



**A BYLAW OF THE TOWN OF RIMBEY, IN THE PROVINCE OF ALBERTA, TO PROVIDE REGULATIONS FOR THE CONTROL OF DOGS IN THE TOWN**

**WHEREAS**

A Council of a Municipality may, pursuant to the Municipal Government Act, Chapter M-26, R.S.A., 2000, pass by-laws for the purpose of regulating and controlling domestic animals and activities in relation to them and to provide for the imposition of a fine and/or imprisonment due to contravention of said by-law; and

**WHEREAS**

The Council of the Town of Rimbey deems it necessary and expedient to pass a by-law for the purpose of regulating and controlling dogs within the corporate boundaries of the Town of Rimbey;

**NOW THEREFORE**

The Council of the Town of Rimbey in the Province of Alberta, duly assembled, enacts as follows:

**TITLE:**

This By-Law shall be cited as the "Dog Control By-Law".

**1. DEFINITIONS:**

- 1.1 "Animal Control Officer" means a person or firm engaged by the Town to administer and/or enforce the provisions of this by-law.
- 1.2 "Dog" means either a male or female canine over the age of four (4) months.
- 1.3 "Dog License" means the numbered tag issued by the Town of Rimbey on an annual basis.
- 1.4 "Kennel" means any place, owned by a person, group of persons or corporation engaged in the business of breeding, buying, selling or boarding more than two dogs.
- 1.5 "Owner" means any person, partnership, association or corporation:
  - a) owning or possessing or having charge of or control over any dog, or
  - b) harboring any dog, or
  - c) permitting any dog to remain about his house or premises.
- 1.6 "Running at Large" as referred to in the by-law means a dog off the premises of its owner and not under the immediate, continuous and effective control of its owner or a person appointed by the owner. Without restricting the generality of the foregoing a dog shall be deemed to run at large when it is not under the immediate, continuous and effective control of its owner or other person appointed by the owner, and found on any public street, lane, alley, parkland, school grounds or any other publicly owned property within the Town, or on any private property or in private premises without the permission of the owner or occupant thereof.
- 1.7 "Parkland" means all recreational land areas owned or controlled by the Town, lying within the Town boundaries, and whether improved in whole or in part, or in its natural state; and includes publicly maintained areas administered by the Town and includes all buildings or other improvements situated on these land areas.
- 1.8 "Town" means the Town of Rimbey or the area contained within the boundaries thereof.
- 1.9 "Vicious Dog" means any dog of any age, which in the opinion of a Peace Officer or Animal Control Officer:
  - a) without provocation, shows a propensity, or disposition, or potential to attack or injure humans or other animals.
  - b) Without provocation chases, attacks, bites or injures any human or animal
  - c) Is a continuing threat of serious harm to humans and other animals
  - d) Is deemed to be dangerous by a Justice under the provisions of the Dangerous Dogs Act.

**2. RESPONSIBILITY OF THE OWNER**

- 2.1 No more than 2 (two) dogs shall be kept or harbored at one time on land or premises occupied by their owners unless approval to operate a kennel is received by way of a Development Permit from the Town of Rimbey. Kennels will not be permitted in residential areas.
- 2.2 Pups may be kept to a maximum of 4 months.

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- 2.3 Every person who owns, keeps or harbors any dog over the age of four (4) months must obtain a license for each canine from the Town Manager.
- 2.4 Dog licenses must be renewed each year that ownership continues. Renewal of dog licenses is due and payable to the Town of Rimbey on the first day of January in each year and shall be for the period of January 1<sup>st</sup> to December 31<sup>st</sup>, each year.
- 2.5 At the time of purchase of a license, the owner shall record with the Town, their name, mailing address, a description of the dog, including sex, breed, age, or other information pertaining to the dog as requested by the Town.
- 2.6 Every owner shall provide their dog with a collar to which the license tag shall be attached.
- 2.7 Dog runs may be constructed on private lots in lieu of fencing the total property. All regulations of this by-law shall apply.
- 2.8 A female dog in heat shall be confined and housed on the property of the owner or person having control over the dog, during the whole period that the dog is in heat.
- 2.9 If a dog defecates on any public or private property other than the property of its owner, the owner shall cause such defecation to be removed immediately. The owner shall be responsible for carrying the necessary apparatus to remove the offending substance.
- 2.10 If a dog defecates on its owner's property to the extent that an excessive smell results, the owner shall immediately remove the defecation upon receipt of notice from a Peace Officer, Animal Control Officer or Health Authority having jurisdiction.
- 2.11 No owner shall permit his dog to bark, howl excessively, or cause a disturbance or in any manner disturb the quiet of any person.
- 2.12 a) No owner shall permit his dog to damage public or private property.  
b) When public or private property is damaged by a dog, its owner shall be deemed to have breached the requirements of subsection (a) and is subject to the fines outlined within this by-law.
- 2.13 a) No owner shall permit his dog on any school ground, playground, or parkland area.  
b) Where a dog is found on a school ground, playground, or parkland area, the owner shall be deemed to have breached the provisions of subsection (a) and is subject to the fines outlined within this by-law.
- 2.14 When a vicious dog is *on* the premises of its owner, it shall be kept confined indoors under the effective control of a person sixteen years (16) or older, or confined in a securely enclosed and locked pen, or other structure constructed and secured in such a fashion as to prevent the escape of the vicious dog, and to prevent the entry of persons unauthorized by the owner.
- 2.15 When a vicious dog is *off* the premises of the owner, it shall be securely muzzled, and shall be either harnessed or leashed securely and under the direct control of a person sixteen years (16) or older to effectively prevent it from chasing, attacking, biting or injuring any human or other animal. This requirement shall not apply when the vicious dog is confined in a pen meeting the requirements of (a) above.

### 3. LICENSING COSTS

- 3.1 The license fee for each year or any part thereof for each dog shall be as outlined in Schedule "A" attached.
- 3.2 Dog tags are not transferable from one dog to another.
- 3.3 No refund shall be made on any paid dog license fee because of death, sale of dog, or upon the owner leaving the Town of Rimbey prior to the expiry date of the license.
- 3.4 In the case where a tag is lost or destroyed, a duplicate tag will be issued by the Town of Rimbey upon presentation by the owner of a receipt showing payment of the license fee for the current year and upon payment of 50% of the original fee.

### 4. OFFENCES

- 4.1 No owner shall allow their dog(s) to run at large.
- 4.2 When a dog is found to be running at large its owner shall be deemed to have violated the requirements of Section 4.1 and is subject to the fines outlined within this by-law.

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- 4.3 When a dog:
- a) chases, attacks, bites, injures, runs at or attempts to bite at any person or other animal, or;
  - b) chases or barks at any automobile, bicycle, or motorized vehicle, or;
  - c) worries or annoys any other animal, or;
  - d) is apparently or actually infected with rabies or any other infectious disease and is not under a veterinarian's care, or;
  - e) whether confined on a leash, immediate and effective control or not;
    - i) is named or described or otherwise designated in a complaint made under the provision of the Dangerous Dog Act, or;
    - ii) is the subject of a written and signed complaint as creating a nuisance by barking, howling, or otherwise disturbing any person at any time of the day or night
 may be captured and impounded by the Animal Control Officer and confined in a pound authorized by the Town, where it shall remain for a period of not more than 96 hours. Following the expiry of the specified period, if unclaimed shall be dealt with in the manner described in Section 6.2 In lieu of impoundment, or when claimed by the owner, the owner shall be served with a Dog Control Ticket for each and every contravention of conditions prescribed within this by-law.
- 4.4 If the Animal Control 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 be a vicious dog
  - b) require the owner to keep such dog in accordance with the provisions of this by-law respecting vicious dogs
  - c) inform the owner that, if the vicious dog is not kept in accordance with the provisions of this by-law with respect to vicious dogs, the owner will be fined, or subject to enforcement action as indicated in this by-law.
- 4.5 In addition to the remedies set forth in this by-law, if the Animal Control Officer determines that a vicious dog is not being kept in accordance with this by-law, he or she may make a complaint pursuant to the Dangerous Dogs Act for an Order directing that such dog be controlled or destroyed.

**5. IMPOUNDMENT OF DOGS**

- 5.1 The Animal Control Officer shall:
- a) forthwith following the impoundment of any dog, notify the owner if ascertainable of such impoundment.
  - b) Make provisions for an adequate animal shelter and provide adequate care, food and water for any impounded dog.
  - c) Keep a record of all impounded dogs and of their disposal.
- 5.2 The Animal Control Officer or Police Officer may seize and impound:
- a) any dog running at large
  - b) any female dog in heat not confined and housed
- 5.3 The enforcement of the jurisdiction provided for in Section 5.1 but not for the purpose of investigation only, the Dog Control Officer is hereby authorized to enter any privately owned premises at reasonable times, provided however, that in this section, premises does not include a building used as a dwelling house.

**6. RELEASE OF IMPOUNDED DOGS**

- 6.1 All impounded dogs shall be kept for a period of ninety-six (96) hours, including the day of impounding. Saturdays, Sundays and statutory holidays shall not be included in the computation of the 96 hour period. During this period, any healthy dog may be redeemed by its owner or agent of the owner, upon payment to the Town of:
- a) the appropriate fines where applicable as levied under this by-law
  - b) the appropriate license fees when a dog is not licensed, and;
  - c) a daily impoundment fee as outlined in Schedule "A"
- 6.2 At the expiry of the 96 hour period, any dog not redeemed may be destroyed. The Town 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 resulting charges and/or costs.

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**7. PENALTIES**

- 7.1 Where the owner of a dog has failed to obtain a license as set out and prescribed within this by-law, a Dog Control Ticket shall be issued by the Animal Control Officer for each offense as outlined in Schedule "A"
- 7.2 Within 14 days of issuance of the second Dog Control Ticket, if the required license is not obtained and all outstanding Dog Control Tickets paid, the Dog Control Officer shall swear out a complaint.
- 7.3 For each and every offense cited in this by-law or where an infraction of the various offenses set out within this by-law has occurred, within any 12 month period, the first ticket and any subsequent tickets shall be as outlined in Schedule "A". The tickets shall be due and payable within 14 days of the date of issue.
- 7.4 Any person who;
  - a) teases, torments or annoys any dog in the Town;
  - b) removes or attempts to remove any dog from the animal shelter while it is impounded, or interferes with the Animal Control Officer in any way while he is enforcing the duties as prescribed in this by-law or;
  - c) contravenes any provision of this by-law is:  
guilty of an offense and liable on summary conviction, to a fine of not less than that indicated in Schedule "A" plus costs, and in default of payment, to imprisonment for a period of not less than seven (7) days and not exceeding thirty (30) days. This shall be in addition to any applicable fee or fines.
- 7.5 In lieu of being prosecuted any person who has contravened any provisions of this by-law may elect to voluntarily pay a fine in respect of the contravention, in which case the fine shall be the minimum amount that may be imposed by the Court for such a breach as indicated in Section 7.4 above provided that payment of the penalty as set out in the Dog Control Ticket/s is made to the Town within 14 days from the date of service of the Dog Control Ticket.
- 7.6 The Dog Control Ticket may be issued by:
  - a) personally serving it upon the alleged offender, or
  - b) by sending it to the alleged offender, or
  - c) by sending it to the alleged offender by registered mail to the address of the owner of the dog as recorded at the time of registration of the said dog with the Town of Rimbey.
- 7.7 It is the intention of the Town Council that each separate provision of this by-law shall be deemed independent of all other provisions, and it is further the intention of the Town Council that if any provision of this by-law be declared invalid by a Court, all other provisions shall remain valid and enforceable.

Schedule "A" shall form part of this by-law and may be amended from time to time by resolution of Council.

This By-Law shall come into effect January 1, 2004.

By-Law 491/85 & By-Law 686/98 are hereby rescinded.

READ a First Time in Council this 14<sup>th</sup> day of July, 2003.

READ a Second Time in Council this 11<sup>th</sup> day of August, 2003.

Read a Third Time and Finally Passed this 11<sup>th</sup> day of August, 2003.

  
MAYOR

  
TOWN MANAGER

**Schedule "A"**  
**By-Law 755/03**

<b>LICENSE FEE</b>	\$ 20.00 per year The License Fee is valid from January 1 – December 31 of the calendar year.
<b>IMPOUND FEE:</b>	\$ 40.00 per day
<b>OFFENSES, PENALTIES, FINES &amp; TICKETS</b>	
Failure to License	\$ 20.00 plus applicable license fee
Permitting a dog to run at large	\$ 40.00 for the first offense
Permitting a vicious dog to run at large	\$ 200.00 for the first offense
Failure to confine a vicious dog when on the premises of the owner in accordance with this By-Law	\$ 100.00 for the first offense
Failure to muzzle or otherwise secure a vicious dog when off the premises of the owner	\$ 100.00 for the first offense
When a vicious dog attacks or bites causing injury to any human or animal	\$ 500.00 for the first offense
Any other contravention where a vicious dog is involved	\$ 100.00 for the first offense
All other contraventions of this By-Law Inclusive of excessive barking, howling, etc.	\$ 40.00 for the first offense
<b>SECOND OR SUBSEQUENT OFFENSE</b>	Double the amounts indicated above

The owner of a vicious dog may also choose to have their dog destroyed at the owner's costs.

