

TOWN OF MANNING

BYLAW NO. 784

A BYLAW OF THE TOWN OF MANNING, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF REGULATING AND CONTROLLING DOGS.

WHEREAS the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended or repealed and replaced from time to time, authorizes a Municipality to regulate and control Dogs and activities in relation to them;

NOW THEREFORE the Municipal Council of the Town of Manning, in the Province of Alberta, duly assembled, enacts as follows:

Section 1 – Short Title

1.1 This Bylaw may be cited as the Town of Manning “Dog Control Bylaw”.

Section 2 – Definitions

2.1 “Animal Shelter” means the facility or facilities designated by the Town from time to time, as the location for the impoundment and care of Dogs subject to this Bylaw;

2.2 “At-Large” means any Dog that is present at any place other than the property of its Owner and which is not being carried by any Person, or which is not otherwise restrained or under the physical control of a person by means of some form of Restraining Device securely holding that Dog;

2.3 “Bylaw Enforcement Officer” means a Bylaw Enforcement Officer appointed by Municipal Council and includes an Animal Control Officer, a member of the Royal Canadian Mounted Police and, when authorized, a Community Peace Officer;

2.4 “CAO” means the Chief Administrative Officer of the Town and whatever subsequent title may be conferred on that officer by Council or statute, or his designate;

2.5 “Council” means the Municipal Council of the Town of Manning, in the Province of Alberta;

2.6 “Dangerous Dog” means any Dog designated as such by the CAO, in accordance with section 6 of this Bylaw;

2.7 “*Dangerous Dogs Act*” means the *Dangerous Dogs Act*, R.S.A. 2000, c. D-3, as amended or repealed and replaced from time to time;

2.8 “Dog” shall mean any member of a domesticated canine species;

- 2.9 “Kennel” means a development in which domestic pets are maintained, boarded, trained, cared for, bred or raised for remuneration or for sale; [PLEASE NOTE: THIS DEFINITION HAS BEEN INSERTED AS AN EXAMPLE; THE DEFINITION SHOULD BE AMENDED TO MIRROR THE APPROPRIATE DEFINITION AS FOUND IN THE TOWN’S LAND USE BYLAW]
- 2.10 “Land Use Bylaw” means the Town’s Land Use Bylaw No. 775/08, as amended or repealed and replaced from time to time;
- 2.11 “Leash” means a tether no longer than THREE (3) meters in length and of suitable strength that may be humanely attached to a collar or harness of a Dog;
- 2.12 “License Tag” means an identification tag of metal or other material issued by the Town showing the license number of a specific Dog;
- 2.13 “*Municipal Government Act*” means the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended or repealed and replaced from time to time;
- 2.14 “Owner” means a person:
- (a) who has the care, charge, custody, Possession or control of the Dog;
 - (b) who owns or claims a proprietary interest in the Dog;
 - (c) who harbours, suffers or permits the Dog to be present on any property owned or under his control;
 - (d) who claims and receives the Dog from the custody of an Animal Shelter or a Bylaw Enforcement Officer; or
 - (e) to whom a License Tag has been issued for the Dog in accordance with this Bylaw.
- 2.15 “Owner’s Property” means Private Property, or all or part of a structure on Private Property, owned or under the control or possession of an Owner of a Dog;
- 2.16 “Possession” means
- (a) having physical or effective control of a Dog;
 - (b) having transferred physical or effective control of the Dog to another person for the purpose of allowing that person to exercise control over that Dog for a period of time; or
 - (c) where one of two or more persons, with the knowledge and consent of the other or others, has physical or effective control of the Dog, the Dog shall be deemed to be in control of each and all of them;

- 2.17 “Private Property” means any property within the Town, other than property constituting Public Property;
- 2.18 “*Provincial Offences Procedure Act*” means the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, as amended or repealed and replaced from time to time;
- 2.19 “Public Property” means property owned by or under the control and management of the Government of Canada, the Government of Alberta or the Town, which is contained within the municipal boundaries of the Town;
- 2.20 “Registered Veterinarian” means a Registered Veterinarian as defined in the *Veterinary Profession Act*, R.S.A. 2000, c. V-2, as amended or repealed and replaced from time to time;
- 2.21 “Restraining Device” means any Leash, harness or other restraining system capable of allowing the Owner to maintain adequate control of the attached Dog, or if located on the Owner’s Property, capable of restraining the Dog within the boundaries of the Owner’s Property;
- 2.22 “Secure Enclosure” means a building, cage, fenced area or other enclosure for the restraining of a Dog and which prohibits the Dog from jumping, climbing, digging or using any other means to exit the enclosure, and which is capable of prohibiting the entry of young children into the enclosure;
- 2.23 “Serious Wound” means an injury resulting from a Dog attack which causes a breaking of the skin or the flesh to be torn;
- 2.24 “Town” means the Town of Manning, in the Province of Alberta;
- 2.25 “Violation Tag” means a tag or similar document issued by the Town pursuant to the *Municipal Government Act*;
- 2.26 “Violation Ticket” means a ticket issued pursuant to Part 2 of the *Provincial Offences Procedure Act* and any regulations thereunder.

Section 3 – Licensing Provisions

- 3.1 Every person who resides within the Town and who is the Owner of a Dog that is over the age of SIX (6) months shall apply for a license as set out within this section, by paying the applicable fee as set out in Schedule “A” to this Bylaw, and providing such information as may be required on the application form prepared by the Town.
- 3.2 A license under this Bylaw must be renewed on an annual basis, by paying the applicable license fee, prior to January 31 of each year. Any person who fails to renew a license within this time is guilty of an offence.

- 3.3 Every person who resides in the Town who becomes the Owner of a Dog that is over the age of SIX (6) months, or who takes up residence within the Town and who is the Owner of a Dog that is over the age of SIX (6) months, shall apply for a license set out in this section and pay the applicable fee as set out in Schedule "A" to this Bylaw, within THIRTY (30) days of becoming the Owner of a Dog, or taking up residence in the Town.
- 3.4 An Owner of an unlicensed Dog is guilty of an offence.
- 3.5 Licenses issued pursuant to this Bylaw shall not be transferred from one Dog to another or from one Owner to another.
- 3.6 Upon payment of the required license fee, and providing such information as may be required by the Town, the Owner will be supplied with a License Tag having a number which will remain registered to that Dog, year to year.
- 3.7 Every Owner shall ensure that the License Tag is securely fastened to a choke chain, collar or harness worn by the Dog at all times whenever the Dog is on property other than the Owner's Property or property controlled by him.
- 3.8 An Owner of a Licensed Dog is guilty of an offence if the Dog is not wearing a License Tag while the Dog is on property other than the Owner's Property or property controlled by him.
- 3.9 The Owner of a Dog that has been duly licensed under this Bylaw may obtain a replacement License Tag for one that has been lost or damaged upon payment of the replacement License Tag fee as set out in Schedule "A" of this Bylaw.
- 3.10 No person shall be entitled to a refund or rebate for any License Tag fee.
- 3.11 The provisions of this section shall not apply to the following:
- (a) persons temporarily visiting the Town for a period not exceeding FOUR (4) consecutive weeks;
 - (b) Not-for-Profit Associations, Not-for-Profit Corporations and Government Organizations engaged in the provision of specialized Dog services, including but not limited to, guide or assistance Dogs, police Dogs, and search and rescue Dogs;
 - (c) Handicapped persons holding an identification card proving ownership of a guide or assistance Dog for their use;
 - (d) Dogs under SIX (6) months in age; and
 - (e) holders of a valid and subsisting Development Permit, issued pursuant to the Land Use Bylaw authorizing the operation of a Kennel, Animal Shelter or

similar facility, but only in regard to those Dogs which are intended for sale or adoption or a Dog which is owned by persons other than the operators of the Kennel, Animal Shelter or similar facility and which are boarded therein.

Section 4 – Number of Animals

- 4.1 No more than THREE (3) Dogs shall be harboured, suffered or permitted to remain upon or in any property, land, house, shelter, room or place, building, structure or premises within the Town, unless:
- (a) the premises are lawfully used for the care and treatment of Dogs, operated by or under the charge of a Registered Veterinarian;
 - (b) the Owner is the holder of a valid and subsisting Development Permit to operate a Kennel, Animal Shelter or similar facility as authorized by the Land Use Bylaw, but only in regard to those Dogs which are intended for sale or adoption or Dogs which are owned by persons others than the operators of the Kennel, Animal Shelter or similar facility and which are being boarded therein;
 - (c) the Dogs in excess of the limit are under SIX (6) months of age and are the offspring of a licensed Dog residing at the same location; or
 - (d) the Owner is a Not-for-Profit Association, Not-for-Profit Corporation or Government Organization engaged in the provision of specialized Dog services, including but not limited to, guide or assistance Dogs, police Dogs, and search and rescue Dogs.
- 4.2 Any person who keeps, suffers or harbours more than THREE (3) Dogs within the municipal boundaries of the Town is in contravention of this Bylaw and is guilty of an offence.

Section 5 – General Offences

- 5.1 An Owner whose Dog is At-Large is guilty of an offence.
- 5.2 The Owner of a Dog that barks, howls or otherwise makes noise so as to, in the opinion of a Bylaw Enforcement Officer, constitute an unreasonable disturbance of the quiet or repose of any person, is guilty of an offence.
- 5.3 The Owner of a Dog that threatens, attacks, bites, chases or injures any person is guilty of an offence.
- 5.4 The Owner of a Dog that attacks, injures, kills, chases or otherwise harasses an animal or another dog is guilty of an offence.

- 5.5 The Owner of a Dog that causes damage to Public or Private Property, other than the Owner's Property, is guilty of an offence.
- 5.6 Where a Dog has defecated on any Public or Private Property, other than the Owner's Property, the Owner shall remove such defecation immediately and failure to do so shall constitute an offence.
- 5.7 The Owner of a female Dog in estrus or "heat" which is not adequately contained or restrained, both on and off the Owner's Property, in a manner sufficient to avoid, in the Bylaw Enforcement Officer's opinion, attracting other Dogs, is guilty of an offence.
- 5.8 Any person, who without the consent of the Owner, unties, loosens or otherwise frees a Dog that was tied or otherwise restrained, or opens a gate, door or opening in a fence or Secure Enclosure in which a Dog has been confined, thereby allowing the Dog to run At-Large, is guilty of an offence.
- 5.9 Any person, who interferes with, prohibits or otherwise impedes a Bylaw Enforcement Officer in the performance of the Officer's duties under this Bylaw, is guilty of an offence.
- 5.10 Any person who, in the opinion of a Bylaw Enforcement Officer, is teasing, tormenting, annoying or harming any Dog, is guilty of an offence.
- 5.11 The Owner of a Dog, where a Dog is present at a location, whether Public Property or Private Property, where a sign prohibits the presence of Dogs, is guilty of an offence.
- 5.12 The owner of a Dog, where a Dog is present at a playground, whether or not there is a sign which prohibits the presence of Dogs, is guilty of an offence.

Section 6 – Dangerous Dogs

- 6.1 The CAO or his designate may declare a Dog to be a Dangerous Dog if he has reasonable grounds to believe, either through personal observation or on the basis of facts determined after an investigation of a compliant, that the Dog:
 - (a) has a known propensity, tendency, or disposition to threaten, attack, chase or bite, without provocation, another Dog, animal or human;
 - (b) has inflicted a Serious Wound upon another Dog, animal or human;
 - (c) has been the subject of an Order or direction of a Justice or Judge, pursuant to the *Dangerous Dogs Act*;
 - (d) chases any human, Dog or other animal;
 - (e) is a continuing threat of serious harm to any human, Dog or other animals; or

- (f) has attacked humans, Dogs or other animals.
- 6.2 Where a Dog is determined by the CAO or his designate to be a Dangerous Dog pursuant to section 6.1, the CAO or his designate shall:
- (a) serve the Owner with a written notice that the Dog has been declared to be a Dangerous Dog;
 - (b) direct the Owner to keep the Dangerous Dog in accordance with the provisions of section 6.7 of this Bylaw, and provide the Owner with a time limit for constructing the required enclosure; and
 - (c) inform the Owner that, if the Dangerous Dog is not kept in accordance with section 6.7 of this Bylaw, the Owner may be fined, or subject to enforcement pursuant to this Bylaw.
- 6.3 A written notice under section 6.2 above may include a summary of the applicable Bylaw provisions governing Dangerous Dogs.
- 6.4 Any Owner who receives notice under section 6.2 may, within FOURTEEN (14) days of receiving the written notice of the designation, request in writing that the designation be reviewed by Council. Council is not obligated to conduct an oral hearing of the review and may conduct the review based on written material provided by the CAO or his designate and the Owner instead. [FOURTEEN days may be changed if some other time line is chosen by the Town]
- 6.5 Council upon a review conducted pursuant to section 6.4 of this Bylaw may:
- (a) uphold the designation of the Dog as a Dangerous Dog;
 - (b) reverse the decision of the CAO and deem that the Dog is not a Dangerous Dog; or
 - (c) may uphold the designation of the Dog as a Dangerous Dog and vary the conditions of harbouring the Dog within the municipal boundaries of the Town.
- 6.6 The decision of Council shall be provided to the Owner in writing within THIRTY (30) days of Council conducting the review and may be served personally or by registered mail on the Owner. If the decision is sent by registered mail, but unclaimed, the decision may be sent to the Owner by regular mail and shall be deemed received SEVEN (7) days after the date of mailing.
- 6.7 The Owner of a Dangerous Dog shall:
- (a) maintain in force a policy of liability insurance in a form satisfactory to the Town providing third party liability coverage in a minimum amount of FIVE HUNDRED THOUSAND (\$500,000.00) DOLLARS for injuries caused by the

Owner's Dangerous Dog and no License Tag shall be issued for a Dangerous Dog unless proof of such insurance coverage is provided to the Town along with the application for a license; and

- (b) license the Dog as a Dangerous Dog and follow the procedure set out in section 3 of this Bylaw, which includes paying the applicable fee for a Dangerous Dog as set out in Schedule "A" of this Bylaw; and
- (c) while the Dangerous Dog is off of the Owner's Property, muzzle and secure the Dangerous Dog by means of a Restraining Device under the physical control of a person of EIGHTEEN (18) years of age or older; and
- (d) while the Dangerous Dog is on the Owner's Property, confine the Dangerous Dog within a Secure Enclosure, or within the residence of the Owner.

6.8 An Owner who fails to comply with the provisions of section 6.7 is guilty of an offence.

6.9 The Owner of a Dangerous Dog shall immediately notify the Town should the policy of liability insurance expire, be cancelled or terminated, and upon the occurrence of such an event, the Dangerous Dog license shall be null and void, unless the Town receives written proof that a new insurance policy has been secured, meeting the requirements of section 6.7(a) within FIFTEEN (15) days of the expiry, cancellation or termination of the original policy.

6.10 The CAO may at his discretion, require the Owner of a Dangerous Dog to post a sign at all entrances to the Owner's Property or the property controlled by the Owner, stating "Dangerous Dog" and where so directed, the Owner of a Dangerous Dog who fails to do so, is guilty of an offence.

6.11 Where the Owner of a Dangerous Dog is guilty of an offence under section 5 of this Bylaw, the fine shall be as set out in Schedule "B" of this Bylaw.

6.12 In addition, to the remedies set forth elsewhere in this Bylaw, if a Bylaw Enforcement Officer determines, in his sole determination, that a Dangerous Dog is not being kept in accordance with this Bylaw, the Officer may:

- (a) issue an Order pursuant to section 545 of the *Municipal Government Act* directing that the Dangerous Dog be kept in accordance with this Bylaw or removed from the physical boundaries of the Town; and
- (b) in addition or as an alternative to the issuance of an Order under subsection (a), bring an application pursuant to the *Dangerous Dogs Act* for an order directing that the Dangerous Dog be kept in accordance with this Bylaw, destroyed or subjected to such other Order as the Court may direct.

Section 7 – Bylaw Enforcement Officer

- 7.1 A Bylaw Enforcement Officer is a designated officer of the Municipality for the purposes of inspections, investigations and enforcement of this Bylaw, and in addition to any other powers or authority granted under this Bylaw or any other enactment, is authorized to:
- (a) capture and impound in an authorized Animal Shelter any Dog that is At-Large;
 - (b) to take any reasonable measures necessary to subdue any Dog, including the use of tranquilizer equipment and materials;
 - (c) to enter onto lands surrounding any building in pursuit of a Dog while that Dog is At-Large; and
 - (d) if a Dog is in distress, whether or not as a result of enforcement action taken pursuant to this Bylaw, to take the Dog to a Registered Veterinarian for treatment and, once treated, to transfer the Dog to the Animal Shelter.
- 7.2 All costs and expenses incurred by the Town as a result of veterinary treatment pursuant to section 7.1(d) above shall be recoverable from the Owner of the Dog as a lawful debt owed to the Town.
- 7.3 Dogs impounded in the Animal Shelter shall be kept for a period of at least SEVENTY TWO (72) HOURS. In the calculation of the SEVENTY TWO (72) HOUR period, Saturdays, Sundays, Statutory Holidays and days that the Animal Shelter is not open shall not be included.
- 7.4 Notwithstanding section 7.3 above, where a Dog that has been impounded bears obvious identification tattoos, brands, marks, tags or licenses, the Bylaw Enforcement Officer shall make all reasonable efforts to contact the Owner of the Dog and shall keep the Dog for a period of at least **[Please insert a period of time longer than 72 hours, to reflect that the Dog's Owner has put system in place to ensure that the Dog is returned to them. We recommend a minimum of 10 days.]**
- 7.5 During the periods established in sections 7.3 and 7.4 above, the Dog may be redeemed by its Owner, except as provided in this Bylaw, upon payment to the Town or its authorized agent of:
- (a) the impoundment fee as established by the Animal Shelter from time to time;
 - (b) the cost of any veterinary treatment provided in respect of the Dog pursuant to this Bylaw; and
 - (c) in the case of an unlicensed Dog, the appropriate license fee.

- 7.6 At the expiration of the time period established in section 7.3 or 7.4 above, the CAO or his designate is authorized to:
- (a) offer the Dog for sale or as a gift;
 - (b) destroy the Dog in a humane manner;
 - (c) allow the Dog to be redeemed by its Owner in accordance with the provisions of section 7.5 above; or
 - (d) continue to impound the Dog for an indefinite period of time or for such further period of time as the CAO or his designate may decide.
- 7.7 Where a Dog has been impounded, if in the opinion of a Registered Veterinarian or a Bylaw Enforcement Officer, a Dog:
- (a) should be euthanized for humane reasons; or
 - (b) is feral and without identification

a Registered Veterinarian may immediately proceed to humanely euthanize the Dog.

- 7.8 No action shall be taken against any person, including a Bylaw Enforcement Officer or Registered Veterinarian, acting under the authority of this Bylaw for damages for destruction or other disposal of a Dog, in accordance with the provisions of this Bylaw.

Section 8 – Offences & Penalties

- 8.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable upon summary conviction, to a specified penalty for that offence as set out in Schedule “B” to this Bylaw.
- 8.2 Notwithstanding section 8.1 of this Bylaw, any person who commits a second or subsequent offence under this Bylaw within ONE (1) year of committing a first offence under this Bylaw, is liable upon summary conviction to double the fine set out in Schedule “B” of this Bylaw, for that offence.
- 8.3 Under no circumstances shall a person contravening any provision of this Bylaw be subject to the penalty of imprisonment.

Section 9 – Violation Tags

- 9.1 A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

- 9.2 A Violation Tag may be issued to such person:
- (a) either personally; or
 - (b) by mailing a copy, via registered mail, to such person at their last known postal address
- 9.3 A Violation Tag shall be in a form approved by the CAO of the Town and shall state:
- (a) the name of the person;
 - (b) the offence;
 - (c) the appropriate penalty for the offence as specified in Schedule "B" of this Bylaw;
 - (d) that the penalty shall be paid within THIRTY (30) days of the issuance of the Violation Tag; and
 - (e) any other information as may be required by the Town.
- 9.4 Where a Violation Tag has been issued pursuant to this Bylaw, the person to whom the Violation Tag is issued may in lieu of prosecution of the offence, pay to the Town the specified penalty as set out on the Violation Tag.
- 9.5 Nothing in this Bylaw shall prevent a Bylaw Enforcement Officer from immediately issuing a Violation Ticket.

Section 10 – Violation Tickets

- 10.1 In those cases where a Violation Tag has been issued and the penalty specified on the Violation Tag has not been paid within the prescribed time, a Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket.
- 10.2 Notwithstanding sections 9.1 and 10.1, a Bylaw Enforcement Officer is authorized and empowered to immediately issue a Violation Ticket to any person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe is responsible for a contravention of this Bylaw.
- 10.3 A Violation Ticket issued with respect to a contravention of this Bylaw shall be served upon the person responsible for the contravention in accordance with the *Provincial Offences Procedure Act*.
- 10.4 The person to whom the Violation Ticket has been issued may plead guilty by making a voluntary payment in respect of the Summons by delivering to the Provincial Court, on or before the initial appearance date, the Violation Ticket together with an amount

equal to the specified penalty for the offence as provided for in Schedule "B" of this Bylaw.

10.5 When a Clerk of the Provincial Court records the receipt of a voluntary payment pursuant to section 10.4 and the *Provincial Offences Procedure Act*, the act of recording constitutes acceptance of a fine in the amount of the specified penalty.

Section 11 – Severability

11.1 Should any provision of this Bylaw be found invalid, the invalid provision shall be severed and the remaining Bylaw shall be maintained.

Section 12 – Repeal

12.1 Bylaw No. 475/79 is hereby repealed.


Section 13 – Effective Date

13.1 This Bylaw shall come into force and effect upon receipt of its third and final reading.

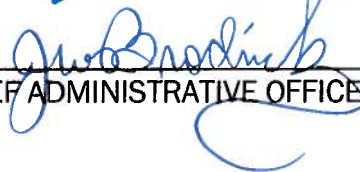
READ a first time in Council this 10th day of June, 2009.

READ a second time in Council this 22nd day of July, 2009.

READ a third and final time in Council this 22nd day of July, 2009.



MAYOR



CHIEF ADMINISTRATIVE OFFICER

SCHEDULE "A" - LICENSE FEES

Annual License Fee

Dog: Male & Spayed Female	\$10.00
Female not spayed	\$20.00

Dangerous Dog: \$100.00

Replacement Tag Fee \$5.00

SCHEDULE "B" – SPECIFIED PENALTIES

OFFENCE	SPECIFIED PENALTY		SECTION
Failing to renew license	\$50.00		3.2
Failing to license Dog	\$50.00		3.4
Failing to wear License Tag	\$50.00		3.8
Keeping more than 3 Dogs	\$100.00		4.2
OFFENCE	DOG	SPECIFIED PENALTY DANGEROUS DOG	SECTION
Dog-At-Large	\$50.00	\$200.00	5.1
Dog that barks, howls or otherwise makes noise which disturbs	\$50.00	\$50.00	5.2
Dog that threatens, attacks, bites, chases or injures any person	\$200.00	\$500.00	5.3
Dog that attacks, injures, kills, chases or otherwise harasses another animal	\$150.00	\$400.00	5.4
Dog that causes damage to Public or Private Property	\$50.00	\$100.00	5.5
Failing to remove defecation	\$50.00	\$50.00	5.6
Failure to contain or restrain a female Dog in heat	\$50.00	\$200.00	5.7
Untying, loosening or otherwise freeing a Dog without knowledge of the Owner	\$50.00	\$200.00	5.8
Interfering with a Bylaw Enforcement Officer	\$100.00	\$100.00	5.9
Teasing, tormenting, annoying or harming any Dog	\$200.00	\$200.00	5.10
Present where a sign prohibits	\$50.00	\$100.00	5.11
Present at a playground	\$50.00	\$200.00	5.12
Failure to comply with section 6.7 regarding Dangerous Dog	n/a	\$300.00	6.8
Failing to post "Dangerous Dog" sign	n/a	100.00	6.10

An Offence for which a Penalty is not otherwise provided	\$50.00	
Second or subsequent offence within one year	Double	Double