

**VILLAGE OF ROCKYFORD
BYLAW NO. 2013-002
LICENSE & CONTROL DOMESTIC ANIMALS**

A Bylaw of the Village of Rockyford in the Province of Alberta, to license, regulate and control domestic animals within the Limits of the Village of Rockyford.

AND WHEREAS, the Council deems it expedient to license dogs in the Village of Rockyford;

AND WHEREAS, the Council wishes to control the running at large of dogs in the Village of Rockyford;

AND WHEREAS, the Council wishes to regulate and control domestic animals in the Village of Rockyford;

AND WHEREAS, under the Municipal Government Act, R.S.A. 2000 Chapter M-26 Section 7(h) and amendments thereto the Council has the authority to regulate wild and domestic animals within Village boundaries and to pass a bylaw to do so.

NOW, THEREFORE, the Council of the Village of Rockyford, in the Province of Alberta, hereby enacts as follows:

TITLE

1. The Bylaw shall be cited as the "Animal Control Bylaw"

2. DEFINITIONS

In this Bylaw, unless the context otherwise requires:

- (a) "Animal Control Officer" means a person, firm or corporation, Bylaw Enforcement Officer, Special Constable or other person appointed by Village Council to carry out the provisions of this Bylaw, pursuant to provisions of the Municipal Government Act, R.S.A. 2000;
- (b) "Day" means a continuous period of twenty-four (24) hours;
- (c) "Dog" means the female or male of any domesticated canine species actually or apparently Six months of age or older;
- (d) "Dog Fancier's License" shall mean a license issued by the Village in accordance with the provisions 4.(l) in this bylaw;
- (e) "Dog Show" shall mean any event, for the purpose of showing or exhibiting Dogs, which is sanctioned or recognized by the Canadian Kennel Club or the Village of Rockyford Animal Control Officer;
- (f) "Habitually barks, howls, or otherwise creates a disturbance" means to bark, howl, whine or cry for a period of five minutes, such noise or combination of noises being concurrent for the five minutes of time;
- (g) "Impound Day" means any calendar day or portion thereof;
- (h) "Leash" means a chain or other material capable of restraining the dog on which it is being used;
- (l) "License" shall also mean payment of license registration fees or tax;
- (j) "Off-Leash" means allowing a dog to run in a designated area, as set out in Section 3.(c) of this Bylaw, off its leash but still under the direct command and control of an owner;

- (k) "Owner" means any person or body corporate who has legal title of the dog or other wild or domestic animal or any person who has possession or custody of the animal, or who suffers an animal to remain about that person's residence or premises, any person occupying a residence or premise where an animal is kept, harbored or alleged to remain shall be deemed to be the owner of the animal, or a person to whom a license or tax has been issued for that dog, or other wild or domestic animal;
- (l) "Pound" means a place designated by Council/CAO as place where dogs and other animals may be placed and kept impounded;
- (m) "Premises" means any land or building or any portion thereof and includes without restricting generality of the foregoing, any house residence, room, office or place of business;
- (n) "Restricted Dog" shall mean any dog included in "Schedule D" of this Bylaw;
- (o) "Running at large" means:
 - (i) an animal or animals which are not under the control of the owner and is actually upon property other than property in respect of which the owner has right of occupation.
 - (ii) an animal which is under control of a person responsible and which causes damage to property or other animals, or humans;
- (p) "Vicious Dog" means:
 - (i) any Dog with a known propensity tendency or disposition to attack, without provocation, any person or animal;
 - (ii) any Dog which has been deemed to be dangerous by a Justice, under the provisions of the Dangerous Dogs Act of Alberta R.S.A. 2000, as amended.
 - (iii) Any Breed listed in Schedule D
- (q) "Village" means the municipal corporation of the Village of Rockyford;

3. RESPONSIBILITY OF ANIMAL OWNERS

- (a) The owner of an animal shall ensure that the animal is not running at large;
- (b) The owner of an animal shall have taken all reasonable precautions either
 - (i) to secure the animal so that it would not be able to leave the premises, or
 - (ii) to ensure himself that the animal is on a leash and under constant supervision of a person competent to control it at all times when it is off the owner's premises.
- (c) Off-Leash areas will be designated by Council and will be posted accordingly.
- (d) The Village may post signs indicating Public Property Areas where dogs are not permitted; and an owner whose dog is in an area where a sign prohibits the presence of dogs, whether at large or under the control of such owner, is guilty of an offence

4. OTHER DOMESTIC ANIMALS AND POULTRY

- (a) No person shall keep bovine, equine, porcupine, or ruminant animals within the limits of the Village of Rockyford, unless the keeping of said animals has been approved by special permission of Council.
- (b) No person shall keep any chicken, turkey, goose, guinea fowl, peafowl or poultry of any kind within the limits of the Village of Rockyford, unless such birds or poultry are part of a commercial undertake, which is established, with the approval of Council.
- (c) No person shall keep any large cats of the feline family such as, but not limited to, tiger, panther, lion, bobcat, lynx;

- (d) The keeping of pigeons and rabbits in the Village of Rockyford is not permitted in numbers greater than four (4) on residential property and only if the pens are kept in a clean and sanitary condition and providing that no complaints or damage is proven on another's property. In such cases, Council may put a stop to such activity. Council may grant special approval for the keeping of rabbits or pigeons on larger parcels of land within the Village.
- (e) Animals in the Village of Rockyford for the purpose of parades, gymkhanas, exhibitions, and rodeos duly authorized by the Village of Rockyford, are not subject to the provisions of this Bylaw if under the care and supervision of competent persons.

5. OWNERSHIP RESTRICTIONS-LICENSING

- (a) No person shall harbour more than two (2) dogs at or in any one location, shelter, room or dwelling place within the boundaries of the Village of Rockyford, unless the person has obtained a Fancier's License as per 5.(k). This definition does not include premises used for the care or treatment of dogs as operated by a qualified veterinarian, nor does it include premises know as a pound as defined by this Bylaw
- (b) Every person or corporation who resides within the boundaries of the Village of Rockyford and being the owner of a dog shall apply for an annual license for each dog, and shall pay an annual fee/tax as set out in Schedule "A" of this Bylaw or Schedule "D" whichever is applicable..
- (c) Notwithstanding subsection(b), where the Village CAO or his designate is satisfied that a person who is blind or whose vision is impaired is the owner of a dog which is trained and used for a guide dog, there shall be no fee payable by the owner for a license under this section.
- (d) All licenses issued under subsection (b) shall expire on the 31st day of December.
- (e) When a dog reaches the age of six (6) months, the owner of the dog shall obtain a license for the dog; such license shall be obtained on the first day of business following the dog reaching the age of six (6) months.
- (f) Any person taking ownership of a dog that is older than six (6) months after the first day of January shall obtain a license on the first day of business following the day the person takes ownership of the dog,
- (g) No owner shall transfer or allow to be transferred a dog license from the dog for which it was purchased to any other dog. No license is transferable,
- (h) No person shall be eligible for a rebate or refund of license fees under this Bylaw.
- (i) Every owner, when requested to do so by the Village CAO or designate, or Animal Control Officer, shall submit a statutory declaration or other acceptable documentation establishing the dog's age or that the dog is spayed or neutered and other such information as may be required in order to determine the license fee under Schedule "A"
- (j) No person shall give false information when applying for a license.
- (k) Any person in possession of a valid Village Dog Fancier's License shall entitle that person/corporation to be the Owner of three (3) or four (4) Dogs with the municipal boundaries of the Village providing the dogs are not Restricted or Vicious Dogs as per Schedule "D"

- (l) A Dog Fancier's License may be issued by the Village by applying for such license upon the following conditions:
 - (i) Providing the Village with the information required in 4. (l)
 - (ii) Payment to the Village of an annual Dog Fancier's License fee of \$25.00 for three (3) dogs or \$50.00 for four (4) dogs on or before the first day of January in each year for the current year commencing on the first day of January;
 - (iii) A valid Dog License must have been issued for each dog owned by the person/corporation applying for the Dog Fancier's License.
 - (iv) The Village may in its sole discretion revoke the Dog Fancier's License upon thirty (30) days notice.
- (m) A flat rate of \$100.00 be charged to Animal Rescue Foundation (ARF) for up to ten (10) spayed or neutered dogs per calendar year limited to a maximum of four (4) dogs at any one time and that a Dog Fancier's License must be applied for as per (l)
- (n) Any person who is the Owner of three (3) or more, Vicious/Restricted dogs, as per Schedule "D", located on any property within the municipal boundaries of the Village is guilty of an offence and are not allowed to apply for a Dog Fancier's License with the Village of Rockyford.

6. PROHIBITIONS

The owner or person in care or control of an animal shall ensure that such animal shall not become a public nuisance by:

- (a) biting, or chasing a person or persons
- (b) biting, barking at or chasing any livestock, poultry, fowl, bicycle, automobile or other vehicle
- (c) causing damage to property or other animals and/or cause the death of other animals;
- (d) creating a disturbance by barking, howling or otherwise disturbing neighbors;
- (e) keeping a female dog which is in season at any location where the dog is a source of attraction to other dogs;
- (f) upsetting any garbage containers, or;
- (g) depositing body waste on any property other than that on which the owner is in lawful occupation

7. SITE MAINTENANCE

The owner of any land where animals under this Bylaw are allowed, housed, kept, confined or otherwise held, shall ensure that:

- (a) the site is maintained in a clean and safe manner;
- (b) waste and materials contaminated by waste are disposed of safely and in a timely manner;
- (c) waste and materials contaminated by waste are not allowed to accumulate; and;
- (d) waste and materials contaminated by waste are retained on site while awaiting disposal.

8. Communicable Diseases

An owner of an animal which is suffering from a communicable disease:

- (a) Shall not permit the animal to be in a public place;
- (b) Shall not keep the animal in contact or in proximity to any other animal free of such disease;
- (c) Shall keep the animal locked up;
- (d) Shall immediately report the matter to the Veterinarian Inspector of Health of Animals Branch of the Department of Agriculture; and Village of Rockyford.

9. Adjudication

Any person who contravenes any part or parts of this Bylaw is guilty of an offence and, upon a conviction for same, a judge, in addition to imposing a penalty provided herein, may, if such animal shall have done damage to persons or property, order the owner of such animal to pay such damages as the complainant may have sustained and may order the owner to confine the animal for such periods as may be deemed necessary or may order the owner of the animal to delivery such animal forthwith to the pound keeper to be destroyed

10. ANIMAL CONTROL OPERATION - AUTHORITY

- (a) An Animal Control Officer having jurisdiction within the Village of Rockyford, may capture and impound any animal;
 - (i) in respect of which he believes or has reasonable grounds to believe an offence under this Bylaw has been or is being committed;
 - (ii) Which is required to be impounded pursuant to the provisions of any statue of Canada or of the Province of Alberta, or any regulation made thereunder.
- (b) An Animal Control Officer may take such reasonable measures as necessary to capture any dog; if such dog is injured, it may be taken to a veterinarian for treatment to relieve pain or bleeding, the cost of which shall be borne by the owner;
- (c) An Animal Control Officer having jurisdiction within the Village of Rockyford may enter onto the land surrounding any building while in pursuit of any animal observed to be running at large.
- (d) No person whether or not he is the owner of an animal which is being or has been pursued or captured shall:
 - (i) interfere with or attempt to obstruct an Animal Control Office who is attempting to capture or who has captured an animal, which is subject to being impounded pursuant to the provisions of this Bylaw.
 - (ii) Entice the animal to enter a house or other place where it may be safe from capture or otherwise assist the animal to escape capture;
 - (iii) Falsely represent himself as being in charge or control of an animal so as to establish that the animal is not running at large;
 - (iv) Unlock or unlatch or otherwise open the vehicle used in controlling or transporting the said animal so as to allow or attempt to allow any animal to escape therefrom.

11. Negligence

No person shall:

- (a) Untie, loosen or otherwise force an animal which has been tied or otherwise restrained, and
- (b) Negligently or willfully open a gate, door or other opening in a fence or enclosure in which an animal has been "confined" and thereby allow an animal to run at large in the Village of Rockyford.
- (c) Tease, torment or annoy an animal.

12. NOTICE OF ENFORCEMENT

- (a) If the Animal Control Officer knows or can ascertain the name of the owner of any impounded animal, he shall serve the owner with a written notice, either personally or by leaving or mailing it to the last known address of the owner.
- (b) An owner of an animal to whom a notice is mailed pursuant to the provisions of subsection (a) is deemed to have received the notice within seventy-two (72) hours of the time it is mailed out registered.

13. RECLAIMING

the owner of any impounded animal may reclaim the animal by paying the pound keeper or other person in authority, the fees as set out in Schedule "B" of the Bylaw.

14. SALE OR DESTRUCTION

- (a) The pound keeper shall not sell or destroy an impounded animal until the following conditions are met:
 - (i) After a dog is retained in the pound for a period of three (3) days after the owner has received notice or is deemed by Section 10 (b) To have received notice that the dog is impounded, or
 - (ii) The owner of the dog makes arrangements with the person in charge for the further retention of the dog, or
 - (iii) The Animal Control Officer or Bylaw Enforcement Officer may retain a dog for a longer period if in his opinion the circumstances warrant the expenses.
- (b) The Animal Control Officer or pound keeper may offer for sale all unclaimed dogs which have been in the pound for six (6) days.
- (c) the purchaser of an unclaimed dog shall pay fees as set out in Schedule "B" as well as all reclaiming fees
- (d) The purchaser of a dog pursuant to Section © shall obtain full right and title to it and the former owner of the dog shall cease thereupon.
 - (i) any dog whose owner cannot be located or identified may be destroyed forthwith,
 - (ii) notwithstanding Section (a), the dog may not be destroyed if a replacement owner can be located.

15. PENALTIES - VOLUNTARY PAYMENT TICKETS

- (a) Where a Bylaw Enforcement Officer or Animal Control Officer, as the case may be, believes that a person has contravened any provision of this Bylaw, he may serve upon such person a violation ticket either personally, or by mailing or leaving the same at his/her last known address, and such service shall be adequate for the purpose of this Bylaw.
- (b) The violation ticket shall be in such a form as determined by the Council of the Village of Rockyford and shall state the section of the Bylaw that was contravened and the amount of the penalty provided in Schedule "C" that will be accepted by the Village of Rockyford in lieu of prosecution.
- (c) Upon production of a Bylaw violation issued pursuant to Section (a) with ten (10) days from the issuance thereof, together with the designated payment to the cashier of the Village of Rockyford, the person to whom the Bylaw violation was issued shall not be liable to prosecution for the contravention in respect of which the violation was issued,
- (d) Notwithstanding the provisions of this section, a person to whom the Bylaw violation was issued may exercise his/her right to defend any charge of committing a contravention of any of the provisions of this Bylaw.
- (e) Any person who commits a third or subsequent offence under this Bylaw within one (1) year of committing a second offence under this Bylaw will be liable to not less than double the second offence penalty as set out in Schedule "C" of this Bylaw.

16. SUMMARY CONVICTION

- (a) Any person who contravenes any provision of this Bylaw is guilty of an offense and is liable on Summary Conviction to a fine of not more than Two Thousand Five Hundred dollars (\$2500.00),
- (b) The levying and payment of any find for the imprisonment for any period provided in this Bylaw shall not relieve a person from the necessity of payment any fees, charges or costs from which he is liable under the provisions of this Bylaw, and
- (c) A Provincial Judge, in addition to the penalties provided in this Section, may, if he considers the offense sufficiently serious, direct or order the person that owns, keeps, maintains or harbours an animal to stop the animal from doing mischief or causing the disturbance or nuisance complained of, or to have the animal removed from Village of Rockyford, or have the animal destroyed.

17. SEVERABILITY

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

16. REPEAL

Bylaw 02-2003 and amendments thereto are rescinded.

This bylaw shall take effect as and from the third and final reading.

Read a first time this 10th day of July, 2013

Read a second time this 10th day of July, 2013

Read a third and final time this 10th day of July, 2013



Mayor

Administrator

SCHEDULE "A"

DOG LICENSE FEES

Spayed or Neutered Dog	\$25.00
Intact (Non-Spayed/Non-Neutered) Dog	\$50.00
Spayed or Neutered Restricted or Vicious Dog	\$65.00 Limit of two (2)
Intact Restricted or Vicious Dog	\$100.00 Limit of two (2)

SCHEDULE "B"

1. Reclamation Fee	Cost plus Penalties
2. Medication Fee	As established at Vet Service

SCHEDULE "C"

PENALTY PAYMENTS

Section	Penalty (1 st Offence)	Penalty (2nd Offence)
3-----	\$100.00	\$200.00
4-----	\$100.00	\$200.00
5-----	\$100.00	\$200.00
6-----	\$100.00	\$200.00
7-----	\$250.00	\$500.00
8-----	\$100.00	\$200.00
10-----	\$500.00	\$1,000.00
11-----	\$100.00	\$200.00

SCHEDULE "D"

RESTRICTED DOGS

Dogs of mixed breeding which includes any of the following:

- (A) Pitbull or what is commonly referred to as a Pitbull;
- (B) Pitbull Terrier;
- (C) American Pitbull Terrier;
- (D) Staffordshire Bull Terrier