Restricted Dog shall, at all times when it is on the property of the Owner, have it:
- indoors;
 - outdoors, secured in a fully enclosed pen; or
 - Outdoors muzzled and secured by a chain fixed to the property that prevents the Restricted Dog from coming closer than two meters to the apparent boundary of the property.
- d. ATTACKS:
- 1) The Owner or any other person having care or control of a Restricted Dog shall ensure it does not
 - damage property;
 - chase, attack or bite any person or animal ; or
 - chase, attach or bite any person or animal causing physical injury
 - 2) This section does not apply if the chase, attack, bite or damage is a direct result of the Restricted Dog being provoked.

6. OFFENCES

- a. Fail to have a current and subsisting dog license
- b. Running at Large
 - 1) The owner of a dog shall not permit such dog to run at large. Every dog must be under the direct and immediate control of the owner or responsible person and on a leash when on public property and if not is deemed to be running at large.
 - 2) Where a dog is found running at large the owner thereof shall be deemed to have failed or refused to comply with the requirements of Subsection (B)
- c. The owner of a dog shall ensure that such dog shall not become a public nuisance by:
 - 1) Bites, attacks, or runs at any person or attempts to bite, attack or run at any person or animal
 - 2) Barking at or chasing automobiles, bicycles or other vehicles
 - 3) Whether on a leash and under the direct, immediate and/ or effective control or not;
 - i) Is brought or found on school grounds or the area of a park;
 - ii) Is named or described or otherwise designated in a complaint made under the provisions of the Dangerous Dogs Act;

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- iii) Is the subject of a complaint by any person as creating a nuisance by barking, howling or otherwise disturbing any person at any time of day or night;
 - 4) Causing damage to property or other animals;
 - 5) Keeping a female dog which is in season ("in heat") at any location where the dog is a source of attraction to other dogs;
 - 6) Upsetting any garbage receptacle or scattering the contents of any garbage receptacles, and,
 - 7) Defecating on property other than the dog owner's property,
 - 8) To tease, torment, wound or otherwise abuse a dog
- 7. No kennel shall be permitted on residential property.
- 8. The Dog Catcher may seize and impound:
 - Any dog deemed to be in contravention of this bylaw or deemed to be dangerous.
 - Every dog which he/she finds wounded, distressed or abandoned.
- 9. In enforcement of the jurisdiction provided herein the Dog Catcher is hereby authorized to enter any privately owned premise at any reasonable time. In this section the word "Premise" does not include a building used as a dwelling house.
- 10. In enforcement of the jurisdiction provided herein the Dog Catcher, or Peace Officer, or Bylaw Officer, is hereby authorized to use a "tranquilizer gun" capable of propelling a dart containing a drug approved by a qualified veterinary surgeon or his/her designate for the purpose of immobilizing a dog to facilitate its capture, if all other attempts to capture said dog have failed
- 11. IMPOUNDMENT PROVISIONS
 - a. It shall be the duty of the Village Council to establish one or more pounds for the keeping and impounding of dogs at a place or places approved by the Council and the Council shall make all rules and regulations not inconsistent with this bylaw pertaining to the conduct of the Dog Catcher and administration of the approved pounds.
 - b. The Dog Catcher shall ensure all dogs are impounded for a period of at least three (3) days after the date on which the animal was delivered. Sundays and statutory holidays shall not be included in the computation of the impoundment period. During this period, any healthy dog may be redeemed by its owner upon the owner, or the owner's designate, first paying to the Village of Boyle the appropriate fine as applicable,

impound fees, plus where applicable the appropriate license fee.

- c. If at the expiration of the impoundment period any impounded dog has not been redeemed by the owner, it may be sold for the impoundment costs and license fees, destroyed, or turned over to the pound or pound designate for future adoption if the pound operator or designate has agreed to take responsibility for the animal.
12. No person shall remove or attempt to remove any dog from the possession of the designated pound, the Dog Catcher or any of his/her assistants.
13. No person, whether or not he/she is the owner of a dog which is being. Or has been, pursued or captured shall:
 - a. Interfere with or attempt to obstruct a Peace Officer, Bylaw Officer or Dog Catcher who is attempting to capture or who has captured any dog in accordance with the provisions of this Bylaw
 - b. Induce and dog to enter a house or other place where it may be safe from capture or otherwise assist the dog to escape capture
 - c. Falsely represent him/her self as being in charge or control of a dog so as to establish that the dog is not running at large as the term defined in the Bylaw.
 - d. Unlock or unlatch or otherwise open the vehicle or container in which a dog(s) have been placed for impoundment so as to all any dog (s) to escape there from.
14. Any person who contravenes this Bylaw shall be guilty of an offence and liable upon summary conviction, in addition to any fees provided for in this Bylaw, to a fine not exceeding one thousand dollars and costs and in default of such fines and cost, to imprisonment for a period not exceeding thirty days.
15. The Bylaw Officer, Municipal Administrator, Peace Officer, or any person employed by the Village of Boyle to enforce this act may issue notice in a form as prescribed by the Village of Boyle or a Provincial Summons to any owner alleged to have committed a breach of this Bylaw and the said notice or form shall state the offence and require payment of the following sums:
 - a. LICENSED DOGS OTHER THAN RESTRICTED DOGS
 - (i) \$50.00 (Fifty Dollars) for the first offence
 - (ii) \$100.00 (One Hundred Dollars) for the second offence (each subsequent offence within the calendar year will go up by another \$50 (Fifty Dollars) per offence to a maximum of \$1000.00 (One Thousand Dollars)

b. LICENSED RESTRICTED DOGS

- (i) \$150.00 (One Hundred Fifty Dollars) for the first offence
- (ii) \$300.00 (Two Hundred Fifty Dollars) for the second offence (each subsequent offence within the calendar year will go up by another \$150 (One Hundred Fifty Dollars) per offence to a maximum of \$1000.00 (One Thousand Dollars)

c. UNLICENSED DOGS

- (i) \$100.00 (One hundred Dollars) for the first offence
- (ii) \$200.00 (Two Hundred Dollars) for the second offence (each subsequent offence within the calendar year will go up by another \$100.00 (One Hundred Dollars) per offence to a maximum of \$1000.00 (One Thousand Dollars).

d. INTERFER/ OBSTRUCT DOG CATCHER

- (i) \$250.00 (Two Hundred Fifty Dollars) for the first offence
- (ii) \$500.00 (Five Hundred Dollars) for the second offence (each subsequent offence within the calendar year will go up by another \$250 (Two Hundred Fifty Dollars) per offence to a maximum of \$1000.00 (One Thousand Dollars)

16. A notice in a form as prescribed by the Village of Boyle of summons, for an infraction of this Bylaw shall be deemed to be sufficiently served;
- a. If served personally on the accused
 - b. If mailed by double registered mail to the last known address of the accused person;
 - c. If left at the accused's usual place of abode with an occupant thereof who appears to be at least sixteen years of age;
 - d. Where the accused is an association, partnership or corporation, if mailed by double registered mail to the last known office address or registered office or is left with a person who appears to be at least sixteen years of age and is employed by or is an office of the association, partnership or corporation.

17. PAYMENT

- a. Voluntary payment of an infraction of this Bylaw where a Violation Ticket has been issued in the form prescribed by Council within 14 (Fourteen) days from the date of the service shall be accepted by at the Village Office; and
- b. If voluntary payment of an infraction of the Bylaw is received by the Village Office within 14 (Fourteen) days, the Village shall reduce by 50% the specified fine.
- c. If a "summons" is issued for an infraction of this Bylaw the offence lists as specified penalty in the Voluntary Payment Option Box the fine must be paid at the Provincial Court 5006-3 Street Boyle, Alberta and there will be no reduction of the specified fine.

Bylaw # 08-97 is hereby repealed in its entirety

This by-law shall take full force and effect upon date of final reading.

READ FOR THE FIRST TIME THIS 13th DAY OF AUGUST, A.D. 2008.



 MAYOR



 CHIEF ADMINISTRATIVE OFFICER

READ FOR THE SECOND TIME THIS 13th DAY OF August, A.D. 2008.



 MAYOR



 CHIEF ADMINISTRATIVE OFFICER

READ FOR THE THIRD AND FINAL TIME BY UNANIMOUS CONSENT THIS 13th DAY OF August, A.D. 2008.



 MAYOR



 CHIEF ADMINISTRATIVE OFFICER

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