

**VILLAGE OF VETERAN
BYLAW NO. 511-13
DOG BYLAW**

BEING A BYLAW OF THE VILLAGE OF VETERAN IN THE PROVINCE OF ALBERTA FOR THE LICENSING, REGULATION AND CONTROL OF DOGS WITHIN THE VILLAGE OF VETERAN.

WHEREAS, the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 2000, hereinafter referred to as the “M.G.A.” Section 7 provides for Council to pass bylaws, respecting wild and domestic animals and activities in relation to them,

NOW THEREFORE: The Council of the Village of Veteran, in the Province of Alberta, duly assembled, enacts as follows:

1. Short Title

This Bylaw may be called the “Dog Bylaw.”

2. Purpose

The purpose of this Bylaw is to regulate and control Dogs and Dog ownership within the Village of Veteran.

3. Definitions

“Altered”- means a spayed or neutered by a qualified professional.

“Animal Control Officer” - means the person acting in the position of Animal Control Officer for The Village of Veteran or a person designated to act on his behalf.

“Assistance Dog” - means any professionally trained Dog, including guide, hearing, and service Dogs, that work in partnership with disabled people to increase their independence, safety, and mobility.

“Chief Administrative Officer” or “CAO” means the Chief Administrative Officer for the Village or their designate.

“Dog” or “Dogs” means either the male or female domesticated canine species, and includes a Nuisance Dog or a Vicious Dog.

“Dog Tag” - means the annual tag issued by The Village to an Owner for each licensed Dog.

“Dog Licence” means the annual Licence issued by the Village to an Owner for each dog under this Bylaw.

“Domestic Animal” means a Dog or a Cat.

“Feral Animal” means an animal that has escaped from domestication and become wild.

“Nuisance Dog” means a Dog that has been declared so pursuant to Section 6 of this Bylaw.

“Owner” means:

- (i) a person who has possession of a Dog either temporarily or permanently;
- (ii) a person who has physical or effective control over the Dog, notwithstanding that person having given such control to another person for a period of time;
- (iii) a person who owns or who claims any proprietary interest in a Dog;
- (iv) a person who harbours, suffers or permits a Dog to be present on any property owned or under his control; or
- (v) a person to whom a Licence was issued for a Dog in accordance with this Bylaw.

“Park or Parkland” - includes all lands used for picnic grounds, campgrounds, playgrounds, playing fields, or any other public open space.

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“Permitted Leash” means a chain or other material no more than two (2) metres in length which is capable of being attached to and restraining a Dog

“Physical Control” means when a Domestic Animal is:

- (i) restrained by a Permitted Leash, which is securely held by a competent and physically capable Owner;

“Prohibited Animal” means:

- (i) a cow, goat, pig or sheep;
- (ii) a rooster, duck, goose;
- (iii) a pigeon;
- (iv) any Wildlife;
- (v) any Feral Animal.

“Running At Large” means when a Dog is not under Physical Control at any place other than on the premises of the Owner or on private property to which the Owner has the right of occupation.

“Threaten” or “Threatened” means a Dog which has been declared so pursuant to Section 8 of this Bylaw.

“Vicious Dog” means a Dog which has been declared so pursuant to Section 5 of this Bylaw.

“Violation Tag” means a tag in a form approved by the Village, authorized under the *Municipal Government Act*, as amended, or similar document issued for any offence in which a penalty may be paid out of court in lieu of appearing to answer a summons;

“Violation Ticket” means a ticket issued pursuant to the *Provincial Offences Procedures Act*, as amended, and the Regulations thereunder.

“Wildlife” includes big game, birds of prey, fur-bearing animals, migratory game birds, non-game animals, non-licensed animals, upland game birds and includes any hybrid offspring resulting from the crossing of two wild animals.

4. Licensing Requirements for Dogs

1. The Owners of all Dogs six (6) months of age and older within the Village shall, prior to January 1 of each year or immediately upon becoming the Owner of a Dog, obtain a Dog Tag from the Village and upon paying in full the specified annual fee, will be issued a Dog Tag.
2. Every owner shall provide his/her dog with a collar to which the owner shall affix the dog tag for such dog and the owner shall ensure the collar and dog tag are worn during those occasions when the dog is not on the owner's premise.
3. The Owner of an Assistance Dog will be issued a Dog Tag free of charge.
4. If a Dog Tag is lost or destroyed, the Owner shall obtain a replacement Dog Tag from the Village of Veteran or a designate, who will issue the replacement Dog Tag upon payment of the fee prescribed.
5. A Dog Tag is valid only for the period of January 1 to December 31 in the year for which the Dog Tag is issued. The full amount of the license fee shall be payable regardless of when the dog is registered during the year.
6. Dog Tags are not transferable from one Dog to another, and no refund will be made for any Dog Tag because of the death of the Dog or upon the Owner leaving the Village before the expiration of the current year.
7. The new Owner of a Dog licensed under this Bylaw for the current year shall advise change of ownership to the Village of Veteran.

5. Vicious Dog Provisions

1. If the CAO or designate believes on reasonable and probable grounds that a Dog has:
 - (a) Threatened, or created reasonable apprehension of a Threat to a person, Domestic Animal or Wildlife; or
 - (b) previously been determined to be a Dangerous Dog under the *Dangerous Dog Act*, and
 - (c) poses a potential safety risk, the CAO may declare a Vicious Dog.
1. When a dog has been declared vicious, the CAO shall provide written notification of the declaration to the dog's Owner.
2. A person who receives a notice from the CAO pursuant to Section 5, may appeal the declaration to the CAO in accordance with the rules and procedures set forth in this Bylaw.
3. An appeal to the CAO shall:
 - (a) be in writing;
 - (b) set out the reasons for the appeal;
 - (c) be on a form supplied by the CAO;
 - (d) include an appeal fee; and
 - (e) be provided to the Village at its main business office no later than fifteen (15) days from the date upon which the declaration is received by the Dog Owner.
4. An appeal which fails to meet the requirements of Section 5, Part 3 of this Bylaw is void and shall not be considered by the CAO.
5. The CAO shall hold an appeal hearing within thirty (30) days from the date on which the appeal is received by the Village, and may adopt his or her own procedures in respect thereto.
6. The CAO, upon hearing the appeal, may uphold the decision or grant the appeal. The appeal fee will only be refunded if the appeal is overturned.
7. If a Dog has been declared vicious after the appeal process, the dog license will be revoked and a no new dog license will be granted to vicious dogs.

6. Nuisances

1. "Nuisance", for the purposes of this Bylaw, includes any use of or activity upon any property that is offensive to any person or has or may have a detrimental impact upon any person or other property in the neighborhood, and without limiting the generality of the forgoing, includes the following:
 - a. having more than three (3) Dogs on any land under The Village Land Use Bylaw;
 - b. having a Dog that barks or howls so as to disturb the peace of others;
 - c. failure to immediately remove defecation from any public or private property not owned or occupied by the person in control of the Dog;
 - d. allowing the defecation of dogs owned to accumulate on owners property to such an extent that it is reasonably likely to annoy or pose a health risk to others; and
 - e. having a Dog that destroys or damages any private or public property.
 - f. having more than ten (10) chickens on any land under The Village Land Use Bylaw.

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- g. having a prohibited animal on any land under The Village Land Use Bylaw.
- 2. The Owner is guilty of an offence if the owner continues to allow the dog, chicken or prohibited animal to remain a Nuisance or allows, causes, or permits the dog, chicken or prohibited animal to remain a Nuisance.

7. Specified Control

- 1. Specified Control of a Dog”, for the purposes of this Bylaw, includes any measures necessary for the Owner to safely restrain, secure, or contain a Dog to prevent it from being a Nuisance or danger to other people or domestic animals and, without limiting the generality of the forgoing, includes the following:
 - a. confining a female Dog in the residence of the Owner during the entire period it is in heat, except for allowing the Dog outside for the purpose of defecating or exercising while supervised on the premises of the Owner;
 - b. ensuring the Dog is not in a Park or on any Parkland where Dogs are prohibited;
 - c. exercising the Dog while driving a motor vehicle;
 - d. ensuring the Dog is not left unattended on any public or private property to which the public has express or implied access; and
 - e. ensuring the Dog is not Running at Large.
- 2. The Owner of a Dog is guilty of an offence if the owner fails to maintain Specified Control of a Dog at all times.

8. Threatening Behavior

- 1. “Threatening Behavior”, for the purposes of this Bylaw, means behavior that creates a reasonable apprehension of a threat, including growling, lunging, snarling, or chasing in a menacing fashion.
 - a. The Owner of a Dog is guilty of an offence if, whether on or off the Owner’s property, the Dog:
 - 1. displays Threatening Behavior toward another domestic animal or a bicycle or motor vehicle that is being operated; or
 - 2. displays Threatening Behavior toward a person, unless that person is a trespasser on the Owner’s property.

9. Minor Injury

- 1. “Minor Injury”, for the purposes of this Bylaw, means any physical injury caused by a Dog that results in bleeding, bruising, tearing of skin, or any other injury that is not life-threatening, disfiguring, or debilitating.
 - a. The Owner of a Dog is guilty of an offence if the Dog bites, attacks, or causes Minor Injury to a person or another domestic animal.

10. Severe Injury

- 1. “Severe Injury”, for the purposes of this Bylaw, means any physical injury caused by a Dog that results in broken bones or lacerations requiring sutures or cosmetic surgery.
 - a. The Owner of a Dog is guilty of an offence if the Dog causes Severe Injury to a person or another domestic animal.

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- b. The Owner of a Dog is guilty of an offence if the Dog causes death to a person or another domestic animal.

11. General Enforcement

1. Any Animal Control Officer, or authorized employee of the Village of Veteran, or Peace Officer may seize and impound:
 - a. any Dog Running at Large;
 - b. any Dog not wearing a Dog Tag while off the premises of its Owner;
 - c. any Dog found on Parkland contrary to this Bylaw;
 - d. any female Dog in heat not confined and housed;
 - e. any Dog that has caused a Minor Injury or Severe Injury or is alleged to have caused a Minor Injury or Severe Injury to another domestic animal or a person; and
2. The Animal Control Officer, or authorized employee of the Village of Veteran, is authorized to enter any privately owned premises, other than a dwelling house, at any reasonable time for the purposes of enforcing the provisions of this Bylaw.
3. Any person, whether or not the Owner of a Dog, is guilty of an offence if the person:
 - a. interferes with, attempts to interfere with, or obstructs any Animal Control Officer, authorized employee of the Village of Veteran, or Peace Officer who is attempting to capture or had captured any Dog;
 - b. unlocks, unlatches, or otherwise opens or enters without permission any pen or vehicle in which Dogs captured for impoundment have been placed;
 - c. removes or attempts to remove any Dog from the possession of any Animal Control Officer, authorized employee of the Village of Veteran, or Peace Officer
 - d. provides false or misleading information to any Animal Control Officer, authorized employee of the Village of Veteran, or Peace Officer.
4. The Animal Control Officer or authorized employee of the Village of Veteran shall arrange that the impound facility shall keep all impounded Dogs for a period of at least 72 hours, including the day of impounding but not including Sundays or statutory holidays. During this time, any healthy Dog may be redeemed by its Owner upon payment of:
 - a. the appropriate Dog Tag fee if the Dog is not licensed; and any Dog Bylaw fines issued by the Animal Control Officer, or authorized employee of the Village of Veteran, to the Village of Veteran; and
5. An Owner attempting to redeem an impounded Dog shall present government-issued identification to the Animal Control Officer and / or the staff of the impound facility.
6. Where an impounded Dog has not been claimed or redeemed from the impound facility within the time set forth in Section 11(4), the impound facility is deemed to be the Owner of the Dog.
7. Notwithstanding anything contained in Section 11(4), the Owner of a Dog may not redeem the Dog if the Animal Control Officer or authorized employee of the Village of Veteran, has reasonable grounds to believe and does believe that the Dog is a continued danger to people, other animals, or property.

12. Violation Tags

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1. The CAO is hereby authorized and empowered to issue a Violation Tag to any person, who the CAO has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
2. A Violation Tag may be issued to such person:
 - (a) delivered in person; or
 - (b) by mailing a copy to such person at the last known post office address or the address listed on the Village's licence form.
3. The person to whom a Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Village the penalty specified on the Violation Tag.
4. Nothing in this Bylaw shall prevent the CAO from immediately issuing a Violation Ticket.

13. Violation Tickets

1. If the penalty specified on a Violation Tag has not been paid within the prescribed time, then the CAO is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*, as amended.
2. Notwithstanding Section 12, Part 2, of this Bylaw, the CAO is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*, as amended, to any person who the CAO has reasonable grounds to believe has contravened any provision of this Bylaw.

14. Fines and Penalties

1. Where an Animal Control Officer, authorized employee of the Village of Veteran, has reasonable grounds to believe that a person has contravened any provision of this Bylaw, he may serve upon the person an violation tag allowing payment of the specified penalty as set out in Schedule "A", Dog Schedule of Fees and Penalties, attached hereto and forming part of this bylaw, which will be accepted by The Village in lieu of prosecution for the offence.
2. Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable, on summary conviction, to a specified penalty as set out in Schedule "A" and, in default of payment of any fine, to imprisonment for up to six months.
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 "A" and, in default of payment of any fine, to imprisonment for up to six months.
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 "A" and, in default of payment of any fine, to imprisonment for up to six months.
5. When a penalty is not specified under this Bylaw, a person who is guilty of an offence is liable to a fine not exceeding \$10,000.00 or to imprisonment for not more than six months for non-payment of the fine.

15. General

1. In this Bylaw, the singular may be read as though the plural were expressed and the masculine gender may be read as though the feminine or neuter were expressed, wherever the context in which this Bylaw has application so required.
2. It is the intention of the Council of The Village of Veteran that each separate provision of this Bylaw will be deemed independent of all other provisions, and it is

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further the intention of the Council that if any provision of this Bylaw be declared invalid for any reason by a Court of competent jurisdiction, then all other provisions of this Bylaw will remain valid and enforceable.

3. An existing Dog Tag issued under Bylaw No.507-12 remains valid until the term of the Dog Tag expires.
4. Bylaw No. 507-12 is hereby repealed.
5. This Bylaw comes into force on the day it is passed.

READ A FIRST TIME IN OPEN COUNCIL this 24^h day of September , 2013

READ A SECOND TIME IN OPEN COUNCIL this 24th day of September, 2013

READ A THIRD TIME IN OPEN COUNCIL this 24th day of September, 2013

Mayor

Chief Administrative Officer

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Schedule of Dog Fees and Penalties**

1. Fees:

1.1	Yearly dog license fee	\$10
1.2	Replacement tag	\$2, first tag, \$5 every tag after.
1.3	Vicious dog appeal fee	\$25

2. Fines:

2.1	Failure to register and obtain any dog tag	\$250
2.2	Owner of unlicensed dog	\$250
2.3	Owner of dog not wearing tag	\$250
2.4	Owner of dog running at large	\$250
2.5	Owner of dog which causes damage to property	\$250
2.6	Owner of dog which is present in an area where dogs are prohibited	\$250
2.7	Owner failing to confine female dog in heat	\$250
2.8	Owner of a dog which bites, barks at, or chases any vehicles	\$250
2.9	Owner fails to remove defecation immediately from property which is not the owners property	\$250
2.10	Dog biting, attacking, threatening, harassing, barking or chasing a person or any other animal	\$250
2.11	Dog barks, or howls so as to disturb any person	\$250
2.12	Teasing, tormenting, annoying, abusing or injuring any dog	\$250
2.13	Killing any dog	\$250
2.14	Keeping more than 3 dogs	\$250
2.15	Owner of more than then (10) chickens	\$250
2.16	Owner of a prohibited animal	\$250
2.17	Second Offence within one (1) year of first offence	\$500
2.18	Third or subsequent offense within one (1) year of first offence	\$750