

VILLAGE OF HEISLER
BYLAW 501-17

BEING a Bylaw of the Village of Heisler in the Province of Alberta providing for the close regulation of guard dogs and dogs determined to be vicious.

WHEREAS, the Municipal Government Act, RSA 2000, c. M-26 as amended or repealed and replaced from time to time, provides that a Council may pass bylaws for municipal purposes respecting wild and domestic animals and activities in relation to them; and

AND WHEREAS, Council considers it necessary for the protection of the public health, safety and welfare to provide for the close regulation of vicious and guard dogs;

NOW THEREFORE, the Municipal Council of the Village of Heisler in the Province of Alberta, duly assembled, hereby enacts as follows:

1. TITLE

1. This Bylaw shall be called "**The Vicious and Guard Dog Bylaw**".

2. DEFINITIONS

2. In this Bylaw:
 - 2.1 "At large" means a vicious or guard dog that is on any property not belonging to the owner of the said dog, and is not being restrained by a leash or is not being effectively controlled by the Owner in accordance with this bylaw.
 - 2.2 "Village" means the Village of Heisler.
 - 2.3 "Council" means the Council of the Village of Heisler.
 - 2.4 "Village Administrator" means a person appointed by Council as the Administrator of the Village of Heisler.
 - 2.5 "Dog" means a Vicious, or Guard dog.
 - 2.6 "Dog Tag" means a numbered metal tag issued by the Village when the owner of a dog licenses such dog with the Village.
 - 2.7 "Enforcement Officer" means any Peace Officer including a person appointed by Council to enforce the provisions of this bylaw.
 - 2.8 "Guard Dog" means a dog of any age that is trained and used for the

prevention of unlawful entry of a business premises in any commercial or industrial area by unauthorized persons.

- 2.9 “Owner” unless the context otherwise requires, means any person, partnership, association or corporation who has legal title or possession of any vicious or guard dog, or who harbours or suffers or permits any such dog to remain at or about his/her house or premises or has the care or control of such a dog.
- 2.10 “Pound” means a place designated by Council where dogs that have been seized shall be kept.
- 2.11 “Pound keeper” means any person appointed by the Village Administrator to keep a pound for the purpose of controlling and disposing of dogs that have been seized.
- 2.12 “Vicious dog” means a dog of any age, including a guard dog which when on or off the property of its Owner:
- (a) shows a propensity, disposition or potential to attack or injure, without provocation, other animals or humans; or
 - (b) without provocation, chases persons who approach it; or
 - (c) is a continuing threat of serious harm to other animals or humans; or
 - (d) without provocation, has attacked a person or other animal.
- 2.13 “Dog Catcher” means any person appointed by the Village Administrator or Council to seize and impound dogs.
- 2.14 “Violation ticket” means a ticket issued pursuant to the Provincial Offenses Procedure Act, RSA 2000, c.P-34 and regulations there under, as amended or replaced and repealed from time to time.

3. LICENSING

- 3.1 Every owner of a vicious or guard dog in the Village of Heisler shall, before the 31st day of January of the current calendar year, license such dog with the Village and pay a license fee for each dog to be licensed as set out in Schedule A.1 this bylaw.
- 3.2 Every owner of a vicious or guard dog in the Village of Heisler, who fails to license such dog as required by Section 3.1 herein, shall license such dog with the Village and pay to the Village an increased license fee as set out in Schedule A.1 of this bylaw.

- 3.3 Every owner of a vicious or guard dog who takes up residence in the Village of Heisler or acquires a dog(s) after January 31st of the current calendar year shall within fourteen (14) days thereof, license his or her dog with the Village or pay an increased license fee to the Village as set out in Schedule A.1 of this bylaw.
- 3.4 A maximum of two dog licenses for dogs kept outside the principal residence of the owner will be issued per residential property per calendar year.
- 3.5 Upon licensing a dog as required in this bylaw, the owner shall be issued a metal dog tag that has been stamped with the license number. In the event the tag is lost, a new tag may be issued, upon payment of a fee as set out in Schedule "A" of this bylaw.
- 3.6 A dog tag shall not be transferred from one dog to another, or attached to any dog that has not been registered with the Village.
- 3.7 At all times, when a dog is on any property other than that of its owner, the dog tag issued for such dog shall be attached to a collar or harness that is being worn by said dog.

4. REGULATIONS

- 4.1 An owner of a vicious dog shall maintain in force a policy of liability insurance in a form satisfactory to the Village Administrator providing third party liability coverage in a minimum amount of \$500,000.00 for injuries caused by the owner's dog.
- 4.2 The liability policy shall contain a provision requiring the insurer to immediately notify the Village Administrator, in writing, should the policy expire or be cancelled or terminated.
- 4.3 Upon cancellation, expiry or termination of the liability policy, the dog license is null and void.
- 4.4 At all times while a vicious 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, or other structure, constructed as described in Section 4.5 to prevent the escape of the dog, and capable of preventing the entry of young children.
- 4.5 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 thirty (30) centimetres.

- 4.6 When any vicious dog is off the premises of the owner, the owner shall either:
- (a) keep such dog contained as set out in Section 4.4, or
 - (b) 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.
- 4.7 The owner of a dog, which the owner knows to be a vicious dog (by the nature of its temperament or its history), shall keep such dog in accordance with the provisions of Sections 4.4 of this bylaw.
- 4.8 Guard dogs may only be kept in areas of the municipality zoned as commercial or industrial districts.
- 4.9 The owner of a guard dog must either keep such dog confined indoors or confined in a securely enclosed fenced area, constructed to prevent the escape of the dog, and capable of preventing the entry of young children. The fence shall have a minimum height of 2.2 metres. The owner shall post, on the perimeter of the fence, warning signs of the presence of guard dogs.
- 4.10 The owner of a vicious dog shall take all necessary steps to ensure that such dog does not bite, chase or attack any person or other animal, whether the person or animal is on the property of the owner or not.
- 4.11 No more than two dogs that are housed outside the principal residence shall be kept on a residential property, regardless of the number of lots comprising said property.
- 4.12 Vicious dogs shall not be kept on any residential property other than on residential property upon which the owner resides.

5. ENFORCEMENT

- 5.1 If an Enforcement Officer determines that a dog is a vicious dog, either through personal observation or after an investigation initiated by a complaint, he or she may in writing:
- (a) inform the owner that his/her dog has been determined to be a vicious dog, and/or
 - (b) require the owner to keep such dog in accordance with the provisions of Section 4.4 of this bylaw, and

(c) inform the owner that if the vicious dog is not kept in accordance with Section 4.4 of this bylaw, the owner will be fined or subject to enforcement action pursuant to Section 8 of this bylaw.

5.2 Any dog at large may be seized by an Enforcement Officer or the dog catcher and placed in a pound as provided for in this bylaw. Any means necessary to capture and seize the dog at large may be used, provided that:

(a) no dog shall be seized on private property without the permission of the owner of the said property, except in case of fresh pursuit and it is definitely known that the property is not that of the owner of the dog, and

(b) every reasonable precaution is taken to avoid causing any injury or bodily harm to such dog.

5.3 Every dog seized under this bylaw shall, as soon as is practical, be taken to the prescribed Pound and restrained therein.

5.4 No person shall in any way interfere with, or obstruct an Enforcement Officer or dog catcher who has seized or is attempting to seize a dog at large.

5.5 No person shall release or attempt to release a dog that has been seized except as otherwise provided for in this bylaw.

5.6 In addition to the remedies set forth in this bylaw, if an Enforcement Officer or dog catcher determines that a vicious dog, or guard dog is not being kept in accordance with this bylaw, he may:

(a) make application pursuant to Section 545 of the Municipal Government Act for an order directing that the owner keep such dog in accordance with this bylaw or that the dog be removed from the Village.

(b) make a complaint pursuant to the Dangerous Dogs Act for an order directing that the dog be controlled or destroyed or removed from the Village.

6. POUND

6.1 The pound keeper shall keep all impounded dogs for a period of not less than three (3) clear days, exclusive of Saturdays, Sundays and Statutory Holidays, unless otherwise disposed of in accordance with this bylaw. During this period any healthy dog may be redeemed by its owner, or agent

of the owner, upon payment to the pound keeper of:

- (a) the appropriate fine where applicable; and
- (b) the appropriate license fee when such a dog is not licensed; and
- (c) the respective pound fee for each day or part thereof the dog was impounded.

- 7.1 At the expiration of the three (3) day period, any dog not redeemed may be destroyed.
- 7.2 The pound keeper shall report any apparent illness, communicable disease, injury or unhealthy condition of any such dog to the veterinarian and act upon his recommendation. The owner, if known, shall be held responsible for all charges resulting.

8. OFFENCES AND PENALTIES

- 8.1 Every person who contravenes any of the provisions of this bylaw is guilty of an offence and shall be liable on summary conviction to the penalty specified on Schedule A.2 for such offence.
- 8.2 A Provincial Judge, in addition to the penalties provided in this bylaw, may direct or order the owner of a vicious or guard dog to comply with relevant sections of this bylaw, or have the animal removed from the Village, or have the animal destroyed, or may make any other order or direction deemed appropriate.
- 8.3 Notwithstanding sections 8.1 and 8.2 of this bylaw, an Enforcement Officer may issue a violation tag to a person who the Enforcement officer has reasonable and probable grounds to believe has contravened any provision of this bylaw:
- (a) specifying a voluntary payment as described in Schedule A.2 of this bylaw; and
 - (b) the person to whom the violation tag is issued may, in lieu of being prosecuted for the offence, pay to the Village the penalty specified within the time period indicated on the violation tag.
- 8.4 A violation tag shall be deemed to have been sufficiently served if
- (a) served to the accused directly, or

- (b) mailed to the address of the registered owner of the vehicle or person occupying a property, or
 - (c) secured to the vehicle or property in respect of which the offense is alleged to have been committed.
- 8.4 Where a violation tag has been issued and the penalty specified on the violation tag has not been paid within the prescribed time, then an Enforcement Officer may issue a violation ticket specifying that a voluntary payment be made as described in Schedule A.2 of this bylaw.
- 8.5 Notwithstanding sections 8.1 through 8.4 of this bylaw, an Enforcement Officer may immediately issue a violation ticket to any person who the Enforcement Officer has reasonable grounds to believe has contravened any provisions of this bylaw, specifying that
 - (a) a voluntary payment be made as described in Schedule A.2 of this bylaw; or
 - (b) if it is in the public interest to compel the accused to appear before a Judge, issue a summons respecting any offense for which a voluntary payment may be made requiring the accused to appear before a Provincial Court Judge on the initial appearance date without the alternative of making a voluntary payment.
- 8.6 The levying and payment of any fines shall not relieve a person from the necessity of;
 - (a) immediately remedying the situation that created the violation, or
 - (b) paying any fees, charges or costs for which he/she is liable under the provisions of this bylaw.

9. EXCLUSION

- 9.1 This bylaw shall not apply to dogs owned or contracted by the Royal Canadian Mounted Police, or any peace force, while the dogs are engaged in police work.

10. SEVERABILITY PROVISION

- 10.1 Should any provision of this bylaw be invalid, then such provision shall be severed and the remaining bylaw shall be maintained.

11. LICENSING REFUND

- 11.1 Council is prepared to offer a refund to Dog Owners for dogs that the Restricted, Vicious and Guard Dog Bylaw #469-12 classified as a “Restricted” dog, subject to the conditions described in section 11.2 and 11.3, and provided the dog has not already been classified as Vicious by an Enforcement Officer or the Courts.
- 11.2 The licensing fee shall be reduced from \$100.00 to \$15.00. All Dog Owners that have purchased 2017 “Restricted” dog licenses will receive a refund of the difference; to be paid to the license purchaser in a form chosen at the discretion of the Village Administrator.
- 11.3 A Dog Owner that is entitled to the said refund; who has an amount owing to the Village ie: property taxes, utilities, etc., as of the date of the passing of this bylaw, will receive the refund in the form of a credit towards the amount owing to the Village.

12. ATTACHMENTS

- 12.1 SCHEDULE “A” shall be included as part of this bylaw.

13. REPEAL

- 13.1 Village of Heisler Bylaw #469-12 is hereby repealed.

14. EFFECTIVE DATE

- 14.1 This bylaw shall come into effect on the date of final passing.

READ a FIRST time in COUNCIL this 7th day of FEBRUARY, 2017.

READ a SECOND time in COUNCIL this 7th day of FEBRUARY, 2017.

READ a THIRD time and FINALLY PASSED in COUNCIL this 7th day of FEBRUARY, 2017.

X

Kel Tetz
Mayor

X

Amanda Howell
Chief Administrative Officer

Vicious and Guard Dog Bylaw

SCHEDULE "A"

1. FEES AND COSTS

GUARD DOG LICENSE FEE	\$15.00
GUARD DOG LICENSE INCREASED FEE	\$30.00
VICIOUS DOG LICENSE FEE	\$100.00
VICIOUS DOG LICENSE INCREASED FEE	\$200.00
POUND FEES (LOCAL) PER DAY OR PART THEREOF*	
*Applicable veterinary pound fees and expenses at cost	
REPLACEMENT DOG LICENSE	\$5.00

2. OFFENCES and PENALTIES			
OFFENCE	PENALTY		
	Summary Conviction before Provincial Court Judge	Violation Tag	Violation Ticket
LICENSING	\$1000.00	\$250.00	\$500.00
(1)a. Failure to obtain and keep in force a Vicious or Guard Dog license, or b. Keep more than two outside dogs on a residential property, at least one of which is a Vicious dog, or c. Keep a Guard Dog on other than commercial or industrial property. d. Attempt to license a Vicious, or Guard dog under the Dog Control Bylaw.			
LIABILITY INSURANCE	\$1500.00	\$300	\$600
(2) Failure to maintain in force a policy of liability insurance			
CONFINEMENT	\$1000.00	\$250.00	\$500.00
(3) Failure to confine a Vicious dog, or confine a Guard dog on commercial or industrial property in accordance with this bylaw.			
FAILURE TO SECURE	\$1500.00	\$300.00	\$750.00
(4) Failure to muzzle or otherwise secure a Vicious dog or failure to secure a Guard dog on commercial or industrial property.			
PERSONAL INJURY	\$2500.00	\$600.00	\$1200.00
(5) If a Vicious dog bites or attacks a person or animal causing injury, or if a Guard dog bites or attacks a person having legitimate business on commercial or industrial property causing injury			

DOG RUNNING AT LARGE	\$1000.00	\$250.00	\$500.00
(6) Permitting, allowing or causing a Vicious or Guard dog to run at large			
OTHER	\$1000.00	\$250.00	\$500.00
(7) Contravene any section of this bylaw for which a specified penalty is not listed			
Second or subsequent offence			
(8) An owner who commits, for a second or subsequent time, an offence under this bylaw.	Double the fine stipulated for a first offence	Double the fine stipulated for a first offence	Double the fine stipulated for a first offence