

**VILLAGE OF HILL SPRING**

**BYLAW NO: 2019-309**

**DOG CONTROL BYLAW**

**BEING A BYLAW OF THE VILLAGE OF HILL SPRING TO PROVIDE FOR THE LICENSING REGULATION AND CONTROL OF DOGS IN THE VILLAGE OF HILL SPRING**

**WHEREAS** the Municipal Government Act, being Chapter M 26, RSA 2000, provides a municipality may pass Bylaws respecting wild and domestic animals and activities in relation to them

**AND WHEREAS** the Council deems it expedient to license and control dogs in the Village of Hill Spring,

**NOW THEREFORE**, the Council of the Village of Hill Spring duly assembled enacts as follows:

**1. TITLE**

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

**2. INTERPRETATION AND APPLICATION**

- a. In this Bylaw unless the context otherwise requires:

- i. "aggressive dog" means any dog, whatever its age, whether on public or private property which has:
  1. without provocation, chased, injured or bitten any other domestic animal or person;
  2. without provocation, damaged or destroyed any public or private property; or
  3. without provocation, threatened or created the reasonable apprehension of a threat to another domestic animal or person; or
  4. has been previously determined to be an Aggressive dog under this bylaw.
- ii. "*Administrative Officer*" means the Village Manager of the Village appointed by Council in accordance with the provisions of the Municipal Government Act, R.S.A. 2000, Chapter M-26;
- iii. "*Council*" means the Council of the Village of Hill Spring
- iv. "*Designated Officer*" means any person appointed by the Village Manager to enforce the provisions of this Bylaw, including any member of the Royal Canadian Mounted Police, Bylaw Enforcement Officer, or Community Peace Officer.
- v. "*domestic animal*" means any animal kept by a person for domestic purposes or as a household pet including but not limited to dogs, cats, rabbits, ferrets, cows, horses, sheep, goats, and pigs;
- vi. "*excessively*" means continually for a period of one half hour or longer
- vii. "*former owner*" means the person who at the time of impoundment was the owner of an animal which has subsequently been sold or destroyed.

- viii. "*Judge*" means a Judge of the Provincial Court of Alberta.
- ix. "*leash*" means a chain or other material capable of restraining the dog on which it is being used.
- x. "*owner*" means a natural person or body corporate that has legal title to the animal, and includes any person who has possession or custody of the animal, either temporarily or permanently, or harbours the animal, or allows the animal to remain on his premises.
- xi. "*Park*" means a public space controlled by the Village and set aside as a Park to be used by the public for rest, recreation, exercise, pleasure, amusement, and enjoyment and includes:
  - 1. Playgrounds;
  - 2. Cemeteries;
  - 3. Natural Areas;
  - 4. Sports Fields;
  - 5. Pathways;
  - 6. Trails; and
  - 7. Park roadways;
- xii. "*Person*" means any individual or corporate body;
- xiii. "*pound*" means a place or places that Council of the Village shall provide or designate for the confinement of dogs impounded.
- xiv. "*Provincial Court*" means The Provincial Court of Alberta.
- xv. "*running at large*" means:
  - 1. a dog or dogs which are not under the control of an owner responsible by means of a leash and is or are actually upon property other than the property in respect of which the owner of the dog or dogs has the right of occupation, or upon any highway, thoroughfare, street, road, trail, avenue, parkway, lane, alley, sidewalk (including the boulevard portion of the sidewalk) Park or other public place which has not been designated as an off leash area by the Village: or
  - 2. a dog or dogs which are under the control of a person responsible by means of a leash and which cause damage to persons, property or other animals.
- xvi. "*Village*" means the municipal corporation of the Village of Hill Spring or the area contained within the boundary thereof as the context requires.

### **3. RUNNING AT LARGE**

- a. Except in areas of the Village which have been designated as an "Off Leash Area" by the Village, the owner of a dog shall ensure that such dog is not running at large.

### **4. IMPOUNDING AUTHORITY**

- a. A Designated Officer may capture and impound any dog which is:
  - i. off the premises of its owner or when it is pursued on to the premises of its owner;
  - ii. running at large;

- iii. named or described or otherwise designated in a complaint made pursuant to *The Dangerous Dogs Act, Alberta*;
- iv. biting or attempting to bite any person while running at large;
- v. actually or apparently affected with rabies or any other contagious disease;
- vi. chasing, worrying or annoying any other domestic animal on property other than that belonging to the owner of the dog;
- vii. a Nuisance;
- viii. or, in the opinion of a Designated Officer, the owner is in breach of any provision of this Bylaw;
- ix. declared “aggressive” and in violation of any provision of this Bylaw. Said dog may be kept in impound until such time as a Provincial Judge has made a final determination of the matter in accordance with Section 18.

## 5. ENTERING

- a. For the purpose set out in Section 4 herein a Designated Officer may enter any privately owned premises, provided however, that in this Section the word “premises” does not include a building used as a dwelling house.

## 6. NUISANCE

- a. The owner of a dog shall ensure that the dog shall not:
  - i. bite a person or persons;
  - ii. do any other act that injures a person or persons;
  - iii. chase or otherwise threaten a person or persons, unless the person chased or threatened is a trespasser on the property of the owner
  - iv. bite, bark at, or chase livestock, bicycles, automobiles, or other vehicles;
  - v. bark, howl excessively or otherwise disturb any person
  - vi. cause damage to property or other animals;
  - vii. upset any waste receptacle or scatter the contents thereof either in or about a street, lane or other public property or in or about premises not belonging to or in the possession of the owner of the dog.
  - viii. be left unattended in any motor vehicle unless the dog is restricted so as to prevent access to persons as long as such restraint provides for suitable ventilation.
- b. If a dog defecates on any public or private property other than the property of its owner, the owner shall remove such defecation immediately.

## 7. AGGRESSIVE DOGS

- a. The owner of a dog alleged to be aggressive shall be provided notice of a hearing for the determination by the Provincial Court, a minimum of ten (10) clear days before the date of the hearing.
- b. Upon application, if it appears to the Judge that the dog should be declared to be an aggressive dog, he shall make an order in a summary way declaring the dog an aggressive dog.
- c. The owner of an aggressive dog shall ensure that:
  - i. the dog does not, without provocation:

1. chase a person; or
  2. injure a person; or
  3. bite a person: or
  4. chase other domestic animals; or
  5. injure other domestic animals; or
  6. bite other domestic animals.
- ii. the dog does not damage or destroy public or private property,
  - iii. when the dog is on the property of the owner:
    1. the dog is either confined indoors, or
    2. when the dog is outdoors it is in a locked pen or other structure, constructed to prevent the escape of the aggressive dog and capable of preventing the entry of any person not in control of the dog, or
    3. the dog is kept as if the provisions of Section (7)(c)(v) applied to such dog while on the property of the owner.
  - iv. at all times, when off the property of the owner, the dog is securely
    1. muzzled, and;
    2. harnessed or leashed on a leash which length shall not exceed one (1) metre in a manner that prevents the dog from chasing, injuring or biting other domestic animals or humans as well as preventing damage to public or private property, and
    3. under the control of a person over the age of eighteen (18) years.
  - v. such dog is not running at large.

## **8. MAXIMUM NUMBER OF DOGS PERMITTED**

- a. A maximum number of two (2) dogs are permitted to be kept, housed, or boarded in or on a residential property within corporate limits unless the owner is in receipt of a Dog Fanciers License
- b. An owner may acquire a Dog Fanciers License which shall allow for an additional two (2) dogs by paying the fee set out in Schedule A.

## **9. PROHIBITED AREAS AND RELAXATION OF LEASH REQUIREMENT**

- a. The owner of any dog shall not permit that dog to be in any park unsupervised, unleashed and not under direct control of the owner or person in custody and control of the dog.
- b. The owner of any dog shall not place, permit or allow said dog to enter into, or remain in any public swimming area, bathing or wading pool, or other area generally used for this purpose.

## **10. COMMUNICABLE DISEASES**

- a. An owner of a dog suspected of having rabies:
  - i. shall immediately report the matter to Agriculture Canada, Veterinary Inspection Directorate or to a Designated Officer;
  - ii. shall confine or isolate the dog, in such a manner as prescribed so as to prevent further spread of the disease; and
  - iii. shall keep the dog confined for not less than ten (10) days at the cost of the owner.

- b. An owner of a dog that does not comply with the provisions of this Section 10 shall be subject to a penalty as provided for in this Bylaw for each consecutive demand made by a Designated Officer.

## 11. LICENSING

- a. The owners of all dogs shall obtain an annual license for each dog at such times as specified in this Bylaw in accordance with Schedule "A".
- b. Every owner, when requested by a Designated Officer, shall submit to a Designated Officer a spay/neuter certificate or if unavailable a statutory declaration or other acceptable documentation establishing the dog's or the Aggressive dog's age or that the dog or the Aggressive dog is neutered or spayed and such other information as a Designated Officer may require in order to determine the license payable by that owner.
- c. No person shall give false information when applying for a dog license or Aggressive dog license.
- d. The owner of a dog shall:
  - i. obtain a license for all dogs on the first day on which the Village Office is open for business after the dog becomes six months of age;
  - ii. obtain a license on the first day on which the Village Office is open for business after he becomes owner of the dog;
  - iii. obtain a license for a dog notwithstanding that it is under the age of six months, where the dog is found running at large;
  - iv. obtain an annual license for the dog on the first business day in January each year.
- e. The owner of an aggressive dog shall:
  - i. be at least the age of eighteen (18) years;
  - ii. obtain an aggressive dog license pursuant to the provisions of Section 11 on the first day on which the Village Office is open for business after the dog has been declared aggressive;
  - iii. in the event an aggressive dog is purchased, obtain a license on the first day on which the Village Office is open for business after becoming the owner of an aggressive dog;
  - iv. notify a Designated Officer should the dog die, be sold, gifted, or transferred to another person;
  - v. remain liable for the actions of, the dog until formal notification of sale, gift or transfer is given to a Designated Officer;
  - vi. notify the Village Office if the dog is running at large.
- f. The owner of a dog shall ensure that his dog wears the current license purchased for that dog.
- g. The owner of an aggressive dog shall within three (3) days after the dog has been declared aggressive have a licensed veterinarian tattoo or implant an electronic identification microchip in the animal and provide the copy of the information contained thereon to a Designated Officer prior to a license being issued at the expense of the owner.

- h. Upon losing a dog license, an owner of a dog shall present the receipt for payment of the current year's license fee to a Designated Officer, who will issue a new tag to the owner for the fee set out in Schedule "A" of this Bylaw.
- i. No person shall be entitled to a license rebate under this Bylaw.

## **12. DISABLED OWNERS**

- a. Notwithstanding Section 11, where a Designated Officer is satisfied that a person who is disabled is the owner of a dog trained and used to assist such disabled person, there shall be no fee payable by the owner for a license under Section 11.

## **13. OBSTRUCTION**

- a. No person, whether or not he is the owner of a dog or an aggressive dog which is being or has been pursued or captured shall interfere with or attempt to obstruct a Designated Officer who is attempting to capture or who has captured a dog which is subject to impoundment.

## **14. INTERFERENCE WITH ANIMALS**

- a. No person shall:
  - i. untie, loosen or otherwise free an animal which has been tied or otherwise restrained; or
  - ii. negligently or wilfully open a gate, door or other opening in a fence or enclosure in which an animal has been confined and thereby allow an animal to run at large in the Village.

## **15. RECLAIMING**

- a. The owner of any impounded dog or aggressive dog may, after paying any fines and/or charges levied under this Bylaw:
  - i. reclaim the dog or aggressive dog from the Village Office, or
  - ii. where it is deemed feasible by a Designated Officer prior to taking the animal into impoundment, reclaim the dog or aggressive dog when it is returned to the owner.
- b. Where a dog is claimed, the owner shall, upon request provide proof of ownership of the dog.

## **16. SALE OR DESTRUCTION**

- a. Unless the owner of a dog makes arrangements with a Designated Officer for the further retention of the dog, a Designated Officer may sell or destroy all unclaimed dogs which have been in impoundment for:
  - i. seven (7) days if the dog has a current licence; or
  - ii. seventy-two (72) hours, if the dog does not have a current license.
- b. Notwithstanding subsection (a) a Designated Officer may:
  - i. retain a dog for a longer period if in his opinion the circumstances warrant the expense; or
  - ii. euthanize a dog after a shorter period if humane purposes warrant.

- c. A Designated Officer may, before selling an unclaimed dog, require that the dog be spayed or neutered,
- d. The purchaser of a dog from the Village pursuant to the provisions of this Section shall obtain full right and title to it and the right and title of the former owner of the dog shall cease thereupon;
- e. No impounded dog shall be sold pursuant to this Bylaw:
  - i. to any resident of the Village until a license has first been purchased for the dog by the resident; or
  - ii. to any non-resident of the Village until they have provided an affidavit that they are not a resident of the Village and that the dog shall be kept outside the Village as provided in Schedule D.
- f. When a Designated Officer agrees to put a dog to death the owner shall pay to the Village a fee as set out in Schedule "B" of this Bylaw.

## **17. PENALTIES**

- a. Where a Designated Officer believes that a person has contravened any provision of this Bylaw, he may commence proceedings by issuing a summons by means of a violation ticket in accordance with Part 2 of the *Provincial Offences Procedure Act*.
- b. Where a Designated Officer believes a person has contravened any provision of this Bylaw, he may commence proceedings by issuing a Village Bylaw ticket with a specified penalty.
- c. The specified penalty payable in respect of a contravention of a provision of this Bylaw is the amount shown in Schedule "C" of this Bylaw in respect of that provision.
- d. Notwithstanding Section 17(c):
  - i. where any person contravenes the same provision of this Bylaw twice within one twelve month period, the specified penalty payable in respect of the second contravention is double the amount shown in Schedule "C" of this Bylaw in respect of that provision, and
  - ii. where any person contravenes the same provision of this Bylaw three or more times within one twelve month period, the specified penalty payable in respect of the third or subsequent contravention is triple the amount shown in Schedule "C" of this Bylaw in respect of that provision
- e. Subsection 17(d) does not apply to aggressive dogs.

## **18. SUMMARY CONVICTION**

- a. Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine of not more than TWO THOUSAND, FIVE - HUNDRED DOLLARS (\$2,500.00) and in default of payment is liable to imprisonment for a term not exceeding six (6) months.
- b. The council of the Village of Hill Spring by resolution may waive any of the provisions contained in the Bylaw for a specific situation(s) subject to whatever condition(s) Council finds fit to apply.
- c. A notice or form commonly called a traffic tag or violation ticket may be issued by a RCMP Officer to any person alleged to have breached any provision of this

bylaw, and the said traffic tag or violation ticket shall require payment in the amount specified in this bylaw or the regulations pursuant to the Provincial Offences Procedure Act, (Alberta), as amended.

**19. SUMMARY**

- a. The council of the Village of Hill Spring by resolution may waive any of the provisions contained in the Bylaw for a specific situation(s) subject to whatever condition(s) Council finds fit to apply.
- b. A notice or form commonly called a traffic tag or violation ticket may be issued by a RCMP Officer to any person alleged to have breached any provision of this bylaw, and the said traffic tag or violation ticket shall require payment in the amount specified in this bylaw or the regulations pursuant to the Provincial Offences Procedure Act, (Alberta), as amended.

**20. RESCINDING BYLAW**

- a. Bylaw 2012-309 is hereby repealed.

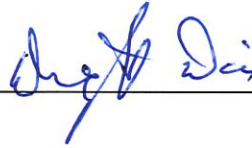
**21. EFFECTIVE DATE**

- a. This Bylaw shall come into effect upon third reading.

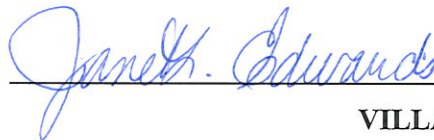
**READ a first time this 12th day of June 2019.**

**READ a second time this 12th day of June 2019.**

**READ a third time and finally passed on this 18<sup>th</sup> day of June.**



\_\_\_\_\_  
MAYOR



\_\_\_\_\_  
VILLAGE MANAGER



**SCHEDULE "A"**

**The Animal Control Bylaw Annual Licence Fee**

| <b>DOG LICENCE</b>                        | <b>AMOUNT</b> |
|---|---------------|
| Male or Female unaltered dogs.....        | \$30.00       |
| Neutered Male or Spayed Female dogs ..... | \$10.00       |
| Aggressive Dog Licence Fee.....           | \$250.00      |
| Dog Fanciers License.....                 | \$40.00       |
| Replacement Tag.....                      | \$5.00        |

**SCHEDULE "B"**

*AMOUNT TO BE PAID TO THE VILLAGE OF HILL SPRING BY OWNER OF ANIMAL IN  
ORDER TO RECLAIM OR DESTROY AN IMPOUNDED DOG*

**AMOUNT**

Care and sustenance (per day or portion thereof.  
To commence at midnight on the day of impoundment).....Amount Expended  
Veterinary Fees.....Amount Expended  
Destruction of Dog.....Amount Expended

**SCHEDULE “C” – (REVIEW AMOUNTS)**

| <b>SECTION</b>            | <b>OFFENCE</b>   | <b>PENALTY</b>            |
|---------------------------|--|---------------------------|
| Section 3.....(i).....    | Running at Large (unaltered).....  | \$50.00 (\$100)           |
| Section 3.....(ii).....   | Dog not under Control.....   | \$50.00                   |
| Section 6(a).....(i)..... | Biting a person (s).....   | \$200.00                  |
| .....(ii).....            | Injure a person (s).....   | \$100.00                  |
| .....(iii).....           | Chasing a person(s).....   | \$100.00                  |
| .....(iv).....            |  |                           |
|                           | Biting, barking at, chasing stock, bicycles,<br>automobiles or other vehicles.....   | \$100.00                  |
| .....(v).....             | Barking, howling or disturbing.....  | \$100.00                  |
| .....(vi).....            | Damage to property or other animal.....  | \$100.00                  |
| .....(vii).....           | Upsetting waste receptacles.....   | \$50.00                   |
| Section 6(b).....         | Defecation.....  | \$50.00                   |
| Section 8.....            | Exceed maximum number of dogs permitted.....<br>(Per dog over the limit per month)   | \$100.00                  |
| Section 10.....           | Failure to have any dog or Aggressive dog.....<br>examined by a licenced veterinarian for<br>Rabies on the demand of a Bylaw<br>Enforcement Officer (with cause) | \$500.00<br>Per<br>Demand |
| Section 11.....(a).....   | Unlicensed dog .....   | \$100.00                  |
|                           | Unlicensed Aggressive dog.....   | \$250.00                  |
| Section 11.....(c).....   | Giving false information when applying<br>for a dog license.....   | \$100.00                  |
|                           | Giving false information when applying<br>for an aggressive dog license.....   | \$500.00                  |
| Section 11.....(f).....   | Dog not wearing license.....   | \$25.00                   |
| Section 13.....           | Obstruction.....   | \$500.00                  |
| Section 14.....           | Interference.....  | \$500.00                  |

**Minimum Penalties with respect to Aggressive dogs:**

|                             |  |            |
|-----------------------------|--|------------|
| Section 7(c).....(i).....   | Aggressive dogs chasing, injuring or biting a<br>person or animal.....                   | \$750.00   |
| Section 7(c).....(ii).....  | Aggressive dog damaging or destroying public<br>or private property.....                 | \$500.00   |
| Section 7(c).....(iii)..... | Failure to keep an Aggressive dog confined.....  | \$1,000.00 |
| Section 7(c).....(v).....   | Failure to keep an Aggressive dog muzzled,<br>harnessed or leashed properly.....         | \$500.00   |
| Section 7(c).....(vi).....  | Aggressive dog running at large.....   | \$500.00   |
| Section 11(e)....(iv).....  | Failure to notify By-Law Officer if<br>the dog is sold, gifted, transferred or dies..... | \$125.00   |
| Section 11(f).....          | Failure to wear correct license.....   | \$200.00   |
| Section 11(g).....          | Failure to tattoo or implant dog with<br>electronic identification microchip.....        | \$500.00   |

**(Fee reduced by ½ (50%) if payment is made within 14 days on 1<sup>st</sup> Offense)**

**SCHEDULE "D"**

**AFFIDAVIT OF NON-RESIDENT**

CANADA } I, \_\_\_\_\_  
 }  
 PROVINCE OF ALBERTA } of the of \_\_\_\_\_ of  
 } \_\_\_\_\_  
 TO WIT: } in the Province of Alberta,  
 } \_\_\_\_\_  
 (occupation)

**MAKE OATH AND SAY:**

1. THAT I am not a resident of the Village of Hill Spring.
2. THAT I reside at:

\_\_\_\_\_  
 (mailing and civic address)

SWORN AT \_\_\_\_\_ of \_\_\_\_\_ }  
 }  
 In the Province of Alberta, this \_\_\_\_\_ }  
 }  
 day of \_\_\_\_\_ }  
 }  
 A.D. \_\_\_\_\_, BEFORE ME }

\_\_\_\_\_  
 A COMMISSIONER FOR OATHS IN AND  
 FOR THE PROVINCE OF ALBERTA