

**BYLAW 810
OF THE VILLAGE OF BIG VALLEY
IN THE PROVINCE OF ALBERTA**

Being a Bylaw to regulate, restrain the running at large, the licensing and impounding of dogs and overall regulation of animals both domestic and wild within the Village.

WHEREAS, the Municipal Government Act, R.S.A. 2000, C.M-26, enables a council of the Village to pass bylaws respecting wild and domestic animals, and activities in relation to them;

NOW THEREFORE, the Municipal Council of the Village of Big Valley, in the Province of Alberta enacts a Bylaw referred to as the "Animal Control Bylaw."

DEFINITION – Part 1

- 1) "ANIMAL CONTROL OFFICER" means a person employed from time to time by the contractor under contract between the Village and the Contractor to enforce the provisions of this bylaw, or a person so appointed by the Village;
- 2) "AT LARGE" means off the premises of the owner and not on a leash being controlled by a capable person;
- 3) "BYLAW ENFORCEMENT OFFICER" means the Bylaw Enforcement Officer of the Village of Big Valley or any other person duly appointed by Village Council to administer this bylaw;
- 4) "CONTRACTOR" means a person employed or under contract by the Village to enforce the provisions of this bylaw and maintain and administer an impound facility for dogs;
- 5) "DAMAGE TO PROPERTY" means damage to property other than the owner's property, with the damage being valued at more than ten dollars (\$10.00).
- 6) "DOG" means either male or female of the Canidae family;
- 7) "KENNEL" means a premises used for buying, selling, breeding or overnight boarding of more than three (3) full grown dogs and/or more than one litter of pups.
- 8) "LICENSE" means a yearly, dated, sequentially numbered tag designed to be affixed to a collar that may be worn by a dog;
- 9) "MUZZLE" means a device of sufficient strength placed over an animal's mouth to prevent it from biting;
- 10) "OWNER" means any person, partnership, association or corporation:
 - a) Owning or possessing or having charge of or control over any dog; or
 - b) Harboring any dog; or
 - c) Suffering or permitting any dog to remain about his house or premises to whom a license has been issued under part 2 of this Bylaw.

- 11) "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, neighbourhood beautification areas, publicly maintained areas administered by the Village, and includes all buildings or other improvements situated on these land areas.
- 12) "PERMIT" means to allow, an act of not preventing.
- 13) "SCHOOL GROUNDS" means any public or private school and surrounding property that is controlled and maintained by the school board.
- 14) "TAG" means a current metal or other tag issued by the Village to an owner for each dog they own, indicating the year for which the fee has been paid, and which bears a number corresponding to a number in the master register file.
- 15) "VICIOUS DOG" means any dog, whatever its age, whether on public or private property which has;
 - a) Without provocation, chased, injured or bitten any other domestic animal or human; or
 - b) Without provocation, maliciously damaged or destroyed any public or private property; or
 - c) Without provocation, threatened or created the reasonable apprehension of a threat to their domestic animals or humans; and which in the opinion of a Justice, presents a threat of serious harm to other domestic animals or humans; or
 - d) Been previously determined as a Vicious Dog under the Dangerous Dogs Act RSA 2000, c.D-3.
- 16) "VILLAGE" means the Village of Big Valley, in the Province of Alberta.

LICENSING OF DOGS – Part 2

- 1) A big Valley resident owner of any dog over the age of twelve (12) weeks shall obtain a license for the dog from the office of the Village of Big Valley as per Schedule B.
- 2) The owner of every dog in the Village shall each year register each such dog with the Village Office and for such registration shall pay an annual license fee, which shall be set out in municipal Bylaw 797, Fees and Charges Bylaw
- 3) Upon receipt of payment of the license fee for each dog, a tag indicating the year for which the fee has been paid and marked with a number corresponding to the number in the master register file, shall be issued to the owner.
- 4) Every owner shall provide their dog with a collar to which the owner shall affix the tag for such dog and the owner shall ensure the collar and tag are worn during those occasions when the dog is not on the owner's premises.
- 5) 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 three dollars (\$3.00) by the owner and provided the Village administrative records indicate such a payment was made.
- 6) Tags are not transferrable from one dog to another and no refund shall be made on any paid 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.

- 7) The period of registration shall be from January 1st to December 31st of any year. The full amount of the license fee shall be payable regardless of when the dog is registered during the year with the following exceptions;
 - a) There is to be a reduced rate for licenses purchased during January or February of each year.
 - b) There is to be a reduced rate for licensing a new dog brought to the Village extending up to a maximum of 60 days from the date the dog was brought to a Village residence by an owner.
- 8) The buyer, purchaser or new owner of a dog registered under this Bylaw shall report such transfer of registration to the Village Office but no additional license fee shall be payable in respect of such transfer of registration.
- 9) The licensing provisions of this Bylaw shall not apply to dogs accompanying a person temporarily in the Village on business or vacation for a period not exceeding four (4) consecutive weeks, or for such longer period as may be authorized by written permission of the Bylaw Officer.
- 10) 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.
- 11) Kennels are not permitted within the Village.

PROHIBITED AREAS – Part 3

- 1) Council may, by resolution;
 - a) designate any one (1) or more portions of the Village as prohibited areas in which no animals, including but not limited to dogs are allowed and may post one (1) or more signs to this effect upon such lands so designated as a prohibited area;
 - b) designate any one (1) or more portions of the Village as restricted areas in which no animals, including but not limited to dogs are allowed unless on a leash and may post one (1) or more signs to this effect upon such lands so designated as a restricted area;
 - c) designate any one (1) or more portions of the Village as unrestricted areas in which no animals, including but not limited to dogs are allowed unless under the immediate charge, restraint and control of some competent and responsible person and may post one (1) or more signs to this effect upon such lands so designated as an unrestricted area.
- 2) All areas within the Village which have not been specially designated as prohibited or unrestricted areas shall be deemed to be a restricted area.

OFFENCES AND RESPONSIBILITIES OF OWNERS – Part 4

- 1) A Big Valley resident owner of a dog is guilty of an offence if he fails to register such dog or 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) When off the premises of the owner is without a collar and tag;
 - c) Is a female dog in heat and is not confined and housed in the residence of the owner 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, 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 Village staff;
 - 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;
 - 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) Chase any person, animal, bicycle, or motor vehicle;
 - j) Attacks or bites any person or animal;
 - k) Fails to provide identification (name, address, date of birth and dog tag number and proof thereof to a Bylaw Officer, or Animal Control Officer, Police Officer or Special Constable;
 - l) Provides false or misleading information to a Bylaw Officer, or Animal Control Officer, Police Officer or Special Constable.
- 3) When a dog is found running at large, or on School or playground property, or to have caused damage to public or private property, its owner shall be deemed to have failed or refused to comply with the provisions of this Bylaw.
- 4) No person shall keep farm animals on his/her property in such numbers as they may cause a nuisance by creating noise, dust, smell or be a bother to/or danger to other residents in the area where such animals are kept. The Bylaw Officer may request such animals to be removed within a reasonable time.
- 5) No person shall keep more than 3 dogs of licensing age at a premises with the exception of when a dog may visit the premises for a period not to exceed 4 consecutive weeks in a 12 month period.
- 6) If an RCMP Officer, veterinarian or Bylaw Officer determines on reasonable 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, they may;
- a) Give the owner a written notice that the dog has been determined to be a Vicious Dog; and
 - b) Require the owner to keep such dog contained or muzzled as the Bylaw Officer deems necessary; and
 - c) Inform the owner that if the Vicious Dog is not kept in accordance with the terms of Part 4; Section 5 b) of this Bylaw the owner will be fined or subject to enforcement action.

EXCLUSIONS – Part 5

- 1) Animals in the Village for parades, gymkhanas, exhibitions, and rodeos duly authorized by the Village are subject to the provisions of this By-law, and in all instances such animals must be under the direct care and supervision of competent persons.

RESPONSIBILITIES OF VILLAGE ADMINISTRATION – Part 6

- 1) The Village of Big Valley shall arrange for a pound to be established or contracted for the keeping and impounding of dogs and the Animal Control Officer or Bylaw Officer shall make all rules and regulations not inconsistent with this Bylaw pertaining to the administration of such pound.

- 2) The Animal Control Officer or Bylaw Officer may seize and impound any animal found at large.
- 3) In the active pursuit of any animal while that animal is at large, any Animal Control Officer or Bylaw Officer empowered to apprehend animals under this Part is hereby authorized to enter upon any lands surrounding any building at all reasonable times.
- 4) No person whether or not he is the owner of an animal which is being or has been pursued or captured shall:
 - a) Interfere with or attempt to obstruct a Bylaw Officer who is attempting to capture or who has captured any animal in accordance with the provisions of this Bylaw;
 - b) Unlock or unlatch or otherwise open the vehicle in which animals captured for impoundment have been placed, so as to allow or attempt to allow any animals to escape therefrom
 - c) Remove or attempt to remove any animal from the possession of the Bylaw Officer.

PENALTIES – Part 7

- 1) Any person who contravenes any provision of this Bylaw specified in Schedule A hereto is guilty of an offence and liable to payment of the penalty specified in same Schedule A.
- 2) The Animal Control Officer, Police Constable or Bylaw Officer may enforce the provisions of this Bylaw, and may issue an offence ticket to an owner of a dog alleged to have committed one or more of the above offences and require a payment of the appropriate fine as provided in this Part and as per Schedule A.
- 3) A person whom an offence ticket has been issued may pay the penalty therein specified within the time therein stated:
 - a) Should a person not pay the penalty as provided in subparagraph hereof, and a prosecution has been entered against them, then they shall be liable on summary conviction to pay the minimum fine equal to the penalty stated in the said offence ticket plus court costs;
 - b) Notwithstanding anything therein contained, if a prosecution had been entered against any person for any offence under the Bylaw for which an offence ticket has been issued, the Village may accept payment of the penalty therein specified.
- 4) The offence ticket may be served upon a person in accordance with the provisions of the Provincial Offences Procedures Act of Alberta.
- 5) Should any person be guilty of an offence for which no penalty is specified, then such person shall be liable upon summary conviction to a fine of not more than five thousand dollars (\$5,000.00) and not less than two hundred (\$200.00) dollars, and in default of payment, to imprisonment for a period not exceeding sixty (60) days.

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.


REPEAL

Bylaw 788 is hereby repealed by passage of this Bylaw.

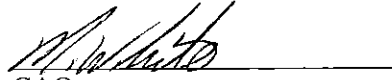
Read a first time this 23rd day of October, 2014

Read a second time this 27th day of November, 2014

Read a third time and finally passed this 17th day of DECEMBER, 2014



Mayor



CAO

SCHEDULE "A"

Penalties

	INFRACTION	1 ST OFFENCE	2 ND OFFENCE	3 RD OFFENCE
P-4. S. 1)	Failure to obtain license	\$50	\$100	\$500
P-4. S. 2 a)	Dog running at large	\$50	\$100	\$500
P-4. S. 2 b)	Failure to ensure collar & tag worn	\$50	\$100	\$500
P-4. S. 2 c)	Fail to confine dog in heat	\$50	\$100	\$500
P-4. S. 2 d)	Fail to remove defecation	\$50	\$100	\$500
P-4. S. 2 e)	Is on parkland or playground	\$50	\$100	\$500
P-4. S. 2 f)	Dog on School property	\$50	\$100	\$500
P-4. S. 2 g)	Dog in playground/sand play area	\$50	\$100	\$500
P-4. S. 2 h)	Barks/howls & disturbs any person	\$50	\$100	\$500
P-4. S. 2 i)	Chase person, animal, bicycle or vehicle	\$200	\$400	Court
P-4. S. 2 j)	Bite person or animal	Court	Court	Court
P-4. S. 2 k)	Fail to provide identification	\$200	\$400	Court
P-4. S. 2 l)	Provide false or misleading information	\$200	\$400	Court
P-4. S. 3)	Damage public or private property	\$50	\$100	\$500
P-4. S. 4)	Keeping of farm animals which disturbs neighbouring persons	\$200	\$400	\$500
P-4. S. 5)	Keeping more than 3 dogs of licensed age	\$200	\$400	\$500
P-4. S. 6 b)	Not conforming with ordered restraints for dangerous dog	\$200	\$400	Court
P-6. S. 4 a)	Interfere with a Bylaw Officer	\$200	\$400	Court
P-6. S. 4 b)	Unlock or unlatch vehicle	\$200	\$400	Court
P-6. S. 4 c)	Remove or attempt to remove a dog from the possession of an Animal Control Officer	\$200	\$400	Court