

BY- LAW NO. 2405

COUNTY OF GRANDE PRAIRIE NO. 1

A by-law of the County of Grande Prairie No. 1 in the Province of Alberta, to provide regulations concerning vicious dogs.

WHEREAS the Municipal Government Act, chapter M-26.1, R.S.A. 1994 and amendments thereto, provides inter alia for the regulation, restraining, licensing and prohibition of domestic animals within the limits of the municipality; and

WHEREAS there have been attacks by vicious dogs on persons and animals, and particularly attacks by dogs of the Pit bull variety; and

WHEREAS Council has conducted an extensive review and considered submissions respecting measures to deal with vicious dogs, and to prevent attacks by vicious dogs; and

WHEREAS Council has determined that it is necessary for the protection of the public health, safety and welfare, to provide for the close regulation of dogs of the Pit Bull variety and dogs determined to be vicious.

THEREFORE the Council of the County of Grande Prairie No. 1, duly assembled, enacts as follows:

1. This Bylaw shall be called "The Vicious Dog Bylaw".
2.
 - a) All provisions of Bylaw 2310, as amended, the Dog Control Bylaw, are incorporated into and shall form a part of this Bylaw, except to the extent that such provisions shall conflict with or are inconsistent with this Bylaw.
 - b) In case of such conflict or inconsistency, the provisions of this Bylaw shall Prevail.
3.
 - a) "Restricted dog" means any dog, whatever its age, of the following breeds or kinds:
 - i) Pit Bull Terrier;
 - ii) American Pit Bull Terrior;
 - iii) Pit Bull;
 - iv) Staffordshire Terrioror any dog mixed breeding which can be identified through its physical characteristics as a dog partially of the above mentioned breeds or kinds by a veterinarian licensed to practice in Alberta, unless the dog has successfully passed a canine good citizen test on a yearly basis.
 - b) "Vicious dog" means a dog of any age including a restricted dog, which when on or off the property of its owner:
 - i) shows a propensity, disposition or potential to attack or injure, without provocation, other animals or humans; or
 - ii) without provocation, chases persons who approach it; or
 - iii) is a continuing threat of serious harm to other animals or humans; or
 - iv) without provocation, has attacked persons or other animals.

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- c) A dog that has been deemed a vicious dog may revert to normal dog status by passing a canine good citizen test.
 4.
 - a) An owner shall obtain and keep in force a restricted license for his or her restricted or vicious dog.
 - b) The restricted license fee for a restricted or vicious dog shall be One Hundred Dollars (\$100.00) per year.
 5.
 - a) An owner shall maintain in force a policy of liability insurance in a form satisfactory to the County Administrator providing third party liability coverage in a minimum amount of \$ 1,000,000.00 for injuries caused by the owner's restricted or vicious dog.
 - b) The liability policy shall contain a provision requiring the insurer to immediately notify the County in writing should the policy expire or be cancelled or terminated.
 - c) The owner shall provide to the County Administrator proof that such liability policy is in force before he may obtain a restricted dog license.
 - d) Upon cancellation, expiry or termination of the liability policy the restricted dog license is null and void.
 6.
 - a) At all times while a restricted dog is on the premises of its owner, the owner shall either keep such dog confined indoors under the effective control of a person over the age of sixteen (16) years, or confined in a securely enclosed and locked pen, or other structure, constructed to prevent the escape of the restricted dog, and capable of preventing the entry of young children.
 - b) Such pen shall have secure sides and a secure top, and if it has no bottom secured to the sides, the sides must be embedded in the ground to a minimum depth of one (1) foot.
 - c) When any restricted dog is off the premises of the owner, the owner shall securely muzzle such dog, and either harness it or leash it securely to effectively prevent it from attacking or biting a person or other animal.
 - d) Subsection (c) shall not apply when the restricted dog is in a pen meeting the requirements of subsection (b), or when the restricted dog is in a building or enclosure in attendance at a bona fide dog show.
 7.
 - a) The owner of a dog, which the owner believes to be a vicious dog, shall keep such dog in accordance with the provisions of Section 6 of this By-law.
 - b) If the Poundkeeper, a Licensed Inspector, a Special Constable or a By-law 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:
 - i) inform the owner that his dog has been determined to be a vicious dog, and
 - ii) require the owner to keep such dog in accordance with the provision of Section 6 of this By-law, and

- iii) inform the owner that if the vicious dog is not kept in accordance with Section 6 of this By-law, the owner shall be fined, or subject to enforcement action pursuant to Section 9 and 10 of this By-law.
8. The owner of a vicious or restricted 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.
9. In addition to the fines provided in By-law 2310, as amended, the Dog Control By-law, persons who commit offences under this By-law are subject to the following fines:
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| a) failure to obtain and keep in force a restricted dog license | \$ 500.00 |
| b) failure to maintain in force a policy of liability insurance pursuant to Section 5 of this By-law | \$ 1,500.00 |
| c) failure to muzzle or otherwise secure a restricted dog or vicious dog when off the premises of the owner | \$ 500.00 |
| d) if a restricted and/or vicious dog bites or attacks a person or animal causing injury, the owner shall be subject to a fine of | \$ 1,500.00 |
| e) permitting a restricted and/or vicious dog to run at large | \$ 500.00 |
| f) an owner who commits for a second time any of the offences listed in this Section, providing the offence is committed within six (6) months of committing the first offence – double the initial penalty. | |
10. In addition to the remedies set forth in this By-law, if the Poundkeeper, the License Inspector, a Special Constable or a By-law Enforcement Officer determines that a vicious dog is not being kept in accordance with this By-law, he may:
- a) make application pursuant to the provision of the Municipal Government Act for an order directing that such dog be controlled in accordance with this By-law, or be removed from the County; and
- b) make a complaint pursuant to the Dangerous Dogs Act for an order directing the dog be controlled or destroyed.
11. a) The County Poundkeeper shall keep all impounded restricted or vicious dogs for a period of at least ninety-six (96) hours including the day of impounding. Sundays and statutory holidays shall not be included in the computation of the ninety-six (96) hour period. During this period any healthy restricted or vicious dog may be redeemed by its owner, or agent of the owner, upon payment to the County of Grande Prairie No. 1 of:
- i) the appropriate fine where applicable; and
- ii) the appropriate license fee when such a dog is not licensed; and

- iii) kennel fees as identified in the County of Grande Prairie No. 1 Fee Schedule, as amended, for every twenty-four (24) hour period or fraction thereof such a dog has been impounded.
 - b) At the expiration of the ninety-six (96) hour period any restricted and/or vicious dog not redeemed shall be destroyed.
 - c) The County Peacekeeper shall report any apparent illness, communicable disease, injury or unhealthy condition of any such dog to a veterinarian and act upon his recommendation. The owner, if known, shall be held responsible for all charges resulting.
11. By-law No. 1994 is hereby rescinded upon the passing of this By-law.
12. This By-law shall come into force and effect upon the date of it finally being passed.

READ A FIRST, SECOND AND, BY UNANIMOUS CONSENT OF THE COUNCILLORS PRESENT, A THIRD AND FINAL TIME AND FINALLY PASSED THIS 23RD DAY OF NOVEMBER A.D., 1998.

original signed
REEVE

original signed
COUNTY MANAGER

SEVERABILITY

Should any provision of this Bylaw become invalid, void, illegal or otherwise not enforceable, it shall be considered separate and severable from the Bylaw and the remainder shall remain in force and be binding as though such provision had not been invalid.