



Bylaw #2022-07 "Dog Control"

BEING A BYLAW OF THE TOWN OF THORSBY, IN THE PROVINCE OF ALBERTA, TO LICENSE AND CONTROL DOGS, WITHIN THE TOWN OF THORSBY.

WHEREAS: The Council deems it necessary to regulate the licensing, regulation, and confinements of dogs within the Town.

AND WHEREAS: Section 7 (a), (h), and (i) and Section 8 of the Municipal Government Act, R.S.A 2000 Chapter M-26, for the Province of Alberta, gives the Council the authority to pass such a bylaw.

NOW THEREFORE: The Council of the Town of Thorsby in the Province of Alberta duly assembled, hereby enacts as follows:

PART I: TITLE AND PURPOSE

PURPOSE: The purpose of this bylaw is to establish a system of licensing and control with respect to dogs in the Town.

PART II: INTERPRETATION

RULES FOR INTERPRETATION: The marginal notes and headings in this bylaw are for reference purposes only.

PART III: DEFINITIONS

In this bylaw, unless the context otherwise requires:

- a) **"Bylaw Enforcement Officer"** means an individual appointed as per the authority of Bylaw 2017-04
- b) **"Dog"** means any domesticated dog
- c) **"Dog Tag"** means the unique numbered identification tag issued to the licensee for attachment to the licensed dog collar or harness for the intention of future identification
- d) **"CAO"** means the Chief Administrative Officer of the Town or their designate
- e) **"Nuisance dog"** means any dog that has been the subject of three or more offenses within the previous three years for any combination of the following offenses under this bylaw:
 - i) Excessive Barking
 - ii) Defecation
 - iii) Off property of the owner
- f) **"Restricted Dog"** means any dog:
 - i) That has chased, attacked, or bitten any person or animal causing physical injury and resulting in an offense under this bylaw.
 - ii) That has chased, attacked, or bitten any person or animal on more than one occasion, with or without causing physical injury, and resulting in separate offenses under this bylaw; or
 - iii) That has been made the subject of an order under the Dangerous Dogs Act.



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- g) "License" means a license issued pursuant to this Bylaw
 - h) "Licensee" means a person named on a License
 - i) "Municipal Tag" means a form alleging an offense of a Town Bylaw allowing for a voluntary payment of the prescribed fine
 - j) "Muzzle" means a humane device used to cover or restrain the mouth of a dog of sufficient strength to prevent the dog from biting
 - k) "Owner" includes any person:
 - i) Named on a license; or
 - ii) In actual or apparent possession or control of property where a dog apparently resides.
 - l) "Parkland" means all recreational land areas owned or controlled by the Town
 - m) "Peace Officer" has the same meaning as the *Provincial Offenses Procedure Act*
 - n) "Puppy" means a dog under the age of six months
 - o) "Service Dog" means any dog trained by an accredited agency acceptable to the CAO
 - p) "Violation Ticket" has the same meaning as defined in the *Provincial Offenses Procedure Act*

PART IV: LICENSING OF DOGS

REQUIREMENT FOR LICENSE

1. The Owner of the dog **shall** obtain a license for the dog.
2. The Owner of deemed Nuisance Dog **shall** obtain a license for the Nuisance dog.
3. The Owner of a deemed Restricted Dog **shall** obtain a license for the Restricted Dog.
4. This section does not apply for dogs, nuisance dogs, or restricted dogs under the age of six months.
5. At the time of licensing, a numbered dog tag will be issued to the purchaser, and which **must be** securely attached to the collar or harness of the dog, nuisance dogs, or restricted dogs for identification purposes within twenty-four (24) hours.
6. New residents to the community **must** purchase a dog license within one (1) month of taking up residence.
7. Licenses **shall be** issued for a year and must be renewed within 30-days from December 31st for the registered Dog, Nuisance Dog, or Restricted Dog.
8. Licenses issued under this bylaw are **non-transferable** from one Dog, Nuisance Dog, or Restricted Dog to another **or** from one owner to another.



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9. Before a license is issued, the Owner of a dog, nuisance dogs, or restricted dogs **must** submit to the CAO or their designate:
- The License fee as established by this bylaw
 - Proof, in a form acceptable to the CAO, of the Dog, Nuisance Dog, or Restricted Dogs being spayed or neutered if applicable.
 - Any additional information required by the CAO.
10. The CAO **may not issue** a license pursuant to this Part unless satisfied that:
- At least one person on the license is eighteen (18) years of age
 - All fees have been paid
 - All required information by the CAO has been provided
- LICENSE FEES 11. The applicable license fees for dogs, nuisance dogs, and restricted dogs are set out in Bylaw #2022-05 "Fees and Services".
- LIMIT OF DOGS 12. No person **shall** keep or have more than two (2), in any combination thereof, of dogs, nuisance dogs, or restricted dogs on any premises with a municipal address in the Town.
- Exceptions:
 - Puppies under six months of age who are the offspring of a licensed dog under this bylaw.
 - The premises are lawfully used for the care and treatment of animals, operated by and under the charge of a licensed veterinary practice.
 - Non-residential premises hosting a Town approved dog show for which an event license by the CAO or their designate has been issued under Bylaw #2022-05 "Fees and Services."
 - Non-residential premises/parkland hosting training or obedience classes for which a business license by the CAO or their designate has been issued under Bylaw #2022-05 "Fees and Services", for the duration of the class/es and for a period of one (1) hour after the conclusion of those classes.

PART V: REGULATION OF DOGS

Regulations Applying to All Dogs

- EXCESSIVE BARKING 13. The Owner or any other person having care or control of a Dog, Nuisance Dog, or Restricted Dog shall ensure:
- It does not bark in a manner that is reasonably likely to annoy or disturb the peace of others.
 - In determining whether barking is reasonably likely to annoy or disturb the peace of others consideration **may be** given, but **not limited**, to the:
 - Proximity of the property where the dog, nuisance dog, or restricted dog resides
 - Duration of the barking through a bark log
 - Time of day and day of the week
 - Nature and use of the surrounding area; and
 - Any effect of the barking



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DEFECATION

14. The Owner or any other person having care or control of a Dog, Nuisance Dog, or Restricted Dog **shall**:
- a) Immediately remove any defecation left by it on public property or private property other than that of the Owner.
 - b) Ensure that defecation apparently left by it on the property of the Owner does not accumulate to such an extent that it is reasonably likely to annoy or pose a health risk to others.

DISPLAY OF ISSUED DOG TAG

15. The Owner or any other person having care or control of a Dog, Nuisance Dog, or Restricted Dog **shall**, at all times when it is off the property of the owner, ensure it displays the licensed dog tag issued by the Town.

Regulations Applying to All Dogs

OFF PROPERTY OF OWNER

16. The Owner or any other person having care or control of a dog or nuisance dog **shall**, at all times when it is off the property of the Owner, have it:
- a) Under control and
 - b) Held on a leash not exceeding two metres in length.
 - c) Nothing in this section removes the obligation on a person to have a dog under control when it is off the property of the Owner, including Service dogs of any kind.

ATTACKS

17. The owner or any other person having care or control of a dog or nuisance dog **shall** ensure it does not:
- a) Damage property
 - b) Chase, attack, or bite any person or animal; or
 - c) Chase, attack, or bite any person or animal causing physical injury

This section **does not apply** if the chase, attack, bite, or injury is established to be a direct result of the dog or nuisance dog being provoked.

LICENSE CONDITIONS

18. Any dog that has been the subject of three or more offenses within the previous three years for any combination of the following offenses under this bylaw:
- a) Excessive barking
 - b) Defecation
 - c) Off property of the owner

may be deemed a nuisance dog and a Nuisance Dog License issued by the Chief Administrative Officer or their designate which **may** impose any of the following conditions:

1. That the owner keeps the nuisance dog indoors or secured in a fully enclosed outdoor pen
2. That the owner ensures the nuisance dog is muzzled while outdoors
3. That the licensee or owner undertake repairs to the property where the nuisance dog resides to ensure compliance with this bylaw
4. That the Licensee or owner of the nuisance dog complete a behavioural modification course specified by the CAO
5. Any other condition the CAO deems reasonable

19. An owner or Licensee or other persons in control of a nuisance dog **shall not** contravene any condition on the nuisance dog license.



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Regulations Applying to Restricted Dogs

- INSURANCE** 20. The Owner of a restricted dog shall have liability insurance specifically covering any damages for personal injury caused by the restricted dog in an amount not less than one million dollars and shall provide proof of such insurance to the Town Manager upon request.
- OFF PROPERTY OF OWNER** 21. The Owner or any other person having care or control of a restricted dog **shall** at all times when it is off the property of the owner, have it:
- a) Under control
 - b) Muzzled; and
 - c) Held on a leash not exceeding two metres in length
- ON PROPERTY OF OWNER** 22. The Owner or any other person having care or control of a restricted dog **shall** at all times when it is on the property of the owner, have it:
- a) Indoors; or
 - b) Outdoors, secured in a fully enclosed pen (appropriate to the size of the restricted dog) that prevents escape of the restricted dog and **shall** be located a minimum of two metres away of the boundary of the property on any side
- ATTACKS** 23. The Owner or any person having care or control of a restricted dog shall ensure it does not:
- a) Damage property
 - b) Chase, attack, or bite any person or animal or;
 - c) Chase, attack, or bite any person or animal causing physical injury
- This section **does not apply** if the chase, attack, bite, or injury is established to be a direct result of the restricted dog being provoked.
24. An Owner or Licensee or other persons in control of a Restricted Dog **shall not** contravene any condition on a nuisance dog license.
- LICENSE CONDITIONS** 25. Any dog that has:
- i) Chased, attacked, or bitten any person or animal causing physical injury and resulting in an offense under this bylaw
 - ii) That has chased, attacked, or bitten any person or animal on more than one occasion, with or without causing physical injury, and resulting in separate offenses under this bylaw; or
 - iii) That has been made the subject of an order under the Dangerous Dogs Act;

Shall be deemed a restricted dog and a Restricted Dog License will be issued by the CAO or their designate which **will** impose the conditions under which the restricted dog is to be housed and exercised both on and off the property of the Owner or Licensee and **may** include additional conditions as stated below in addition to those stated in Sections 20, 21, 22, and 23.

1. That the Owner or Licensee undertake repairs to the property where the restricted dog resides to ensure compliance with this bylaw.
2. That the Owner or Licensee of the restricted dog complete a behavioural modification course specified by the CAO.
3. That the Owner or Licensee of the Restricted Dog advise details to the CAO of transfer of ownership or rehousing of the Restricted Dog within five (5) days.
4. Any other condition the CAO deems reasonable.



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- APPEAL
26. A Restricted License may be appealed in writing to the CAO within 14 days of the service of such license.
27. A decision on an appeal will be communicated to the appellant in writing within 14 days.

PART VI: OTHER REGULATIONS

- CHANGE OF INFORMATION
28. A Licensee **shall** notify the CAO of any change with respect to any information provided a part of the application for a License pursuant to this bylaw.
- NOTIFICATION OF STRAY
29. A person who takes control of any stray dog, nuisance dog, or restricted dog **shall** immediately notify the CAO and provide any required information.
- FALSE INFORMATION
30. No person shall provide false or misleading information to any Bylaw Officer, Peace Officer, or the CAO or their designate.
- INTERFERENCE
31. No person shall interfere with a Bylaw Officer or Peace Officer in the exercise of their powers and duties pursuant to this bylaw.

PART VII: ENFORCEMENT

- OFFENSE
32. A person who contravenes this bylaw **is** guilty of an offense.
- CONTINUING OFFENSE
33. In the case of an offense that is of a continuing nature, a contravention constitutes a separate offense in respect of each day, or part of a day, on which it continues and a person guilty of such an offense is liable to a fine in an amount not less that established by this bylaw for each such day.
- FINES AND PENALTIES
34. A person who is guilty of an offense is liable to a fine
- a) In an amount not less than that established in this section, and not exceeding \$10,000, and to imprisonment for not more than six months for non-payment of a fine.
 - b) Without restricting the generality of subsection a) the fine amounts are established for use on Municipal Tags and Violation Tickets if a voluntary payment option is offered:
 - i) \$100.00 for any offense for which a fine is not otherwise established in this section
 - ii) \$250.00 for an offense under section 12, 15, 17, & 19
 - iii) \$500.00 for an offense under section 20, 21, 22, & 24
 - iv) \$2,500 for an offense under section 23
 - c) A Provincial Court Judge or Justice **may**, upon rendering a conviction under this Bylaw against the Owner of a dog, in addition to penalties provided for this Bylaw;
 - i) Prescribe further penalty or action as may be permitted by provincial or federal legislation
- MUNICIPAL TAG
35. If a Municipal Tag is issued in respect of an offense the Municipal Tag **must** specify the fine amount established by this bylaw for the offense.
- PAYMENT IN LIEU OF PROSECUTION
36. A person who commits an offense **may**, if a Municipal Tag is issued in respect of the offense, pay the fine amount established by this bylaw **and if** the amount is paid on or before the required date, the person **will not** be prosecuted for the offense.



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VIOLATION TICKET

37. If a Violation Ticket is issued in respect of an offense, the Violation Ticket **may**:
- Specify the fine amount established by this bylaw for the offense; **or**
 - Require a person to appear in court without the alternative of making a voluntary payment.

VOLUNTARY PAYMENT

38. A person who commits an offense **may**:
- If the Violation Ticket is issued in respect to the offense; and
 - If the Violation Ticket specifies the fine amount established by this bylaw for the offense;
- make a voluntary payment equal to the specified fine.

SEIZURE AND IMPOUNDING

39. A Bylaw Officer or Peace Officer **may** seize and impound:
- Any dog or nuisance dog found in contravention of section 16.
 - Any restricted dog found in contravention of section 21.
 - A Dog, Nuisance Dog, or Restricted Dog impounded under this section **shall** be kept at an animal shelter designated by the Town, or with a care giver for a period of at least 3 days if the owners have been notified and 7 days if the owner cannot be notified.
 - At the expiration of the 3 or 7 day period, any Dog, Nuisance Dog, or Restricted Dog not claimed and all fines or fees paid, **shall** become the property of the Town and **may** be humanely euthanized or adopted to a person other than the owner.
 - Any person who adopts a Dog, Nuisance Dog, or Restricted Dog shall obtain full rights and title of said Dog, Nuisance Dog, or Restricted Dog and the right and title of the former owner shall cease **immediately**.
 - If in the opinion of a licensed veterinarian, any Dog, Nuisance Dog, or Restricted Dog impounded pursuant to this bylaw, because of injuries sustained or its medical health, should be euthanized for humane reasons, a Bylaw Officer, Peace Officer, CAO, or their designate may authorize that veterinarian to euthanize the Dog, Nuisance Dog, or Restricted Dog.

SERIOUS INJURY

40. A Bylaw Officer or Peace Officer **may**:
- Seize and impound any Dog, Nuisance Dog, or Restricted Dog alleged to have seriously hurt or killed a person or animal.
 - Before seizing and impounding a Dog, Nuisance Dog, or Restricted Dog pursuant to this section of the Bylaw Officer or Peace Officer must consider whether the dog was acting in self-defence or while in the course of attempting to prevent a person from committing an unlawful act.
 - A Dog, Nuisance Dog, or Restricted Dog seized pursuant to this section **may not** be impounded for more than 21 days unless court proceedings for a destruction or other order with respect to the dog, nuisance dog, or restricted are commenced within that time.

RELEASE

41. Any Dog, Nuisance Dog, or Restricted Dog seized pursuant to this bylaw **may** be released to the owner upon payment of any fees due with respect to shelter, treatment, and any license fee if not already paid.



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PART VIII: GENERAL

- OTHER FEES 42. The following fees *are* hereby established:
- a) For shelter and care, the amount set out in Schedule A; and
 - b) For any required veterinary treatment, including drugs and medicines, the actual costs of the treatment
- PROOF OF LICENSE 43. The onus of proving a person has a valid dog tag *is* on the Owner or Licensee.
- PROOF OF AGE 44. The onus of proving the age of a Dog, Nuisance Dog, or Restricted Dog *is* on the Owner or Licensee.
- TOWN MANAGER 45. Without restricting any other power, duty, or function granted by this bylaw, the CAO may:
- a) Carry out whatever inspections are reasonably required to determine compliance with this Bylaw
 - b) Designate any powers, duties, or functions under this bylaw to an employee or contracted service provider of the Town
 - c) Establish forms for the purposes of this bylaw
 - d) Issue a special permit for variance of this bylaw, at their sole discretion
- CERTIFIED COPY OF RECORD 46. A copy of a record of the Town, certified by the CAO as a true copy of the original, *shall* be admitted in evidence as prima facie proof of the facts stated in the record without proof of an appointment or signature of the person signing it.
- CIVIL ACTION NOT AFFECTED 47. Nothing in this bylaw limits the rights of any person to prosecute a claim for damages by reason of injuries to person or property resulting from any action of the owner of any animal, or from the action of any agent of the owner.
- SEVERABILITY 48. In the event any portion of this Bylaw is found invalid by a Court of Law or is overturned by a superior jurisdiction, the validity of the remaining parts of the Bylaw shall not be affected.

PART IX: REPEAL

1. Upon the third and final reading of Bylaw #2022-07, Bylaw #2018-11 will be repealed.

READ A FIRST TIME this 27th day of September, 2022

READ A SECOND TIME this 27th day of September, 2022

READ A THIRD AND FINAL TIME this 27th day of September, 2022

Darryl Hostyn, Mayor

Donna Tona, CAO



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SCHEDULE A: SPECIFIED PENALTY OPTION

Bylaw Section	First Offense	Second Offense	Third and Subsequent Offenses
Part IV Section 1	\$100.00	\$150.00	\$200.00
Part IV Section 2	\$150.00	\$200.00	\$250.00
Part IV Section 12	\$75.00	\$75.00	\$150.00
Part V Section 13	\$75.00	\$75.00	\$200.00
Part V Section 15	\$25.00	\$25.00	\$50.00
Part V Section 24	\$150.00	\$175.00	\$250.00