

JUL 3/2012

BYLAW NO. 605 Proposed amendments September 26, 2006

The Dog Control Bylaw

Sch C 2009
Sch C 2012

Being a Bylaw of the Village of Nobleford, in the province of Alberta, to provide for the licensing, regulating and confinement of Dogs.

WHEREAS, by virtue of the power conferred on it by the Municipal Government Act, S.A. 1994, C. M-26.1, as amended, the Council of the Village of Nobleford, in the province of Alberta, duly assembled, enacts as follows:

SECTION I - SHORT TITLE

This Bylaw may be cited as the "Dog Control Bylaw" of the Village of Nobleford.

SECTION II - DEFINITIONS

"Animal Control Officer" means a person appointed by resolution of Council to carry out the provisions of this bylaw.

"Annual License or License" means a tag or similar document issued by the Village pursuant to Section 7 of the Municipal Government Act, S.A. 1994, c. M-26.1, as amended.

"At Large" means where a Dog is at any place other than the Owner's Property or Permitted Property and is not being carried by any person or is not otherwise restrained by a Permitted Leash held by a person, and that permitted leash is attached to a choke chain, collar or harness securely holding that Dog.

"Council" means the municipal Council of the Village of Nobleford.

"Day" means a continuous period of twenty-four (24) hours.

"Dog" means either the male or female of any domesticated canine species.

"Dog Shelter" means premises designated by the Village for the impoundment and care of dogs and includes premises supplied by an independent contractor under contract with the Village to provide such premises.

"Kennel" means a dwelling, shelter, room or place so considered, housing or keeping more than two (2) dogs over the age of six (6) months.

"Kennel License" means an annual dog License issued by the Village in accordance with this bylaw.

"License Tag" means an identification tag issued by the Village showing the license number for a specific Dog.

"Neutered" shall mean either male or female dogs that have been neutered, spayed or altered so as to prohibit reproduction.

"Owner" means

1. A person who has the care, charge, custody, possession or control of a Dog.
2. A person who harbours or permits a Dog to be present on any property owned, occupied or leased by that person or which is otherwise under his control.
3. A person who claims and receives a Dog from the custody of the Dog Shelter or a Dog Control Officer; or
4. A person to whom a License Tag was issued for a Dog in accordance with this Bylaw; and for the purposes of this Bylaw a Dog may have more than one (1) Owner.

"Owner's Property" means any property in which the Owner of a Dog has a legal or equitable interest or over which the Owner of a Dog has been given the control or use of, by the legal or equitable owner of the property, and which property shall include, without limiting the generality of the foregoing, land, buildings and vehicles.

"Permitted Leash" means a leash adequate to control the Dog to which it is attached, and which leash shall not exceed three (3) meters in length.

"Serious Wound" means an injury to a human or animal resulting from a Dog bite, which causes the skin to be broken or flesh to be torn

"Village" means the Village of Nobleford.

Pat

10/10/09

SECTION III - LICENSING PROVISIONS

The provisions of this Bylaw shall not apply to any dog that is registered to provide assistance to the Blind, Deaf or the Disabled.

1. The owner of a dog, six (6) months of age or older, in the Village shall obtain an annual license for each dog, and shall pay an annual fee as set out in Schedule "A", Fees and Fines, which is attached to and forms part of this bylaw and which may be amended from time to time by resolution of Council.
2. The owner of a dog shall ensure that the dog wears a collar and that the license tag obtained for such dog is attached to the collar at all times.
3. The owner of a dog shall:
 - a) Obtain the license by the first day of January in any given year.
 - b) Subject to the provisions of Section III(d) obtain a license for the dog within fourteen (14) days of the dog becoming six (6) months old.
 - c) Obtain a license within fourteen (14) days of becoming the owner of a dog.
 - d) Obtain a license for a dog notwithstanding that it is under six (6) months of age, where the dog is found running at large.
 - e) Obtain a vaccination for the prevention of Rabies infection before purchasing a dog license.
4. License fees shall be paid in full regardless of when the dog is registered during the year. No refunds shall be made on any paid license fee due to the death, loss or sale of the dog or upon the owner's leaving the municipality.
5. Any person who owns more than two (2) dogs within the Village Limits shall apply for a Kennel License. Council may by resolution approve the operation of a kennel and issue a Kennel Permit on an annual basis, subject to any conditions that may be established by Council and payment of the Kennel License fee as set out in the Fee Schedule. The Kennel License may be subject to cancellation by resolution, as the Council may decide.
6. Failure to comply with Section 3 may result in prosecution or a fine in lieu thereof as set out in Schedule "A", Fee and Fines, which is attached to and forms part of this bylaw and which may be amended from time to time by resolution of Council.

Section IV – Records

1. The Village Administration Office shall keep a record of all dogs. The records shall indicate:
 - a) Date of License issuance
 - b) Name, address and telephone number of dog owner
 - c) License number issued and amount paid
 - d) Breed, colour and sex of dog

Section V – Dog Control Provisions

1. The owner of a dog shall not allow the dog to run at large within the corporate limits of the Village.
2. The owner of a dog shall not allow a dog to be in a park while not on a leash.
3. No owner of a dog shall permit the dog to be or become a public nuisance by permitting a dog to:
 - a) Bite, attack, run at, or attempt to bite, attack or run at any person
 - b) Bite, bark at or chase livestock, bicycles, automobiles or any vehicle
 - c) Bark, howl or otherwise disturb the quiet or repose of any person
 - d) Cause damage to property or other animals
 - e) Worry or annoy any other animal
 - f) Upset waste receptacles and scatter the contents
4. The owner of a female dog, which is in heat, shall keep such dog housed and confined on the premises of the owner in such a way as to prevent the attraction of other dogs to the vicinity of such premises.

5. The breed of dog commonly known as "Pit Bull" is specifically prohibited in Village. No person shall own, keep, maintain, or harbour a "Pit Bull" dog or a mixed breed of "Pit Bull" ancestry. Council may, by resolution name other specific breeds of Dogs as Prohibited.
5. The owner of a dog, who allows a dog to defecate on property other than his own, shall remove forthwith any defecated material so deposited.
7. No person shall tease, torment or annoy any dog.
8. No person shall untie, loosen or otherwise free a dog which has been tied or otherwise restrained, or negligently or wilfully 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.
9. Failure to comply with Section V may result in prosecution or, in lieu thereof, payment of a fine as set out in Schedule "A" Fees and Fines, which is attached to and forms part of this Bylaw and which may be amended from time to time by resolution of Council.

Section VI – Animal Control Officer

1. The Council shall establish pounds and appoint Animal Control Officers in accordance with agreements as entered into by way of motion.
2. The Animal Control Officer may capture and impound any dog in respect of which:
 - a) they believe an offence under this bylaw is being or has been committed; or
 - b) it is named or described or otherwise designated in a written complaint by any person, as creating a disturbance by barking, howling or otherwise disturbing any person at any time during the day or night; or
 - c) it is named or described or otherwise designated in a written complaint made pursuant to the Dangerous Dog Act;
 - d) it is actually or apparently affected with rabies or any other contagious disease.
2. In enforcement of subsection 2, but not for the purpose of investigation only, The Animal Control Officer is hereby authorized to enter onto any privately owned premises provided however, that in this section the word premises does not include a building used as a dwelling house.
3. The Animal Control Officer shall:
 - a) forthwith after impoundment of any dog, notify the owner, if ascertainable, of such impoundment;
 - b) make provisions for an adequate dog pound and provide adequate care, food and water, for any dog so impounded;
 - c) keep a record of all dogs impounded and of their disposal by sale, redemption or otherwise.
4. No person shall:
 - a) interfere with or attempt to obstruct an Animal Control Officer who is attempting to capture, or who has captured any dog in accordance with the provisions of this bylaw; or
 - b) induce any dog to enter a house or other place where it may be safe from capture, or otherwise assist the dog to escape capture; or
 - c) falsely represent themselves as being in charge or control of a dog so as to establish that the dog is not running at large as the term is defined by this bylaw; or
 - d) unlock or unlatch or otherwise open the vehicle in which dogs captured for impoundment have been placed so as to allow or attempt to allow any dog or dogs to escape there from; or
 - e) remove or attempt to remove any dog from the possession of the Animal Control Officer.

Section VII - Reclaiming

1. The owner of any licensed impounded dog may reclaim the dog from the pound within seventy-two (72) consecutive hours from the time of impoundment, excluding Saturdays, Sundays and Holidays by paying the impoundment fee, care and sustenance fees, and veterinary fees, as set out in Schedule "A", Fees and Fines which is attached to and forms part of this Bylaw and which may be amended from time to time by resolution of Council.

2. If the dog is not claimed within seventy-two (72) hours of impoundment, as defined in subsection 1, the Animal Control Officer may sell or euthanize the dog, unless a person having authority orders the further retention of the dog or the owner of the dog makes arrangements with the Animal Control Officer for the further retention of the dog.
3. The purchaser of the impounded dog from the pound pursuant to the provisions of this Bylaw shall obtain full right and title to it and the right and title of the former owner of the dog shall cease there upon.
4. Impounded dogs shall not be returned to or sold by the Animal Control Officer to any resident of the Village until a license has first been purchased for the dog by the resident and all related fines and costs paid.

Section VIII – Penalties

1. Where an Animal Control Officer believes that any person has contravened any provisions of this Bylaw, they may serve upon such person a notice or ticket. The ticket shall state the provision of the Bylaw, which has been contravened, and the amount of the fine which is provided in Schedule "A", Fees and Fines of this Bylaw.
2. Service of any such notice shall be sufficient if it is:
 - a) personally served; or
 - b) served by mail; or
 - c) left with some competent person who resides with the person who is alleged to have committed such offence.
3. Upon production of any such ticket within seven (7) days from the date of service of such ticket, together with the payment of the sum specified on the ticket to a person authorized to receive such payment, such payment shall be accepted in lieu of prosecution.
4. Nothing in this section shall prevent any person from exercising his right to defend any charge of committing a breach of any of the provisions of the Bylaw.
5. A person who contravenes a provision of this Bylaw is guilty of an offence and liable upon summary conviction to a fine of not less than \$50.00 and costs, and in default of payment of such fine and costs, to imprisonment for a period not exceeding thirty (30) days. A Provincial Judge, in addition to the penalties provided may, if they consider the offence sufficiently serious enough, impose further fines or conditions.

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

THAT this bylaw shall come into force and effect upon the final passing thereof.

THAT Bylaw No. 576 is hereby repealed in its entirety.

Read a FIRST time this 26th day of September 2006 .

Read a SECOND time this 31 day of October 2006

HB Read a THIRD time and FINALLY PASSED this 21 day of November, 2006



MAYOR



ADMINISTRATOR

VILLAGE OF NOBLEFORD
BOX 67
NOBLEFORD, ALTA. TOL 190

Dec 2009

Bylaw 605

SCHEDULE "A"
LICENSE FEES, COSTS AND CHARGES AND FINES

LICENSE FEES

Female: unspayed	<u>\$40.00</u>
Spayed	<u>\$20.00</u>
Male: unneutered	<u>\$40.00</u>
Neutered	<u>\$20.00</u>
Kennel License	<u>\$200.00</u> plus applicable tag for each dog

COSTS AND CHARGES

Costs and charges to be paid by owner redeeming dog.

Boarding charges per day	<u>\$20.00 plus costs</u>
Impound Fee	<u>\$50.00 plus costs</u>

FINES

	<u>1st Offence</u>	<u>2nd offence</u>
Contravention of any portion of Bylaw 605	\$100.00	\$150.00
Fines triple regarding restricted dogs	\$300.00	\$450.00

Village of Nobleford
Schedule "C" Prohibited and Restricted dog list of Dog Control By law #605

Being a Bylaw of the Village of Nobleford, in the province of Alberta, to provide for the licensing, regulating and confinement of Dogs in the Village of Nobleford

WHEREAS, by virtue of the power conferred on it by the Municipal Government Act, S.A. 1994, C. M-26.1, as amended, and further that, Council may, by resolution name specific breeds of Dogs as Prohibited

NOW THEREFORE, the Council of Village of Nobleford, in the Province of Alberta, duly assembled enacts as follows:
THAT it is the intention of Council that SCHEDULE C BE INCLUDED IN BYLAW 605, and each separate provision of the Bylaw shall be deemed independent of all other provisions herein and it is further the intention of Council that if any provisions of the Bylaw be declared invalid, all other provisions thereof shall remain valid and enforceable.

SCHEDULE "C"
PROHIBITED AND RESTRICTED DOGS
Dog Control by law #605

PROHIBITED DOGS in Nobleford

1. Any Dog commonly known as a Pit-bull or mixed breed or ancestry of a Pit-bull.

RESTRICTED DOGS in Nobleford

1. Any dog, as identified in this bylaw or which, in the opinion of the Animal Control Officer, should be restricted.
2. Any dog with respect to which there has been a fine paid or conviction registered on one or more occasions under any Sections of this by-law.

THAT amended Schedule "C" of bylaw 605 shall come into force and effect upon the final passing thereof;

#000-2012 MOVED BY TA that bylaw 605, Schedule "C", be read for the first time this 3rd day of July 2012

#000-2012 MOVED BY DM that bylaw 605, Schedule "C", be read for the second time this 3rd day of July 2012

#000-2012 MOVED BY PP that bylaw 605, Schedule "C", be presented for third reading this 3rd day of July 2012

#000-2012 MOVED BY WL that bylaw 605, Schedule "C", be read for the third time this 3rd day of July 2012

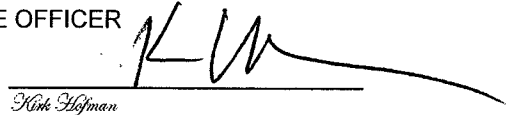
MAYOR

M. Wobick


Margarete Wobick

CHIEF ADMINISTRATIVE OFFICER

Kirk Hofman


Kirk Hofman

Council discussion took place regarding rights, responsibilities and liability related to pets, proactive versus reactive dog controls, dog owner and neighbour concerns with safety and discretionary powers of dog catcher. Removing specific dogs from prohibited list does not mean that these dogs are not of concern to the Village. These dogs may not be allowed in the Village pending evaluation by the Dog catcher/ bylaw enforcement officer. These dogs removed from the prohibited list may be a restricted dogs and subject to immediate removal from the Village in the event of a contravention of Village bylaws or at the discretion of the dog catcher or bylaw enforcement officer. Pet owners are encouraged to make choices of dog breeds in consideration of their neighbours and appropriateness for the community.