

**TOWN OF SUNDRE
BYLAW NO. 08.11**

**A BYLAW TO PROVIDE FOR LICENSING, REGULATION AND CONTROL OF DOGS IN THE
TOWN OF SUNDRE, PROVINCE OF ALBERTA**

WHEREAS Section 7 (h) of the *Municipal Government Act*, RSA 2000, c. M-26, as amended, authorizes municipalities to pass bylaws for municipal purposes respecting wild and domestic animals and activities in relation to them;

WHEREAS Council considers it advisable to pass a bylaw to regulate and control animals and activities in relation to them in the Town of Sundre;

AND WHEREAS Council has deemed it necessary to repeal and replace Bylaw No.822;

NOW, THEREFORE, THE COUNCIL OF THE TOWN OF SUNDRE, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

This Bylaw may be cited as the "Dog Control Bylaw".

1.0 DEFINITIONS AND APPLICATION

- 1.1 **"Animal Control Officer"** means an employee or independent contractor appointed by the Town to enforce the provision of the Town Bylaws, and includes a Bylaw Officer, a Special Constable or Peace Officer, or a member of the Royal Canadian Mounted Police.
- 1.2 **"Chief Administrative Officer"** means a municipal official in the responsible role of Chief Administrative Officer of the Town of Sundre or anyone authorized to act on his behalf.
- 1.3 **"Competent Person"** means a person who is physically and mentally capable of restraining and controlling a dog to an extent that the dog cannot interfere with other persons or animals or damage property.
- 1.4 **"Days"** when used with respect to the issue of a Notice, an appeal period or impoundment, does not include weekends or statutory holidays for calculating the number of days.
- 1.5 **"Foster Dog"** means a dog placed in a person's custody on a temporary basis by a Humane Society.
- 1.6 **"Guide Dog"** means a guide dog as defined in the *Blind Persons' Rights Act*, R.S.A. 2000 c.B-3.



- 1.7 **"Humane Society"** means the SPCA or other similar society or corporate entity that rescues, cares for and arranges fostering and adoption of animals.
- 1.8 **"Impound"** means to take possession of and arrange for the lodging of and caring for a dog at a facility contracted to the Town of Sundre for such purpose.
- 1.9 **"Leash"** means a chain or other material capable of humanely restraining a dog and is securely attached to the dog by a collar, choke collar or harness.
- 1.10 **"License"** means a dog license issued by the Town to the Owner of a dog.
- 1.11 **"Motor Vehicle"** as defined in the Traffic Safety Act, R.S.A. 2000.
- 1.12 **"Notice"** means written communication directed to an Owner informing the Owner that a dog is being declared a "Vicious Dog" pursuant to this Bylaw and includes details of the appeal process available to the Owner to contest such declaration.
- 1.13 **"Nuisance Dog"** means any dog in respect of which there have been two or more convictions for offences under this Bylaw.
- 1.14 **"Off Leash Area"** means an area established by resolution of Council as being an area where a dog, which is under the control of a Competent Person, is permitted without such dog being on a leash.
- 1.15 **"Owner"** means
- (a) a person to whom a dog is Licensed pursuant to this Bylaw, or
 - (b) a natural person or corporate body who has legal title to a dog, or
 - (c) a person who has possession or custody of a dog, either temporarily or permanently, or
 - (d) a person who harbors or permits a dog to reside in a dwelling occupied by that person, or
 - (e) a person who harbors or permits a dog to be present on and remain on property occupied by that person.

- 1.16 **"Owner's Property"** means any property in which the Owner has a legal or equitable interest or which is otherwise under the control or is in the possession of the Owner, and which property shall include land, buildings and vehicles.
- 1.17 **"Premises"** means a property, including a building, other structure or land, located within the Town of Sundre.
- 1.18 **"Running at Large"** means a dog that is not restrained by a leash, except
- (a) when the dog is fully contained upon and within private property with the consent of the Owner or person in control of said property; or
 - (b) when the dog is under control of the Owner or of a Competent Person and upon the property of the Owner or within an "Off Leash Area", or
 - (c) while the dog is participating in an organized dog show or competition and under the control of a Competent Person.
- 1.19 **"Service Dog"** means a service dog as defined in the *Service Dogs Act*, R.S.A. 2000 c.S-7.5.
- 1.20 **"Town"** means the municipal corporation of the Town of Sundre.
- 1.21 **"Trespassing"** as used in Section 5.1(b) of this Bylaw, means where a person enters a Premise without permission from the Owner or occupant of the Premise, but does not include where persons enter the Premise for the purposes of paper delivery, utility meter reading, charity solicitations, or other normally expected and lawful purposes.
- 1.22 **"Under Control" or "Under the Control"** means a dog that is in the care of a Competent Person such that the dog is not allowed to interfere with any other person or another animal.
- 1.23 **"Vicious Dog"** means a dog that, whether on public or private property, has:
- (a) bitten, attacked, chased, injured or caused injury to a person or other animal, or
 - (b) destroyed or damaged any public or private property, or
 - (c) threatened or created the reasonable apprehension of a threat to a person or other animals;



and which

- (d) in the opinion of an Animal Control Officer, based on personal observation or on the basis of facts gathered through an investigation, or
- (e) in the opinion of a Judge or Justice of the Provincial Court who has entered a conviction in respect of the dog for a contravention of this Bylaw, presents a threat of serious harm to a person or persons or other animals, or
- (f) been the subject of an order or direction of a Justice pursuant to the *Dangerous Dogs Act*, R.S.A. 2000, c. D-3, as amended or repealed and replaced from time to time, or declared pursuant to a Bylaw of another municipal jurisdiction to be a "Vicious Dog" or otherwise a danger or threat to persons or other animals.

2.0 LICENSING

2.1 An Owner of a dog shall annually purchase a dog License from the Town of Sundre for each dog owned at the annual fee as set out in Schedule "A" of this Bylaw:

- (a) on or before January 31 of the current License year; or
- (b) within ten (10) days following the dog having attained three (3) months of age; or
- (c) within ten (10) days after acquiring possession of the dog;

whichever date is the latter.

2.2 For the purposes of Section 2.1, where a dog is kept at a Premise within the Town of Sundre for more than 30 days total during a one-year period, the dog is required to be Licensed pursuant to Section 2.1(c) of this Bylaw.

2.3 Notwithstanding Section 2.1, where the Town is satisfied that a dog is being trained for and/or is being used as a Guide Dog or Service Dog, the dog must be Licensed but there will be no fee payable by the Owner of the dog.

2.4 No person shall, while knowing that the dog to be Licensed as a "Vicious Dog" as defined in this Bylaw, attempt to License the dog other than as a "Vicious Dog".

- 2.5 The Owner of a Vicious Dog shall renew the license for the Vicious Dog prior to the expiry of the license.
- 2.6 Upon losing a Dog Tag the Owner of the Licensed dog shall present the receipt for payment of the License fee to the Town of Sundre and a new tag will be issued to the Owner for the fee set out in Schedule "A" of this Bylaw.
- 2.7 No person shall provide false or misleading information that is used for dog-licensing purposes.
- 2.8 The Owner of a dog shall provide the dog with a secure collar which shall be securely attach the License and ensure that both the dog collar and License are worn by the dog at all times when the dog is not on the Owner's Property.
- 2.9 No refund shall be made for any License issued pursuant to this Bylaw for any reason whatsoever.
- 2.10 The License and corresponding tag is not transferable.
- 2.11 Notwithstanding Section 2.10, in the case of a Foster Dog, one Foster Dog per household may be Licensed at a time and that License may, upon notifying the Town, be transferred to a new Foster Dog.
- 2.12 The provisions of Section 2 of this Bylaw shall not apply to a Humane Society or any person holding a valid license to operate a retail pet sales, grooming or boarding business within the Town.
- 2.13 An Owner shall forthwith notify the Town of any changes with respect to any information provided in an application for a License under this Bylaw.
- 2.14 The maximum number of dogs in a single-family dwelling or household will be restricted to two (2) dogs over the age of three months.
- 2.15 An Owner may be required to provide proof satisfactory to the Town to establish one or more of the following facts, prior to a License being issued:
- (a) that a dog is (3) months of age or less;
 - (b) that a dog is a Guide Dog or Service Dog;
 - (c) that a dog has been spayed or neutered and/or marked with a microchip.



3.0 RESPONSIBILITIES OF DOG OWNERS**3.1 The Owner of a dog shall:**

- (a) ensure that the dog is not Running at Large;
- (b) ensure that the dog, when off the Owner's property, is Under the Control of a Competent Person;
- (c) when the dog defecates on any public or private property other than the property of the Owner, immediately remove all feces.
- (d) carry a suitable means of removing dog feces at all times while the dog is in the custody of the Owner on property other than the Owner's Property.

3.2 The Owner of a dog shall not abandon a dog.

- (a) For the purpose of Section 3.2 a dog will be deemed to have been abandoned when:
 - (i) the dog is left behind at a Premise or neighbourhood after the Owner has moved away; or
 - (ii) the dog, for whatever reason, is Running at Large and the Owner has not made reasonable attempts to locate the dog, such attempts including but not necessarily limited to notifying the Town or the Royal Canadian Mounted Police that the dog is missing and making enquiries with local veterinary facilities.

3.3 No person shall leave a dog inside an unattended Motor Vehicle, whether on public or private property, unless:

- (a) there is adequate ventilation and temperature control provided for the health and well-being of the dog; and
- (b) the dog is restricted and restrained so as to prevent the dog's escape from the vehicle, or it's access to persons or animals in the vicinity of the vehicle.

3.4 No person shall leave a dog unsecured in the open box area of a truck or open trailer while the truck or trailer is in motion.**3.5 The Owner of a Motor Vehicle involved in a contravention of Section 3.3 or 3.4 of this Bylaw is guilty of an offence unless that vehicle owner**

satisfies the Court that the vehicle was being driven or was parked by another person that did not have the vehicle owner's express or implied consent to operate the said vehicle.

4.0 **DOGS IN OFF LEASH AREAS AND PARKS**

- 4.1 Through a resolution of Council, the Town may establish designated areas as Off Leash Areas.
- 4.2 No Owner may exercise a dog in an Off Leash Area while not restrained by a Leash unless:
 - (a) the dog is under the control of a person at least eighteen (18) years of age; and
 - (b) the dog is not a Vicious Dog.
- 4.3 A Bylaw Enforcement Officer may:
 - (a) order that a dog be put on a leash; and
 - (b) order that a dog be removed from an Off Leash Area.
- 4.4 No Owner of a Vicious Dog shall permit the dog to be in an Off Leash Area at any time.
- 4.5 The provisions of this Bylaw apply, with all necessary modifications, to an Off Leash Area.
- 4.6 While in an Off Leash Area, a person shall use the land in accordance with any sign or signs which have been posted setting out the days, times and manner in which a person is permitted to use the Off Leash Area.
- 4.7 The Town may grant permission for dogs to be in a park, while not restrained by a Leash, for the purpose of participating in a dog show, competition or training class or any other special event for dogs.
- 4.8 The provisions of this Bylaw apply, with all necessary modifications, to dogs participating in a dog show, competition or training class or other special event.



5.0 NUISANCE

- 5.1 An Owner of a dog shall ensure that the dog does not:
- (a) attack or bite a person or another animal, whether on or off the property of the Owner;
 - (b) chase or threaten a person by lunging towards, growling, snapping at or by doing anything else that causes that person to fear for his safety while on public or private property, except where that person is actually trespassing on the property of the dog Owner;
 - (c) chase another animal, bicycles, motor vehicles or other vehicles;
 - (d) engage in any other activity that causes injury to a person or another animal whether on the property of the Owner or not;
 - (e) cause damage to public property or private property, not including the private property owned or occupied by the Owner;
 - (f) do anything to cause garbage retained in waste receptacles or other containers to be scattered on public or private property;
 - (g) enter a garden or floral area on public or private property;
 - (h) enter into or upon the immediate area of a playground equipment area or a sand play area of a playground.
- 5.2 An Owner of a dog shall ensure that the dog does not habitually or excessively bark, howl or engage in any other activity that disturbs any person, or in the opinion of a Animal Control Officer is likely to disturb any person;
- 5.3 An Owner or occupant of a Premise where one or more dogs are kept shall not allow the Premise to become littered with dog feces to an extent that the Premise becomes objectionable, either visually or because of foul odors, to residents of neighbouring properties.
- 5.4 An Owner of a dog shall ensure that the dog does not enter upon any property where the dog is prohibited as indicated by a sign or other marking.
- 5.5 An Owner of a female dog that is in season shall not keep the dog in a place where it could become an attraction to other dogs.



6.0 UNATTENDED DOGS

- 6.1 The Owner of a dog shall ensure that such dog is not left unattended while tethered or tied up on premises where the public has access, whether the right of access is express or implied.
- 6.2 The Owner of a dog shall ensure that such dog is not left tethered or tied up in a residential yard when no one at that residence is home.
- 6.3 The Owner of a dog shall not allow the dog when tethered or tied up in a residential yard to get closer than 1.5 metres to the property line.

7.0 INTERFERENCE

- 7.1 No person shall:
 - (a) untie, loosen or otherwise free a dog which has been tied up or otherwise restrained, or willfully or negligently open a gate, door or other opening in a fence, pen or other enclosure in which a dog has been confined and thereby allow the dog to Run at Large; or
 - (b) abuse, tease, torment or annoy a dog.

8.0 VICIOUS DOGS

- 8.1 A dog may be declared by an Animal Control Officer to be a "Vicious Dog" pursuant to this Bylaw and will be Licensed as such by the Town and subject to special provisions of this Bylaw pertaining to "Vicious Dogs".
- 8.2 The Owner of a dog declared to be a "Vicious Dog" pursuant to this Section shall be served with a Notice setting out the responsibilities of an Owner of a "Vicious Dog" pursuant to this Bylaw and the process of appeal available to the Owner of the dog.
- 8.3 A Notice issued pursuant to Section 8.2 may be appealed in writing to the Chief Administrative Officer within ten (10) days of the service of such Notice and;
 - (a) after ten (10) days if no such appeal is made the animal shall be accepted to be a "Vicious Dog" by the Owner.
- 8.4 For the purposes of this Section, a Notice will be deemed to have been sufficiently served when:

- (a) served personally upon the Owner of the dog, or served substitutionally upon any person who is 18 years of age or older who resides in the same residence as the Owner of the dog;
 - (b) the Owner of the dog, or any person who is 18 years of age or older who resides in the residence where the dog is kept, is notified by an Animal Control Officer with written Notice sent by regular or registered mail or by electronic means to the Owner.
 - (i) such Notice will be deemed served 5 (five) days from the date that the noticed is sent.
- 8.5 A decision on an appeal made pursuant to Section 8.3 will be communicated to the appellant verbally or in writing within ten (10) days of receipt of the appeal.
- 8.6 A decision made by the Chief Administrative Officer on an appeal made pursuant to Section 8.3 may be appealed to Council in writing within ten (10) days of being notified of the decision.
- 8.7 Where a Notice has been served on the Owner of a dog declared to be a "Vicious Dog" by an Animal Control Officer, for the purposes of this Bylaw, the dog will be deemed to be a "Vicious Dog" throughout any appeal proceedings unless a decision arising from an appeal is rendered that the dog is not a "Vicious Dog".
- 8.8 Within ten (10) days of a dog being declared a "Vicious Dog" pursuant to this Bylaw, the Owner shall:
 - (a) arrange to have the dog tattooed or implanted with an electronic identification microchip by a Licensed veterinarian and provide the Town with documentary proof of doing so immediately thereafter;
 - (b) if the Dog is in an unaltered state, have the Dog neutered or spayed by a licensed veterinarian and provide the Town with documentary proof of doing so immediately thereafter;
 - (c) License the dog as a "Vicious Dog" with the Town,
- 8.9 The Owner of a Vicious Dog shall:
 - (a) when selling or otherwise giving the dog to a new Owner, fully inform the new Owner that the dog has been declared a "Vicious Dog" by the Town of Sundre. A new Owner of a "Vicious Dog" must be at least 18 years of age;

- (b) notify the Town of a change in Ownership of the dog or the death of the dog within three (3) days of the date of change in Ownership or death;
 - (c) when becoming a new Owner of a dog known be declared a "Vicious Dog" pursuant to this Bylaw, License the dog with the Town of Sundre within three (3) working days, excluding weekends and statutory holidays of acquiring the dog;
 - (d) thereafter obtain an annual "Vicious Dog" License from the Town of Sundre as required by this Bylaw; and
 - (e) ensure that the dog wears the current License Tag for that dog whenever the dog is off the property of the Owner.
- 8.10 For the purposes of Section 8.9(b), a dog shall be deemed to have been sold or otherwise given to a new Owner when the dog is left in the care of anyone for a period of thirty (30) consecutive days or more, whether or not there was an exchange of money or a formal agreement for a change of Ownership
- 8.11 When a "Vicious Dog" is on the Premise of the Owner, the Owner shall ensure that:
 - (a) the dog is confined indoors; or
 - (b) when the dog is not confined indoors, it is confined in a locked pen or other structure that complies with the provisions of Section 8.12 of this Bylaw, and which is constructed so as to prevent the escape of the dog and the entry of any person not in possession or control of the dog.
- 8.12 A locked pen or other structure required pursuant to Section 8.11 shall:
 - (a) be of minimum dimensions of 1.5 metres by 3 metres, and 3 metres in height;
 - (b) have secure sides and a secure top, and if it has no bottom secured to the sides, the sides must be embedded into the ground to a minimum dept of 30 centimetres; and
 - (c) not be located within one (1) metre of the property line of the Owner of the dog or within five (5) metres of a neighbouring residential dwelling.



- 8.13 When a "Vicious Dog" is off the property of the Owner, the Owner shall ensure that:
- (a) the dog is securely muzzled;
 - (b) the dog is secured in a harness or Leash which shall not exceed one (1) metre in length and is adequate to control the dog;
 - (c) the dog is under the control of a Competent Person who is at least eighteen (18) years of age.
- 8.14 The Owner of a "Vicious Dog" shall ensure that the dog does not:
- (a) bite or attack a person or another animal;
 - (b) chase a person or another animal;
 - (c) injure or cause injury to a person or another animal;
 - (d) damage or destroy public or private property;
 - (e) Run at Large; and
 - (i) notify The Town immediately if the dog is at large.
- 8.15 The Owner of a "Vicious Dog" shall, within 5 days of the date of the order declaring the dog to be vicious, display a sign on his premises warning of the presence of the dog in the form illustrated in Schedule "C".
- (a) the sign required shall be placed at each entrance to the Premises where the dog is kept and on the pen or other structure in which the dog is confined;
 - (b) the sign required shall be posted to be clearly visible and capable of being seen by any person accessing the Premises.
- 8.16 No person shall post a sign referred to in section 8.15 on a property unless the dog residing there has been declared a "Vicious Dog" and is Licensed as such.
- 8.17 The Owner of a "Vicious Dog" who contravenes any provision of this Bylaw is guilty of an offence and is subject to penalties applicable to "Vicious Dogs" as provided for in Schedule "B" of this Bylaw.



9.0 ANIMAL HEALTH

- 9.1 An Owner of a dog which is suffering from an infectious physical condition:
- (a) shall not permit such dog to be in any public place whether or not the dog is then Running at Large;
 - (b) shall not keep or maintain such dog in contact with or in proximity to any other animal; and
 - (c) shall keep the dog at all times locked in a secure place, but no contravention of this section occurs by reason only of the fact that a person transports a dog suffering from an infectious physical condition to a place where the dog may obtain veterinary treatment, and the provisions of this section do not apply to any person duly qualified and licensed to practice veterinary medicine within the Town.
- 9.2 The Owner of a dog shall ensure that the dog has up to date rabies vaccinations.
- 9.3 On demand from a Bylaw Enforcement Officer, the Owner of a dog shall produce to the Bylaw Enforcement Officer all veterinary records for the dog.

10.0 DOG CONTROL AUTHORITY

- 10.1 An Animal Control Officer may capture and Impound any dog:
- (a) which is observed to be Running at Large or which is on private property, including property of the Owner, and is not adequately confined or restrained so as to prevent it from Running at Large;
 - (b) that has engaged in any activity that is in contravention of any provision of Section 5.1 of this Bylaw;
 - (c) where there is a prolonged continuation of an offence under Section 5.2 of this Bylaw (habitual barking) and the Owner of the dog cannot be contacted or refuses to take steps to terminate the disturbing activity of the dog;
 - (d) in the case of a "Vicious Dog", where there are reasonable grounds to believe that the Owner is in contravention of any provision of this Bylaw;



- (e) which is required to be impounded pursuant to the provisions of any Statute of Canada or of the Province of Alberta, or any regulation there under.

10.2 An Animal Control Officer may enter onto the land surrounding any building for the purpose of impounding a dog pursuant to this Bylaw.

10.3 An Animal Control Officer may use any humane method, including, but not limited to, the use of capture devices or tranquilizer equipment to capture a dog that is subject to impoundment pursuant to this Bylaw.

11.0 **OBSTRUCTION**

11.1 No person shall do any thing or omit to do any thing where such act or omission has or may have the effect of obstructing, hindering or impeding an Animal Control Officer who is attempting to capture or impound a dog or who is in possession of a dog captured or impounded pursuant to this Bylaw.

11.2 No person, whether or not the Owner, shall provide false information with respect to ownership of a dog to an Animal Control Officer who is conducting an investigation with respect to an offence or alleged offence under this Bylaw.

12.0 **DISPOSITION OF AN IMPOUNDED DOG**

12.1 An impounded dog may be reclaimed by or on behalf of the Owner after payment is first made to the Town during normal office hours of:

- (a) any required dog License fee;
- (b) the other fees as set out in Schedule "A" of this Bylaw relating to the dog's capture, impoundment, care and subsistence; and
- (c) the costs of any required veterinary services provided.

12.2 Unclaimed dogs that have been impounded pursuant to the provisions of this Bylaw may be given away, sold, destroyed or taken to a licensed animal rescue or shelter at the expiration of a seventy-two (72) hour period from the time the dog was first impounded. For the purpose of calculating the seventy-two (72) hour period of the impoundment, the date of the impoundment will be included; however, Saturdays, Sundays and Statutory Holidays will be excluded.

12.3 An Animal Control Officer may retain a dog for a longer period than provided in Section 12.2 if it is determined that the circumstances warrant the extension. The decision to allow such an extension is at the

sole discretion of the Animal Control Officer and all additional expenses are the responsibility of the Owner.

12.4 An impounded dog that is not claimed within the applicable time period and in accordance with the provisions this Bylaw, may be disposed of under the authorization of an Animal Control Officer by:

- (a) selling or adopting the dog out, or
- (b) euthanization by a qualified veterinarian when the Animal Control Officer is satisfied, through consultation with a qualified veterinarian, that the dog is ill or injured to an extent that medical treatment is not practical, or the dog is otherwise unfit for adoption and under the circumstances, such measure is appropriate for humane purposes.
- (c) In the case of a dog that is obviously in extreme distress due to injury, an Animal Control Officer may perform, or cause to be performed, euthanization in a humane manner without consultation with a qualified veterinarian when such consultation cannot be done in a timely manner.

12.5 When an impounded dog is disposed of in accordance with the provisions of this Bylaw, the Owner at the time it was impounded shall cease to have any right or title to the dog and such right or title shall transfer to a person that has adopted the dog.

13.0 **ENFORCEMENT PROCEDURES**

13.1 Where an Animal Control Officer believes that a person has contravened any provision of this Bylaw, he may serve upon such person a Violation Ticket in accordance with Part 2 of the Provincial Offences Procedure Act, R.S.A. 2000, c.P-34.

13.2 Notwithstanding Section 13.1, an Animal Control Officer may, in lieu of prosecution, issue to any person by personal service or regular or regular mail, a Bylaw Violation Tag in a form as approved by the Chief Administration Officer.

13.3 A person who has been issued a Bylaw Violation Tag in respect of a contravention of this Bylaw and who has fully paid the penalty in lieu of prosecution prescribed thereon within the time allowed for payment shall not be liable to prosecution for the contravention.

13.4 This section shall not prevent any officer from issuing a violation ticket requiring the court appearance of the defendant, pursuant to the



provisions of the *Provincial Offences Procedure Act*, R.S.A. 2000, c.P-34, or from laying an information instead of issuing a violation ticket.

14.0 **PENALTIES**

- 14.1 A person who contravenes any provision of this Bylaw is guilty of an offence and liable upon conviction to pay a fine of not less than the minimum penalty set out in Schedule "B" of this Bylaw and not more than Ten Thousand Dollars (\$10,000.00) or in default of payment to imprisonment for a period of not more than one year.
- 14.2 The specified penalty in respect of a contravention of a specific provision of this Bylaw is the amount provided for in Schedule "B" of this Bylaw.
- 14.3 The penalty in lieu of prosecution payable for a specific contravention of this Bylaw is the amount provided for in Schedule "B" of this Bylaw.
- 14.4 Where any person contravenes the same provision of this Bylaw,
- (a) twice within a twelve (12) month period, the specified penalty payable in respect of the second contravention shall be double the amount provided for in Schedule "B" of this Bylaw;
 - (b) three or more times within a twelve (12) month period, the specified penalty payable in respect of the third or subsequent contravention shall be triple the amount provided for in Schedule "B" of this Bylaw.
- 14.5 A contravention of this Bylaw proceeded with in lieu of prosecution shall be deemed to be a contravention for the purposes of Sections 14.4(a) and 14.4(b).
- 14.6 For the purposes of Sections 14.4(a) and 14.4(b), a second or subsequent contravention shall be deemed to have been committed irrespective of whether or not a different Dog was involved in the contravention.
- 14.7 The payment of any penalty or the imprisonment for any period as imposed pursuant to this Bylaw shall not relieve a person from the payment of any fees, charges or costs for which he is liable under the provisions of this Bylaw.
- 14.8 Payment of any fine or imprisonment for any period as provided for in this Bylaw shall not relieve any person from any civil liability whatsoever which may arise by reason of that person's contravention of any provision of this Bylaw.



14.9 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:

(a) direct or order the Owner of the Dog to:

- (i) take measures to stop the Dog from engaging in any activity that constitutes a contravention of this Bylaw;
- (ii) have the Dog removed from the Town of Sundre; or
- (iii) have the Dog humanely destroyed.

(b) declare the Dog involved in the contravention resulting in the conviction to be a "Vicious Dog" pursuant to this Bylaw.

15.0 **GENERAL**

15.1 Schedules "A" and "B" may, from time to time, be amended by resolution of Council.

15.2 Whenever the singular and masculine gender is used in this Bylaw, the same shall include the plural, feminine and neuter gender whenever the context so requires.

15.3 No action for damages shall be taken against the Town or any person acting under the authority of this Bylaw in respect of the impoundment or attempted impoundment, adoption, destruction, sale or other disposal of any Dog dealt with pursuant to this Bylaw.

15.4 All monies or any monies received for licensing, impoundment fees, veterinary services or sale of a Dog become part of the general revenue of the Town.

15.5 It is the intention of the Council of the Town that all offences created pursuant to this Bylaw be construed and considered as being Strict Liability Offences

15.6 Each provision of this Bylaw is independent of all other provisions and if any provision is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw remain valid and enforceable.

15.7 Nothing in this Bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, or other bylaw or any requirement of any lawful permit, order or license.



- 15.8 This Bylaw does not apply to an RCMP Service Dog while it is in active service.
- 15.9 Any headings or sub-headings in this Bylaw are included for guidance purposes and convenience only, and shall not form part of this Bylaw.
- 15.10 Where this Bylaw refers to another Act, Bylaw, regulation or agency, it includes reference to any Act, Bylaw, regulation or agency that may be substituted therefore.
- 15.11 All the schedules attached to this Bylaw shall form part of this Bylaw.
- 15.12 This Bylaw shall come into effect upon third reading and Bylaw Number 822 is hereby repealed upon this Bylaw coming into effect.

READ A FIRST TIME IN OPEN COUNCIL THIS 14TH DAY OF NOVEMBER, 2011

READ A SECOND TIME IN OPEN COUNCIL THIS 14TH DAY OF NOVEMBER, 2011

READ A THIRD AND FINAL TIME IN OPEN COUNCIL THIS 5TH DAY OF DECEMBER, 2011



Mayor



Acting Chief Administrative Officer

Schedule "A" of Bylaw No. 08.11 - Dog Control

Licensing and Impounding Fees

Annual Fees	Before Jan 31	After Jan 31
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Annual license for dog - unaltered male or female	\$14.00	*\$50.00
Annual license for dog - altered male or female	\$10.00	*\$30.00
Annual license for dog declared as ``vicious dog``	\$250.00	\$250.00
Replacement license - all licenses	\$5.00	\$5.00
Guide Dog / Service Dog	Free	Free
Change of owner for dog already licensed with the Town	Free	Free

Other Fees

Impoundment Fees - non-vicious dog	\$50.00
Impoundment Fees - vicious dog	\$150.00
Care & Subsistence	as set by pound
Veterinary Services	as incurred

*provided owner was legally required to obtain a license on or before January 31st.

Schedule "B" of Bylaw No. 08.11 - Dog Control PENALTIES

* Column A indicates penalties in lieu of prosecution

* Column B indicates specified penalties for violation tickets pursuant to this Bylaw

Section 2 - Licensing			
2.1	Fail to Obtain Annual License	\$150.00	\$300.00
2.4	License "Vicious Dog" as other	\$500.00	\$1,000.00
2.5	Fail to License Vicious Dog prior to Expiry	\$500.00	\$1,000.00
2.7	Provide False or Misleading Info for Tag	\$250.00	\$500.00
2.8	Dog Not Wearing Collar and Tag When Off Property	\$100.00	\$200.00
2.10	Use Tag for Dog Issued to Other	\$150.00	\$300.00
2.13	Fail to Update License Information	\$50.00	\$100.00
2.14	Have More Than 2 Dogs per Household	\$125.00	\$250.00
Section 3 - Responsibilities of Dog Owners			
3.1(a)	Dog Run At Large	\$150.00	\$300.00
3.1(b)	Not Under Control of Competent Person	\$100.00	\$200.00
3.1(c)	Fail to Remove Feces	\$125.00	\$250.00
3.1(d)	Fail to carry suitable means for removing feces	\$50.00	\$100.00
3.2	Abandon Dog	\$250.00	\$500.00
3.3(a)	Leave Dog in Vehicle - Innadequate Ventilation	\$250.00	\$500.00
3.3(b)	Leave Dog in Vehile Unrestrained / Access to People or Animals	\$125.00	\$250.00
3.4	Dog Unsecured in Truck Bed / Trailer While in Motion	\$200.00	\$400.00
Section 4 - Off Leash Areas			
4.4	Have Vicious Dog in Off Leash area	\$200.00	\$400.00
4.6	Fail to Use Area in Accordance to Signage / Bylaw	\$100.00	\$200.00
Section 5 - Nuisance			
5.1(a)	Attack or Bite Person or Animal	\$500.00	\$1,000.00
5.1(b)	Chase or Threaten Person	\$250.00	\$500.00
5.1(c)	Chase Other Animal, Bicycle or Vehilce	\$200.00	\$400.00
5.1(d)	Engage in Activity That Injures a Person or Animal	\$500.00	\$1,000.00
5.1(e)	Cause Damage to Property	\$250.00	\$500.00
5.1(f)	Cause Garbage to be Scattered	\$100.00	\$200.00
5.1(g)	Enter Garden or Floral Area	\$110.00	\$220.00
5.1(h)	Enter Playground Area	\$110.00	\$220.00
5.2	Habitually / Excessively Bark, Howl	\$200.00	\$400.00
5.3	Allow Excessive Accumulation of Feces	\$125.00	\$250.00
5.4	Enter onto Property Where Prohibited by Sign	\$110.00	\$220.00
5.5	In Season Dog Kept Where Attraction to Other Dogs	\$100.00	\$200.00
Section 6 - Unattended Animals			
6.1	Leave Dog Unattended in Public Place	\$125.00	\$250.00
6.2	Leave Dog Tethered in Yard With No One at Residence	\$200.00	\$400.00
6.3	Allow Tethered Dog to be Closer Than 1.5M to Property Line	\$125.00	\$250.00
Section 7 - Interference			
7.1(a)	Untie / Loosen / Free Dog to Run Free	\$200.00	\$400.00
7.1(b)	Abuse / Tease / Troment Dog	\$200.00	\$400.00
Section 8 - Vicious Dogs			
8.8(a)	Fail to Have Dog Tattooed or Micro Chipped Within 10 Days	\$300.00	\$600.00
8.8(b)	Fail to Have Dog Spayed or Neutered Within 10 Days	\$300.00	\$600.00
8.8(c)	Fail to Licence as Vicious Dog Within 10 Days	\$500.00	\$1,000.00
8.9(a)	Fail to Inform New Owner Dog is Declared "Vicious Dog"	\$500.00	\$1,000.00

8.9(b)	Fail to Notify Town Change in Owner / Death of Dog	\$350.00	\$700.00
8.9(c)	New Owner Fail to Obtain Vicious Dog Licence Within 3 Days	\$500.00	\$1,000.00
8.9(d)	Fail to Obtain Annual License	\$500.00	\$1,000.00
8.9(e)	Fail to Ensure Dog Wearing Tag When Off Property	\$300.00	\$600.00
8.11(a)	Fail to Confine Dog Indoors	\$750.00	\$1,500.00
8.11(b)	Fail to Confine in Pen	\$750.00	\$1,500.00
8.12	Pen Not Meeting Minimum Requirments	\$300.00	\$600.00
8.13(a)	Fail to Muzzle When Off Property	\$500.00	\$1,000.00
8.13(b)	Fail to Secure on Leash Not Longer Than 1Metre - Off Property	\$500.00	\$1,000.00
8.13(c)	Fail to Ensure Dog Under Control of Competent Person	\$500.00	\$1,000.00
8.14(a)	Attack or Bite Person or Animal	\$1,000.00	COURT
8.14(b)	Chase Person or Animal	\$1,000.00	\$2,000.00
8.14(c)	Injure or Cause Injury to Person or Animal	\$2,000.00	COURT
8.14(d)	Damage / Destroy Property	\$300.00	\$600.00
8.14(e)	Run At Large / Fail to Notify Town Dog At Large	\$750.00	\$1,500.00
8.15	Fail to Post Vicious Dog Sign / Post as Required	\$500.00	\$1,000.00
8.16	Post Vicious Dog Sign When Not "Vicious"	\$150.00	\$300.00
Section 9 - Animal Health			
9.1(a)	Permit Infectious Dog to be in Public Place	\$200.00	\$400.00
9.1(b)	Keep Infectious Dog Close To / In Contact with Other Animal	\$200.00	\$400.00
9.1(c)	Fail to Keep Infectious Dog in Secure Place	\$200.00	\$400.00
Section 11 - Obstruction			
11.1	Obstruct Animal Control Officer	\$500.00	\$1,000.00
11.2	Provide False or Misleading Info to Animal Control Officer	\$500.00	\$1,000.00

WARNING!



VICIOUS ANIMAL ON PREMISES



**Bylaw 08.11
Dog Control Bylaw**

