BY-LAW NO. 526

ANIMAL CONTROL BYLAW

OF THE VILLAGE OF HYTHE

A By-law of the Village of Hythe to license and control dogs and other animals within the corporate limits of the Village of Hythe

WHEREAS, the Municipal Government Act, R.S.A. 2000 c M-26 of Alberta, authorizes a municipality to pass bylaws respecting the safety, health and welfare of people and the protection of people and property and respecting wild and domestic animals and activities relating to them; and

WHEREAS, the Municipal Government Act: R.S.A. 2000 c. M26, authorizes a Municipality to pass a Bylaw regulating, licensing and controlling dogs and other animals.

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

This By-law may be cited as the "Village of Hythe Animal Control Bylaw".

1. **DEFINITIONS**

- (a) "Animal" shall mean any animal, wild or domestic, unless otherwise stated in this By-law.
- (b) Assistance Dog" means any professionally trained Dog, including a guide, hearing or service Dog that works in partnership with a disabled person to increase his or her independence, safety and mobility.
- (c) "Attack" means an assault resulting in bleeding, bone breakage, sprains, abrasions, serious bruising, or multiple injuries.
- (d) "Barking" means howling, whining, whimpering, crying, baying, or barking.
- (e) "Bite" means a wound to the skin causing it to suffer an abrasion, bruise, puncture or break.
- (f) "Charge" means lunging or displaying threatening behaviour
- (g) "Injure" means to hurt, wound or cause bodily damage.
- (h) "Day" means a continuous period of twenty four (24) hours.
- (i) "Dog" means either a male or female Dog of any breed.
- (j) "Dog License" means a License issued by the Village pursuant to this Bylaw.
- (k) "Dog Tag" means the tag issued by the Village to the Owner for a Dog that has been licensed by the Village.
- (I) "Farm Animal" shall mean:
 - (i) Any bovine, equine, porcine or ruminant animal, or

- (m) "Muzzle" means an approved device of sufficient strength placed over a Dog's mouth to prevent it from biting.
- (n) "Neutered Dog" means a male Dog certified by a licensed veterinarian to be sexually sterile.
- (o) "Owner" means the Owner of a Dog and includes any person or group of people:
 - (iii) named as Owner on a Dog License application;
 - (iv) in possession or control of a Dog; or
 - (v) in possession or control of the property where a Dog appears to reside, either temporarily or permanently.
- (p) "Peace Officer" means:
 - (i) a member of the Royal Canadian Mounted Police,
 - (ii) a Peace Officer appointed under the Peace Officer Act,
 - (iii) a person appointed as a Bylaw Enforcement Officer or Animal Control Officer.
- (q) "Permitted Leash" means a leash that is less than 2 meters in length made of material capable of restraining the Dog on which it is being used.
- (r) "Playground" means any part of a Park and Recreation Area on which children's play apparatus is located, and includes the part of such area within (20) meters of any piece of such apparatus.
- (s) "Posted Area" means an area posted with a sign which prohibits Dogs from being in that area.
- (t) "Pound" means a facility established for the holding of impounded Dogs.
- (u) "Restricted Dog" means any Dog of the following breeds:
 - (i) Pit Bull Terrier;
 - (ii) American Pit Bull Terrier;
 - (iii) Pit Bull;
 - (iv) American Staffordshire;
 - (v) Rottweiler

or any dog of mixed breeding, which is identified through its physical characteristics as a Dog partially of the above mentioned breeds as determined by a veterinarian licensed to practice in Alberta. The onus of proof as to determining the breed shall be the responsibility of the Dog Owner.

(v) "Restricted Dog License" means a License issued by the Village for a Restricted Dog pursuant to this Bylaw.

- (w) "Running at Large" means a Dog which is off the premises of its Owner and is not on a leash or other immediate continuous control of some competent person.
- (x) "Service Dog" means an RCMP Service Dog, or any other mobility aid or assistance Dog.
- (y) "Spayed" means a female Dog certified by a licensed veterinarian to be sexually sterile.
- (z) "Village" means the Village of Hythe.
- (aa) "Unlicensed Dog" means any Dog for which a License has not been obtained as provided for under this bylaw, or to which the tag provided for in the said bylaw is not attached.
- (bb) "Vicious Dog" means any Dog whatever its age, whether on public or private property, shows a propensity, disposition or potential to Attack without provocation or a Dog which has:
 - (i) charged, chased, injured or bitten any other Animal or human,
 - (ii) damaged or destroyed any public or private property, or
 - (iii) threatened or created the reasonable apprehension of a threat to any other animal or human, or which in the opinion of a justice or magistrate, presents a threat of serious harm to other Animals or humans, or
 - (iv) has previously been determined to be a vicious Dog by any other jurisdiction.

If a Peace Officer determines, on reasonable and probable grounds, that a Dog is a Vicious Dog, either through personal observation or on the basis of facts determined after an investigation initiated by a complaint, he or she may declare the Dog as vicious.

- (cc) "Violation Ticket" means a violation ticket under Part 2 of the Provincial Offences Procedure Act.
- (dd) "Voluntary Payment" means payment pursuant to section 26 or 36 of Provincial Offences Procedure Act.
- (ee) "Voluntary Penalty" means a penalty specified in this bylaw for a contravention of a provision of this bylaw which amount may be paid by a person to whom a voluntary payment summons was issued.

2. DOG LICENSING

- (a) No person shall own or keep any Dog over the age of three (3) months within the Village unless such Dog is licensed in accordance with this Bylaw.
- (b) The Owner of a Dog License must be at least eighteen (18) years of age.

- (c) The Owner of a Dog shall ensure that the Dog wears the current Dog Tag issued for that Dog. The Dog Tag must be securely attached to the Dog, and visible at all times.
- (d) The Owner of the Dog shall obtain a License from the Village and pay the License fee as outlined in Schedule "B". The Dog license will expire when the animal is deceased, or is no longer residing in the Village of Hythe.
- (e) A Dog shall not be licensed as a neutered/spayed Dog unless the applicant produces a certificate acceptable to the Village certifying that such Dog is sterile.
- (f) Where the owner of a Dog licensed as un-neutered/un-spayed produces a certificate acceptable to the Village that such Dog has been rendered sterile, he shall be entitled to a refund or twenty dollars (\$20.00) of the License fee paid for the year in which such certificate is produced.
- (g) A Dog License and a Dog Tag is specific to an individual Dog and may not be transferred to another Dog.
- (h) If a Dog Tag is lost, it is the responsibility of the owner to notify the Village and obtain a new Dog Tag for a fee of \$10.00.
- (i) Dogs, unless otherwise specified in this Bylaw, within the Village boundaries in private residences within a residential area, shall be limited in number to two (2) in total. Any Dogs in excess of this number are to be disposed of by the owner and the owner shall be solely responsible for the costs incurred as a result of the said disposal and shall not hold the Village responsible in any manner whether civilly or criminally as a result of an order for the removal of said animal or animals.
- (j) Persons desiring to keep more than two dogs as shall make written application to Hythe Village Council, and meet with Council at a regularly scheduled Council meeting. Any approvals must be done a resolution of Council, and may include conditions as Council sees fit.
- (k) An Owner shall obtain and keep in force a Restricted Dog License for a Restricted Dog.
- (I) A Restricted Dog License for a Restricted Dog shall be \$100.00 per calendar year.

3. NUISANCES

3.1 EXCESSIVE BARKING

- (a) The Owner or any person having care or control of a Dog, shall ensure it does not bark in a manner that is reasonably likely to annoy or disturb the peace or quality of life of others.
- (b) In determining whether barking is reasonably likely to annoy or disturb the peace or quality of life of others consideration may be given to, but is not limited to:

- (i) Proximity of the property where the Dog resides;
- (ii) Duration of the barking;
- (iii) Time of day and day of the week;
- (iv) Nature and use of the surrounding area.

3.2 DEFECATION/URINATION

- (a) The Owner or any person having care or control of a Dog, shall forthwith remove any defecation left on public or private property other than that of the Owner. Defecation shall be disposed of in a sanitary manner.
- (b) The Owner or any other person having care or control of a Dog, shall ensure that defecation left by it on the property of the Owner does not accumulate to such an extent that it is reasonably likely to annoy or pose a health risk to others.
- (c) The Owner or any other person having care or control of a Dog, shall ensure that the Dog does not urinate on private property other than that of the Owner.

3.3 RUNNING AT LARGE

- (a) No person owning, possessing or harboring any Dog shall permit, to suffer or allow a Dog to run at large within the Village.
- (b) No Owner, possessor, harbourer of any Dog shall permit, suffer or allow any Dog to be on any street or other public place unless the Dog is under the full custody and control of a competent person by means of a leash except in subsection (d).
- (c) No Owner, possessor, or harbourer of any Dog shall permit, suffer or allow any unattended Dog to be tied to any object when off the property of the Owner.
- (d) No Owner, possessor, or harbourer of any Dog shall permit, suffer or allow any Dog to be in a vehicle in a manner in which the Dog may come into physical contact with any animal or person passing the vehicle.
- (e) No Owner, possessor, or harbourer of any Dog shall permit, suffer or allow any Dog to trespass on private property whether on or off a leash.
- (f) In the event of a home-ordered quarantine, the Owner of a quarantined Dog shall not allow the Dog to run at large. For the purposes of this section, run at large shall mean when a quarantined Dog is left unsupervised and unrestrained while outside the dwelling house of the Owner.

3.4 PLAYGROUNDS / POSTED AREAS

(a) An Owner who suffers, permits or allows his or her Dog to be on any school property, Playground or Posted Area is guilty of an offence.

3.5 ASSIGNED AREAS

(a) The Village may post signs indicating those public areas within the Village Wherein the presence of Dogs whether At Large or under the control of the Owner, is expressly prohibited. The Owner of the Dog found in such assigned areas shall have committed an offense under this Bylaw.

This Section shall not apply to a blind Owner of a Guide Dog, or a blind person being assisted by a Guide Dog.

The Board of a public building or in which case a board does not exist the CAO will determine if such a sign will be erected.

3.6 SCATTERING GARBAGE

(a) The Owner of a Dog shall ensure that such Dog does not upset any waste receptacles or scatter the contents thereof either in or about a street, lane, or other public place or, in or about premises not belonging to or in the possession of the Owner of the Dog.

3.7 THREATENING BEHAVIOURS

- (a) The Owner of a Dog shall ensure that such Dog shall not:
 - (i) Bite, Bark at or chase dogs, livestock, animals, bicycles, automobiles, or other vehicles.
 - (ii) Chase or otherwise threaten a person.
 - (iii) Cause damage to property or other Dogs or animals.
 - (iv) Do any act that injures a person.
 - (v) Bite a person.
 - (vi) Attack a person.
 - (vii) Cause death to another animal.
- (b) A Peace Officer who has reasonable grounds to believe that a Dog has bitten, may confine the Dog for a period of ten calendar days or pending the completion of an investigation

3.8 DOG IN HEAT

- (a) Notwithstanding subsection (b), an Owner of a Dog in heat shall, during the entire period that such Dog is in heat, keep such Dog confined and housed in the residence of the said Owner, or in a licensed Kennel.
- (b) Where a Dog in heat is confined and housed in the residence of its Owner, such Dog shall be permitted outside the said residence for the sole purpose of permitting such Dog to urinate or defecate on the property of the residence of said Owner.

4. ANIMAL CONTROL OPERATION – AUTHORITY

- (a) A Peace Officer may capture or impound any Dog found Running at Large in respect of which he has reasonable grounds to believe an offence under this bylaw is being or has been committed.
- (b) A Peace Officer may enter onto any land in pursuit of a Dog which is Running at Large.
- (c) A Peace Officer may, in any case where the Owner of a Dog can be identified through the municipality's records, return such Dog to its Owner where practicable instead of impounding the Dog.
- (d) A Peace Officer can retain an impounded dog deemed to be a nuisance or risk to the public until such time as the conditions or requirements of the dog's return are met.
- (e) A Peace Officer may use any humane method to capture a Dog. Should the Dog be hurt during capture or attempted capture, neither the Village nor the Peace Officer shall be held liable for such injury.
- (f) A Peace Officer may delegate his powers to any person for the purpose of assisting the Peace Officer in the capture of any Dog in contravention of this Bylaw. Any person delegated or assisting a Peace Officer shall not be held liable as per subsection (d).

5. OWNER IDENTIFICATION

- (a) An Owner of any Dog found in violation of any provisions of this Bylaw shall, on demand, produce forthwith suitable identification to the Peace Officer.
- (b) For the purpose of this section, suitable identification shall mean any document or documents, or verbal communication, verifying the name, date of birth and current address of the Owner.
- (c) It is an offence for the owner of any dog to provide false or misleading information to a Peace Officer.

6. OBSTRUCTION

- (a) No person shall:
 - (i) interfere with or attempt to obstruct a Peace Officer who is attempting to capture or has captured a Dog which is subject to being impounded pursuant to the provisions of this Bylaw;
 - (ii) induce a Dog to enter a house or other place where it may be safe from capture or otherwise assist a Dog to escape capture;
 - (iii) unlock, unlatch or otherwise open the Peace Officer's vehicle to allow or to attempt to allow any Dog to escape.
 - (iv) tamper with, unlock, unlatch or otherwise open a kennel, humane live trap, or any other animal control equipment.

7. NEGLIGENCE

- (a) No person shall:
 - (i) Untie, loosen or otherwise free a Dog which has been tied or otherwise restrained, or
 - (ii) Negligently or willfully open a gate, door or other opening in a fence or enclosure in which a Dog has been confined thereby allowing a Dog to run at large within the Village.

8. TORMENT

(a) No person shall tease, torment, or annoy a Dog.

9. VICIOUS DOGS

- (a) If a Peace Officer determines, on reasonable or probable grounds, that a Dog is a Vicious Dog, he may:
 - (i) give the Owner a verbal and/or written notice that the Dog has been deemed to be a Vicious Dog, and
 - (ii) require the Owner to keep such Dog in accordance with the provisions of Section 10 of this Bylaw, and
 - (iii) inform the Owner that if the Vicious Dog is not kept in accordance with Section 10 of this Bylaw, the Owner may be fined, or subject to other action as determined under this Bylaw, and
 - (iv) require the Owner to obtain a Vicious Dog License from the Village.

10. VICIOUS AND RESTRICTED DOG REQUIREMENTS

- (a) The Owner of a Vicious or Restricted Dog shall take all necessary steps to ensure that the Dog does not Bite, chase or Attack any person whether the person is on public or private property or in a dwelling house.
- (b) The Owner of a Vicious or Restricted Dog shall take all necessary steps to ensure that the Dog does not Bite, chase or Attack any Dog or other animal whether the Dog, or animal is on public or private property or in a dwelling house.
- (c) When a Vicious or Restricted Dog is in the dwelling house of its Owner, it shall be restrained or kept confined in such a manner as to prevent the escape of the Dog and to secure the public from harm
- (d) When a Vicious or Restricted Dog is not in a dwelling house it must be confined in a pen with a secure bottom effectively attached to the sides, or the sides shall be embedded in the ground to a minimum depth of thirty (30)

centimeters. The pen must be located at a point no closer than 1.5 meters to the apparent boundary of the property. The pen must be locked whenever the dog is inside it; have a secure top so that the dog cannot escape

overtop; be constructed in such a way as to prevent the escape of the Restricted Vicious Dog and in a manner preventing the entry of children and other animals.

- (e) When a Vicious or Restricted Dog is off the premises of the Owner, it shall be securely muzzled, and shall be either harnessed or on a permitted leash held and controlled by the Owner or a competent person who is over the age of 16 years old and capable of controlling the Dog at all times.
- (f) When the Owner of a Restricted Dog/Vicious Dog produces a certificate annually indicating that the Dog has passed the Canine Good Neighbor's Test, as administered by a qualified instructor, the Village or a Peace Officer may grant an exemption for the muzzling and secure pen requirements of this section.
- (g) The Owner of a Restricted Dog meeting the requirements of subsection (f) shall produce upon demand of a Peace Officer satisfactory proof that the Restricted Dog has been granted exemption status. Failure to produce proof within a reasonable amount of time is an offense.
- (h) A Vicious Declaration will continue if the animal is sold, given, transferred or moved. Notification will have to be provided to the municipality.
- (i) The owner shall comply with the requirements of Section 10 of this bylaw within the timeframes specified by the Peace Officer.

11. INSURANCE REQUIREMENTS FOR VICIOUS AND RESTRICTED DOGS

- (a) An owner shall maintain in force a policy of liability insurance in a form satisfactory to the Village providing third party liability coverage in a minimum amount of \$500,000.00.
- (b) The Owner shall notify the Village in writing should the policy expire or be cancelled or terminated. Upon cancellation, expiry or termination of the liability policy the Restricted Dog License is null and void.

12. FARM ANIMALS

(a) No person shall keep Farm Animals within the Village boundaries without the approval of Village Council. Such approval shall be done by a resolution of Village Council passed at a duly convened Council meeting.

13. IMPOUNDMENT

- (a) A Dog that is impounded pursuant to this Bylaw may be taken and held for a period of seventy-two (72) hours. Saturday, Sunday, and Statutory Holidays shall not be included in the computation of the 72 hour period.
- (b) At the end of the 72 hour impoundment period, the Dog will become the property of the Grande Prairie Regional Pound unless the Dog Owner complies with subsection (c) and pays the required impound fees.
- (c) If all legal requirements have not been met under this Bylaw, the Peace Officer will not be required to release the Dog to the Owner and may continue to impound the Dog for such further period of time as the Peace Officer deems necessary.
- (d) A Dog that is impounded pursuant to this Bylaw may be released back to the Owner on conclusion of the 10 day period provided all the requirements of this Bylaw have been met.
- (e) Costs incurred as the result of an impoundment for an investigation will not be charged to the owner.
- (f) If the owner fails to reclaim the Dog on expiry of the 10 day period the Dog will becomes property of the Grande Prairie Regional Pound.

14. FINES AND PENALTIES

- (a) Any person who contravenes the provisions of this Bylaw, or direction given by a Peace Officer pursuant to this Bylaw, is guilty of an offence and may be issued with a Violation Ticket.
- (b) A person who is guilty of an offence is liable upon summary conviction to a fine in an amount not less than one hundred dollars (\$100.00) and not exceeding ten thousand dollars (\$10,000.00).
- (c) A Provincial Court Judge, Commissioner or Justice, in addition to the penalties provided in this Bylaw, may if he considers the offence sufficiently serious, direct or order the Owner of a Dog to prevent such Dog from doing mischief or causing a disturbance or a nuisance complained of or to have the Dog removed from the Village or to have the Dog destroyed.
- (d) Providing no offence has occurred within the previous twelve (12) months, an offence shall be considered to be a first offence.
- (e) The specified penalty payable in respect of a contravention of a provision of this Bylaw is the amount shown in Schedule "A" in respect of that provision.

15. **EXEMPTIONS**

(a) This Bylaw does not apply to a Service Dog while it is in active service.

16. **SEVERABILITY**

(a) Each section of this Bylaw shall be read and construed as being separate and severable from each other Section. Furthermore, should any Section or Part of this Bylaw be found to have been improperly enacted for any reason, then such Section or Part shall be regarded as being severable from the rest of the Bylaw and the Bylaw remaining after such severance shall be effective and enforceable.

RESCIND BYLAW 17.

Village of Hythe Bylaws 468, 491, 507, and 511 are hereby rescinded.

18. **EFFECTIVE DATE**

This Bylaw shall come into full force and effect on final passage thereof.

Read a first time this <u>13th</u> day of <u>July</u>, 2015.

Read a second time this <u>10th</u> day of <u>August</u>, 2015.

Read a third and finally passed this <u>10th</u> day of <u>August</u>, 2015.

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Gary Burgess.

Signed by the Mayor and CAO this 12 day of August, 2015.

SCHEDULE "A"

SPECIFIED PENALTIES

			Specified Penalty		
	Offence		2 nd offence	3 rd offence	
Section	(Description)	1 st offence	within 1 year	within 1 year	
2(a)	Unlicensed dog	200.00	300.00	500.00	
2(c)	Dog not wearing licensed tag	100.00	200.00	500.00	
2(i)	Owner have more than two animals/dogs	100.00	200.00	500.00	
2(k)	Fail to obtain and keep in force a restricted dog license for a restricted dog	500.00	1,000.00	1,500.00	
3.1(a)	Allow dog to bark in a manner thereby disturbing the peace of others	100.00	200.00	500.00	
3.2(a)	Fail to remove defecation immediately from property which is not the owner's property	100.00	200.00	500.00	
3.2(b)	Fail to remove defecation in a timely manner such that it does not accumulate and annoy or pose a health risk to others	100.00	200.00	500.00	
3.2(c)	Allow dog to urinate on private property	100.00	200.00	500.00	
3.3(a)	Allow dog to run at large	100.00	200.00	500.00	
3.3(b)	Dog not on a leash	100.00	200.00	500.00	
3.3(c)	Allow a dog that is unattended to be tied to an object while off the property of the owner	100.00	200.00	500.00	
3.3(d)	Fail to ensure that a dog in a vehicle cannot come in physical contact with an animal or person passing the vehicle	100.00	200.00	500.00	
3.3(e)	Allow dog to trespass on private property while on or off a leash	100.00	200.00	500.00	
3.3(f)	Allow quarantined dog to run at large	500.00	1,000.00	1,500.00	
3.4(a)	Allow dog to be on any school property, playground or other posted area	100.00	200.00	500.00	
3.6(a)	Dog scatter garbage	100.00	200.00	500.00	
3.7(a)(i)	Bite, bark at, or chase dog, livestock, animals, bicycles or vehicles	100.00	200.00	500.00	
3.7(a)(ii)	Chase or threaten a person	100.00	200.00	500.00	
3.7(a)(iii)	Cause damage to property or other dog or animal	200.00	400.00	600.00	
3.7(a)(iv)	Dog injure a person	300.00	500.00	court	
3.7(a)(v)	Dog bite a person	300.00	600.00	court	
3.7(a)(vi)	Dog attacks a person	750.00	1,500.00	court	
3.7(a)(vii)	Dog cause death to another animal	500.00	1,000.00	court	
3.8(a)	Fail to keep a female dog confined in a building or kennel while in heat	100.00	200.00	500.00	
5(a)	Fail to produce identification when requested under authority of this bylaw	200.00	400.00	court	
5 (c)	Provide false or misleading information to a Peace Officer	300.00	500.00	court	
6(a)(i)	Interfere or obstruct a Peace Officer who is attempting to capture or has captured a dog which is subject to being impounded	500.00	1,000.00	1,500.00	
6(a)(ii)	Induce the dog to enter a house or other place to avoid capture or to allow a dog to escape therefrom	500.00	1,000.00	1,500.00	
6(a)(iii)	Unlock or unlatch Peace Officer's vehicle to allow or attempt to allow a dog to escape	500.00	1,000.00	1,500.00	

6(a)(iv)	Tamper with, unlock, unlatch or otherwise open a kennel, humane live trap, or any	500.00	1,000.00	1,500.00
	other animal control equipment			
7(a)(i)	Untie, loosen, or otherwise free a dog that has been restrained	100.00	200.00	500.00
7(a)(ii)	Negligently or willfully open a gate, door or opening in which a dog has been confined and thereby allow dog to run at large	100.00	200.00	500.00
8(a)	Tease, torment, annoy, abuse or injure a dog	250.00	500.00	court
10(a)	Vicious or restricted dog chase, bite or attack a person	1,500.00	Court	court
10(b)	Vicious or restricted dog chase, bite or attack a dog or animal	1,500.00	Court	court
10(c)	Fail to keep vicious or restricted dog restrained or confined in a dwelling house	1,500.00	Court	court
10(d)	Fail to keep vicious or restricted dog confined outdoors in a fully enclosed pen	1,500.00	Court	court
10(e)	Fail to keep a vicious or restricted dog muzzled, harnessed or leashed properly when off the property of the owner	1,500.00	Court	court
10(g)	Fail to produce restricted dog exemption	500.00	1,000.00	1,500.00
11(a)	Owner fails to maintain liability insurance for vicious/restricted dog	500.00	1,000.00	1,500.00
11(b)	Fail to notify the Village in writing of cancellation of insurance policy for vicious/ restricted dog	500.00	1,000.00	1,500.00
12(a)	Have farm animals without approval	500.00	1,000.00	1,500.00
14(a)	Failure to comply with the direction of a Peace Officer	500.00	1,000.00	1,500.00

SCHEDULE "B"

LICENSE FEES

License fees shall be computed as follows:

(a)	Any Dog not designated Vicious or Restricted (Lifetime fee)	\$ 15.00
· ·	Restricted Dog Vicious Dog	\$ 100.00 \$ 100.00