

**VILLAGE OF CLIVE
PROVINCE OF ALBERTA
BYLAW #536-19
DOG CONTROL BYLAW**

BEING a Bylaw for the Village of Clive, Province of Alberta, to regulate, restrain the running at large, and provide for licensing and impounding of dogs in the Village,

WHEREAS, the Municipal Government Act, R.S.A. 2000, c. M-26 as amended, and the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34 as amended,

ENABLES a Municipal Council to pass Bylaws respecting wild and domestic animals, and activities in relation to them, and

NOW THEREFORE, the Council of the Village of Clive, in the Province of Alberta, duly assembled enacts as follows;

SHORT TITLE

This Bylaw may be cited as the “Dog Control Bylaw”.

DEFINITION – Part 1

1. “AT LARGE” means a Dog that is present at any place other than the property of its Owner and which is not being carried by any Person, or is not otherwise restrained by a Person controlling the Dog by means of a securely fastened leash.
2. “CONTRACTOR” means a Person under contract by the village to maintain and administer a pound facility or animal shelter for Dogs.
3. “BYLAW ENFORCEMENT OFFICER” means an employee or independent contractor appointed by the village to enforce the provision of the village Bylaws and includes a member of the Royal Canadian Mounted Police, and when authorized a Peace officer. A Bylaw Enforcement Officer is a Designated Officer for the purposes of s.542 of the Municipal Government Act.
4. “DOG” means either male or female of the canidae family.
5. “LEASH” means a leash that is less than two meters in length and made of material capable of restraining the Dog on which it is being used.
6. “LICENCE DECAL” means a uniquely colored plastic disc issued by the Village
 - (a) indicating the valid calendar year for the dog license;
 - (b) confirming that the required dog license fee has been paid for the calendar year indicated.
7. “MINOR INJURY” means any physical injury to another domestic animal or a person, caused by a Dog that results in bleeding, bruising, tearing of skin or any other injury that is not life-threatening, disfiguring or debilitating.
8. “OWNER” means the owner of a Dog and includes any person or group of people:
 - (a) named as owner on a Dog Tag application;
 - (b) in possession or control of a Dog; or
 - (c) in possession or control of the property where a Dog appears to reside, either temporarily or permanently.
9. “PARKLAND” means all recreational land owned or controlled by the village, lying within village limits, and whether improved in whole or in part, and includes natural areas, all bicycle or hiking trails, neighborhood beautification areas, publicly maintained areas administered by the village Parks Department, and includes all buildings or other improvements situated on these land areas.
10. “PERSON” includes a partnership, association, or corporation.
11. “POSSESSION” means:
 - (a) Exercising physical or effective control of a Dog;
 - (b) Having been given physical or effective control of a Dog by its Owner for the purpose of controlling the Dog for a specific period of time;

(c) Where one or more Persons with the knowledge and consent of the others, has physical or effective control of a Dog, it may be deemed to be in the control of all of them.

12. “PRIVATE PROPERTY” means all property within the village other than property constituting Public Property.

13. “PUBLIC PROPERTY” means property owned by or under the control and management of the Government of Canada, Government of Alberta, or the village, contained within the boundaries of the village.

14. “SEVERE INJURY” means any physical injury to another domestic animal or a person caused by a Dog that results in broken bones or lacerations requiring sutures or cosmetic surgery.

15. “SCHOOL GROUNDS” means any public or private school and surrounding property that is controlled and maintained by the school and or school board.

16. “TAG” means the combination of:

- (a) a metal tag issued by the Village for the life of the dog, on which is stamped the license number for dog and the name of the Village; and
- (b) a license decal affixed to the reverse of the metal tag described in (a).

17. “THREATENING BEHAVIOR” means behavior that creates a reasonable apprehension of a threat of physical injury and may include growling, lunging, snarling or chasing in a menacing fashion.

18. “VILLAGE” means the Village of Clive, in the Province of Alberta.

19. “VIOLATION TICKET” means a ticket issued pursuant to Part 3 of the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34, as amended, and any regulations thereunder.

20. “VIOLATION TAG” means a written notice, in a form approved by the Chief Administrative Office, issued by a Bylaw Enforcement Officer, to advise a Person that a violation of this Bylaw has occurred and that, by payment of a specified amount to the Village Office within a set time period, that Person will avoid prosecution for the offence.

LICENSING OF DOGS – PART 2

1. A resident of the Village who is the Owner of any Dog aged eight (8) weeks or older shall obtain a license for the Dog from the office of the Village of Clive.

2. Any Owner of a Dog in the Village for a period longer than 30 days in a calendar year is required to have a current license for the Village unless the Owner is visiting, and the Dog is licensed in another municipality.

3. The Owner of every Dog shall, annually, on or before January 31st of the current year, renew the license for that Dog by submitting to the Village the annual licensing fee, as established by Council and set out in the Village of Clive’s Master Rates & Fees Bylaw #530 – 19, as amended, along with any other information as may be required by the Village. A license shall be valid only for the year for which it was issued, regardless of actual date upon which the license was purchased.

4. Upon receipt of payment of the license fee for each Dog, a License Decal indicating the year for which the fee has been paid shall be issued to the Owner.

5. Every Owner shall provide his Dog with a collar to which the Owner shall affix the Tag for such Dog and the Owner shall ensure that the collar and Tag are worn during those occasions when the Dog is not on the Owner’s premises.

6. In case a Dog license Tag is lost or destroyed, a duplicate or replacement will be issued by the Village upon payment of the sum of ten dollars (\$10.00) by the Owner and provided the Owner can present a receipt of payment of the license fee for the current Dog license year or the Village administrative records indicate such payment was made.

7. Licenses and Tags are not transferable from one Dog to another and no refund shall be made on any paid up Dog license fee because of the death or sale of the Dog or upon the Owner’s leaving the Village before expiration of the license period.

8. Any Person that becomes the Owner of a Dog licensed under this Bylaw shall report the change of ownership to the licensing department of the Village and the Village shall transfer ownership of the license to that Person, but no additional license fee shall be owing by that Person to the Village for the year for which that license was purchased.

9. A registered guide Dog owned by a blind Person or a Dog which is trained by a recognized agency to provide assistance to a Person with a physical or mental disability; provided the Person is using the Dog for such assistance, shall be issued a Dog license free of charge.

OFFENCES AND RESPONSIBILITY OF OWNER – PART 3

1. The Owner of a Dog is guilty of an offence if he fails to obtain a license for such Dog.

2. The Owner of a Dog is guilty of an offence if such Dog:

(a) runs At Large;

(b) is without a collar and Tag while off the premises of its Owner;

(c) is a Dog in heat and is not confined and housed in the residence of the Owner or in a licensed kennel during the whole of the heat period except for the sole purpose of defecating on the premises of the Owner;

(d) defecates on any Public or Private Property other than the property of its Owner and the Owner or Person in control of the Dog fails to immediately remove such defecation. This provision shall not apply to a registered guide Dog while it is assisting a blind Person;

(e) is on Parkland while not on a leash and controlled by a capable Person. This provision shall not apply to an Owner attending a recognized training or obedience school for training of Dogs at a time or place approved by the Village;

(f) is on school property unless otherwise permitted or allowed by the School Board;

(g) is within a site containing playground apparatus and/or sand play area located on Public or private Property other than the property of its Owner;

(h) barks or howls so as in the opinion of the Bylaw Enforcement Officer based on information gathered to cause an unreasonable disturbance given, but not limited to, location, circumstances, time of day, and duration;

(i) damages Public or Private Property;

THREATENING BEHAVIOR, INJURIES, AND DEATH – PART 4

Threatening Behavior

1. The Owner of a Dog is guilty of an offence if, whether on or off the Owner’s property, the Dog:
 (a) exhibits Threatening Behavior toward another domestic animal or a bicycle or motor vehicle that is being operated; or
 (b) exhibits Threatening Behavior toward a person.

2. Subsections (a) and (b) do not apply to Threatening Behavior by a dog that is confined within a building or securely fenced area on any land.

Minor Injury

3. The Owner of a Dog is guilty of an offence if the Dog:
 (a) bites, attacks or causes Minor Injury to another domestic animal;
 or
 (b) bites, attacks or causes Minor Injury to a person.

Severe Injury and Death

4. The Owner of a Dog is guilty of an offence if the Dog:
- (a) causes Severe Injury to another domestic animal; or
 - (b) causes Severe Injury to a person.
 - (c) causes death to another domestic animal; or
 - (d) causes death to a person.

GENERAL ENFORCEMENT PROVISIONS - PART 5

1. The Owner of a Dog is guilty of an offence if the Owner:
- (a) fails to provide identification (Name, Address, Date of birth and Dog Tag number) and proof thereof to a Bylaw Enforcement Officer.
 - (b) provides false or misleading information to a Bylaw Enforcement Officer.
2. The Owner of a Dog is guilty of an offence if they allow any fecal matter to remain on their property or to accumulate to such an extent as to, in the opinion of a Bylaw Enforcement Officer, constitute a nuisance by way of odor, unsightliness, or detrimental impact on the use, enjoyment, or value of nearby properties.
3. No more than three (3) Dogs shall be harbored, suffered, or permitted to remain upon or in any land, house, shelter, room or place, building structure, or premises within the Village unless:
- (a) the premises are lawfully used for the care and treatment of Dogs operated by and under the charge of a registered veterinarian;
 - (b) the Owner is the holder of a valid and subsisting development permit to operate a kennel, animal hospital, shelter, pound, or other animal operation as authorized by the Land Use Bylaws;
 - (c) the Dogs in excess of the limit are under eight weeks of age and the offspring of a licensed Dog residing at the same location.
4. The Village shall arrange for a Pound to be established for the keeping and impounding of Dogs and may do so by entering into an Agreement with a Contractor. A Contractor or any such Pound may make rules and regulations for the operation and management of the Pound, provided they are not inconsistent with this Bylaw.
5. The Bylaw Enforcement Officer may seize and impound any Dog found At Large.
6. Subject to the provisions of the Municipal Government Act, R.S.A. 2000 c.m-26, an officer may enter upon privately owned property at all times, other than a dwelling house, for the purposes of enforcing the provisions of this bylaw.
7. No Person, whether or not he is the Owner of a Dog which is being or has been pursued or captured shall:
- (a) Interfere with or attempt to obstruct a Bylaw Enforcement Officer who was attempting to capture or who has captured any Dog in accordance with the provisions of this Bylaw.
 - (b) Unlock or unlatch or otherwise open the motor vehicle in which Dogs captured for impoundment have been placed, so as to allow or attempt to allow any Dog to escape therefrom.
 - (c) Remove or attempt to remove any Dog from the Possession of the Bylaw Enforcement Officer.
8. Upon receiving any dog for impound, the animal control Manager and or its staff shall make reasonable efforts to identify and contact the owner of the dog.

RELEASE OF IMPOUNDED DOGS – PART 6

1. The Contractor shall keep all impounded Dogs for a period of no less than three (3) days, including the day of impounding. Sundays and Statutory holidays shall not be included in the computation of the three (3) day period. During this period any healthy Dog may be redeemed by its Owner, upon payment to the Contractor of:

(a) The appropriate license fee when a Dog is not licensed; and

(b) Kennel boarding fees as per contract rate for every twenty-four (24) hour period or fraction thereof;

2. At the expiration of the three (3) day period any Dog not redeemed may be destroyed or sold.

3. The Bylaw Enforcement Officer or Contractor shall report any apparent illness, communicable disease, injury, or unhealthy condition of any Dog to a veterinarian and act upon his recommendation. The Owner, if known, shall be held responsible for all expenses so incurred.

PENALTIES – PART 7

1. Any person who contravenes any part of this bylaw is guilty of an offence and is liable on summary conviction to the specified penalty set out in schedule “A” and in default of payment of any fine imposed, to imprisonment for not more than six (6) months. Any person who contravenes any provision for which there is either “court “ or no penalty specified in schedule “A”, is guilty of an offence and is liable on summary conviction to a fine of not less than five hundred dollars (\$500.00) and not more than ten thousand dollars (10,000.00) and in default of payment of any fine imposed , to imprisonment for not more than six (6) months.

2. Notwithstanding Section 1 of this Part of this Bylaw, any Person who commits a second or subsequent offence under this Bylaw within twelve (12) months of committing a first offence under this Bylaw, may be liable to an increased fine as set out in Schedule “A”.

3. A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any Person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.

4. A Violation Tag may be issued to such Person:

(a) either personally;

(b) by mailing a copy to such Person at his last known post office address; or

(c) upon retrieval of such Person’s Dog from the Village’s Pound.

5. The Violation Tag shall be in a form approved by the Chief Administrative Officer and shall state:

(a) the name of the Owner;

(b) the offence;

(c) the appropriate penalty for the offence as specified in Schedule “A” of this Bylaw;

(d) that the penalty shall be paid within twenty-two (22) days of the issuance of the Violation Tag to avoid possible prosecution; and

(e) any other information as may be required by the Chief Administrative Officer.

6. Where a Violation Tag is issued pursuant to this Bylaw, the Person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay the Village the penalty specified on the Violation Tag.

7. Nothing in this Bylaw shall prevent a Bylaw Enforcement Officer from immediately issuing a Violation Ticket.

8. The Bylaw Enforcement Officer may enforce the provisions of this Bylaw, and where a Bylaw Enforcement Officer has reasonable grounds to believe that a provision of this bylaw has been contravened, the Bylaw Enforcement Officer is authorized and empowered to immediately issue a Violation Ticket pursuant to Part 3 of the Provincial Offences Procedures Act, R.S.A. 2000, c. p-34, as amended, to any Person who the Bylaw Enforcement Officer has reasonable grounds to believe is responsible for the contravention.

9. Where a Violation Ticket has been issued to a Person pursuant to this Bylaw, that Person may plead guilty to the offence by submitting to a Clerk of the Provincial Court the specified penalty set out in the Violation Ticket at any time prior to the appearance indicated on the Violation Ticket.

10. The Violation Ticket shall be served upon the Person who is believed to be responsible for the contravention under the Bylaw in accordance with the provisions of the Provincial Offences Procedures Act, R.S.A. 2000, c. P-34, as amended.

SEVERABILITY OF BYLAW PROVISIONS – PART 8

1. It is the intention of Village Council that each separate provision of this Bylaw shall be deemed independent of all provisions, and it is further the intention of Village Council that if any provisions of this Bylaw be declared invalid, all other provisions shall remain valid and enforceable.

PROOF OF LICENSE AND AGE OF DOG – PART 9

1. In any prosecution or proceedings for a contravention of this bylaw, the onus of proving all of the following is on the person alleging that:

- (a) a person has a valid and subsisting license for a dog,
- (b) a dog is under 8 weeks of age,
- (c) the length of time a dog has been in the village is less than 30 days in a year.

FULL RIGHT AND TITLE – PART 10

The purchaser of an animal from the Contractor pursuant to the provisions of this Bylaw shall obtain full right and title to it and title of the former owner of the animal shall cease upon the purchase.

REPEAL

This Bylaw rescinds By-law #500-13 and any amendments thereto are hereby repealed.

COMMENCEMENT OF ENFORCEMENT

This Bylaw shall come into force and effect on final reading thereto.

Read a first time this 16th day of December 2019.

Read a second time this 13th day of January 2020.

Read a third time and finally passed this 13th day of January 2020.

Mayor

CAO

SCHEDULE “A”

PENALTIES INFRACTION	1st OFFENCE	2nd OFFENCE	3rd OFFENCE
PART 3			
Section 1 Fail to obtain a dog license	\$100.00	\$250.00	\$500.00
Section 2(a) Dog runs at large	\$100.00	\$250.00	\$500.00
Section 2(b) Fail to ensure collar and tag worn on dog	\$100.00	\$250.00	\$500.00
Section 2(c) Fail to confine dog in heat	\$100.00	\$250.00	\$500.00
Section 2(d) Fail to immediately remove dog’s defecation	\$100.00	\$250.00	\$500.00
Section 2(e) Dog on parkland while not on a leash	\$100.00	\$250.00	\$500.00
Section 2(f) Dog on school property	\$100.00	\$250.00	\$500.00
Section 2(g) Dog in playground or sand area	\$100.00	\$250.00	\$500.00
Section 2(h) Dog barks or howls so as to disturb any person	\$100.00	\$250.00	\$500.00
Section 2(i) Dog damages public or private property	\$100.00	\$250.00	\$500.00
PART 4			
Section 1 (a) Dog exhibiting Threatening Behavior toward animal, bicycle or motor vehicle	\$250.00	\$1000.00	2000.00
Section 1(b) Dog exhibiting Threatening Behavior toward a person	\$500.00	\$1000.00	Court
Section 3 (a) Dog biting/attacking/causing Minor Injury to another Domestic animal	\$500.00	\$1000.00	Court
Section 3(b) Dog biting/attacking/causing Minor Injury to a person	\$1000.00	\$2500.00	Court
Section 4(a) Dog causes Severe Injury to Another domestic animal.	\$1000.00	\$2500.00	Court
Section 4(b) Causes Severe Injury to a Person.	\$2000.00	\$5000.00	Court
Section 4 (c) Causes Death to another Domestic animal	\$2500.00	\$5000.00	Court
Section 4 (d) Causes Death to a Person	\$5000.00	\$7500.00	Court

SCHEDULE “A (con’t)

PART 5

Section 5(a) Fail to provide identification	\$500.00	\$1000.00	Court
Section 5(b) Providing false or misleading information	\$500.00	\$1000.00	Court
Section 2 Allow dog’s fecal matter to accumulate on Property	\$100.00	\$250.00	\$500.00
Section 3 Harboring, suffering, or permitting more than two dogs at a residence.	\$100.00	\$250.00	\$500.00
Section 7(a) Interfering with a Bylaw Enforcement Officer	\$500.00	\$1000.00	Court
Section 7(b) Unlocking or unlatching a vehicle with an impounded dog	\$500.00	\$1000.00	Court
Section 7(c) Removing or attempting to remove a dog from the possession of a Bylaw Enforcement Officer	\$500.00	\$1000.00	Court

This schedule comes into effect this 13th day of January, 2020.