

BY-LAW # 06-06

BY-LAW # 06-06 OF THE VILLAGE OF MYRNAM, IN THE PROVINCE OF ALBERTA, CANADA, FOR THE PURPOSE OF REGULATING AND CONTROLLING DOGS WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF MYRNAM.

WHEREAS, the Council of the Village of Myrnam deems it desirable and in the best interest of the public to regulate and control the running at large of dogs within the boundaries of the Village of Myrnam; and

WHEREAS, the Council of the Village of Myrnam wishes to license dogs within the boundaries of the Village of Myrnam; and

WHEREAS, the Municipal Government Act authorizes the Council of the Village of Myrnam to pass such a bylaw;

NOW THEREFORE, BY THE VIRTUE OF THE POWER CONFERRED UPON IT BY THE MUNICIPAL GOVERNMENT ACT, THE COUNCIL FOR THE VILLAGE OF MYRNAM, ENACTS AS FOLLOWS:

TITLE

1. This Bylaw shall be cited as the Dog Control Bylaw.

INTERPRETATION

2. In this Bylaw
 - a. Animal Control Officer means any member of the Royal Canadian Mounted Police or person appointed by Council of the Village of Myrnam to carry out the provisions of this Bylaw;
 - b. Council means the Municipal Council of the Village of Myrnam;
 - c. Dog means any canine animal and shall include a bitch, spayed bitch, male or neutered male;
 - d. Kenel means any premises where dogs are harbored or bred as a commercial service or for sport or exhibition purposes.
 - e. Leash means a chain or other material capable of restraining a dog on which it is being used
 - f. Normal working hours means the office hours of the Village of Myrnam, being 8:30a.m. - 12:00p.m. and 1:00p.m. - 3:30p.m., Monday to Thursday, excluding statutory holidays.
 - g. Owner means and includes any person or group of persons owning, possessing, having charge of or control over or harboring any dog or permitting any dog to remain on his property;
 - h. Pound means be the place designated by the Council of the Village of Myrnam where the impounding and keeping of dogs found running at large within the boundaries of the Village of Myrnam; and
 - i. Run at large means:
 - i) any dog that is off the property of its owner, and
 - ii) is not on a leash or lead and
 - iii) is not under immediate, continuous and effective control of its owner
 - j. S.P.C.A. means the Society for the Prevention of Cruelty to Animals in the Province of Alberta
 - k. Vicious Dog means any dog which

- i. shows propensity, disposition or potential to attack or injure, without provocation, humans or other animals,
- ii. is a continuing threat of serious harm to humans or other animals,
- iii. without provocation, chases any person in a threatening manner,
- iv. has inflicted as serious wound upon a human or upon a domestic animal without provocation,
- v. is deemed to be dangerous by a justice under the provisions of the *Dangerous Dogs Act*
- vi. is owned or harboured for the purpose of dog fighting,
- vii. is a guard dog; however,

A dog shall not be deemed vicious if it bites, attacks or menaces a trespasser on the property of its owner or harms or menaces anyone who has tormented or abused it.

1. Village means within the Corporate Limits of the Village of Myrnam

REGULATIONS

- 3.1 No owner shall permit his dog to:
 - a. Run at large;
 - b. Bark or howl excessively or in such a manner so as to disturb the quiet of any person;
 - c. Damage public or private property;
 - d. Bite, bark at, attack or chase any person, animal, bicycle, automobile or other vehicle; or
 - e. Upset any garbage receptacle or scatter the contents of any garbage receptacle.
- 3.2 Any owner of a bitch shall keep such bitch housed and confined during the whole period in which such bitch is in heat.
- 3.3 If a dog defecates on any public property or private property other than the property of its owner, the owner shall cause defecation to be removed immediately.
- 3.4 The owner of any property where an animal is kept shall maintain such property at all times in a clean, sanitary and inoffensive condition.
- 3.5 Where a dog has caused damage to property or other animals, the owner of the dog shall pay for all damages incurred to the person suffering such damage.
- 3.6 Any dog that bites a person shall be promptly reported to the Animal Control Officer and may then be quarantined at the direction of the Animal Control Officer. The dog shall not be released from the quarantine or destroyed except by written permission of a veterinarian or health inspector. At the discretion of the Animal Control Officer, the quarantine may be on the premises of the owner or in the pound. All expenses shall be borne by the owner.
- 3.7 Upon demand made by the Animal Control Officer, the owner shall immediately surrender any dog that has bitten a human, or that is suspected of having been exposed to rabies, for supervised quarantine (for a period not exceeding fourteen (14) days) which expense shall be borne by the owner. The dog may be reclaimed by the owner, if judged free of rabies, on payment of the confinement expenses and any other provisions of this bylaw.
- 3.8 The owner shall confine within a building or secure enclosure every vicious dog and not take the dog out of the building or secure enclosure unless the dog is securely muzzled and leashed.
- 3.9 A person who contravenes any provision of this Bylaw is guilty of an

offence and is subject to a fine as specified in Schedule “B”. Schedule “B” may be amended by resolution of Council.

- 3.10 No person(s) may operate a kennel in any residential district within the village.

CAPTURE AND IMPOUNDMENT

- 4.1 Council is hereby empowered and authorized to make such rules and regulations as they consider necessary for the carrying out of this Bylaw, including but not limited to:
- a. Appointing one or more Animal Control Officers to carry out the provisions of this Bylaw, and
 - b. Establishing one or more pounds for the impounding and keeping of dogs found running at large within the Village.
- 4.2 It shall be the responsibility of an Animal Control Officer to capture all dogs found running at large within the Village contrary to the provisions of this Bylaw and to impound same in the pound. An Animal Control Officer may enter onto any public or private property in pursuit of any dog which is or has been running at large.
- 4.3 It shall be the responsibility of an Animal Control Officer to attempt to the best of his ability to ascertain the name of the owner of any dog impounded and, upon obtaining the name of the said owner, to serve the owner with a Notice of Impoundment to the last known address of the said owner.
- 4.4 It shall be the responsibility of the Animal Control Officer to report any apparent illness, communicable disease, injury, unhealthy condition or otherwise distressful signs exhibited by any dog to a veterinarian or the S.P.C.A. and to take the necessary action as recommended by the veterinarian or the S.P.C.A. The owner or former owner, if known, shall be held responsible for all charges resulting from any veterinarian examination, action or extended retention to the dog in question.

RECLAIMING, SALE OR DESTRUCTION

- 5.1 An impounded dog may be kept at the pound for a period of three days (Saturday, Sunday and statutory holidays not included). During this period, the owner may reclaim the dog by paying at the Village office, during normal working hours, an impoundment fee as set out in Schedule “B” of this bylaw, and paying the Pound keeper directly any veterinary fees or boarding fees incurred during the impoundment.
- 5.2 Any dog not reclaimed by the owner within a period of three (3) days (Saturday, Sunday and statutory holidays not included) from the date of impoundment may be sold by the Pound keeper.
- 5.3 Any dog not reclaimed by the owner within a period of three (3) days (Saturday, Sunday and statutory holidays not included) from the date of impoundment, or sold by the Pound keeper, shall become the property of the Village who will then instruct the Pound keeper to destroy or otherwise dispose of the dog with no liability to the owner for the said disposition.

OBSTRUCTION

6. No person whether or not he is the owner of a dog which is being in or has been pursued or captured shall:
- a. interfere with or attempt to obstruct an Animal Control Officer who is attempting to capture or has captured a dog which is subject to being impounded pursuant to the provisions of this Bylaw;
 - b. induce the dog to enter a house or other place where it may be safe from capture or otherwise assist the dog to escape capture;

- c. falsely represent himself as being in charge or control of a dog so as to establish that the dog is not running at large, or
- d. unlock, unlatch or otherwise open the Pound, van or vehicle in which dogs kept for impoundment have been placed so as to allow or attempt to allow any dog to escape.

NEGLIGENCE AND TORMENT

- 7. No person shall:
 - a. untie, loosen or otherwise free a dog which has been tied or otherwise restrained, or
 - b. 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 within the Village, or
 - c. tease, torment or annoy a dog, or
 - d. drop off dogs within the village with intentions of abandonment.

CONVICTIONS AND PENALTIES

- 8.1 The Animal Control Officer or the Village Municipal Administrator is hereby authorized and empowered to issue a penalty to any person the Animal Control Officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.
- 8.2 The penalty shall state:
 - i. the name and address of the offender if ascertainable;
 - ii. the offence;
 - iii. the appropriate penalty for the offence as set out in Schedule "B" of this bylaw; and
 - iv. the penalty shall be paid within 30 days of issuance or before retrieval of such persons dog from the Pound.
- 8.3 The penalty shall be issued to such person:
 - i. either personally;
 - ii. by mailing a copy to such person at their last known address; or,
 - iii. upon retrieval of such persons dog from the Pound.
- 8.4 Payment of specified fines is accepted in lieu of prosecution. If payment is not received within thirty (30) days, the Administrator is hereby authorized and empowered to issue a summons for the offence.

LICENSING

- 9.1 Any persons who is the owner of a dog over the age of six (6) months within the Village shall be liable to pay a license fee for the dog as set out in Schedule "A". Schedule "A" may be amended by resolution of Council.
- 9.2 The owner of a dog shall, in each calendar year on or before the first day of January, in each year, or as soon thereafter as such a dog attains the age of six months, make application for a license for that dog and pay a license fee to the Village office as outlined in Schedule "A".
- 9.3 Every new owner of a dog shall obtain a new dog license within ten (10) days of acquiring ownership.
- 9.4 No person shall keep, harbor or possess any dog within the Village unless a license has been obtained for the dog and a dog tag is at all times attached to the dog.
- 9.5 Upon receipt of a duly completed application and the license fee, the Village office shall issue to the owner a dog tag stamped with the applicable license number.
- 9.6 The Village office shall keep a record of all dog licenses issued and, for the purposes of identification, a general description of each dog.

- 9.7 Each dog license shall include an initial license fee as set out in Schedule “A”.
- 9.8 An owner may obtain replacement dog tags from the Village office where the original dog tags have been lost, stolen or otherwise rendered unusable, upon payment of a fee set out in Schedule “A”, provided the owner held a valid license for that dog.
- 9.9 A dog license is not transferable and becomes null and void where the owner sells or otherwise ceases to be the owner of the dog. A dog license is not transferable from one dog to another. No license shall be entitled to a license rebate.
- 9.10 All licenses, penalties and pound fees are to be paid by cash, certified cheque or money order before any dog is to be released from the pound.

OFF LEASH AREA(S)

- 10.1 Council may designate parks within the village wherein unleashed dogs are permitted. The parks shall be identified by appropriate signs.
- 10.2 The following provisions apply to off-leash parks:
- a. Parks are for dogs, their handlers and those accompanying them.
 - b. Dogs must be on leash when entering and exiting the park.
 - c. No handlers shall have more than two dogs under his/her control.
 - d. Handlers shall maintain control over their dogs at all times.
 - e. Handlers must carry a leash at all times.
 - f. Dogs must be free of diseases and parasites.
 - g. Dogs in estrus/heat are not allowed in the park.
 - h. All dogs are required to wear a valid dog license tag on their collar.
 - i. Handlers must pick up and dispose of all feces left by the dog.
 - j. Handlers must be sixteen years of age or older. Those under sixteen must be under the control and supervision of an adult.
 - k. Handlers shall immediately leash and remove dogs at the first sign of aggressive behavior towards other park users or other dogs. No vicious dogs are allowed.
 - l. Handlers must stop their dogs from digging and must fill all holes dug up by the dog(s) under their control.
 - m. All persons entering an off-leash park enters at their own risk. The Village of Myrnam is not liable to any person or dog for any injury or harm incurred or caused by any other person or dog entering or remaining in the off-leash park.

COMMENCEMENT DATE AND REPEAL OF BYLAWS

- 11.1 This Bylaw is in force from the day following the date of its adoption.
- 11.2 Bylaw No.372 and all amendments thereto is hereby repealed.

SEVERABILITY PROVISION

12. Should any provision of this bylaw be invalid, then such invalid provision shall be severed and the remaining bylaw shall be maintained.

Moved that By-Law # 06-06 be given first, second, and by unanimous consent of Council, third and final reading and that it be declared finally passed and the Mayor and the Administrator be instructed to sign and affix the Corporate Seal of the Village of Myrnam this 14th day of November, A.D., 2006.

Mayor

Administrator

SCHEDULE "A"

LICENSE FEES

All license fees are subject to providing proof, from a veterinary surgeon, of immunization from rabies and distemper; and, in the case of spayed/neutered dogs, a certificate from a veterinary surgeon that the dog has been spayed/neutered.

Initial License of Spayed Female/Neutered Male	\$30.00
Initial License of Un-spayed Female/Un-neutered Male	\$50.00
Annual dog license renewal fee of Spayed Female/Neutered Male	\$10.00
Annual dog license renewal fee of Un-spayed Female/Un-neutered male	\$15.00
Replacement tags	\$ 7.00

SCHEDULE "B"

IMPOUNDMENT FEES

Impoundment fee within village \$50.00 + \$20.00 per day or portion thereof; to commence at midnight on the day of impoundment

Impoundment fee other than village \$70.00 + veterinary and boarding fees as set by the Pound keeper

SPECIFIED PENALTY

Offence	First Offence	Second and Subsequent Offences
3.1(a) Permitting dog to run at large	\$100.00	\$200.00
3.1(b) Permitting dog to bark or howl excessively	\$50.00	\$100.00
3.1(c), 3.4 Damage to public or private property	\$50.00	\$100.00
3.1(d) Permitting dog to bite, bark at, attack or chase	\$75.00	\$200.00
3.1(e) Permitting dog to upset waste receptacle	\$50.00	\$100.00
3.2 Failure to confine bitch in heat	\$50.00	\$100.00
3.3 Failure to remove defecation	\$50.00	\$100.00
3.4 Failure to keep property clean, sanitary and in an inoffensive condition	\$50.00	\$100.00
3.5 Damage to other animals	\$100.00 + Fees set out by veterinarian	\$200.00+
4.4 Illness, disease, injury, unhealthy or distressful dog	\$50.00 Fees set out by veterinarian	\$50.00
6, 7 Obstruction, Negligence, Torment or Abandonment	\$75.00	\$200.00
9.1, 9.2, 9.3 Failure to be the holder of a valid License	\$50.00	\$50.00
9.4 Failure to ensure that a collar and tag are worn	\$25.00	\$25.00