

A BYLAW OF THE VILLAGE OF ROSALIND IN THE PROVINCE OF ALBERTA, PROVIDING FOR THE CONTROLLING OF DOGS.

WHEREAS The Municipal Government Act and amendments thereto authorize a municipality to pass bylaws regarding wild and domestic animals and activities in relation to them, and

WHEREAS The Council of the Village of Rosalind deems it advisable to pass a bylaw to control dogs within the Village of Rosalind, and

NOW THEREFORE The Municipal Council of the Village of Rosalind duly assembled, hereby enacts as follows:

1. Title and Application

- (a) This bylaw may be cited as the “Dog Control Bylaw”.
- (b) This bylaw shall apply to all the lands within the Village of Rosalind.

2. Definitions

In this bylaw:

- (a) **“Bylaw Enforcement Officer”** shall mean:
 - i. A person appointed under Section 555 and 556 pursuant to the Municipal Government Act, RSA 2000, Chapter M-26, employed or contracted by the Village of Rosalind to enforce the Rosalind bylaws.
 - ii. A Community Peace Officer as defined under the Peace Officer Act, SA 2006, Chapter P-3.5.
 - iii. A member of the Royal Canadian Mounted Police.
 - iv. A Fish and Wildlife Officer appointed under the Alberta Wildlife Act.
 - v. The Council of the Village of Rosalind; or
 - vi. The Village Manager.
- (b) **“Dangerous dog”** means:
 - i. any dog with a known propensity, tendency, or disposition to attack without provocation, other domestic animals, or humans.
 - ii. any dog which has inflicted a serious wound upon another domestic animal or human without provocation.
 - iii. any dog which has been the subject of an order or direction of a Justice under the Dangerous Dogs Act.
 - iv. Notwithstanding paragraphs i to iii above, a dog shall not be deemed dangerous if it attacks or bites a trespasser on the property of its owner or property controlled by its owner.

- (c) **“Dog”** means any animal of the Canine family.
- (d) **“Dog at large”** means a dog that is on any property not belonging to the owner of the dog and the owner does not have effective control of the dog.
- (e) **“Effective control”** means that a person has reasonable control over a dog to be able to command its behaviour. Form of control is a leash when off dog owner property.
- (f) **“Owner”** means, unless the context otherwise requires, any person, partnership, association, corporation, or legal guardian of a person, who has legal ownership or possession of a dog, or who harbours or keeps or has the care or control of a dog for more than two weeks.
- (g) **“Pound”** means a place, designated by Village Council, where dogs that have been seized shall be kept.
- (h) **“Pound keeper”** means any person appointed by Village Council to keep a pound for the purpose of controlling and disposing of dogs that have been seized.

3. **Ownership Responsibilities**

- (a) No owner shall allow their dog to be on or remain on private property without first obtaining permission of the owner of the property.
- (b) No owner shall allow their dog to be on or remain on Village of Rosalind property unless they have effective control of the dog.
- (c) No owner shall allow their dog, while not on their own property, to:
 - i. bark at any person, or
 - ii. chase any person or vehicle, or
 - iii. attack any person, or
 - iv. chase or attack any animal owned or being kept by another person, or
 - v. defecate on the property unless the owner immediately removes the defecated matter deposited, or
 - vi. Cause any damage or nuisance thereon.
- (d) No owner shall allow his dog to bark, yelp, or howl excessively or persistently and thereby disturb other persons.

4. **Dog Identification**

- (a) To assure the safe return of lost or seized dogs, the owners are to attach an identity tag to their dog's collar including information such as owner name and phone number.

5. Powers of Bylaw Enforcement Officer

- (a) Any dog at large may be seized by a bylaw enforcement officer and placed in a pound as provided for in this bylaw. Refer to Schedule B for penalty imposed.
- (b) A bylaw enforcement officer may use any means necessary to capture and seize a dog at large, provided that:
 - i. no dog shall be seized on private property without the permission of the owner of the property, except in a case of fresh pursuit and where it is known that the property is not that of the owner of the dog, and
 - ii. Every reasonable precaution is taken to avoid causing any injury or bodily harm to the dog.
- (c) Every dog seized under this bylaw shall, as soon as practical, be taken to the prescribed pound and restrained therein.
- (d) No person shall in any way interfere with or obstruct a bylaw enforcement officer who has seized or is attempting to seize a dog at large or is otherwise executing his duties under this bylaw.
- (e) If a dog is deemed a dangerous dog in the opinion of the bylaw enforcement officer, he may apply to a Justice for the dog to be destroyed.

6. Right and Responsibilities of All Persons

- (a) No person shall in any way mistreat a dog by:
 - i. causing any unnecessary physical pain to the dog, or
 - ii. neglecting to provide shelter, food, and potable water as often as is necessary to maintain the good health of the dog, or
 - iii. neglecting to provide the necessary treatment for a dog suffering from disease or injury or which is infested by any vermin or parasite, or
 - iv. Harassing or tormenting the dog.
- (b) Any person found mistreating a dog may be reported to the SPCA.

7. Impounding Dogs, Standards and Procedures

- (a) Any dog which has been placed in a pound shall be kept therein for a period of not less than three (3) clear days, exclusive of Saturdays, Sundays, and statutory holidays unless sooner claimed by the owner or otherwise disposed of in accordance with this bylaw.
- (b) An owner may redeem an impounded dog upon payment to the poundkeeper of all fees and costs associated with impounding the dog.

- (c) In any case, where a dog is found to be ill or has been injured and it has been determined by a veterinarian or a bylaw enforcement officer that the dog should be destroyed to prevent needless suffering, the dog may be destroyed as soon as practical.
- (d) Any dog that has been impounded, for longer than the period prescribed in this bylaw, may at the discretion of the pound keeper:
 - i. be sold at a price to cover the cost of the impoundment, provided that the dog is not sold to the owner or to any other person representing the owner, or
 - ii. Be destroyed by a veterinarian.
- (e) The pound keeper shall, if the dog being impounded is wearing a dog tag or any other identification, make a conscientious effort to notify the owner that the dog has been impounded and given said owner a reasonable period to claim the dog before disposing of the dog.

8. Licensing and Registration

- (a) A resident of the Village of Rosalind who is the owner of any dog which is at least six (6) months old shall register the dog at the office of the Village of Rosalind. The fee for registration is outlined in Schedule A. Refer to Schedule B for penalty imposed for failure to comply.
- (b) The owner of every dog shall, annually, renew the registration for that dog by submitting to the Village the annual registration fee 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.
- (c) Upon receipt of payment of the license fee for each new dog, a numbered tag shall be issued to the owner.
- (d) 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. Refer to Schedule B for penalty imposed for failure to comply.
- (e) In case a dog license tag is lost or destroyed, a duplicate or replacement will be issued by the Village free of charge.
- (f) Licenses and tags are not transferable 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 leaving the Village before expiration of the license period.

- (g) Any person that becomes the owner of a dog licensed under this bylaw shall report the change of ownership to the Village and the Village shall transfer ownership of the license to that person, but no additional license fee shall owe by that person to the Village for the year for which that license was purchased.
- (h) A “Dog with Wings” and registered guide Dog owned by a blind Person shall be issued a license free of charge.

9. Dog Kennels

- (a) Any person wishing to run a dog kennel in the Village of Rosalind shall apply to the Village office for a dog kennel license annually on or before January 31. The Village reserves the right to inspect the said kennel before approving a kennel license to determine if the facility is adhering to the components of this Bylaw and the animals are being treated in a humane manner.
- (b) The Village of Rosalind Council reserves the right to allow or decline all kennel applications and will use discretion on a case-by-case basis.
- (c) The fee for a dog kennel license will be determined by Council resolution.
- (d) A kennel shall be a maximum of 6 breeding female dogs to a maximum of 9 breeding dogs to include studs. There is an allowance for 2 pets, therefore to a maximum of 11 dogs. Each dog for breeding purposes and pet shall be registered with the Village of Rosalind according to current rates. (Schedule A).
- (e) Boarding of dogs is not allowed.

10. Dogs per Household

- (a) No household shall keep or have more than two (2) dogs, restricted dogs, or any combination thereof within the boundaries of the Village of Rosalind. Refer to Schedule B for penalty imposed for failure to comply.
- (b) This section does not apply to dogs registered with the Village of Rosalind before October 1, 2012.
- (c) This section will be to the discretion of Village of Rosalind Council.

11. Offenses

- (a) Every person who contravenes any provision of this bylaw is guilty of an offense and liable on summary conviction to a fine as specified in Schedule B.

- (b) Should any person be guilty of an offence for which no penalty is specified in Schedule B herein, then such person shall be liable upon summary conviction to a fine of not less than five hundred dollars (\$500) and not more than five thousand dollars (\$5000) and in default of payment of any fine, to imprisonment for up to six (6) months.
- (c) Notwithstanding any other provisions for penalties in this bylaw, a bylaw enforcement officer may, in lieu of issuing a violation ticket in respect to the alleged offense, issue a voluntary penalty ticket for the offense and the accused may within seven (7) days of the issuance of such ticket pay such amount.
- (d) If the prescribed voluntary penalty is not paid within the time allotted herein, a bylaw enforcement officer may thereafter issue a violation ticket in respect to the offense for which the voluntary penalty ticket was issued.
- (e) If the dog license is not paid within the time allotted in Schedule A, a violation ticket may be issued for the balance outstanding. If the violation ticket is not paid within 30 days of issue, the balance of the ticket can be transferred to the property tax account, plus administration fees and any penalties, knowing that the amounts transferred to the tax roll are then subject to penalties applicable to unpaid taxes.

12. Severability Provision

- (a) Should any provision of this bylaw be invalid then such invalid provision shall be severed, and the remaining bylaw shall be maintained.

13. Miscellaneous

- (a) Schedule B amended to adhere to current bylaw.
- (b) Bylaw 235-12 is hereby rescinded.
- (c) Bylaw 251-17 is hereby rescinded.

THIS BY-LAW to become effective on the day of the final passing thereof.

Received first reading this 8th day of April 2021

Mayor

Administrator

Received second reading this 8th day of April 2021

Mayor

Administrator

Received third and final reading this 8th day of April 2021

Mayor

Administrator

Schedule A – License and Registration Fees

| Paid on or before January 31 or month occupant takes possession | Paid in February or one month after possession date | Paid in March or two months after possession date | Paid in April or three months after possession date |
|---|---|---|---|
| \$20 per dog | \$30 per dog | \$50 per dog | \$100 per dog |

Schedule B – Penalties

| Section in Bylaw | Offense | First Offense | Second Offense | Third Offense |
|-------------------------|--|----------------------|-----------------------|----------------------|
| 3) a) | Dog on private property without permission | \$100 | \$200 | Court |
| 3) b) | Dog on Village property without <u>effective control</u> | \$50 | \$100 | Court |
| 3) c) i) | Bark at a person | \$50 | \$150 | Court |
| 3) c) ii) | Chase person or vehicle | \$200 | \$400 | Court |
| 3) c) iii) | Attack person | Court | Court | Court |
| 3) c) iv) | Chase or attack another's animal | \$200 | \$400 | Court |
| 3) c) v) | Defecate on another's property | \$50 | \$100 | \$150 |
| 3) c) vi) | Cause damage or nuisance | \$50 | \$100 | Court |
| 3) d) | Bark excessively | \$50 | \$100 | Court |
| 5) a) | Dog at large | \$100 | \$200 | Court |
| 5) a) | Dangerous dog at large | Court | Court | Court |
| 5) d) | Interfere with Bylaw Enforcement Officer | \$200 | \$400 | Court |
| 8) a) | Failure to Register Dog with Municipality | \$100 | \$200 | Court |
| 8) d) | No collar and or leash | \$100 | \$200 | Court |
| 10) a) | Too many dogs per household | Kennel Fee | Council Discretion | Council Discretion |
| | | | | |