

**TOWN OF PENHOLD**  
**BYLAW NO. 713/14**

**Dog Bylaw**

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BEING A BYLAW OF THE TOWN OF PENHOLD IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF PROVIDING FOR THE LICENSING, REGULATION AND CONTROL OF DOGS.

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**WHEREAS** the Council of the Town of Penhold supports responsible pet ownership within the Town and will support and enforce that all owners are caring and controlling their dogs within the Bylaw rules.

**NOW THEREFORE**, the Council of the Town of Penhold, in the Province of Alberta, duly assembled and under the powers conferred upon it by the *Municipal Government Act*, R.S.A. 2000, c. M-26, Part 2, Division 1, Section 7(h) and amendments thereto, enacts as follows:

1. **TITLE** This bylaw may be cited as the “Dog Bylaw”.

2. **DEFINITIONS**

In this Bylaw, unless context dictates otherwise, the word(s):

“**Altered**” means any dog that has been neutered or spayed by a veterinarian;

“**Animal Control Officer**” means any member of the Royal Canadian Mounted Police, Town of Penhold Community Peace Officer, Bylaw Enforcement Officer or designate; including, but not limited to, a person hired or contracted by the Town to enforce of the provisions of this Bylaw;

“**Animal Control Ticket**” means a form having printed wording approved by Council as set out in Schedule “C” of this Bylaw;

“**Animal Shelter**” means premises designated by the Town for the impoundment and care of animals and includes the premises supplied by a person hired or contracted by the Town to enforce the provisions of this Bylaw;

“**At Large**” means off the property owned or occupied by the Owner and not secured by a Permitted Leash held by a person able to physically control the dog or when in an area municipally designated as a public off-leash area, not under the control of a person;

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“**Business Day**” means any day that the Town offices of the Town of Penhold are open for public business and shall not include the calendar day on which the initiating impoundment or other action in question occurred;

“**Council**” means the elected Council of the Town of Penhold, Alberta;

“**Distress**” has the same meaning as in the *Animal Protection Act* R.S.A. 2000, c.A-41;

“**Dog**” member of the canine family but excluding any species deemed wild – i.e. fox, coyote, wolf, etc;

“**Intact**” means any dog that has not been neutered or spayed;

“**License**” means the dog license issued by the Town in accordance with this Bylaw;

“**License Tag**” means the identification tag issued by the Town that is connected to the License issued in accordance with this Bylaw;

“**Owner**” is deemed to be any person, partnership, association, organization or corporation, who:

- (i) is named as Owner on the dog License;
- (ii) has charge of the dog;
- (iii) has control over the dog; or
- (iv) harbours the dog; and

for the purposes of this Bylaw, a dog may have more than one Owner;

“**Permitted Leash**” means a restraining device less than two (2) meters in length and in adequate physical condition to control the dog to which it is attached;

“**Town**” means the Town of Penhold.

### 3. LICENSING

3.1 Every person who is the Owner of a dog four (4) months of age or older shall apply for a License for the dog by submitting an application to the Town office and paying the applicable License fee as set out in Schedule “A” of this Bylaw. The Owner shall pay this License fee by January 31<sup>st</sup> of each year.

3.2. No owner shall obtain ownership of more than six (6) pets, per property. Those pets may be a combination of dogs and cats but cannot exceed six (6).

3.3 If one of the following events applies, the Owner shall apply for a License within thirty (30) days of the event in question:

3.3.1 the Dog reaches four (4) months of age after January 31<sup>st</sup>;



- 3.3.2 the person becomes the Owner of the Dog after January 31<sup>st</sup>; or
- 3.3.3 the Owner takes up residence in the Town after the 31<sup>st</sup> of January;
- 3.4 If a person is applying for a License for an altered dog, the Town may require the Owner to provide a certificate from a certified and registered veterinarian indicating the dog has been Altered, prior to the Town issuing a License for the dog.
- 3.5 Upon approval of the application and payment of the applicable fee, the Town will issue a License and a License Tag for the dog to the Owner. If a License Tag is lost, a replacement License Tag will be issued by the Town upon payment of the applicable fee as set out in Schedule "A" of this Bylaw.
- 3.6 The Owner of a dog is guilty of an offence if he or she fails to register the dog and obtain a License for it and is subject to a penalty as set out in Schedule "B" of this Bylaw.
- 3.7 Any person who provides the Town or an Animal Control Officer with false or misleading information with respect to a dog is guilty of an offense and is subject to a penalty as set out in Schedule "B" of this Bylaw.
- 3.8 A License issued under this Bylaw is not transferable from one dog to another or from one Owner to another.
- 3.9 An Owner shall ensure that the dog wears a collar and a License Tag at all times when the dog is off the Owner's property, and an Owner who fails to do so is guilty of an offense and is subject to a penalty as set out in Schedule "B" of this Bylaw.
- 3.10 No person is entitled to a refund or rebate of any monies that were paid as a License fee.
- 3.11 Every License expires on December 31<sup>st</sup> of the same year it was issued.

**4. RESPONSIBILITIES OF THE OWNER**

- 4.1 An Owner of a dog is guilty of an offence and subject to the penalties as set out in Schedule "B" of this Bylaw, if such dog:
  - 4.1.1 is At Large;
  - 4.1.2 continuous barks, howls or other noises that exceeds 5 minutes, so as to disturb any person;
  - 4.1.3 damages any private or public property within the Town;



- 4.1.4 is in an area where signage prohibits the presence of dogs, regardless of whether or not the dog is on a Permitted Leash;
- 4.1.5 is within the perimeter of playground apparatus or a sand and/or rubber play area;
- 4.1.6 defecates on any public or private property, other than the Owner's property, and the Owner fails to immediately remove such defecation;
- 4.1.7 does any of the following:
  - 4.1.7.1 chases a person;
  - 4.1.7.2 chases a domesticated animal or motor vehicle;
  - 4.1.7.3 lunges at or attacks a person (without biting the person);
  - 4.1.7.4 lunges at or attacks a domesticated animal (without biting the animal);
  - 4.1.7.5 bites a person;
  - 4.1.7.6 bites a domesticated animal;
  - 4.1.7.7 shows aggression towards a person by barking, growling, snarling or other behavior that creates a reasonable apprehension of a threat; or
  - 4.1.7.8 shows aggression towards a domesticated animal by barking, growling, snarling or other behavior that creates a reasonable apprehension of a threat.

**5 RESPONSIBILITES OF AN ANIMAL CONTROL OFFICER**

5.1 An Animal Control Officer may capture and impound in the Animal Shelter any dog that:

- 5.1.1 is At Large;
- 5.1.2 is not wearing a License Tag;
- 5.1.3 is in the perimeter of playground apparatus or a sand and/or rubber play area;
- 5.1.4 has bitten another domesticated animal or a person; or
- 5.1.5 has been teased, tormented, annoyed, abused, injured or that is in distress.

5.2 An Animal Control Officer is authorized to take such reasonable measures as are necessary to subdue any dog requiring impoundment, including but not limited to, the use of tranquilizer equipment and live traps.



5.3 If any dog is injured, bleeding, in distress or a risk to its own health or safety, the Animal Control Officer shall insure that the dog receives appropriate veterinary care as required before proceeding to the Animal Shelter.

5.4 Any dog that an Animal Control Officer suspects of being rabid shall be taken by the Animal Control Officer to a certified and registered veterinarian for examination. The veterinarian shall issue a certificate attesting to whether or not the dog in question is rabid and said certificate will be deemed final and conclusive.

5.5 The Animal Shelter shall have available adequate shelter, ventilation, space, food, water and protection from injurious heat and/or cold for all impounded animals. The Animal Shelter shall also have veterinary care available, as required on an emergency basis.

5.6 The Animal Control Officer shall, as soon as possible after a dog is impounded, notify the dog's Owner if his/her identity is reasonably ascertainable.

5.7 The Animal Control Officer shall keep a registration book that states the date and time that a dog was impounded, together with a description of the dog and any identifying information including, but not limited to, License Tag, tattoo or microchip.

5.8 A dog impounded by an Animal Control Officer may be kept in the Animal Shelter for a four (4) Business Day sheltering period. During this period, any dog may be claimed and collected by its Owner or the Owner's agent upon payment to the Town and/or Animal Shelter of:

5.8.1 the appropriate License fee when the dog is not licensed;

5.8.2 the cost of any veterinary treatment that was performed; and

5.8.3 kennel fees related to the impounding or sheltering of the dog as specified in the contract between the Town and the Animal Shelter.

5.9 If the preceding conditions have not been met, the Animal Shelter is not obliged to release the dog to the Owner or the Owner's agent.

5.10 Notwithstanding Section 6.8 of this Bylaw, if, in the opinion of an Animal Control Officer, the dog, has an obvious identification device, tattoo, tag, license or microchip identifying the dog. Then the applicable minimum sheltering period shall be ten (10) Business Days.

5.11 At the expiration of the applicable sheltering period, the Animal Shelter is authorized to:

5.11.1 At the expiry of the applicable sheltering hour period, any dog not claimed will be at the full discretion of the Animal Shelter and their decisions guidelines, rules and regulations.

**6 INTERFERENCE WITH AN ANIMAL CONTROL OFFICER**

6.1 No person shall:

6.1.1 interfere with, hinder, or otherwise impede, an Animal Control Officer in the performance of any duty authorized by this Bylaw;

6.1.2 damage, spring, or otherwise tamper with, a live trap intended to capture a dog;

6.1.3 damage, spring, or otherwise tamper with, a live trap with which a dog has been captured and/or confined;

6.1.4 unlock, unlatch, or otherwise open, the vehicle in which a dog has been confined for impoundment; or

6.1.5 remove or attempt to remove any dog from the possession of an Animal Control Officer or an Animal Shelter; and any person who does so is guilty of an offense and is subject to a penalty as set out in Schedule "B" of this Bylaw.

**7 TREATMENT OF DOGS**

7.1 No person shall:

7.1.1 tease, torment, annoy, abuse or injure any dog; or

7.1.2 untie, loosen or otherwise free a dog that is not in distress unless the person has the Owner's authorization; and any person who does so is guilty of an offense and is subject to a penalty as set out in Schedule "B" of this Bylaw.

**8 ISSUANCE OF TICKETS**

8.1 Where an Animal Control Officer has reasonable grounds to believe that a person has contravened any provision of this Bylaw, he or she may serve upon the person an Animal Control Ticket allowing payment of the specified penalty as set out in Schedule "B" of this Bylaw, which will be accepted by the Town in lieu of prosecution for the offence, or may issue a violation ticket in accordance with the Provincial Offences Procedures Act, R.S.A. 2000, c. P- 34, allowing a voluntary payment or requiring a person to appear in court without the alternative of making a voluntary payment.

8.2 An Animal Control Ticket shall be deemed to be sufficiently served if one (1) of the following requirements is met:

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8.2.1 The Animal Control Officer delivers it personally to the Owner of the dog or leaves it at the Owner's residence with a person who is at least sixteen (16) years of age.

8.2.2 It is sent by regular mail to the address of the dog's Owner that was recorded at the time the Owner purchased a License for the dog.

8.3 Payment of the penalty specified on an Animal Control Ticket within twenty-one (21) days of the date that the Animal Control Ticket was served may be accepted by the Town or an Animal Control Officer or administrative staff to whom the responsibility has been designated.

## 9 PENALTIES

9.1 Where an Animal Control Officer has reasonable grounds to believe that a person has contravened any provision of this Bylaw, he or she may serve upon the person an offence tag allowing payment of the specified penalty as set out in Schedule "C" of this Bylaw, which payment will be accepted by the Town in lieu of prosecution for the offence, or he or she may issue a violation ticket in accordance with the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, allowing a voluntary payment or requiring a person to appear in court without the alternative of making a voluntary payment.

9.2 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable, on summary conviction, to the specified penalty as set out in Schedule "C" and, in default of payment of the specified penalty.

9.3 Any person who contravenes the same provision of this Bylaw twice within a 12 month period is guilty of a second offence and is liable, on summary conviction, to a specified penalty for a second offence as set out in Schedule "C" and, in default of payment of the specified penalty.

9.4 Any person who contravenes the same provision of this Bylaw three or more times within a 12 month period is guilty of a third or subsequent offence and is liable, on summary conviction, to a specified penalty for a third or subsequent offence as set out in Schedule "C" and, in default of payment of the specified penalty.

9.5 When a penalty is not specified under this Bylaw, a person who is guilty of an offence is liable to a fine not less than \$250.00 and not exceeding \$1,000.00.

9.6 For an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day or part of a day on which it continues. Any person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each such day.

**10. SEVERABILITY OF BYLAW PROVISIONS**

It is the intention of Council that:

- 10.1 Each separate provision of this Bylaw shall be deemed independent of all other provisions; and
- 10.2 Should any provision of this Bylaw be declared invalid for any reason by a Court of competent jurisdiction, then that provision may be severed and all other provisions of this Bylaw will remain valid and enforceable.

**11 GENERAL PROVISIONS**

11.1 Should any provision of this Bylaw be declared invalid for any reason by a Court of competent jurisdiction, then that provision may be severed and all other provisions of this Bylaw will remain valid and enforceable.

11.2 Nothing in this Bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, other bylaw or any requirement of any lawful permit, order or license.

11.3 The administration of the Town may develop additional documents to assist residents in the recording of complaints and concerns related to this Bylaw.

11.4 This Bylaw shall come into effect receiving third reading and being passed.

11.5 Bylaw 549/98 is hereby repealed and all other previous Dog Bylaws upon final passing of Bylaw 713/14.





**Read a first time this 14<sup>th</sup> day of October, 2014.**

**Read a second time this 24<sup>th</sup> day of November, 2014.**

**Read a third time and passed this 24<sup>th</sup> day of November, 2014.**

  
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**MAYOR**

  
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**CHIEF ADMINISTRATIVE OFFICER**

**SCHEDULE - "A"**

**LICENSING**

**Dog License and License Tag Fees**

Intact Dog	\$50.00
Altered Dog	\$25.00
Replacement of License	\$10.00



**SCHEDULE "B"**  
**FINES & PENALTIES**

Section	Offense Description	Penalty
3.6	Failure to obtain dog license	\$200.00
	2nd offence within a year	\$200.00
	3rd and subsequent offences within a year	\$200.00
3.7	Provide false or misleading information	\$50.00
	2nd offence within a year	\$100.00
	3rd and subsequent offences within a year	\$150.00
3.9	Dog not wearing License Tag when off Owner's property	\$50.00
	2nd offence within a year	\$100.00
	3rd and subsequent offences within a year	\$150.00
4.1.1	Dog At Large	\$50.00
	2nd offence within a year	\$100.00
	3rd and subsequent offences within a year	\$150.00
4.1.2	Dog bark, howl or make other that disturbs any person	\$50.00
	2nd offence within a year	\$100.00
	3rd and subsequent offences within a year	\$150.00
4.1.3	Dog damages property	\$50.00
	2nd offence within a year	\$100.00
	3rd and subsequent offences within a year	\$150.00
4.1.4	Dog in prohibited area	\$50.00
	2nd offence within a year	\$100.00
	3rd and subsequent offences within a year	\$150.00
4.1.5	Dog in playground or sand/rubber play area	\$100.00
	2nd offence within a year	\$200.00
	3rd and subsequent offences within a year	\$400.00
4.1.6	Failure to immediately remove defecation	\$50.00
	2nd offence within a year	\$100.00
	3rd and subsequent offences within a year	\$150.00
4.1.7.1	Dog chases a person	\$100.00
	2nd offence within a year	\$200.00
	3rd and subsequent offences within a year	\$400.00
4.1.7.2	Dog chases an animal or motor vehicle	\$50.00
	2nd offence within a year	\$100.00
	3rd and subsequent offences within a year	\$150.00
4.1.7.3	Dog lunges at/attacks a person	\$200.00
	2nd offence within a year	\$400.00
	3rd and subsequent offences within a year	\$800.00
4.1.7.4	Dog lunges at/attacks an animal	\$100.00
	2nd offence within a year	\$200.00



	3rd and subsequent offences within a year	\$400.00
4.1.7.5	Dog bites a person	\$400.00
	2nd offence within a year	\$800.00
	3rd and subsequent offences within a year	\$1500.00
4.1.7.6	Dog bites an animal	\$200.00
	2nd offence within a year	\$ 400.00
	3rd and subsequent offences within a year	\$800.00
4.1.7.7	Dog shows aggression towards a person	\$100.00
	2nd offence within a year	\$200.00
	3rd and subsequent offences within a year	\$400.00
4.1.7.8	Dog shows aggression towards an animal	\$50.00
	2nd offence within a year	\$100.00
	3rd and subsequent offences within a year	\$150.00
6.1.1	Interfere with Animal Control Officer in the performance of his/her duties	\$750.00
	2nd offence within a year	\$1000.00
	3rd and subsequent offences within a year	\$1500.00
6.1.2	Tamper with dog trap	\$500.00
	2nd offence within a year	\$750.00
	3rd and subsequent offences within a year	\$1000.00
6.1.3	Tamper with dog trap containing a dog	\$500.00
	2nd offence within a year	\$750.00
	3rd and subsequent offences within a year	\$1000.00
6.1.4	Unlock, unlatch or open an impoundment vehicle	\$750.00
	2nd offence within a year	\$1500.00
	3rd and subsequent offences within a year	\$2000.00
6.1.5	Remove or attempt to remove a dog from an Animal Shelter or Animal Control Officer's possession	\$750.00
	2nd offence within a year	\$1500.00
	3rd and subsequent offences within a year	\$2000.00
7.1.1	Tease, torment, annoy, abuse or injure a dog	\$500.00
	2nd offence within a year	\$750.00
	3rd and subsequent offences within a year	\$1000.00

