

Town of Mayerthorpe
Province of Alberta
Canada.

BYLAW NO. 956

A BYLAW OF THE TOWN OF MAYERTHORPE IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE LICENSING, REGULATING AND CONFINEMENT OF DOGS.

WHEREAS by virtue of the power conferred on it by the Municipal Government Act, the Council of the Town of Mayerthorpe in the Province of Alberta, duly assembled, enacts as follows:

SECTION 1 — SHORT TITLE

- 1.1 This bylaw shall be known and may be cited as the “Town of Mayerthorpe Dog Control Bylaw.”

SECTION 2 — INTERPRETATION

- 2.1 In this bylaw, the following terms (unless the context specifically requires otherwise) shall have the following meanings:
- (1) “Animal Control Officer” shall mean a person engaged by the Town to enforce the provisions of this Bylaw;
 - (2) “At large” shall mean where a Dog which is at any place other than the property of the Dog Owner and is not being carried by any person or is not otherwise restrained by a Permitted Leash held by a person and that leash is attached to a choke chain, collar or harness securely holding that Dog;
 - (3) “Bylaw Enforcement” Officer shall mean a person employed by the Town to enforce the Town’s municipal bylaws, for the preservation and maintenance of the public peace, in the execution of his/her duties;
 - (4) “Controlled Confinement” shall mean the confinement of a Dog in a pen, cage or building or securely tethered in a manner that will not allow the Dog to bite, harm or harass any person or animal;
 - (5) “Damage to Public or Private Property” shall include defecating or urinating on such property;
 - (6) “Dog” shall mean either the male or female of any domesticated canine species;
 - (7) “Dog Control Officer” shall mean a Bylaw Enforcement Officer appointed by the Town to do any act or perform any duties under this Bylaw and includes an Animal Control Officer and a Peace Officer;
 - (8) “Violation Tag” shall mean a written document which may be issued on behalf of the Town when any of the provisions of this Bylaw have been breached.
 - (9) “Dog Show” shall mean any event for the purpose of showing or exhibiting Dogs which is sanctioned or recognized by the Canadian Kennel Club;
 - (10) “Dog Training School” shall mean any facility for which the primary purpose is the training of Dogs, and at which facility Dog training activities are under the direct control and supervision of a Dog trainer;
 - (11) “Licensed Kennel” shall mean any property, wherein three (3) or more Dogs over the age of six (6) months are harbored, boarded, permitted or sheltered within the municipal boundaries of the Town but does not include premises operated by a veterinarian or premises known as the “Pound”;

- (12) "Land Use Bylaw" shall mean the Town's Land Use Bylaw No. 890, as amended;
- (13) "License" shall mean a Dog License issued by the Town in accordance to the provisions of this Bylaw;
- (14) "License Tag" shall mean an identification tag issued by the Town showing the license number for a specific Dog;
- (15) "License Fee" shall be that fee set out in Schedule "A: of this bylaw;
- (16) "Owner" shall mean:
- (i) a person who has the care, change, custody, possession or control of a Dog
 - (ii) a person who owns or claims any proprietary interest in a Dog;
 - (iii) a person who harbors, suffers or permits a Dog to be present on any property owned or under his control;
 - (iv) a person who claims and receives a Dog from the custody of the Pound or a Dog Control Officer or;
 - (v) a person to whom a License Tag was issued for a Dog in accordance with this Bylaw;
- (17) "Peace Officer" shall mean a person as defined in Section 1(k) of the Provincial Offenses Procedure Act;
- (18) "Permitted Leash" shall mean a leash adequate to control the Dog to which it is attached, and which leash shall not exceed two meters in length;
- (19) "Possession" shall mean:
- (i) having physical or effective control of a Dog;
 - (ii) having given physical or effective control of a Dog to another person for the purpose of controlling the Dog for a period of time;
 - (iii) where one of two or more persons has physical or effective control of a Dog, it shall be deemed to be in the control of each and all of them;
- (20) "Pound" shall mean premises designated by the Town Council for the impoundment and care of Dogs;
- (21) "Property Owner" shall mean any person having a legal or equitable interest in any land or building and includes any resident, tenant or occupier of such land or building;
- (22) "Public Property Area" shall mean property owned by or under the control and management of the Town within the borders of the Town;
- (23) "Replacement License Tag" shall mean a License Tag to replace a lost or damaged license tag, pursuant to Section 3 herein;"
- (24) "Guard Dog" shall mean a dog trained to patrol privately owned, residential or non—residential property, whether or not accompanied by it's owner or someone acting on behalf of and with the authority of it's owner for the purpose of protecting said property against, inter alia break-in, theft, trespass and vandalism.
- (25) "Secure Enclosure" shall mean a locked pen, and 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 thirty (30) centimeters.
- (26) "Serious Wound" shall mean an injury resulting in a dog bite which causes the skin to be broken or the flesh to be torn.

- (27) "Town" shall mean the Town of Mayerthorpe;
- (28) "Vicious Dog" shall mean:
- (i) any Dog with a known propensity, tendency, disposition or potential to attack, or injure, without provocation, any human or animal;
 - (ii) any Dog which is a continuing threat of serious harm to humans or other animals;
 - (iii) any Dog which, without provocation, chases any person who approaches it;
 - (iv) any Dog which has inflicted a serious wound upon a human or a domestic animal, without provocation;
 - (v) any Dog which is deemed to be dangerous by a Justice, under the provisions of the Dangerous Dogs Act, R.S.A. 1980, Chapter D-3 and amendments thereto;
 - (vi) any Dog which is a Guard Dog.
- (29) "Violation Ticket" shall mean a ticket as defined in Part II of the Provincial Offenses Procedure Act and as set out in the Provincial Offenses Procedure Regulation.
- (30) "Year" shall mean a period of 365 days.
- (31) "Housed and Confined" means to confine a female dog during the whole period of time that such a dog is in season in such a manner that the dog will not be a source of attraction to other dogs.

SECTION 3 — LICENSING PROVISIONS

- 3.1 Every person who resides within the borders of the Town and being the Owner of a Dog, shall obtain a license on the first day that the Town Office is open for business after the Dog becomes six (6) months of age and thereafter shall between the first (1st) and thirty first (31st) day of January in each year, pay the License Fee as set out in Schedule 'A' of the bylaw, and obtain a License Tag for each Dog for the current year commencing on the first day of January, by applying to the Town Office.
- 3.2 Every person who resides within the borders of the Town and being the Owner of a Dog, shall obtain a license for a Dog notwithstanding that it is under the age of six (6) months, where the Dog is found running at large.
- 3.3. Every person residing in the Town who becomes the Owner of a Dog, or a person who takes up residence within the Town and who is the Owner of a Dog which is not licensed in accordance with this bylaw, shall pay the License Fee, as set out in Schedule "A" of this bylaw, and obtain a License within thirty (30) days after becoming the Owner of the Dog or being the Owner of the Dog and taking up residence within the Town.
- 3.4 In addition to the provisions of Section 3, where a Dog is deemed to be dangerous pursuant to the provisions of the Dangerous Dogs Act, or is determined to be a vicious Dog pursuant to the provisions of this Bylaw, the Owner of the said Dog shall be required:
- 3.4.1 To obtain a Vicious Dog License; the appropriate license fee as set out in Schedule "A", attached hereto. It is an offence to not obtain a vicious dog license when required to do so;
 - 3.4.2 To provide proof of liability insurance in a form satisfactory to the Town of Mayerthorpe, providing third party liability coverage, in a minimum amount of \$500,000.00 for injuries caused by the Owner's vicious Dog. The liability policy shall contain a provision requiring the insurer to immediately notify the Town of Mayerthorpe in writing, should the policy expire, be cancelled or terminated.

- 3.4.3 Upon cancellation, expiry or termination of the liability policy, the vicious dog license is null and void.
- 3.5 Dog Owners shall provide to the Town the following information with each application for a Dog License:
- 3.5.1 Name and street or rural address of the Owner;
 - 3.5.2 Name and description of the Dog to be licensed;
 - 3.5.3 The breed or breeds of the Dog;
 - 3.5.4 The gender and age of the Dog; and
 - 3.5.5 Such other relevant and necessary information as may be required by the Town in respect to the License application.
 - 3.5.6 Documentation required from Vet to confirm dog has been spayed or neutered
- 3.6 A License issued under this bylaw shall not be transferable from one Dog to another.
- 3.7 The purchaser or new owner of a Dog registered under this bylaw shall report such transfer of registration to the Town Office, and upon such reporting, no annual License Fee shall be payable in respect of such transfer of registration.
- 3.8 No person shall be entitled to a License rebate under this bylaw.
- 3.9 The full amount of the License Fee shall be payable regardless of when the Dog is registered during the year.
- 3.10 Upon payment of the required License Fee and providing the Town that information set out at Section 3.5 herein, the Owner will be supplied by the Town with a License Tag, consisting of a metallic plate having raised, stamped or otherwise cast thereon the words: DOG TAG, MAYERTHORPE and the figures indicating the year in which the License Fee has been paid and a number corresponding with the number under which the Dog is licensed.
- 3.11 Every Owner shall ensure that the License Tag is securely fastened to a choke chain, collar or harness worn by the Dog, with the License Tag to be worn by the Dog at all times when the Dog is on property other than the property of the Dog Owner or property controlled by him.
- 3.12 An Owner of an unlicensed Dog is guilty of an offence.
- 3.13 The Owner of a Dog which has been licensed under this bylaw may obtain from the Town Office, a replacement License Tag to replace the one which has been lost or damaged, upon payment of a ONE (\$1.00) DOLLAR fee.
- 3.14 An Owner of a Licensed Dog is guilty of an offence if that Dog is not wearing a License Tag while on property other than the property of the Dog Owner or property controlled by him.
- 3.15 The Licensing provisions of Sections 3.1 through 3.14 herein, shall not apply to the following:
- 3.15.1 Dogs accompanying a person in Town on business or vacation for a period not exceeding four (4) weeks, or on such longer period as may be authorized by written permission from the Town of Mayerthorpe;
 - 3.15.2 Handicapped persons holding an identification card proving ownership of a guide Dog for their use.