

TOWN OF THORSBY

BYLAW #2018-11

A BYLAW OF THE TOWN OF THORSBY, IN THE PROVINCE OF ALBERTA, TO LICENCE AND CONTROL DOGS, WITHIN THE TOWN OF THORSBY.

WHEREAS, the Council deems it necessary to regulate the licensing, regulation and confinements of dogs within the Town.

AND WHEREAS, Section 7 (a), (h) and (i) and Section 8 of the Municipal Government Act, R.S.A. 2000 Chapter M-26, for the Province of Alberta, gives the Council the authority to pass such a bylaw;

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

PART I – PURPOSE, DEFINITIONS AND INTERPRETATION

PURPOSE The purpose of this bylaw is to establish a system of licensing and control with respect to dogs within the Town.

RULES FOR INTERPRETATION The marginal notes and headings in this bylaw are for reference purposes only

DEFINITIONS In this bylaw, unless the context otherwise requires

- a) “**Bylaw Enforcement Officer**” means an individual appointed as per the authority of Bylaw 2017-04
- b) “**Dog**” means any domesticated dog:
- c) “**Dog tag**” means the unique numbered identification tag issued to the licensee for attachment to the licensed dog collar or harness for the intention of future identification:
- d) “**Nuisance dog**” means any dog that has been the subject of three or more offences within the previous three years for any combination of the following offences under this bylaw:
 - i. Excessive Barking
 - ii. Defecation
 - iii. Off property of the owner

- e) **“Restricted dog”** means any dog:
 - i. That has chased, attacked or bitten any person or animal causing physical injury and resulting in an offence under this bylaw’
 - ii. 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 offences under this bylaw; or
 - iii. That has been made the subject of an order under the Dangerous Dogs Act;
- f) **“License”** means a license issued pursuant to this bylaw;
- g) **“Licensee”** means a person named on a License.
- h) **“Municipal Tag”** means a form alleging an offence of a Town Bylaw allowing for voluntary payment of the prescribed fine
- i) **“Muzzle”** means a humane device used to cover or restrain the mouth of a dog of sufficient strength to prevent the dog from biting.
- j) **“Owner”** includes any person:
 - i. Named on a License; or
 - ii. In actual or apparent possession or control of property where a dog apparently resides.
- k) **“Parkland”** means all recreational land areas owned or controlled by the Town
- l) **“Peace Officer”** has the same meaning as the *Provincial Offences Procedure Act*
- m) **“Puppy”** means a dog under the age of six months
- n) **“Service Dog”** means any dog trained by an accredited agency acceptable to the Town Manager.
- o) **“Town Manager”** means the Chief Administrative Office of the Town or their delegate.
- p) **“Violation Ticket”** has the same meaning as defined in the *Provincial Offences Procedure Act*

PART II - LICENSING OF DOGS

REQUIREMENT
FOR LICENSE

1. The Owner of a dog **shall** obtain a license for the dog
2. The Owner of deemed Nuisance Dog **shall** obtain a license for the Nuisance dog
3. The Owner of a deemed Restricted Dog **shall** obtain a license for the Restricted Dog
4. This section **does not apply** for dogs, nuisance dogs or restricted dogs under the age of six months.
5. At the time of licensing, a numbered dog tag will be issued to the purchaser and which **must be** securely attached to the collar or harness of the dog, nuisance dogs or restricted dogs for identification purposes within twenty-four (24) hours.
6. New residents to the community **must** purchase a dog license within one (1) month of taking up residence.
7. Licenses **shall be** issued for the lifetime of the registered Dog, Nuisance Dog or Restricted Dog
8. Licenses issued under this bylaw are **non-transferable** from one Dog, Nuisance Dog or Restricted Dog to another **or** from one owner to another.
9. Before a license is issued, the Owner of a dog, nuisance dogs or restricted dogs **must** submit to the Town Manager or their delegate:
 - a. The License fee as established by this bylaw
 - b. Proof, in a form acceptable to the Town Manager, of the Dog, nuisance dogs or restricted dogs being spayed or neutered if applicable;
 - c. Any additional information required by the Town Manager
10. The Town Manager **may not issue** a license pursuant to this Part unless satisfied that:
 - d. At least one person named on the license is eighteen (18) years of age;
 - e. All fees have been paid;
 - f. All required information by the Town Manager has been provided

LICENSE FEES

11. The applicable license fees for dogs, nuisance dogs and restricted dogs are set out in Schedule A of this bylaw.

LIMIT OF DOGS

12. No person **shall** keep or have more than two (2), in any combination thereof, of dogs, nuisance dogs or restricted dogs on any premises with a municipal address in the Town.

a) Exceptions:

- i. Puppies under six months of age who are the offspring of a licensed dog under this bylaw
- ii. The premises are lawfully used for the care and treatment of animals, operated by and under the charge of a licensed veterinary practice.
- iii. Non-residential premises hosting a Town approved dog show for which a permit by the Town Manager has been issued under this bylaw.
- iv. Non-residential premises/parkland hosting training or obedience classes for which a permit by the Town Manager has been issued under this bylaw, for the duration of the class/es and for a period of one (1) hour after the conclusion of those classes;

PART III – REGULATION OF DOGS

Regulations Applying to All Dogs

EXCESSIVE BARKING

13. The Owner or any other person having care or control of a Dog, Nuisance Dog or Restricted Dog **shall ensure:**

- a) it does not bark in a manner that is reasonably likely to annoy or disturb the peace of others.
- b) In determining whether barking is reasonably likely to annoy or disturb the peace of others consideration **may be** given, but **is not limited**, to the:
 - i. Proximity of the property where the dog, nuisance dog, or restricted dog resides;
 - ii. Duration of the barking
 - iii. Time of day and day of the week;
 - iv. Nature and use of the surrounding area; and
 - v. Any effect of the barking

DEFICATION

14. The Owner or any other person having care or control of a Dog, Nuisance Dog or Restricted Dog **shall:**

- a) forthwith remove any defecation left by it on public property or private property other than that of the Owner.
- b) ensure that defecation apparently left by it on the property of the Owner does not accumulate to such an extent that it is reasonably likely to annoy or pose a health risk to others.

DISPLAY OF
ISSUED DOG
TAG

15. The Owner or any other person having care or control of a Dog, Nuisance Dog or Restricted Dog **shall**, at all times when it is off the property of the Owner, ensure it displays the licensed dog tag issued by the Town.

Regulations Applying to Dogs and Nuisance Dogs

OFF PROPERTY
OF OWNER

16. The Owner or any other person having care or control of a dog or nuisance dog **shall**, at all times when it is off the property of the Owner, have it:
- a. under control: and
 - b. held on a leash not exceeding two metres in length.
 - c. Nothing in this section removes the obligation on a person to have a dog under control when it is off the property of the Owner, including Service dogs of any kind

ATTACKS

17. The owner or any other person having care or control of a dog or nuisance dog **shall** ensure it does not:
- a) Damage property;
 - b) Chase, attack or bite any person or animal; or
 - c) Chase, attack or bite any person or animal causing physical injury.

This section **does not apply if** the chase, attack, bite or injury is established to be a direct result of the dog or nuisance dog being provoked.

LICENSE
CONDITIONS

18. Any dog that has been the subject of three or more offences within the previous three years for any combination of the following offences under this bylaw:
- a) Excessive barking
 - b) Defecation
 - c) Off property of the owner

may be deemed a nuisance dog and a Nuisance Dog License issued by the Town Manager which **may** impose any of the following conditions:

1. That the owner keeps the nuisance dog indoors or secured in a fully enclosed outdoor pen;
2. That the owner ensures the nuisance dog is muzzled while outdoors;
3. That the licensee or owner undertake repairs to the property where the nuisance dog resides to ensure compliance with this bylaw;
4. That the Licensee or owner of the nuisance dog complete a behavioural modification course specified by the Town Manager
5. Any other condition the Town Manager deems reasonable

19. An Owner or Licensee or other persons in control of a nuisance dog **shall not** contravene any condition on a nuisance dog license.

Regulations Applying to Restricted Dogs

INSURANCE

20. 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 not less than one million dollars and shall provide proof of such insurance to the Town Manager upon request.

OFF PROPERTY OF OWNER

21. 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:

- a) Under control;
- b) Muzzled; and
- c) Held on a leash not exceeding two metres in length.

ON PROPERTY OF OWNER

22. 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:

- a) Indoors; or
- b) Outdoors, secured in a fully enclosed pen (appropriate to the size of the restricted dog) that prevents escape of the restricted dog and **shall** be located a minimum of two metres away of the boundary of the property on any side;

ATTACKS

23. The Owner or any other person having care or control of a restricted dog **shall** ensure it does not:

- a) Damage property;
- b) Chase, attack or bite any person or animal; or

- c) Chase, attack or bite any person or animal causing physical injury.

This section ***does not apply if*** the chase, attack, bite or injury is established to be the direct result of the restricted dog being provoked.

- 24. An Owner or Licensee or other persons in control of a Restricted Dog ***shall not*** contravene any condition on a nuisance dog license.

LICENSE
CONDITIONS

- 25. Any dog that has :

- i. That has chased, attacked or bitten any person or animal causing physical injury and resulting in an offence under this bylaw
- ii. 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 offences under this bylaw; or
- iii. That has been made the subject of an order under the Dangerous Dogs Act;

Shall be deemed a restricted dog and a Restricted Dog License issued by the Town Manager which ***will*** impose the conditions under which the restricted dog is to be housed and exercised both on and off the property of the Owner or Licensee and ***may*** include additional conditions as stated below in addition to those stated in Sections 20, 21, 22 and 23.

- 1. That the Owner or Licensee undertake repairs to the property where the restricted dog resides to ensure compliance with this bylaw
- 2. That the Owner or Licensee of the restricted dog complete a behavioural modification course specified by the Town Manager
- 3. That the Owner or Licensee of the Restricted Dog advise details to the Town Manager of transfer of ownership or rehousing of the Restricted Dog within five (5) days.
- 4. Any other condition the Town Manager deems reasonable.

APPEAL

- 26. A Restricted License may be appealed in writing to the Town Manager within 14 days of the service of such license.
- 27. A decision on an appeal will be communicated to the appellant in writing within 14 days

PART IV – OTHER REGULATIONS

- CHANGE OF INFORMATION 28. A Licensee *shall* notify the Town Manager of any change with respect to any information provided a part of the application for a License pursuant to this bylaw.
- NOTIFICATION OF STRAY 29. A person who takes control of any stray Dog, Nuisance Dog or Restricted Dog *shall* forthwith notify the Town Manager and provide any required information.
- FALSE INFORMATION 30. No person *shall* provide false or misleading information to any Bylaw Officer, Peace Officer or the Town Manager or their delegate.
- INTERFERENCE 31. No person *shall* interfere with a Bylaw Officer or Peace Officer in the exercise of their powers and duties pursuant to this bylaw.

PART V - ENFORCEMENT

- OFFENCE 32. A person who contravenes this bylaw *is* guilty of an offence.
- CONTINUING OFFENCE 33. In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine in an amount not less than that established by this bylaw for each such day
- FINES AND PENALTIES 34. A Person who is guilty of an offence *is liable* to a fine
- a) in an amount not less than that established in this section, and not exceeding \$10,000, and to imprisonment for not more than six months for non-payment of a fine.
 - b) Without restricting the generality of subsection a) the fine amounts are established for use on Municipal Tags and Violation Tickets if a voluntary payment option is offered:
 - i. \$100.00 for any offence for which a fine is not otherwise established in this section;
 - ii. \$250.00 for an offence under section 12, 15, 17, & 19.
 - iii. \$500.00 for an offence under section 20, 21, 22 & 24.

iv. \$2,500 for an offence under section 23.

c) A Provincial Court Judge or Justice *may*, upon rendering a conviction under this Bylaw against the Owner of a dog, in addition to the penalties provided for in this Bylaw;

i. Prescribe further penalty or action as may be permitted by provincial or federal legislation

MUNICIPAL
TAG

35. If a municipal Tag is issued in respect of an offence the Municipal Tag *must* specify the fine amount established by this bylaw for the offence.

PAYMENT IN
LIEU OF
PROSECUTION

36. A person who commits an offence *may*, if a Municipal Tag is issued in respect of the offence, pay the fine amount established by this bylaw *and if* the amount is paid on or before the required date, the person *will not* be prosecuted for the offence.

VIOLATION
TICKET

37. If a Violation Ticket is issued in respect of an offence, the Violation Ticket *may*:

- a) Specify the fine amount established by this bylaw for the offence; *or*
- b) Require a person to appear in court without the alternative of making a voluntary payment.

VOLUNTARY
PAYMENT

38. A Person who commits an offence *may*:

- a) If a Violation Ticket is issued in respect of the offence; and
- b) If the Violation Ticket specifies the fine amount established by this bylaw for the offence;

make a voluntary payment equal to the specified fine.

SEIZURE AND
IMPOUNDING

39. A Bylaw Officer or Peace Officer *may* seize and impound:

- a) Any dog or nuisance dog found in contravention of section 16.
- b) Any restricted dog found in contravention of section 21.
- c) A Dog, Nuisance Dog or Restricted Dog impounded under this section *shall* be kept at an animal shelter designated by the Town, or with a care giver for a period of at least 3 days if the owners have been notified and 7 days if the owner cannot be notified.
- d) At the expiration of the 3 or 7 day period, any Dog, Nuisance Dog or Restricted Dog not claimed and all fines or fees paid, *shall* become the property of the Town and

may be humanely euthanized or adopted to a person other than the owner.

- e) Any person who adopts a Dog, Nuisance Dog or Restricted Dog, *shall* obtain full rights and title of said Dog, Nuisance Dog or Restricted Dog and the right and title of the former owner shall cease forthwith
- f) If in the opinion of a licensed veterinarian, any Dog, Nuisance Dog or Restricted Dog impounded pursuant to this bylaw, because of injuries sustained or its medical health, should be euthanized for humane reasons, a Bylaw Officer, Peace Officer, Town Manager or their delegate may authorize that veterinarian to euthanize the Dog, Nuisance Dog or Restricted Dog.

SERIOUS
INJURY

40. A Bylaw Officer or Peace Officer *may*

- a) seize and impound any Dog, Nuisance Dog or Restricted Dog alleged to have seriously injured or killed a person or animal
- b) before seizing and impounding a Dog, Nuisance Dog or Restricted Dog pursuant to this section the Bylaw Officer or Peace Officer must consider whether the dog was acting in self-defense or while in the course of attempting to prevent a person from committing an unlawful act
- c) a Dog, Nuisance Dog or Restricted Dog seized pursuant to this section *may not* be impounded for more than 21 days unless court proceedings for a destruction or other order with respect to the dog, nuisance dog or restricted are commenced within that time

RELEASE

41. Any Dog, Nuisance Dog or Restricted Dog seized pursuant to this bylaw *may* be released to the owner upon payment of any fees due with respect to shelter, care and treatment and any license fee, if not already paid.

PART VI – GENERAL

OTHER FEES

42. The following fees *are* hereby established:

- a) For shelter and care, the amount set out in Schedule A; and
- b) For any required veterinary treatment, including drugs and medicines, the actual costs of the treatment; and
- c) For a replacement dog tag, the amount set out in Schedule A.

- PROOF OF LICENSE 43. The onus of proving a person has a valid dog tag *is* on the Owner or Licensee.
- PROOF OF AGE 44. The onus of proving the age of a Dog, Nuisance Dog or Restricted Dog *is* on the Owner or Licensees
- TOWN MANAGER 45. Without restricting any other power, duty or function granted by this bylaw, the Town Manager *may*:
- a) Carry out whatever inspections are reasonably required to determine compliance with this bylaw;
 - b) Delegate any powers, duties or functions under this bylaw to an employee or contracted service provider of the Town
 - c) Establish forms for the purposes of this bylaw;
 - d) Issue a special permit for variance of this bylaw, at their sole discretion.
- CERTIFIED COPY OF RECORD 46. A copy of a record of the Town, certified by the Town Manager as a true copy of the original, *shall* be admitted in evidence as prima facie proof of the facts stated in the record without proof of the appointment or signature of the person signing it.
- CIVIL ACTION NOT AFFECTED 47. Nothing in this bylaw limits the right of any person to prosecute a claim for damages by reason of injuries to person or property resulting from any action of the owner of any animal, or from the action of any agent of the owner.
- SEVERABILITY 48. In the event any portion of this Bylaw is found invalid by a Court of Law or is overturned by a superior jurisdiction, the validity of the remaining parts of the Bylaw shall not be affected.

REPEALS

1. The following bylaw is repealed on third reading of Bylaw 2018-11
Bylaw 2012-06

READ A FIRST TIME THIS 27th DAY OF November, 2018

READ A SECOND TIME THIS 11th DAY OF December, 2018

READ A THIRD AND FINAL TIME THIS 11th DAY OF December, 2018

Rod Raymond
Mayor

Christine Burke
Chief Administrative Officer

December 11, 2018
Date Adopted

SCHEDULE A – FEES

Dog License	\$100
Dog License (spayed or neutered)	\$60
Nuisance Dog License	\$150
Restricted Dog License	\$250
Dog Show Permit	\$15
Obedience/Training Class Permit	\$15
Replacement License tag	\$15

Other Fees

Shelter and Care

- a) For the first day or part thereof - current kennel rate
- b) For each additional day, or part thereof - current kennel rate

Any required veterinary treatment actual costs
*including drugs and medical supplies