

BYLAW # 08-07

A BYLAW OF THE VILLAGE OF BRETON IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE LICENSING, REGULATING AND CONTROLLING OF DOGS WITHIN THE VILLAGE OF BRETON.

WHEREAS, under the Municipal Government Act, S.A. 1996, c. M-26.1, as amended, Council may pass bylaws respecting wild and domestic animals and activities in relation to them;

WHEREAS, the Municipal Council of the Village of Breton deems it expedient to license dogs in the Village of Breton and to regulate and control the running at large of dogs in the Village of Breton;

THEREFORE, the Municipal Council of the Village of Breton, duly assembled, enacts as follows:

- 1) This bylaw be cited as the “Dog Control Bylaw”.
- 2) Definitions
 - a) “Council” – means the Council of the Village of Breton;
 - b) “Village” – means the Village of Breton;
 - c) “License” – means a license that is valid for the lifetime of the dog;
 - d) “Day” – means a continuous period of twenty-four hours;
 - e) “Dog or Dogs” – means either a male or a female dog(s);
 - f) “Enforcement Officer” – means an Animal Control Officer and/or a Bylaw Enforcement Officer authorized by the Village under the *Municipal Government Act*, S.A. 1996, c. M-26.1, as amended, to do any act or perform any duties under this bylaw and includes a member of the Royal Canadian Mounted police and, when authorized, a Special Constable;
 - g) “Former Owner” – means the person who at the time of impoundment was the owner of the dog which has subsequently been sold or destroyed;
 - h) “Housed and Confined” – means to confine a female dog during the whole period of time that such dog is in heat in such a manner that the dog will not be a source of attraction to other dogs;
 - i) “Kennel” – means a dwelling, shelter, room or place so considered, housing or keeping three (3) or more dogs over the age of three (3) months;
 - j) “Owner” – means a natural person or body corporate who has legal title to the dog, and includes any person who has possession or custody of the dog, either temporarily or permanently, or harbours the dog or suffers the dog to remain on his premises;
 - k) “Pound” – means a place that Council shall provide or designate for the confinement of dogs impounded;
 - l) “Pound Keeper” – means any person duly authorized and designated by Council;
 - m) “Property” – means anything owned by any person, whether in whole or in part.
 - n) “Violation Tag” – means a tag or similar document issued by the Municipality pursuant to the *Municipal Government Act*;
 - o) “Violation Ticket” – means a ticket issued pursuant to Part II of the *Provincial Offences Procedures Act*, S.A. 1988, c. P-21.5, as amended;
- 3) No person who is the Owner of a Dog shall permit or otherwise allow such Dog to run at large within the Corporate Limits of the Village. Any Dog, when off the premises of the Owner, must be on a leash and supervised by a person competent to control it at all times.

4. Nuisance

- a) The Owner of a Dog shall not permit the Dog to be or become a public nuisance by:
 - i) biting or chasing a pedestrian;
 - ii) biting, barking at, or chasing bicycles, automobiles or vehicles;
 - iii) barking, howling or otherwise disturbing any person;
 - iv) causing damage to property or other animals;
- b) Where a Dog has caused damage to Village-owned Property or Village employees, the Owner of the Dog shall pay for all damages incurred to the person and/or property suffering the damages;
- c) The Owner of a Dog who permits his or her Dog to defecate on Property other than his own shall remove forthwith any defecated matter so deposited.
- d) The Owner of a female Dog which is in heat shall keep the Dog Housed and Confined.
- e) The Owner of a Dog who allows such Dog to upset waste receptacles or scatter the contents thereof, either in or about a lane, street or other public property or in or about premises belonging to the Owner is guilty of an offence separate and apart from the offence provided in Section 3 and upon summary conviction thereof shall, in addition to any penalty imposed upon him, be civilly liable to the Village for any expense directly or indirectly incurred by the Dog in connection with the receptacle being upset or the waste scattered.

5) Licensing

- a) The Owner of a Dog shall apply for a License for each Dog, and shall pay therefore a fee as set out in Schedule "A" of this Bylaw.
- b) Notwithstanding Section 5 (a), where a person who is blind or whose vision is impaired, is the Owner of the Dog and where the Dog is trained and used as a guide Dog, there shall be no fee payable by the Owner for a License under this section.
- c) Notwithstanding Section 5 (a), the licensing provisions of this Bylaw shall not apply to any Dog accompanying a person temporarily in the Village on business or vacation for a period not exceeding (14) fourteen days, or on such longer period as may be authorized by written permission from the Village.
- d) This License must be paid by January 31 by persons owning a Dog and who have been living in the Village since January 1. All new Village residents who are Dog Owners must obtain a Dog License no later than (30) days after taking up residence in the Village. If Dog Licenses are not obtained as required, a fine, as set out in Schedule "B" will be applied.

6. The Owner of a Dog shall:

- a) subject to the provisions of Section 6 (c) obtain a License for it on the first day when the Village office is open for business after the Dog becomes three (3) months of age;
- b) obtain the License within (30) thirty days after he/she becomes the Owner of the Dog;
- c) obtain a License for a Dog, notwithstanding that it is under the age of three (3) months, where the dog is found running at large;
- d) obtain a License for his/her Dog which has been impounded pursuant to this Bylaw before such Dog may be claimed from the pound.

7. The Owner of a Dog shall ensure that his/her Dog wears a collar and a License tag.

8. Upon losing a Dog License an Owner of a Dog shall present the receipt for payment of the License fee to the Village office who will issue a new tag to the Owner for a fee of \$1.00.

9. No person shall be entitled to a License rebate under this Bylaw.
10. No License shall be transferable from one Dog to another Dog.
11. Where a License has been paid by the tender of an uncertified cheque, the License: is automatically revoked if the cheque is not accepted and cashed by the bank on which it is issued.
12. No persons shall keep more than two (2) Dogs on residential property in the Village, with the exception of:
 - a) when a Dog has a litter up to 90 days old;
 - b) special circumstances, as approved by the Enforcement Officer;
 - c) Kennels as regulated in this Bylaw.
13. The Village office shall keep a record of all Dogs licensed pursuant to Section 6 of this Bylaw. The record shall indicate:
 - a) date License is issued;
 - b) name, address and telephone number of the Owner;
 - c) License number issued and amount paid;
 - d) breed, colour and gender of Dog; and
 - e) special marking in the case of one or more Dogs of the same breed.
14. The operation of Kennels
 - a) shall not be permitted on residential property unless the Kennel is located not less than one hundred (100) feet from any Property; and
 - b) if written complaints are received by the Village office, or damage is proven as a result of the Kennel, Council may direct that the person operating the Kennel, move or cease to operate same.
15. Prohibited Areas
 - a) For the purpose of this section "Parkland" means all recreational land owned and controlled by the Village or lying within the Village corporate limits, whether improved in whole or in part, or in its natural state, and includes neighbourhood beautification areas publicly maintained and administered by the Village.
 - b) The Owner of a Dog shall not permit or allow such Dog to be in the floral area of any Parkland.
 - c) The Owner of a Dog shall not place or allow such Dog to enter or remain in any swimming, bathing or wading pool or area that is provided for use of the public.
16. No person whether or not he/she is the Owner of a Dog which is being or has been pursued or captured shall:
 - a) interfere with or attempt to obstruct an Enforcement Officer who is attempting to capture or had captured a Dog which is subject to being impounded pursuant to the provisions of this Bylaw;
 - b) induce a 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/herself as being the Owner of a Dog so as to establish that the Dog is not running at large, or
 - d) unlock, unlatch or otherwise open the Pound vehicle in which Dogs kept for impoundment have been placed so as to allow or attempt to allow any Dog to escape therefrom.

17. No person shall:
 - a) untie, loosen or otherwise free a Dog that has been tied or otherwise restrained, or
 - b) negligently or wilfully 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.
18. Authority to Impound
 - a) An Enforcement Officer may capture and impound any Dog in respect of which he/she believes or has reasonable grounds to believe an offence under this bylaw is being or has been committed.
 - b) An Enforcement Officer may enter onto the land surrounding any building in pursuit of any Dog which has been running at large.
19. It shall be the duty of Council to establish a Pound for the impounding of Dogs captured pursuant to this bylaw, and Council is further authorized and empowered to make any and all such rules and regulations, not inconsistent with the provisions of this bylaw, as they consider necessary for the conduct in regulating such Pound.
20. It shall be the duty of Council to appoint a Pound Keeper and other such persons as they deem necessary for the carrying out of the provisions of this bylaw as required and for keeping of the Pound.
21. The Owner of any impounded Dog may reclaim the Dog from the Pound within 72 consecutive hours from time of impoundment by paying to the Pound Keeper all impoundment fees, fines as authorized by Council and obtaining the License for such Dogs as required by this bylaw.
22. The Pound Keeper shall sell or destroy a Dog after the Dog is retained in the Pound for seventy-two (72) consecutive hours from time of impoundment.
23. Penalties
 - a) A person who contravenes any provision of this bylaw is guilty of an offence punishable on summary conviction;
 - b) Penalties or fines are set out as per Schedule "B";
 - c) Any fine or penalty imposed under this bylaw shall ensure to the benefit of the Village of Breton.
24. An Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any person, who the Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.
25. A Violation Tag may be issued to such person:
 - a) personally;
 - b) by mailing a copy to such person at his last known post office address; or
 - c) by leaving it for the defendant at his/her residence with a person on the premises who appears to be at least 18 years of age.
26. The Violation Tag shall be in a form approved by the Village Administrator and shall state:
 - a) the name of the defendant;
 - b) the offence;
 - c) the appropriate penalty for the offence as specified in this bylaw;
 - d) that the penalty shall be paid within 30 days of the issuance of the Violation Tag;
 - e) any other information as may be required by the Village Administrator.
27. Where a contravention of this bylaw is of a continuing nature, further Violation Tags may be issued by an Enforcement Officer, provided however, that no more than one Violation Tag shall be issued for each day that the contravention continues.

- 28. Where a Violation Tag is issued pursuant to this bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Village Treasurer the penalty specified on the Violation Tag.
- 29. Nothing in this bylaw shall prevent an Enforcement Officer from immediately issuing a Violation Ticket.
- 30. In those cases where a Violation Tag has been issued and if the penalty specified on the Violation Tag has not been paid within the prescribed time, then an Enforcement Officer is hereby authorized to issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*, to any person who the Enforcement Officer has reasonable ground to believe has contravened any provision of this bylaw.
- 31. Notwithstanding paragraph 24 of this bylaw, an Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedures Act*, to any person who the Enforcement Officer has reasonable grounds to believe has contravened any provision of this bylaw.
- 32. Any person to whom a Violation Ticket has been issued may make voluntary payment in respect of the Violation Ticket by delivering the Violation Ticket along with an amount equal to that specified for the offence as set out in this bylaw, to the Provincial Court office specified on the Violation Ticket.
- 33. The levying and payment of any fine or imprisonment for any period provided in this bylaw shall not relieve a person from the necessity of paying any fees, charges or costs from which he is liable under the provision of this bylaw.
- 34. Bylaw No. 98-08 is in this regard hereby rescinded.
- 35. This bylaw shall come into full force and effect upon final reading thereof.

READ a first time this 9th day of December, 2008.

READ a second time this 9th day of December, 2008.

READ a third and final time this 9th day of December, 2008.

MAYOR

MUNICIPAL ADMINISTRATOR

**BYLAW 08-07
SCHEDULE 'A'
DOG LICENSE FEE**

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|----|---------------------------|----------------------|
| 1. | Each dog (Male or Female) | \$50.00 one time fee |
| 2. | Replacement tag | \$1.00 |

**BYLAW 08-07
SCHEDULE 'B'
PENALTIES**

Amount which will be accepted by the Village in lieu of prosecution.

	1 st Offence	2 nd Offence	3 rd Offence	Subsequent Offence
Section 3 - Running at Large	\$50.00	\$75.00	\$100.00	\$200.00
Section 4 – Public Nuisance	Warning Letter	\$75.00	\$100.00	\$200.00
Section 5 – 12 – Licensing				
Failure to Obtain a License	\$50.00	\$75.00	\$100.00	\$200.00
Failure to Wear a License	\$25.00	\$50.00	\$ 75.00	\$150.00
More than 2 dogs	\$25.00/dog	\$50.00/dog	\$ 75.00/dog	\$150.00/dog
Section 15 – Prohibited Areas	Warning Letter	\$25.00	\$50.00	\$200.00
Section 16 – Obstruction	\$100.00			
Section 17 – Negligence	\$100.00			