

**BYLAW NO. 914-11**

OF THE  
TOWN OF HIGH LEVEL  
IN THE  
PROVINCE OF ALBERTA

**A BYLAW TO AUTHORIZE THE MUNICIPAL COUNCIL OF THE TOWN OF HIGH LEVEL, IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE REGULATING AND CONTROLLING OF DOGS WITHIN THE TOWN LIMITS.**

**WHEREAS**, Sections 7 and 8 of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta 2000 and amendments thereto, authorizes a Council to pass bylaws for the purpose of regulating and controlling domestic animals in the municipality; AND

**WHEREAS** the Council of the Town of High Level deems it expedient and in the public interest to pass a bylaw to control Dogs;

**NOW THEREFORE**, the Council of the Town of High Level DULY ASSEMBLED enacts as follows:

**Title**

1. This bylaw may be cited as “**The Dog Control Bylaw**”.

**Definitions**

2. For the purpose of this Bylaw:
  - (a) “Abandon” includes an animal that
    - (i) is left for more than 24 hours without adequate food or water or shelter,
    - (ii) is left for 5 Days or more after the expected retrieval time from a registered veterinarian or from a person who for money consideration or its equivalent stables, boards or cares for the animal, or
    - (iii) is found on premises with respect to which the tenancy agreement has been terminated.
  - (b) “Adult” means person at least or over the age of 18 years old;
  - (c) “At large” means a Dog or Dogs who are not under the immediate, continuous and effective control of a person responsible 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 highways, street, boulevard, sidewalk, Park, playground, school ground or other public place;
  - (d) “Bylaw Enforcement Officer” means any Peace Officer, Bylaw Enforcement Officer or any other designate of the Town;

- (e) “Certified Service Dog” means any Dog that is trained for and being used by a person with special needs; including but not limited to persons who are deaf, blind, hearing impaired, or disabled in any manner.
- (f) “Council” means the municipal Council of the Town duly assembled and acting as such;
- (g) “Confine” means to be physically restricted to an area not accessible to the public or otherwise to prevent contact with the public;
- (h) “Day” means a continuous period of twenty-four hours;
- (i) “Dangerous Dog” means any Dog, whatever its age, whether on public or private property, which has:
  - (i) without provocation, injured or bitten any other domestic animal or human, or
  - (ii) chased any human, or
  - (ii) without provocation, damaged or destroyed any public or private property, or,
  - (iv) without provocation, threatened or created the reasonable apprehension of a threat to other domestic animals or humans, andwhich, in the opinion of a Provincial Court Judge presents a threat of serious harm to other domestic animals or humans;
- (j) “Distress” means the state of being in need of proper care, food or shelter, of being injured, sick or in pain, or suffering, or being abused or subject to undue or unnecessary hardship, privation or neglect;
- (k) “Dog” means either male or female of the canine family;
- (l) “Former Owner” means the person who owned the said Dog at the time of impoundment and of which the Dog has subsequently been sold or destroyed;
- (m) “Leashed” means a chain, rope, or strap attached to the collar or harness of a dog and continuously held and controlled by a person capable of controlling that dog.
- (n) “Off Leash Area” means an area designated by the Town as set out in Schedule “B”
- (o) “Owner” means a person or body corporate that has legal title to the Dog, or any person who has the possession or custody of the Dog, either temporarily or permanently, or harbors the Dog, or allows the Dog to remain on their premises;
- (p) “Park” means all recreational land areas owned or controlled by the Town, lying within the Town limits and whether improved or not in whole or in part, or in its

natural state, and includes neighborhood beautification areas, publicly maintained areas administered by the Town Parks and Recreation Department, school grounds, playgrounds, floral areas, and includes all buildings situated on these land areas;

- (q) "Town" means the Town of High Level, a municipal corporation of the province of Alberta, and includes the area contained within the boundaries of the Town.

### **Licensing**

3. No person shall keep, harbor or have custody of any Dog within the boundaries of the Town without obtaining a license from the Town of High Level.
4. The Owner of the Dog shall:
  - (a) Obtain an annual license on or prior to the first business Day when the Town Office is open after New Year's Day in every year;
  - (b) Obtain a license from the Town Office upon becoming Owner of the Dog.
5. Upon application of an Owner for a Dog license, as set out in Section 3, and unless elsewhere provided in this Bylaw, the said applicant shall pay the license fee as established by Council.
6. All Dog licenses shall expire on December 31st of each year.
7. Dog licenses are not transferable from one Dog to another and no refund shall be made on any license fee due to death, sale of Dog, or upon leaving the Town of High Level.
8. Every Dog Owner shall provide their Dog with a collar, to which the Owner shall ensure that the collar and Dog tag are worn by their Dog, during the occasions that the Dog is on any property not belonging to the Owner of the Dog.
9. In case a Dog tag is lost or stolen or destroyed, a duplicate Dog tag will be issued by the Town upon presentation of a receipt showing payment of the license fee for the current Dog license year, and upon payment of the required fee, another tag will be issued.
10. The Town shall keep a record of the name and address of each Owner, and the breed, color, and sex of each Dog, together with the date of registration of the Owner's Dog, the number of the Dog tag, and the amount of the fee paid.

### **Prohibitions**

11. No more than three (3) Dogs shall be kept or harbored at one time on the land or premises occupied by their Owners
  - (a) Notwithstanding section 11, an Owner may harbor or keep more than three Dogs on a premise if that Owner is a holder of a valid business license to provide pet services and complies with the requirements of the Land Use Bylaw.

12. No Owner shall permit their Dog to run At large. When a Dog is found to be running At large, its' Owner shall be deemed to have failed or refused to comply with the requirements of this section.
13. A female Dog in heat shall be Confined and housed in the residence of the OWNER or person having control of the Dog, or have it taken to a licensed kennel, during the whole time it is in heat.
14. If a Dog defecates on any public property or private property other than the property of the Owner, the said Owner shall cause such defecation to be removed immediately. A person with a Certified Service Dog is not subject to this section.
15. All Dog Owners must maintain the property grounds that the Dog occupies at all times. Property must be maintained in a clean, sanitary and inoffensive condition satisfactory to a Bylaw Enforcement Officer;
16. The Owner of a Dog shall ensure that such Dog shall not
  - (a) bite a person whether on the property of the Owner or not;
  - (b) do any other act to injure a person whether on the property of the Owner or not;
  - (c) chase or otherwise threaten a person whether on the property of the Owner or not, unless the person chased or threatened is a trespasser on the property of the Owner;
  - (d) bite, bark at, or chase bicycles, automobiles, or other vehicles;
  - (e) bark, howl or otherwise disturb any person;
  - (f) cause damage to property or other animals;
  - (g) upset any waste receptacles or scatter the contents thereof in or about a street, lane, or any other public property or in or about premises not belonging to or in the possession of the Owner of the Dog;
  - (h) be left unattended in any motor vehicle unless the Dog is restricted so as to prevent access to persons as long as such restraint would not be detrimental to the Dog's wellbeing;
  - (i) be in any school ground, Park or recreation area during school hours or when groups of persons are present or where prohibited by signage.
17. No Owner shall permit a Dog or Dogs to enter or remain in any bathing, swimming, or wading pool that is provided for the use of the public by the Town.
18. No Owner shall permit a Dog to be unleashed while not on the property of the Owner.
  - (a) Notwithstanding section 18, an owner may permit a dog(s) to be off leash in an Off Leash Area.

## **Animal Care**

19. No person shall fail to provide their Dog or Dogs sufficient good and wholesome food and water, proper shelter and protection from the atmospheric elements, provide veterinary care when needed to prevent suffering and with humane care and treatment and to ensure that the said Dog or Dogs are not in any form of Distress.
20. No person shall:
  - (a) beat, cruelly ill-treat, torment, overload or otherwise abuse a Dog;
  - (b) no Owner shall Abandon their Dog or Dogs.
21. The Owner of a Dog that is suffering from a communicable disease shall
  - (a) not permit the Dog to be in a public place, and
  - (b) keep the Dog Confined.
22. No person shall untie, loosen, or otherwise free a Dog, which has been tied or otherwise restrained, or negligently or willfully open a gate, door, or other opening in a fence or enclosure in which a Dog has been Confined and thereby allow a Dog to run At large.
23. The Town may establish one or more pounds for the keeping and impounding of Dogs and the Town shall make the rules and regulations, pertaining to the administration of the pound.
24. The Town shall keep an up-to-date record of all complaints, notices, and reports.

## **Enforcement**

25. Any Bylaw Enforcement Officer may seize and impound any Dog found in contravention of any section of this Bylaw.
26. A Bylaw Enforcement Officer is authorized to enter onto the land surrounding any building in pursuit of a Dog running At large.
27. A Bylaw Enforcement Officer is hereby authorized to enter any lands or premises (excluding dwelling houses) within the Town to inspect for conditions which may contravene any provision of this bylaw and to impound any animal in accordance with this bylaw.
28. No person, whether or not the person is the Owner of the Dog which is being pursued or captured, shall
  - (a) interfere with or attempt to obstruct a Bylaw Enforcement Officer who is, or was, attempting to capture, or who has captured, any Dog in accordance with this bylaw;
  - (b) unlock, unlatch or otherwise open the vehicle or cage which Dogs, captured for impoundment have been placed, so as to allow to, or attempt to allow, any Dog or Dogs to escape there from;
  - (c) unlatch, unlock, or otherwise open a live trap in which Dogs have been captured,

so as to allow any Dog to escape;

- (d) damage, spring or otherwise tamper with a live trap, as to destroy or impair the live trap's ability to capture Dogs;
  - (e) remove or attempt to remove any Dog from the possession of a Bylaw Enforcement Officer.
29. A Bylaw Enforcement Officer shall not be held liable for the death or injury of any Dog as a result of being pursued or in the process of capture.
30. The Town shall keep all impounded Dogs for a period of at least seventy- two (72) hours including the Day of impoundment. During this period any Dog may be reclaimed by its Owner, or agent of the Owner, upon payment of applicable fees to the Town of High Level.
31. Any Dog not reclaimed by its Owner within 72 hours shall become the property of the Town, and shall be placed for adoption in a suitable home or humanely euthanized.
32. Any person who adopts a Dog shall obtain full right and title to the Dog, and the right and title of the Former Owner of the Dog shall cease forthwith.

### **Dangerous Dogs**

33. The Owner of a Dog alleged to be dangerous shall be provided notice of a hearing for the determination by the Provincial Court ten (10) clear Days before the date of the hearing. Upon application, if it appears to the Justice that the Dog should be declared to be a Dangerous Dog, he shall make an order in a summary way declaring the Dog as a Dangerous Dog.
34. The Owner of a Dangerous Dog must be
- (a) over the age of 18;
  - (b) have a valid Dangerous Dog license;
  - (c) obtain a Dangerous Dog license on the first Day the Town Office is open for business after the person becomes the Owner of a Dangerous Dog
  - (d) obtain an annual license on or prior to the first business Day when the Town Office is open after New Year's Day in every year;
  - (e) notify the Town when the Dog is sold, transferred, dies, or otherwise is no longer in the custody of the Owner on file with the Town;
  - (f) notify the Town when the Dog is running At large.
35. When a Dangerous Dog is on the property of the Owner and the Owner is not present, the Dog must be, if outdoors, Confined in a pen or Confined by other structure.

The pen or other structure:

- (a) must be constructed to prevent the escape of the Dangerous Dog and capable of preventing the entry of any person not in control of the Dog, and
  - (b) 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 a minimum depth of thirty (30) centimeters, and
  - (c) the pen or other structure shall provide the Dangerous Dog with shelter from the elements and be of the minimum dimensions of one and one-half (1.5) meters by three (3) meters in length and be a minimum one and one-half (1.5) meters in height.
36. At all times when off the property of the Owner, such Dog must be securely
- (a) muzzled,
  - (b) harnessed or leashed on a lead which length shall not exceed (1) meter in a manner that prevents it from chasing, injuring, or biting other domestic animals or humans as well as preventing damage to public or private property, and
  - (c) under the control of an Adult.
37. Every person who is the Owner of, or harbourer of any Dog which has run at and attacked any person, or another animal on a public street or place in the Town, shall be deemed guilty of an infraction of this bylaw, and upon hearing of any complaint under this section, a Judge or a Justice of the Peace may in addition to any other penalty, order the Owner or harbourer of the said Dog to pay damages as the complainant may have sustained and may order the Owner of the said Dog to Confine or muzzle such Dog for a period as he may determine, or may order the Owner of said Dog to forthwith deliver such Dog to the pound to have the Dog euthanized.

### **Prosecution**

38. Any person who contravenes, disobeys, refuses or neglects to obey any provision of this bylaw is guilty of an offence and liable on summary conviction to a fine not exceeding One Thousand Dollars (\$1,000.00) and not less than the specified penalty provided in schedule "A" of this Bylaw in addition to any license fee that they may be required to pay pursuant to this bylaw.
39. Where any provisions of this bylaw or where Schedule "A" provides for a minimum fine to be made for contravention of this bylaw including, but not limited to, the failure to obtain a license, the court entering the conviction of the offence, shall not levy a lesser fine than set out in the provision.
40. (1) Where a person is alleged to have committed an offence of any provision of this bylaw, a Bylaw Enforcement Officer may cause to be served on the alleged offender, a municipal tag, allowing payment of a penalty as specified in Schedule "A".

- (2) Where a person is alleged to have committed an offence of any provision of this bylaw, a Bylaw Enforcement Officer may cause to be served on the alleged offender, a Summons.
41. Nothing in section 37 shall prevent
- (a) any person from defending a charge of a breach of this bylaw; or
  - (b) any Bylaw Enforcement Officer from laying an information and complaint against any other person for a breach of any of the provisions of this bylaw.
42. A municipal tag shall be deemed sufficiently served when:
- (a) served personally to the accused;
  - (b) when the accused is not readily located;
    - (i) to a person at the residence of the accused that appears to be 18 years of age or older;
    - (ii) by affixing a copy of the Municipal Tag to what appears to be the primary entrance of the home or dwelling of the accused;
    - (iii) by ordinary mail to the last known address of the accused;
    - (iiii) by registered mail to the last known address of the accused.
43. A violation ticket in the form of a summons shall be deemed sufficiently served when served in accordance with Section 24 (4) of the Provincial Offences Procedures Act
44. It is the intention of the Council of the Town of High Level that each provision of this bylaw shall be deemed independent of all other provisions and it is further the intention of the Council of the Town of High Level that if any provisions of this bylaw be declared invalid, all the other provisions shall remain valid and enforceable.
45. The documents attached and marked Schedules “A” are hereby incorporated into and form part of this bylaw.
46. This bylaw repeals bylaw No. 860-08 as amended.
47. This bylaw shall come into full effect from the date of Final Reading.

READ A FIRST TIME this \_\_\_ Day of \_\_\_\_\_, 2011.

READ A SECOND TIME this \_\_\_ Day of \_\_\_\_\_, 2011.



READ A THIRD AND FINAL TIME this \_\_\_ Day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Municipal Secretary

**SCHEDULE "A" - SPECIFIED PENALTIES**

<b><u>DESCRIPTION</u></b>	<b><u>FEE</u></b>
Section 3 – Fail to obtain valid Dog licence	\$ 50.00
Section 8 – Fail to provide Dog with collar and tag when in public	\$ 50.00
Section 11 – Keep or harbor more than three (3) Dogs	\$ 100.00
Section 12 – Dog running At large	
1 <sup>st</sup> Offence	\$ 75.00
2 <sup>nd</sup> Offence	\$ 150.00
3 <sup>rd</sup> Offence	\$ 225.00
4 <sup>th</sup> and subsequent Offence	\$ 300.00
Section 13 – Fail to Confine female Dog in heat	\$ 100.00
Section 14(a) – Fail to remove defecation	\$ 100.00
Section 14(b) – Fail to maintain property occupied by Dog(s)	\$ 50.00
Section 16– (a) through (d)	
1 <sup>st</sup> offence	\$ 250.00
2 <sup>nd</sup> offence	\$ 500.00
3 <sup>rd</sup> offence	Court Appearance
Section 16 – (e) through (i)	\$100
Section 17 – Permit Dog to enter water in public	\$ 75.00
Section 18 – Permit dog to be off leash	\$ 75.00
Section 19 – Fail to provide proper care	
1 <sup>st</sup> offense	\$ 100.00
2 <sup>nd</sup> offense	\$ 200.00
Section 20- – Abuse / Abandon Dog	\$ 500.00
Section 21 – Permit Dog with communicable disease to be in a public place	\$ 100.00
Section 22 – Free Dog which was Confined	\$ 100.00
Section 28 (a) – (e) Interference	\$ 250.00
Section 34 (b) – Fail to obtain Dangerous Dog license	\$ 250.00

Section 34 (e) – Fail to notify when Dog is sold, destroyed, etc	\$ 50.00
Section 33 (f) – Fail to notify Town Office when Dangerous Dog is At large	\$ 100.00
Section 34 – Fail to Confine Dangerous Dog	\$ 200.00
Section 36 (a) – Fail to muzzle Dangerous Dog	\$ 100.00
Section 36 (b) – Fail to harness or leash Dangerous Dog	\$ 100.00
Section 36 (c) – Dangerous Dog not controlled by an Adult	\$ 100.00

SCHEDULE "B"



