

TOWN OF PICTURE BUTTE

BYLAW #650/87

BEING A BYLAW OF THE TOWN OF PICTURE BUTTE IN THE PROVINCE OF ALBERTA TO REGULATE THE KEEPING OF RESTRICTED DOGS.

WHEREAS:

1. Section 164 of the Municipal Government Act, R.S.A. 1980, Chapter M-26, provides inter alia for the regulation, restraining, licensing and prohibition of domestic animals within the limits of the municipality; and;
2. There have been recent attacks by various dogs on humans, and particularly attacks by dogs of the "Pitt Bull" breed or kind, as defined herein; and
3. Council has decided that it is necessary for the protection of the public health, safety and welfare to closely regulate these dogs and any other dogs with propensities and tendencies toward unprovoked attacks on humans and other animals;

NOW THEREFORE the Municipal Council of the Town of Picture Butte in the Province of Alberta, duly assembled, enacts as follows:

1. This Bylaw shall be called "The Restricted Dog Bylaw".
2. (1) All provisions of Bylaw 476/77 and amendments thereto, the Dog Bylaw, are incorporated into and form a part of this Bylaw, except to the extent that such provisions conflict with or are inconsistent with this Bylaw.
(2) In case of such conflict or inconsistency, the provisions of this Bylaw shall prevail.
3. (1) "**OWNER**" means any person, partnership, association or corporation:
 - (a) owning or possessing or having charge of or control over any Restricted Dog, or
 - (b) keeping or harboring any Restricted dog, or
 - (c) suffering or permitting any Restricted dog to remain about his house or premises.(2) "**RESTRICTED DOG**" means any dog of the following breeds or kinds:
 - (a) Pit Bull Terrier;
 - (b) American Pit Bull Terrier; or
 - (c) Pit Bull;

Or any dog of mixed breeding, which can be identified through its physical characteristics as a dog partially of the above mentioned breeds or kinds by a veterinarian licensed to practice in Alberta.
4. (1) An owner shall obtain a license for a Restricted dog of any age.
(2) The license fee for a Restricted Dog shall be \$100.00 per year.

5.
 - (1) The owner shall maintain in force a policy of Liability insurance in a form satisfactory to the Municipal Administrator of the Town of Picture Butte providing third party liability coverage in a minimum amount of \$500,000.00 for injuries caused by the Owner's Restricted Dog.
 - (2) The Liability Policy shall contain a provision requiring the insurer to immediately notify the Town in writing should the policy expire or be cancelled or terminated.
 - (3) Commencing on April 1, 1988, the Owner shall provide to the License Inspector or other member of Town Staff, proof that such a liability policy is in force before he may obtain a Restricted Dog License.
 - (4) Upon cancellation, expiry, or termination of the liability policy the restricted dog license is automatically terminated.

6.
 - (1) At all times while a Restricted dog is on the premises of its Owner, the Owner shall either keep such dog confined indoors under the effective control of a person over the age of sixteen (16) years, or confined in a securely enclosed and locked pen, constructed to prevent the escape of the Restricted dog;
 - (2) Such pen shall have secure sides and a secure top, and if it has no bottom secured to the sides, the sides must be embedded in the ground to a minimum depth of one (1) foot.

7.
 - (1) When any Restricted dog is off the premises of the Owner, the Owner shall securely muzzle such dog, and either harness it or leash it securely to effectively prevent it from attacking or biting a person or other animal;
 - (2) Subsection 1 shall not apply when the restricted dog is in a pen meeting the requirements of Section 6 or when the restricted dog is in a building or enclosure in attendance at a bona fide dog show.

8. The Pound keeper or any License Inspector, Police Constable or Bylaw Enforcement Officer, hereinafter called the "Officer", may seize and impound a Restricted dog when it is:
 - (1) Not confined on the premises of the Owner as required by Section 6 of this Bylaw;
 - (2) Not muzzled and harnessed or securely leashed, or otherwise secured when off the premises of the Owner as required by Section 7 of this Bylaw.
 - (3) Not licensed or insured as required by Section 4 and 5 of this Bylaw.

9.
 - (1) An Officer may impound any dog, including a Restricted dog believed by him to be a Vicious dog.
 - (2) A "Vicious Dog" is any dog:
 - (a) with a propensity, tendency or disposition to attack or injure, without provocation, other animals or humans; or
 - (b) which attacks, bites or injures without provocation any human or animal; or
 - (c) which represents a continuing threat of serious harm to persons or animals.

10. As soon as convenient after the seizing and impounding of the Vicious or Restricted dog, the Officer shall deliver a notice to the Owner of the dog, if the Owner can be located, indicating
 - (1) If the dog is a Restricted dog that it has been impounded and will be destroyed unless redeemed, or
 - (2) If the dog is a vicious dog, that it will be destroyed unless a notice of objection is delivered in accordance with Section 11 of this Bylaw.

11.
 - (1) The Pound keeper shall keep all impounded Restricted or Vicious dogs for a period of at least seventy two (72) hours from the time of impounding. Sundays and statutory holidays shall not be included in computation of the seventy two hour period.
 - (2) An owner of an impounded Vicious dog may object to the determination that the dog is a vicious dog by delivering a written notice of objection addressed to the Municipal Administrator, Town of Picture Butte.
 - (3) The objection shall be heard by the Dog Appeals Committee providing the Owner deposits with the Town concurrently with the notice of objection an amount estimated by the town to be necessary to cover the expense of impoundment until the determination of the issue.
 - (4) The Dog Appeals Committee shall be composed of three members appointed by Council. The members shall be:
 - (i) Chairman of the Public Health and Protective Services Committee.
 - (ii) Vice Chairman of the Public Health and Protective Services Committee.
 - (iii) Mayor of the Town of Picture Butte
 - (5) Upon determination of the issue, the impounded dog may be redeemed by the Owner and the deposit returned should it be determined the impounded dog is not a vicious dog.
 - (6) Should it be determined by the Dog Appeals Committee that an impounded dog is a vicious dog; the dog shall be destroyed immediately.

12. In addition to the payments required pursuant to Section 7 Subsection 3 of Bylaw 476/77, the Dog Bylaw, in order to secure the release of a Restricted dog which has been impounded, its Owner shall pay to the Town any expenses incurred by the Town for identification or certification of the breed or kind of the Restricted dog.

13. In addition to the fines provided in Bylaw 476/77, the Dog Bylaw, persons who commit an offence under this Bylaw are also subject to the following fines:
 - (1) Failure to obtain a Restricted dog license.....\$200.00
 - (2) Failure to adequately confine a Restricted dog when on
The premises of the Owner.....\$100.00
 - (3) Failure to muzzle or otherwise secure a Restricted dog when
Off the premises of the Owner.....\$100.00
 - (4) Permitting a Restricted dog to run at large.....\$200.00
 - (5) An Owner who commits for a second time any of the offences listed in this section, providing the offence is committed within six (6) months of committing the first offence – double the initial penalty.

14. This Bylaw shall come into force on the date of the final reading thereof.

MOVED by Councillor W. Vogt that Bylaw 650/87 be read a first time this 14th day of December, 1987. Carried.

MOVED by Councillor R. Malitowski that Bylaw 650/87 be read a second time this 14th day of December, 1987. Carried.

MOVED by Councillor A. Vance that permission be granted to give third reading to Bylaw 650/87 at this meeting. Carried unanimously.

MOVED by Mayor R. Casson that Bylaw 650/87 be read a third time and finally passed this 14th day of December 1987. Carried.

Rick Casson
Mayor

Janet Dickout
Municipal Administrator