

BY-LAW NO. 09-07

A BY-LAW OF THE TOWN OF FALHER, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF RESTRAINING AND REGULATING VICIOUS DOGS

WHEREAS Section 7 of the Municipal Government Act being Chapter M-26 of the Revised Statutes of Alberta 2000, and amendments thereto, provides for the regulation, restraining, licensing and prohibition of domestic animals within the limits of the municipality and;

WHEREAS there have been attacks by vicious dogs on persons and animals, and particularly attacks by dogs of the Pit Bull variety; and

WHEREAS the Municipal Council has decided that it is necessary for the protection of the public health, safety and welfare to provide for the close regulation of dogs of the Pit Bull variety and dogs determined to be vicious.

NOW THEREFORE the Municipal Council of the Town of Falher, in Council duly assembled, hereby enact as follows:

1. This By-Law shall be called “The Vicious Dog By-Law”.
2. (1) All provisions of the Cat and Dog By-Law No. 09-06 as may be amended are incorporated into and shall form a part of this By-Law, except to the extent that such provisions conflict with or are inconsistent with this By-Law.

(2) In case of such conflict or inconsistency, the provisions of this By-Law shall prevail.
3. (1) “Restricted Dog” means any dog, regardless of its age which has been identified and certified by a veterinarian licensed to practice veterinary medicine in the Province of Alberta to be primarily of the breed(s)

Rottweiler
Pit Bull
Pit Bull Terrier
American Staffordshire Bull Terrier
American Staffordshire Terrier
American Pit Bull
Staffordshire
Doberman, Doberman Pinscher
Mastiff
Rhodesian Ridgeback
Chow Chow

Or any dog of mixed breeding, which can be identified through physical characteristics as a dog partially of the above mentioned breeds as verified by a licensed veterinarian.

- (2) “Vicious dog” means a dog of any age, including a restricted dog, which when on or off the property of its owner:
 - i) shows a propensity, disposition or potential to attack or injure, without provocation, humans or other animals;
 - ii) in a continuing threat of serious harm to humans or other animals;
 - iii) without provocation, chases any person in a threatening manner.
 - iv) has inflicted a wound upon a human or upon a domestic animal without provocation;
 - v) is deemed to be dangerous by a Justice under the provisions of the Dangerous Dogs Act., R.S.A. 2000, Chapter D-3 and amendments thereto;
 - vi) is owned or harboured for the purpose of Dog fighting;
 - vii) is a Guard Dog.
4. In the event that the owner disputes the designation of his dog as a “restricted dog”, the Town Official may require the owner to provide a written certificate

from a Veterinarian confirming the breed or mixed breed of the owner's dog. The owner shall be responsible for any fees or costs associated with the issuance of a certificate.

5. (i) The owner shall obtain and keep in force a restricted license for his or her restricted dog.

(ii) The owner shall have such Dog tattooed/photographed to the satisfaction of the Animal Services Officer, for the purpose of identifying such Dog as being a Restricted Dog.

(iii) The restricted license fee for a restricted dog shall be One Hundred and Fifty Dollars (\$150.00) per calendar year.

6. (1) An owner shall maintain in force a policy of liability insurance in a form satisfactory to the Town of Falher providing third party liability insurance coverage in a minimum amount of \$500,000.00 for injuries caused by the owner's restricted dog.

(2) The liability policy shall contain a provision requiring the insurer to immediately notify the Town in writing should the policy expire or be cancelled or terminated.

(3) The owner shall provide to the License Inspector proof that such liability policy is in force before he may obtain a restricted dog license;

(4) Upon cancellation, expiry or termination of the liability policy the restricted dog license is null and void.

7. (1) At all times while a restricted dog is on the premises of its owner, the owner shall either keep such dog confined indoors under the effective control of a person over the age of sixteen (16) years, or confined in a securely enclosed and locked pen, or other structure, constructed to prevent the escape of the restricted dog, and capable of preventing the entry of young children.

(2) Such pen shall have secure sides and a secure top, and if it has no bottom secured to the sides, the sides must be embedded in the ground to a minimum depth of one (1) foot.

(3) The Owner of a Restricted Dog shall not permit or allow such Restricted Dog to be on any public property or private property that is not owned or under the control of such owner, unless the Restricted Dog is:

- i) muzzled;
- ii) on a leash; and
- iii) under the effective control of the Owner or someone over the age of sixteen (16) years acting on behalf of and with the authority of the Owner as required by this Bylaw.

(4) Subsection (3) shall not apply when the restricted dog is in a pen meeting the requirements of subsection (1), or when the restricted dog is in a building or enclosure in attendance of a bona fide dog show.

8. (1) The owner of a dog, which the owner believes to be a vicious dog, shall keep such dog in accordance with the provisions of Section 7 of this By-Law.

(2) If the Pound keeper, a License Inspector, a Police Constable or a By-Law Enforcement Officer determines that a dog is a vicious dog, either through personal observation or after an investigation initiated by a complaint, he or she may in writing:

- a) inform the owner that his dog has been determined to a vicious dog, and
- b) require the owner to keep such dog in accordance with the provisions of Section 7 of this By-Law, and

c) inform the owner that if the vicious dog is not kept in accordance with Section 7 of this bylaw, the owner will be fined, or subject to enforcement action pursuant to Section 10 of this bylaw.

9. The owner of a vicious or restricted dog shall take all necessary steps to ensure that such dog does not bite, chase or attack any person or other animal, whether the person or animal is on the property of the owner or not.
10. In addition to the fines provided in the Cat and Dog Bylaw No. 09-06 persons who commit offenses under this Bylaw are subject to following fines:

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| (1) failure to obtain and keep in force a restricted dog license | \$ 500.00 |
| (2) failure to maintain in force a policy of liability insurance pursuant to Section 5 of this Bylaw | \$1,500.00 |
| (3) failure to confine a restricted dog or a vicious dog when on the premises of the owner in accordance with this Bylaw. | \$ 500.00 |
| (4) failure to muzzle or otherwise secure a restricted dog or a vicious dog when off the premises of the owner. | \$ 500.00 |
| (5) if a restricted dog or vicious dog bites or attacks a person or animal, causing injury, the owner shall be subject to a fine of | \$1,500.00 |
| (6) permitting a restricted or vicious dog to run at large | \$ 500.00 |
| (7) an owner who commits for a second time any of the offenses listed in this Section, providing the offense is committed within 6 months of committing the first offense – double the initial penalty. | |

11. In addition to the remedies set forth in this bylaw, if the Pound keeper, the License Inspector, a Policy Constable, or a Bylaw Enforcement Officer, determines that a vicious dog or a restricted dog is not being kept in accordance with this by-law, he may:

- (1) make application pursuant to Section 554 of the Municipal Government Act for an order directing that such dog be controlled in accordance with this Bylaw, or be removed from the Town; and
- (2) make a complaint pursuant to the Dangerous Dogs Act for an order directing the dog be controlled or destroyed.

12. (1) The Pound keeper shall keep all impounded restricted or vicious dogs for a period of at least seventy-two (72) hours, including the day of impounding. Sunday and Statutory holidays shall not be included in the computation of the seventy-two (72) hour period. During this period any healthy restricted or vicious dog may be redeemed by its owner, or agent of the owner, upon payment to the Pound keeper of:

- a) the appropriate fine where applicable; and
- b) the appropriate license fee when such a dog is not licensed; and
- c) kennel fees are identified in Schedule “A” of Bylaw No. 09-06 as amended, for every twenty-four (24) hour period of fraction thereof such a dog has been impounded. No kennel fees are payable for the first twenty-four (24) hour period of fraction thereof.

- (2) At the expiration of the seventy-two (72) hour period any restricted or vicious dog not redeemed shall be destroyed.
- (3) The Pound keeper shall report any apparent illness, communicable disease, injury or unhealthy condition of any such dog to a veterinarian and act upon his recommendation. The owner, if known, shall be held responsible for all charges resulting.

13. This bylaw shall not apply to dogs owned by the Police Department of the Royal Canadian Mounted Police while the dogs are engaged in police work.

14. Bylaws No. 88-08 and 91-11 are hereby repealed.

15. This bylaw shall come into force and effect on the date of the final passing thereof.

READ a first time this _____ day of _____, 2009.

MAYOR

MUNICIPAL ADMINISTRATOR

READ a second time this _____ day of _____, 2009.

MAYOR

MUNICIPAL ADMINISTRATOR

READ a third time and finally passed this _____ day of _____, 2009.

MAYOR

MUNICIPAL ADMINISTRATOR