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**BY-LAW #464 OF THE TOWN OF SEDGEWICK IN THE PROVINCE OF ALBERTA**

**A BY-LAW OF THE TOWN OF SEDGEWICK IN THE PROVINCE OF ALBERTA PROVIDING FOR THE LICENSING AND CONTROLLING OF DOGS WITHIN THE SAID TOWN.**

**WHEREAS**                **THE MUNICIPAL GOVERNMENT ACT, RSA 2000, c. M-26 AS AMENDED OR REPEALED AND REPLACED FROM TIME TO TIME, PROVIDES THAT A COUNCIL MAY PASS BYLAWS FOR MUNICIPAL PURPOSES RESPECTING WILD AND DOMESTIC ANIMALS AND ACTIVITIES IN RELATION TO THEM;**

**AND WHEREAS**        **the Council of the Town of Sedgewick deems it advisable to pass a bylaw for restraining and regulating the running at large of dogs and the licensing, impoundment and disposal of dogs running at large within the Town of Sedgewick.**

**NOW THEREFORE the Municipal Council of the Town of Sedgewick duly assembled enacts as follows:**

**1. TITLE:**

1. This bylaw may be cited as "**The Dog Control Bylaw**".

**2. DEFINITIONS:**

2. In this bylaw unless the context otherwise requires:

- 2.1 "Town" means the Town of Sedgewick.
- 2.2 "Council" means the Council of the Town of Sedgewick.
- 2.3 "Town Administrator" means a person appointed by Council as the Administrator of the Town of Sedgewick.
- 2.4 "Dog" means any animal of the Canidae family, regardless of the sex of such animal.
- 2.5 "Dog Tag" means a numbered metal tag issued by the Town when the owner of a dog licenses such dog with the Town.
- 2.6 "Dog at Large" means a dog that is on any property not belonging to the owner of said dog and is not being restrained by a leash or is not being effectively controlled by the owner.
- 2.7 "Dog Catcher" means any person appointed by the Town Administrator to seize and impound dogs.
- 2.8 "Enforcement Officer" means any peace officer or any other person appointed by Council to enforce the provisions of this bylaw.
- 2.9 "Owner" unless the context otherwise requires, means any person, partnership, association or corporation who has legal title or possession of a dog or who harbours or keeps or has the care or control of a dog.
- 2.10 "Excessive barking" means continuously for more than 5 minutes.
- 2.11 "Persistent barking" means barking for longer than 30 seconds at a time and several times during the day.
- 2.12 "Pound" means a place, designated by Council, where dogs that have been seized shall be kept.
- 2.13 "Pound keeper" means any person appointed by the Town Administrator to keep a pound for the purpose of controlling and disposing of dogs that have been seized.
- 2.14 "Violation tag" means a ticket or similar document issued by the Town pursuant to the Municipal Government Act, R.S.A. 2000, c.M-26, as amended or replaced and repealed from time to time.
- 2.15 "Violation ticket" means a ticket issued pursuant to the Provincial Offenses Procedure Act, RSA 2000, c.P-34 and regulations there under, as amended or replaced and repealed from time to time.
- 2.16. "Warning tag" means a ticket or similar document issued by the Town pursuant to the Municipal Government Act, R.S.A. 2000, c.M-26, as amended or replaced and repealed from time to time.

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**3. LICENSING:**

- 3.1 Every owner of a dog over the age of three months in the Town of Sedgewick shall, before the 31st. day of January of each calendar year, license such dog with the Town and pay to the Town a license fee for each dog so licensed as specified in Schedule A.1.
- 3.2 Every owner of a dog in the Town of Sedgewick, who fails to license such dog as required by Section 3.1 herein, shall license such dog with the Town and pay to the Town an increased license fee as specified in Schedule A.1.
- 3.3 Notwithstanding the provisions of sections 3.1 and 3.2 herein, every owner who after the 31<sup>ST</sup> day of January in any calendar year acquires a dog or who has a dog and takes up residence in the Town shall within fourteen (14) days thereof license his or her dog with the Town and pay to the Town a license fee for each dog being licensed.
- 3.4 In the event that such an owner fails to license his or her dog within fourteen (14) days as aforesaid and if such owner keeps a dog within the Town he or she shall license such dog with the Town and pay to the Town an increased license fee as specified in Schedule A.1.
- 3.4 Notwithstanding Sections 3.1, 3.2, 3.3, or 3.4 herein, a person possessing a registered or certified guide dog shall NOT be required to pay a license fee.
- 3.5 Upon licensing a dog as required in this bylaw, the owner shall be issued with a metal dog tag that has been stamped with a license number and the year of such license.
- 3.6 In the event that a dog tag is lost, a new dog tag may be issued, upon proof of license of the dog and upon payment to the Town of a fee.
- 3.7 A dog tag shall not be transferred from one dog to another, or attached to any dog that has not been licensed with the Town.
- 3.8 A dog tag is only valid for the calendar year for which it is issued.
- 3.9 At all times when a dog is on any property other than that of its owner, the dog tag issued for such dog shall be attached to a collar or harness that is being worn by said dog.

**4. REGULATIONS:**

- 4.1 No owner shall cause, or allow or permit another person to cause, his dog to be or to be on any property not his own unless:
  - (a) a leash of sufficient strength to restrain the dog, and not longer than 1.5 meters, is securely attached to the dog, and
  - (b) the leash is being held by a person able to restrain the dog, or
  - (c) the leash is securely tied to a stationary object that cannot be moved by the dog, and
  - (d) the dog cannot interfere with normal human traffic.
- 4.2 No owner shall cause, or allow or permit another person to cause, his dog while on property not his own to:
  - (a) bark at any person, or
  - (b) chase any person or vehicle, or
  - (c) attack any person, or
  - (d) chase, challenge, or attack any animal owned or being kept by another person, or
  - (e) cause any damage or nuisance thereon. An owner whose dog defecates on said property shall forthwith remove any defecated matter to a suitable receptacle as would not constitute a nuisance. The provisions of this section shall not apply to a blind person who is being guided by a bona fide "seeing eye" or guide dog.
  - (f) run at large.
- 4.3 No owner shall cause, or allow or permit another person to cause, his dog to be or remain on any private property without having first obtained the permission of the owner of said property.
- 4.4 No owner shall cause, or allow or permit his dog to bark or yelp or howl excessively or persistently or in any other manner disturb the quiet of any person.

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- 4.5 No owner shall fail to immediately take all reasonable steps to quiet his dog that is barking each and every time the dog barks.
  - 4.6 No owner shall own, possess, keep, harbour, or have care or control of more than two dogs that by nature of their size, breed, disposition, or for any other reason are sheltered or fed or exercised or otherwise kept on a property.
  - 4.7 No person shall in any way permit a dog to be in distress by:
    - (a) causing any unnecessary physical pain to the dog, or
    - (b) neglecting to provide food, potable water, care or shelter as is necessary to maintain the good health of the dog, or
    - (c) neglecting to provide the necessary treatment for a dog suffering from disease or injury or which is infested by any vermin or parasite, or
    - (d) harassing or tormenting such dog.

#### **5. EXEMPTIONS:**

Notwithstanding Section 3 and Section 4 of this bylaw, the Town of Sedgewick is prepared to offer certain exemptions under Section 4.6 regarding the number of dogs permitted to Town residents, subject to the conditions described:

- 5.1 Applies to more than two dogs owned and being kept within a single dwelling within the Town as of the passing of Dog Control Bylaw#455 on July 17<sup>th</sup>, 2008.
- 5.2 Shall continue to apply, subject to all conditions as specified in Section 5, until said additional dog(s) die(s) or is(are) removed from the Town.
- 5.3 The licensing fees charged to all dogs to which this bylaw applies:
  - (a) will be the amount set out in Schedule 'A' of this bylaw provided that
  - (b) current owners, within the grace period determined and advised by Council for doing so shall,
    - (i) voluntarily obtain a license for each dog
- 5.4 Owners having more than two dogs will be issued licenses as needed but are encouraged to remove excess dogs from Town as soon as possible.
- 5.5 If any "grandfathered" owner is found to be in any violation of any Regulation contained in this bylaw or, in consideration of exemptions described in Section 5, is found to be in violation of any exemption in the Regulations, for that owner
  - (a) all exemptions to this bylaw shall be removed and,
  - (b) the full force of this bylaw, excluding exemptions, shall come into effect.

#### **6. ENFORCEMENT:**

- 6.1 Any dog at large may be captured and seized by any dogcatcher or Enforcement Officer and placed in a pound as provided for in this bylaw.
- 6.2 An Enforcement Officer or a dog catcher may use any means necessary to capture and seize a dog at large, provided that:
  - (a) no dog shall be seized on private property without the permission of the owner of said property, except in case of fresh pursuit and it is definitely known that the property is not that of the owner of the dog, and
  - (b) every reasonable precaution is taken to avoid causing any injury or bodily harm to such dog.
- 6.3 Every dog seized under this bylaw shall, as soon as practical, be taken to the prescribed pound and restrained therein.
- 6.4 No person shall in any way interfere with, or obstruct an Enforcement Officer or dog catcher who has seized or is attempting to seize a dog at large except that the owner of such dog may redeem the dog by signing a Claim and Release form as approved by the Town Administrator.
- 6.5 No person shall release or attempt to release a dog that has been seized except as otherwise

provided in this bylaw.

6.6 If a dog is in distress and

- (a) the owner does not forthwith take steps that will relieve its distress, or
- (b) the owner cannot be found immediately and informed of the dog's distress,

an Enforcement Officer or dog catcher may, with the assistance of a member of the Royal Canadian Mounted Police, take any action he considers necessary to locate the animal and relieve its distress, including taking the dog into custody, pursuant to the Animal Protection Act.

**7. POUND**

7.1 A pound keeper shall:

- (a) receive and impound any dog seized under the provisions of this bylaw, and
- (b) keep a record of such dog on a form approved by the Town Administrator, and
- (c) ensure that any dog so impounded is provided with sufficient food and potable water to maintain the health and comfort of the dog, and
- (d) provide the services of a veterinarian, as soon as practical, for any dog which appears to be ill or injured, and
- (e) ensure that no dog, while impounded is unnecessarily mistreated.

7.2 Any dog that has been placed in a pound shall be kept therein for a period of not less than three clear days, exclusive of Saturdays, Sundays and statutory holidays unless sooner claimed by the owner or otherwise disposed of in accordance with this bylaw.

7.3 An owner may redeem an impounded dog upon payment to the pound keeper of all fines and fees and costs as prescribed in this bylaw and shall sign a Claim and Release form as approved by the Town Administrator.

7.4 All fines, fees and costs, as applicable, shall be paid to the pound keeper prior to release to the owner of any dog.

7.5 In any case, where a dog is found to be ill or has been injured and it has been determined by a veterinarian or other competent person that the dog should be destroyed to prevent needless suffering, the dog may be destroyed as soon as practical.

7.6 Any dog that has been impounded for longer than the period of time prescribed in this bylaw may at the discretion of the pound keeper:

- (a) be sold at a price to cover the cost of the impoundment, provided that the dog is not sold to the owner or to any other person representing the owner, or
- (b) be destroyed by a veterinarian.

7.7 The pound keeper shall, if the dog being impounded is wearing a dog tag or any other identification, make a conscientious effort to notify the owner that the dog has been impounded and give said owner a reasonable period of time to claim the dog before disposing of same.

7.8 The pound keeper shall, on or before the last working day of each month submit all monies, copies of receipts and invoices, covering all transactions for the previous month, to the Town Administrator.

**8. OFFENCES AND PENALTIES:**

8.1 A person who contravenes any section of this bylaw is guilty of an offence and liable, on summary conviction before a Provincial Court Judge, to fines as listed in Schedule A.2 of this bylaw.

8.2 A Provincial Judge, in addition to the penalties provided in this bylaw, may direct or order the owner of the dog

- (a) to obtain a license, or
- (b) to prevent such animal from doing mischief, or causing a disturbance, or a nuisance

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complained of, or

- (c) to have the dog destroyed or removed from the Town, or
- (d) to comply with any other relevant sections of this bylaw, or
- (e) in any other manner deemed appropriate.

- 8.3 Notwithstanding sections 7.1 and 7.2 of this bylaw, an Enforcement Officer may issue a violation tag to a person who the Enforcement officer has reasonable and probable grounds to believe has contravened any provision of this bylaw:
- (a) specifying a voluntary payment as described in Schedule A.3 of this bylaw; and
  - (b) the person to whom the violation tag is issued may, in lieu of being prosecuted for the offence, pay to the Town or the Enforcement Officer the penalty specified within the time period indicated on the violation tag.
- 8.4 Notwithstanding sections 7.1 – 7.3 of this bylaw, an Enforcement Officer shall issue a warning tag to a person who upon first contact, has failed to comply with Section 3 of this Bylaw.
- 8.5 A violation tag and a warning tag shall be deemed to have been sufficiently served if:
- (a) served to the accused directly, or
  - (b) mailed to the address of the registered owner or person occupying a property, or
  - (c) secured to the property in respect of which the offense is alleged to have been committed.
- 8.6 Where a violation tag has been issued and the penalty specified on the violation tag has not been paid within the prescribed time, then an Enforcement Officer may issue a violation ticket specifying that a voluntary payment be made as described in Schedule A.4 of this bylaw.
- 8.7 Notwithstanding sections 7.1 through 7.2 of this bylaw, an Enforcement Officer may immediately issue a violation ticket to any person who the Enforcement Officer has reasonable grounds to believe has contravened any provisions of this bylaw, exempting Section 3, specifying that
- (a) a voluntary payment be made as described in Schedule A.4 of this bylaw; or
  - (b) if it is in the public interest to compel the accused to appear before a Judge, issue a summons respecting any offense for which a voluntary payment may be made requiring the accuse to appear before a Provincial Court Judge on the initial appearance date without the alternative of making a voluntary payment.
- 8.8 The levying and payment of any fines shall not relieve a person from the necessity of
- (a) immediately remedying the situation that created the violation, or
  - (c) paying any fees, charges or costs for which he is liable under the provisions of this bylaw.
- 8.9 For offences where a dog, while not on the owner's property and whether or not the dog is on a leash, attacks a person or another animal or chases or challenges a person, the fine shall double and the dog shall be defined as a vicious dog for bylaw enforcement purposes.

## **9. SEVERABILITY PROVISION**

- 9.1 Should any provision of this bylaw be invalid, then such provision shall be severed and the remaining bylaw shall be maintained.

## **10. ATTACHMENTS**

- 10.1 SCHEDULE A shall be included as part of this bylaw.

## **11. REPEAL**

- 11.1 Town of Sedgewick Dog Control Bylaw #455 is hereby repealed.

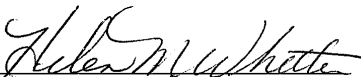
12. EFFECTIVE DATE


12.1 This bylaw shall take effect on the date of passing thereof.

READ A FIRST TIME THIS 20th DAY OF August, 2009.

READ A SECOND TIME THIS 20<sup>th</sup> DAY OF August, 2009.

READ A THIRD TIME BY UNANIMOUS CONSENT OF COUNCIL THIS 20<sup>TH</sup> DAY OF August, 2009 AND PASSED.

  
Mayor Helen M. Whitten

  
Thelma Rogers, CAO

## BY-LAW #452

## SCHEDULE "A"

**SCHEDULE A.1**

	<b><u>#DOGS</u></b>	<b><u>Spayed/Neutered</u></b>	<b><u>Unaltered</u></b>
<b>LICENSE FEES</b> <i>(Prior to February 1<sup>st</sup> annually)</i>	1 - 2	\$15	\$30
	3	\$22.50	\$45
	4	\$30	\$60

AFTER JANUARY 31 ANNUALLY ALL FEES DOUBLE.

DOG TAG LOSS - REPLACEMENT FEE            \$3                            \$3

**SCHEDULE A.2**

PENALTY FOR FIRST OFFENSE**	\$300
PENALTY FOR SECOND OFFENSE	\$600
PENALTY FOR SUBSEQUENT OFFENSE NOT LESS THAN	\$1200

**SCHEDULE A.3**

PENALTY FOR FIRST OFFENCE**	\$75
PENALTY FOR SECOND OFFENCE	\$150
PENALTY FOR SUBSEQUENT OFFENCES	\$300
POUND FEES PER DAY*	\$20

\* PLUS APPLICABLE VETERINARY EXPENSES

**SCHEDULE A.4**

PENALTY FOR FIRST OFFENSE**	\$150
PENALTY FOR SECOND OFFENSE	\$300
PENALTY FOR SUBSEQUENT OFFENSE	\$600

\*\*For offences where a dog, while not on the owner's property and whether or not the dog is on a leash, attacks a person or another animal or chases or challenges a person, the fine shall double and the dog shall be defined as a vicious dog for bylaw enforcement purposes.