

VILLAGE OF ELNORA  
THE DOG CONTROL BYLAW  
BYLAW NUMBER 491-0803

A BYLAW OF THE VILLAGE OF ELNORA, IN THE PROVINCE OF ALBERTA, TO REGULATE AND CONTROL, RESTRAIN THE RUNNING AT LARGE, LICENSING, AND IMPOUNDING OF DOGS.

GIVEN THAT Council considers it expedient and desirable to pass a bylaw respecting the safety, health and welfare of people and the protection of people and property;

The Council of the Village of Elnora in open meeting assembled enacts as follows:

**CITATION**

1. This Bylaw may be cited as the “Dog Control Bylaw”.

**DEFINITIONS**

2. In this bylaw,
  - (a) “AT LARGE” means a Dog that is present at any place other than the property of it’s Owner and which is not being carried by any person, or is not otherwise restrained by a person controlling the Dog by means of a securely fastened leash all of the time.
  - (b) “BYLAW ENFORCEMENT OFFICER” means an employee or independent contractor appointed by the Village to enforce the provision of the Village Bylaws, and includes a member of the Royal Canadian Mounted Police, and when authorized a Community Peace Officer. A Bylaw Enforcement Officer is a Designated Officer.
  - (c) “CONTRACTOR” means a person under contract by the Village to maintain and administer a pound facility or animal shelter for Dogs.
  - (d) “COUNCIL” means the Municipal Council of the Village of Elnora, in the Province of Alberta.
  - (e) “DESIGNATED OFFICER” means a person appointed to a position.
  - (f) “DOG” means either male or female of the canine family;

- (g) “KEEPER OR KEEPS” means to own, possess, harbour, maintain, or have control or custody of a Dog or Dogs during any continuous period in excess of twenty-four (24) hours.
- (h) “OWNER” includes:
  - (i) a person who has the care, charge, custody, Possession, or control of a Dog;
  - (ii) a person who owns or claims a proprietary interest in a Dog;
  - (iii) a person who harbours, suffers, or permits a Dog to be present on any property of the Owner or under that person’s control;
  - (iv) a person who claims and receives a Dog from the custody of an animal shelter or a Bylaw Enforcement Officer, or;
  - (v) a person to whom a license has been issued under Sections 3 to 10 of this Bylaw.
- (i) “POUND” means such place as may, from time to time, be established for the impounding and keeping of Dogs, in accordance with the provisions of this Bylaw.
- (j) “POUND KEEPER” means any person or persons duly authorized to operate a pound and may include a Bylaw Enforcement Officer.
- (k) “POSSESSION” includes:
  - (i) Exercising physical or effective control of a Dog;
  - (ii) Having been given physical or effective control of a Dog by its Owner for the purpose of controlling the Dog for a specific period of time.
- (l) “PRIVATE PROPERTY” means all property within the Village other than property constituting Public Lands.
- (m) “PUBLIC LANDS” includes all lands under the ownership and control of Her Majesty the Queen in Right of Canada, Her Majesty the Queen in Right of Alberta, or the Village.
- (n) “SCHOOL GROUNDS” includes any public or private school and surrounding property that is controlled and maintained by the school and or school board.
- (o) “TAG” means a current metal or other Tag issued by the Village to an Owner for

each Dog he owns, and which bears a number corresponding to a number in the master register book.

- (p) “VILLAGE” means the Village of Elnora, in the Province of Alberta.
- (q) “VIOLATION TAG” means a written notice, in a form approved by the Chief Administrative Office, issued by a Bylaw Enforcement Officer, to advise a person that a violation of this Bylaw has occurred and that, by payment of a specified amount to the office within a set time period, that person will avoid prosecution for the offence.
- (r) “VIOLATION TICKET” means a ticket issued pursuant to Part 2 of the Provincial Offences Procedure Act.

### **LICENSING OF DOGS**

3. A resident of Elnora who is the Owner of any Dog aged six (6) weeks or older shall obtain a license for the Dog from the office of the Village of Elnora as per Schedule “B”, attached, as may be amended from time to time by ordinary resolution of Council duly assembled.
4. The Owner of every Dog shall, annually, on or before the last day of February, renew the license for that Dog by submitting to the Village the annual licensing fee, as set out in Schedule “B”, 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;
5. Upon receipt of payment of the license fee for each Dog, marked with a number corresponding to the number assigned to the Dog in the master register book, shall be issued to the Owner;
6. 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;
7. In case a Dog license Tag is lost or destroyed, a duplicate or replacement will be issued by the Village upon payment of the sum of five dollars (\$5.00) by the Owner and provided the Owner can present a receipt of payment of the license fee for the current Dog license year or the administrative records indicate such payment was made;
8. Licenses and Tags are not transferable from one Dog to another and no refund shall be made on any paid up Dog license fee because of the death or sale of the Dog or upon the Owner’s leaving the Village before expiration of the license period;
9. Every person that becomes the Owner of a Dog licensed under this Bylaw shall report the change of ownership to the licensing department of the Village and the Village shall

transfer ownership of the license to that person, but no additional license fee shall be owing by that person to the Village for the year for which that license was purchased;

10. A registered guide Dog owned by a blind person shall be issued a license free of charge.

### **PROHIBITION AND EXEMPTIONS**

11. Every resident of Elnora who is the Owner of a Dog is guilty of an offence if he fails to obtain a license for such Dog.

12. The Owner of a Dog is guilty of an offence if such Dog:

- (a) runs At Large;
- (b) is without a collar and Tag while off the premises of its Owner;
- (c) is a Dog in heat and is not confined and housed in the residence of the Owner or in a licensed kennel during the whole of the heat period except for the sole purpose of defecating on the premises of the Owner;
- (d) defecates on any Public Lands or Private Property other than the property of it's Owner and the Owner or person in control of the Dog fails to immediately remove such defecation. This provision shall not apply to a registered guide Dog while it is assisting a blind person;
- (e) is on school property unless otherwise permitted or allowed by the School Board;
- (f) is within a site containing playground apparatus and/or sand play area located on Public Lands or Private Property other than the property of its Owner;
- (g) barks or howls so as in the opinion of the Bylaw Enforcement Officer based on information gathered to cause an unreasonable disturbance given, but not limited to, location, circumstances, time of day, and duration;
- (h) damages Public Lands or Private Property;
- (i) chases any person, animal, bicycle, or motor vehicle;
- (j) bites any person or animal; and
- (k) attacks or injures any person or animal.

13. The Owner of a Dog is guilty of an offence if the Owner:

- (a) fails to provide identification (Name, Address, Date of birth and Dog Tag number) and proof thereof to a Bylaw Enforcement Officer;
  - (b) provides false or misleading information to a Bylaw Enforcement Officer.
- 14. No more than two (2) Dogs shall be harboured, suffered, or permitted to remain upon or in any land, house, shelter, room or place, building structure, or premises within the Village unless:
  - (a) the Dogs in excess of the limit are under six weeks of age and the offspring of a licensed Dog residing at the same location.

## **OFFENCE PROVISIONS**

- 15. The Village of Elnora may arrange for a Pound to be established for the keeping and impounding of Dogs and may do so by entering into an agreement with a Contractor and/or Pound keeper. A Contractor or any such Pound keeper may make rules and regulations for the operation and management of the Pound, provided they are not inconsistent with this Bylaw.
- 16. The Bylaw Enforcement Officer shall seize and impound any Dog found At Large.
- 17. In the active pursuit of any Dog while that Dog is At Large, any Bylaw Enforcement Officer empowered to apprehend Dogs under this Part is authorized to enter upon any lands surrounding any building at all reasonable times.
- 18. No person, whether or not he is the Owner of a Dog which is being or has been pursued or captured shall:
  - (a) Interfere with or attempt to obstruct a Bylaw Enforcement Officer who was attempting to capture or who has captured any Dog in accordance with the provisions of this Bylaw;
  - (b) Unlock or unlatch or otherwise open the motor vehicle in which Dogs captured for impoundment have been placed, so as to allow or attempt to allow any Dog to escape; and
  - (c) Remove or attempt to remove any Dog from the Possession of the Bylaw Enforcement Officer and/or the Pound keeper.

## **RELEASE OF IMPOUNDED DOGS**

- 19. The Contractor or Pound keeper shall keep all impounded Dogs for a period of no less than three (3) days, including the day of impounding. Sundays and Statutory holidays shall not be included in the computation of the three (3) day period. During this period

any healthy Dog may be redeemed by its Owner, upon payment to the Contractor or Pound keeper of:

- (a) The appropriate license fee when a Dog is not licensed; and
  - (b) Kennel boarding fees as per contract rate for every twenty-four (24) hour period or fraction thereof.
20. At the expiration of the three (3) day period any Dog not redeemed may be destroyed or sold.
21. The Bylaw Enforcement Officer or Contractor or Pound keeper shall report any apparent illness, communicable disease, injury, or unhealthy condition of any Dog to a veterinarian and act upon his recommendation. The Owner, if known, shall be held responsible for all expenses so incurred.

### **OFFENCES AND FINES**

22. Every person who contravenes any provision of this Bylaw may be deemed guilty of an offence and is liable on summary conviction to a penalty as set out in Schedule "A", attached, as may be amended from time to time by ordinary resolution of Council duly assembled.
23. Every person who commits a second or subsequent offence under this Bylaw within twelve (12) months of committing a first offence under this Bylaw, may be liable to an increased fine as set out in Schedule "A".
24. A Bylaw Enforcement Officer is authorized and empowered to issue a Violation Tag to every person who the Bylaw 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) either personally;
  - (b) by mailing a copy to such person at his last known post office address; or
  - (c) upon retrieval of such person's Dog from the Pound Facility.
26. The Violation Tag shall be in a form approved by the Chief Administrative Officer and shall state:
- (a) the name of the Owner;
  - (b) the offence;

- (c) the appropriate penalty for the offence as specified in Schedule “A” of this Bylaw;
  - (d) that the penalty shall be paid within twenty-one (21) days of the issuance of the Violation Tag to avoid possible prosecution; and
  - (e) any other information as may be required by the Chief Administrative Officer.
27. 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 the Village the penalty specified on the Violation Tag.
28. Nothing in this Bylaw shall prevent a Bylaw Enforcement Officer from immediately issuing a Violation Ticket.
29. The Bylaw Enforcement Officer may enforce the provisions of this Bylaw, and where a Bylaw Enforcement Officer has reasonable grounds to believe that a provision of this bylaw has been contravened, the Bylaw Enforcement Officer is authorized and empowered to immediately issue a Violation Ticket, to every person who is responsible for the contravention.
30. Where a Violation Ticket has been issued to a person, that person may plead guilty to the offence by submitting to the Clerk of a Court of Competent Jurisdiction the specified penalty set out in the Violation Ticket at any time prior to the appearance indicated on the Violation Ticket.
31. The Violation Ticket shall be served upon the person who is responsible for the contravention under the Bylaw.
32. Should any person be guilty of an offence for which no penalty is specified then such person shall be liable upon summary conviction to a fine of not more than five thousand dollars (\$5000.00) and not less than five hundred dollars (\$500.00).

## **GENERAL**

33. Every owner who shall hinder, delay or obstruct any person engaged in enforcing any provision of this Bylaw, or impounding any other animal liable to be impounded under the provisions of this Bylaw, shall, for each and every hindrance, delay or obstruction, be guilty of an offence and liable upon conviction to a fine as provided in Schedule “A”.
34. Every owner who shall deliberately or wilfully and with malicious intent, injure, hurt or otherwise harm any animal shall be guilty of an offence and liable upon conviction to a fine as provided in Schedule “A”.

**SEVERABILITY**

36. If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the Bylaw is deemed valid.

**REPEAL**

37. Bylaw No. 432, dated January 8<sup>th</sup>, 1991, “The Animal Control Bylaw” as amended, is repealed.

Read a first time in Council this \_\_\_\_ day of \_\_\_\_\_, 2008

Read a second time in Council this \_\_\_\_ day of \_\_\_\_\_, 2008.

Read a third time in Council and finally passed this \_\_\_\_ day of \_\_\_\_\_, 2008.

This Bylaw shall come into full force and effect on the \_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
CAO



## SCHEDULE “A”

### PENALTIES

	INFRACTION	FIRST OFFENCE	SECOND OFFENCE	THIRD OFFENCE
<b>PART 3</b>				
Section 1	Fail to obtain a dog license	\$50.00	\$100.00	\$200.00
Section 2(a)	Dog runs at large	\$50.00	\$100.00	\$200.00
Section 2(b)	Fail to ensure collar and tag worn on dog	\$50.00	\$100.00	\$200.00
Section 2(c)	Fail to confine dog in heat	\$100.00	\$200.00	\$300.00
Section 2(d)	Fail to immediately remove dog’s defecation	\$50.00	\$100.00	\$200.00
Section 2(g)	Dog barks or howls so as to disturb any person	\$100.00	\$200.00	\$300.00
Section 2(h)	Dog damages public or private property	\$150.00	\$300.00	Court
Section 2(i)	Dog chases any person, animal, bicycle, or motor vehicle	\$200.00	\$400.00	Court
Section 2(j)	Dog bites any person or animal	Court	Court	Court
Section 2(k)	Dog attacks or injures any person or animal	Court	Court	Court
Section 3(a)	Fail to provide identification	\$200.00	\$400.00	Court
Section 3(b)	Providing false or misleading information	\$200.00	\$400.00	Court
Section 4	Harbouring, suffering, or permitting more than two dogs at a residence.	\$100.00	\$200.00	\$300.00
<b>PART 4</b>				
Section 4(a)	Interfering with a Bylaw Enforcement Officer	\$200.00	\$400.00	Court
Section 4(b)	Unlocking or unlatching a vehicle with an impounded dog	\$200.00	\$400.00	Court
Section 4(c)	Removing or attempting to remove a dog from the possession of a Bylaw Enforcement Officer	\$200.00	\$400.00	Court

## SCHEDULE "B"

Licensing fees for Dogs in the Village of Elnora, Alberta are as follows:

1. For each neutered male dog or spayed female, if license is purchased:
  - (a) not later than the last day of February in each and every year \$ 8.00
  - (b) remainder of the year \$25.00
  
2. For each un-neutered male dog or un-spayed female, if license is purchased:
  - (a) not later than the last day of February in each and every year \$10.00
  - (b) remainder of the year \$30.00
  
3. For each neutered male dog or spayed female brought into the Village after the last day of February in each and every year, if license is purchased:
  - (a) within sixty (60) days of entering the Village of Elnora \$ 8.00
  - (b) remainder of the year \$25.00
  
4. For each un-neutered male dog or unsprayed female brought into the Village after the last day of February in each and every year, if license is purchased:
  - (a) within sixty (60) days of entering the Village Of Elnora \$10.00
  - (b) remainder of the year \$30.00

Replacement tags can be purchased for five dollars (\$5.00) tag.

This schedule comes into effect this 8<sup>th</sup> day of January, 2008