

TOWN OF PICTURE BUTTE

BYLAW #690/92

A BYLAW OF THE TOWN OF PICTURE BUTTE TO PROVIDE FOR THE LICENSING, CONTROL AND REGULATING DOGS.

WHEREAS Section 164 (b) of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 1980, the Council may pass a bylaw to license, regulate and control dogs within the municipality.

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

1. This Bylaw may be cited as the Town of Picture Butte Dog Bylaw.

DEFINITIONS

2.
 - a) ANIMAL CONTAGIOUS DISEASE ACT – means the Animal Contagious Disease Act as amended and as contained in Chapter A-13 of the Revised Statutes of Canada, 1970, and regulations thereunder.
 - b) TOWN- means the Town of Picture Butte.
 - c) DOG- means and includes both male and female species.
 - d) OWNER – means the person who has legal title to the dog, and includes also any person who has the possession or custody of the dog, or harbors the dog, or permits the dog to remain on his property.
 - e) LICENCE INSPECTOR – means any person appointed to carry out the licensing provisions of this Bylaw, and anyone acting or authorized by the License Inspector to act on his/her behalf.
 - f) DOG CONTROL OFFICER – means any person, firm or corporation appointed to carry out the control provisions of the Bylaw, and anyone acting or authorized by the Dog Control Officer to act on his/her behalf.
 - g) REGISTER – means licensed with the Town of Picture Butte.
 - h) RUNNING AT LARGE – means a dog which is:
 - i) Not on its owner's property: and
 - ii) Not on a leash or is on a leash the length of which exceeds 2.5 meters, or
 - iii) Not on its owner's property
 - iv) On a leash which is not in the hands of a competent person or securely fixed to an immovable object.
 - j) VICIOUS – means bites or molests, pedestrians upon the streets, parks or other public places in the Town.

- k) TAG – means a device as approved by the Town Municipal Administrator and issued by the Town Office showing that a license fee has been paid for the dog wearing it for the year it was issued.
- l) KENNEL – means any structure or place situated within the Town of Picture Butte including any premises used by any person for boarding or otherwise caring for, training, or whelping dogs exceeding two in number, for resale but shall not include any premises occupied by a duly qualified Veterinary Surgeon for the practice of his profession.
- m) DOG FANCIER’S LICENCE – means a dog license issued annually to an owner permitting the keeping or harboring on land or premises occupied by the owner of more than two licensed dogs, to a maximum of 4 dogs, over the age of six months.

ANNUAL LICENSE

- 3.
 - (a) The Owner of every dog over the age of six (6) months shall on the second (2nd) day of January of each year or within one (1) month of the time he or she becomes the owner of a dog over the age of six (6) months shall register the dog with the Town Office.
 - (b) No Owner shall harbor a dog over 6 months of age that is not registered with the Town of Picture Butte. Any such dog harbored, the Owner is guilty of an infraction of this Bylaw.
 - (c) Every Owner shall provide his dog with a collar to which the Owner shall affix the tag obtained for such dog and the Owner shall ensure that the collar and tag are worn by his dog during those occasions when the dog is not on the Owner’s premises.
 - (d) Tags are not transferable from one dog to another and no refund shall be made on any paid up dog license fee because of the death, loss or sale of the dog or upon the Owner’s leaving the Town before expiration of the license period.
 - (e) Any approved license shall be issued upon the payment of the fee specified in Schedule “A” of this Bylaw.
 - (f) In case a tag is lost or destroyed, a replacement tag may be issued by the License Inspector upon presentation by the owner of a receipt showing payment of the license fee for the current dog license year and upon payment of the sum on ONE DOLLAR (\$1.00) for the issuance of a replacement tag.
 - (g) In any prosecution or proceedings for a contravention of this section, the burden of proof of the age of the dog and that the dog is not the property of the person convicted shall rest upon that person.
 - (h) The maximum number of dogs in a single family dwelling or household shall be restricted to two (2).
 - (i) No dog, licensed or unlicensed shall be allowed to run at large within the limits of the Town of Picture Butte and the Owner of such a dog shall be guilty of an infraction of the provisions of this Bylaw.

RECORDS

4. The Town Office shall keep a record of the name and address of the Owner, the breed, color and sex of the dog and the number stamped on the tag issued to the Owner.

DOG CONTROL OFFICER

5. The Dog Control Officer shall:
 - a) have general supervision and control of the dog pound;
 - b) Maintain the dog pound in a safe and sanitary condition;
 - c) Capture and impound or cause to be captured and impounded all dogs he deems required to be impounded pursuant to the provisions of this Bylaw of any statute of Canada, or of the Province of Alberta, or of any regulations made thereunder;
 - d) Subject to this Bylaw, have control of all dogs in the pound;
 - e) Provide that the dogs impounded in the pound receive adequate care and sufficient food and water;
 - f) Report any apparent illness, communicable disease, injury or unhealthy condition of any dog to a veterinary surgeon if he deems that the condition of the dog warrants the examination or care of a veterinarian;
 - g) Immediately segregate from other animals and restrain any dog brought to the pound if it has or appears to have rabies or any other communicable disease, and in the case of rabies, report such condition to the Medical Health Officer, to the Veterinary Inspector of the Health of Animals Division of the local office of the Federal Department of Agriculture, or to any other official designated for that purpose pursuant to the Animals Contagious Diseases Act of Canada;
 - h) Collect from the person or persons liable all fees and charges levied pursuant to the provisions of this Bylaw as authorized by this Bylaw and remit all such fees and charges to the Municipal Administrator as required;
 - i) Dispose of all dogs as provided in this Bylaw in a manner approved by the Municipal Administrator;
 - j) Maintain adequate records of:
 - i) any complaint made under the provisions of this Bylaw and the disposal of such complaint;
 - ii) any complaint made under the Dangerous Dogs Act when such complaint has been reported to the Dog Control Officer and the action taken on such complaint;
 - iii) the daily operation of the pound;
 - iv) each dog impounded and the disposition made of such dog;
 - v) notices sent to the owners of dogs and others pursuant to the provisions of this Bylaw

IMPOUNDED DOGS

6. (a) If at the time of expiration of a seventy-two (72) hour period from the time a dog was first impounded, has not been redeemed it may be sold or destroyed.

- (b) For the purpose of calculating the seventy-two (72) hour period of the impoundment of a dog, the day of impoundment will be included, but Sundays and Holidays shall be excluded.
- (c) While impounded, any apparently healthy dog may be redeemed upon payment of all the following applicable fines or charges, namely:
 - 1. the appropriate fine as set out in Schedule “B”;
 - 2. if the dog is not registered with the Town of Picture Butte, the appropriate license fee as set out in Schedule “A”.
 - 3. a maintenance fee as prescribed in Schedule “A”.
- (d) The purchaser of a dog from the dog pound pursuant to the provisions of this section shall obtain full right and title to it and the right and title of the former owner to the dog shall cease thereupon.
- (e) No impounded dog shall be sold by the Dog Control Officer at a price greater than the accumulative charges applicable in each case.
- (f) No impounded dog shall be sold by the poundkeeper
 - i) to any resident of the Town until a license has first been purchased for the dog by the resident; or
 - ii) to any non-resident of the Town until they have proved that they are not a resident of the Town and that the dog shall be kept outside the Town.
- g) Any Town resident who owns a dog and wishes to dispose of such dog may take it to the poundkeeper and upon completing the form set out in Schedule “C” of this bylaw and payment of the fee set out in Schedule “A”, the poundkeeper shall accept the dog.

CAPTURING AND IMPOUNDING DOGS

- 7. The Dog Control Officer of the Town may capture and impound any dog which is
 - a) actually or apparently over the age of six (6) months and for which no current license has been issued pursuant to the provisions of the Town Bylaw when such dog is off the premises of its owner or when it is pursued on to the premises of its owner;
 - b) running at large;
 - c) named or described or otherwise designated in a complaint made pursuant to the Dangerous Dogs Act;
 - d) biting or attempting to bite any person while running at large;
 - e) actually or apparently affected with rabies or any other contagious disease;
 - f) a public nuisance.

ENTERING PREMISES

- 8. In enforcement of the jurisdiction in Section 7, but not for the purpose of investigation only, the Dog Control Officer is hereby authorized to enter any privately owned premises

at any reasonable time, provided however, that in this section the word “premises” does not include a building used as a dwelling house.

DOGS RUNNING AT LARGE

9. a) The owner of a dog shall not permit such dog to run at large.
- b) 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 (a).

DOGS IN HEAT

10. Every owner of a female dog shall confine and house such female dog during the whole period the dog is in heat.

DOGS BEING A PUBLIC NUISANCE

11. a) The owner of a dog which is a public nuisance is guilty of an offence.
- b) Without restricting the generality of subsection (a)), the following shall be deemed to be a public nuisance for the purpose of this Section, namely a dog which
 1. bites or molests pedestrians upon the streets, parks or other public places in the Town; or
 2. bites or chases bicycles, automobiles or other vehicles upon the street, parks or other public places in the Town; or
 3. barks, howls continuously, or otherwise creates a disturbance; or
 4. upsets waste receptacles, scattering the contents in or about the streets, lanes or other public property or in or about a premise not belonging to the owner of the dog; or
 5. a female dog in heat being a source of attraction of other dogs.

INTERFERENCE

12. No person shall
 - a) interfere with or attempt to obstruct a constable or dog control officer who is attempting to capture, or who has captured any dog in accordance with the provisions of this Bylaw; or
 - b) induce any dog to enter a house or other place where it may be safe from capture, or otherwise assist the dog to escape capture; or
 - c) falsely represent himself as being in charge or control of a dog so as to establish that the dog is not running at large as the term is defined by this Bylaw; or
 - d) unlock or unlatch or otherwise open the van or vehicle in which dogs captured for impoundment have been placed so as to allow or attempt to allow any dog or dogs to escape therefrom; or
 - e) remove or attempt to remove any dog from the possession of the Dog Control Officer or any of his assistants.

VICIOUS DOGS

13. a) A person shall not own, keep, maintain or harbor a dog of known vicious propensity, other than a law enforcement officer.

- b) A person who requests to license a vicious dog shall:
 - 1. purchase a restricted dog license as per the Town of Picture Butte Restrictions dog Bylaw #650/87, and
 - 2. confine the vicious dog to a properly constructed cage at all times
Chaining is not acceptable.

DISEASED AND RABID DOGS

- 14. a) The owner of a dog which is suffering from any communicable disease shall not permit the dog to be in any public place, and shall not keep the dog in contact with or in proximity of any other dog free of such disease.
- b) A person who owns or who harbors, maintains or keeps a dog which he knows or has reason to know is or may be suffering from rabies, or which he knows or believes has been exposed to rabies.
 - 1. shall endeavor to keep the dog locked or tied up;
 - 2. shall not permit another animal to come in contact with it;
 - 3. shall immediately report the matter to the Medical Health Officer, Veterinary Doctor or a Veterinary Inspector of the Health and Animal's Branch of the local office of the Federal Department of Agriculture; and
 - 4. shall report the matter to the R.C.M.P. and the poundkeeper.

BREACH OF BYLAW

- 15. a) Where any peace officer or Dog Control Officer or poundkeeper appointed as a bylaw enforcement officer specifically to enforce the provisions of this bylaw believes that any person has committed a breach of any provisions of this Bylaw, he may serve upon such persons a Notice of Breach of Bylaw.
- b) A Notice of Breach of Bylaw shall be deemed to have been sufficiently served:
 - 1. if served personally on the accused; or
 - 2. if served by double registered mail; or
 - 3. if left at the accused's usual place of abode with an inmate thereof who appears to be at least sixteen (16) years of age; or
 - 4. where the accused is an association, partnership, corporation or registered kennel, if served by double registered mail or if left with a person who is an employee or office of the association, partnership, corporation or registered kennel.
 - 5. Pending the severity of the breach of bylaw, warning letters may be issued to every known Owner(s) advising a breach of the bylaw has occurred.
- c) Upon production of any such Notice of Breach of Bylaw within seven (7) days from the date of service of such Notice, together with the payment of the sum specified in Schedule "B" to a person authorized by the Municipal Administrator of the Town to receive such payment, an official receipt for such payment shall be issued, and subject to the provisions of this Section, such payment shall be accepted in lieu of prosecution.

- d) If the person upon whom any such Notice of Breach of Bylaw is served fails to pay the said sum within the time allotted, the provisions of this Section shall no longer apply.
- e) Nothing in this Section shall
 - a) prevent any person from exercising his right to defend any charge of committing a breach of any of the provisions of Sections in this Bylaw or
 - b) prevent any person from laying an information and complaint against any other persons for committing a breach of any of the provisions of this Bylaw; or
 - c) prevent any peace officer or bylaw enforcement officer appointed specifically to enforce the provisions of this bylaw from laying an Information and Complaint against any other person or owner of an alleged breach of this Bylaw whether or not such other person or owner has made a payment under this Bylaw for breach of any of the provisions of this Bylaw.
- f) Where any person has made a payment pursuant to the provisions of this Section and is prosecuted for the offence in respect of which such payment has been made, such payment shall be refunded.

PENALTIES

- 16. Any person or owner who commits a breach of any of the provisions of this Bylaw shall be liable upon summary conviction by any Court of competent jurisdiction to a fine not exceeding ONE HUNDRED DOLLARS (100.00) and costs and in default of payment to imprisonment for a period not exceeding thirty (30) days unless such fine and costs including the costs of committal are sooner paid.

INTENTIONS OF COUNCIL

- 17. It is the intention of the Town Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is further the intention of the Town Council that if any provisions of the Bylaw be declared invalid, or other provisions thereof shall remain valid and enforceable.

BYLAWS RESCINDED

- 18. That Bylaw #679/91, #659/89 and #476/77 and all amendments thereto are hereby rescinded.

EFFECTIVE DATE

- 19. This Bylaw shall take effect on the date of the final reading thereof.

MOVED by Councilor B. Foord that Bylaw #690/92 be read a first time this 27th day of April, 1992. Carried.

MOVED by Councilor A. Vance that Bylaw #690/92 be read a second time this 27th day of April, 1992. Carried.

MOVED by Councilor E. Anderson that permission be granted to give third reading to Bylaw #690/92 at this meeting. Carried.

MOVED by Councilor J. Malmberg that Bylaw #690/92 be read a third time and finally passed this 27th day of April 1992. Carried.

Rick Casson
Mayor R.L. Casson

Nona Trenerry
Nona Trenerry, Municipal Administrator

Bylaw #690/92

Schedule "A"

Fees

1. The owner of every dog, male or female shall pay the following annual license fee.....\$5.00
2. Dogs owned by blind persons and senior citizens shall be registered with the License Inspector.....Free of Charge.
3. Kennel License.....Home Occupations Permit
(Licensing Bylaw #689/92)
4. Dog Fancier's License.....\$30.00
5. Maintenance fee for impounded animals (after initial 24 hours), per day \$10.00
6. Request for destruction or disposal of a dog:
 - during normal business hours.....\$25.00
 - after normal business hours, and on Saturday's,
Sunday's and holidays:.....\$70.00

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Schedule "B"

PENALTIES FOR VIOLATIONS

SECTION	VIOLATION	PENALTY FOR OFFENCES		
		FIRST	SECOND	THIRD

3	Failure to register or obtain License for dog.	\$25.00	\$50.00	\$100.00
9	Dog at large.	\$25.00	\$50.00	\$100.00
10	Female dog not contained When in heat	\$25.00	\$50.00	\$100.00
11	Dog a public nuisance	\$25.00	\$50.00	\$100.00
12	Interfering with Peace Officer Or Bylaw Enforcement Officer	\$25.00	\$50.00	\$100.00
13	Harboring a dog of known vicious Propensity.	\$25.00	\$50.00	\$100.00
14	Dog(s) with communicable Disease in public place	\$25.00	\$50.00	\$100.00

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Schedule "C"

DESTRUCTION OR DISPOSAL OF A DOG

I, _____ of _____ in the Town of Picture Butte, in the Province of Alberta, request that the Town Dog Control Officer destroy or dispose of the following described dog. _____

And I hereby:

- 1) Certify that I own the said dog or have authority from the owner to have it:
 - a) Destroyed;
 - b) Disposed of.
- 2) Agree to indemnify and save the Town of Picture Butte harmless from any and all claims or actions that may arise as a result of this request.
- 3) I agree to pay the Town of Picture Butte:
 - a) A fee of \$25.00 during normal business hours;

- b) A fee of \$70.00 after normal business hours or on a Saturday, Sunday, or holiday

For the services requested.

DATED at the Town of Picture Butte, in the Province of Alberta, this _____ day of _____, A.D. 19_____.

Signature

Witness