

Village of Duchess



Bylaw 521-24 Dog Bylaw

BEING A BYLAW OF THE VILLAGE OF DUCHESS IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF ESTABLISHING REGULATIONS FOR THE LICENSING, REGULATING AND CONFINEMENT OF DOGS

WHEREAS under the provisions of Section 7 of the *Municipal Government Act R.S.A 2000 c. M-26*, and amendments thereto, the Council may pass Bylaws for municipal purposes respecting the following matters the safety, health and welfare of people and the protection of people and property; and wild and domestic animals and activities in relation to them.

WHEREAS the Village of Duchess Council desires to provide regulations and procedures for the purposes of establishing regulations for the licensing and control of Dog(s).

NOW THEREFORE, the Council for the Village of Duchess in the Province of Alberta, duly assembled; hereby enacts as follows:

SECTION 1: SHORT TITLE

1.1 This Bylaw may be cited as the “**DOG BYLAW**”.

SECTION 2: DEFINITIONS

2.1 “**At Large**” means

- (i) Where a Dog is at any place other than the Owner’s Property or Permitted Property and is not being carried by any Person or is not otherwise restrained by a Permitted Leash held by a Person, and that Permitted Leash is attached to a choke chain, collar or harness securely holding the Dog. If it is difficult for a Person to restrain the Dog by a Permitted Leash, then the Dog shall be deemed to be “At Large” notwithstanding the presence of a Permitted Leash.
- (ii) Notwithstanding the above a Dog may be determined, by a Peace Officer, to be At Large if said Dog is on the property of the Owner but is not under the direct supervision of the Owner and due to not being under the direct supervision of the Owner the Dog may leave the property line of said property at any time.

2.2 “**Chief Administrative Officer (CAO)**” means a Person appointed to that position by the Village Council as per section 205 of the Municipal Government Act, RSA 2000, cM-26, and amendments thereto, or their designate.

2.3 “**Controlled Confinement**” means 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.

2.4 “**Council**” means the Council for the Village of Duchess.

2.5 “**Day**” means a continuous period of twenty-four (24) hours but does not include Sundays or Statutory Holidays.

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- 2.6 **“Damage to Property”** means damage to property other than the Owner’s Property and includes defecating or urinating on such property.
- 2.7 **“Dangerous Dog”** means any Dog that a Peace Officer determines on reasonable grounds to be a Dangerous Dog, either through Personal observation or based on facts determined after an investigation initiated by a complaint.
- 2.8 **“Dog”** means a male or female animal of the canine species and includes a Dog that is a cross between a wolf and a Dog or a coyote and a Dog or a combination thereof.
- 2.9 **“Dog Fancier’s License”** means a license issued by the Village in accordance with the provisions of this Bylaw.
- 2.10 **“Former Owner”** means the Person who, at the time of impoundment or surrender, was the Owner of the Dog.
- 2.11 **“Housed and Confined”** means to confine a Female Dog during the whole period that such Dog is in heat in such a manner that the Dog will not be a source of attraction to the other Dogs.
- 2.12 **“Kennel”** means any place owned by a Person, group of Persons or corporation engaged in the commercial business of breeding, buying, selling or boarding Dog(s).
- 2.13 **“License”** means a Dog License issued by the Village in accordance with the provisions of this Bylaw.
- 2.14 **“License Fee”** means the applicable fee payable in respect of a License for any Dog as set out in schedule “B” of this Bylaw.
- 2.15 **“License Tag”** means an identification tag issued by the Village showing the License number for a specific Dog.
- 2.16 **“Muzzle”** means a device of sufficient strength placed over an Animal’s mouth to prevent it from biting.
- 2.17 **“Nuisance Dog”** means any Dog in respect of which there have been two or more conviction for offences under this Bylaw or a Dog whose Owner has pled guilty to more than two (2) offences under this Bylaw.
- 2.18 **“Owner”** means:
- a. A Person who has the care, charge, custody, possession or control of a Dog.
 - b. A Person who owns or who claims any proprietary interest in a Dog.
 - c. A Person who harbors, suffers, or permits a Dog to be present on any property owned, occupied or leased by their, or which is otherwise under their control.
 - d. A Person who claims and receives a Dog from the custody of the Shelter.
 - e. A Person to whom a License Tag was issued for a Dog in accordance with this Bylaw.

and for the purposes of this Bylaw a Dog may have more than one (1) Owner.

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- 2.19 **“Owner’s Property”** means any property in which the Owner of a Dog has a legal or equitable interest or over which the Owner of a Dog has been given the control or use of, by the legal or equitable Owner of the property, and which property shall include, without limiting the generality of the foregoing, land, buildings and vehicles.
- 2.20 **“Peace Officer”** means:
- i. A Community Peace Officer as appointed by the Public Safety and Emergency Services Peace Officer Program.
 - ii. A Bylaw Officer as appointed by Council to enforce Bylaws of the Village.
 - iii. A Member of the Police Service which has jurisdiction in the Village.
- 2.21 **“Permitted Leash”** means a leash adequate to control the Dog to which it is attached, and which leash shall not exceed three (3) meters in length.
- 2.22 **“Permitted Property”** means private property upon which the Owner of a Dog has the express permission of the Owner to allow the Owner’s Dog to be At Large on.
- 2.23 **“Public Property”** means all property owned by or under the control and management of the Village.
- 2.24 **“Serious Wound”** means an injury to a Person or Animal resulting from the action of a Dog which causes the skin to be broken or flesh to be torn.
- 2.25 **“Shelter”** means premises designated by the Village for the impoundment and care of Dogs and includes premises supplied by an independent contractor under contract with the Village to provide such services.
- 2.26 **“Village”** means the Village of Duchess in the Province of Alberta.
- 2.27 **“Violation Tag”** means a notice or tag in a form as approved by the CAO, issued by the Village allowing a voluntary payment option in lieu of prosecution.
- 2.28 **“Violation Ticket”** means a ticket issued pursuant to the Provincial Offences Procedures Act, as amended and any regulations thereto.

SECTION 3: LICENSING PROVISIONS

- 3.1 Every Person who is or becomes the Owner of a Dog which is six (6) months of age or older, or takes up residence within the Village and who is the Owner of a Dog which is over the age of six (6) months and which is not currently Licensed in accordance with this Bylaw, shall apply for a License for that Dog to the Village Office and pay the applicable License Fee as set out in Schedule “B” of this Bylaw within fifteen (15) Days of becoming the Owner of the said Dog, or taking up residence within the Village.

Notwithstanding the above, if a Dog of any age is found At Large within the Village the Owner of said Dog shall be responsible for acquiring a License for the Dog despite the age of the Dog.

- 3.2 Every Person who resides within the municipal boundaries of the Village being the Owner of a Dog over the age of six (6) months shall on or before the second (2nd) day of January in each

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year, pay the License Fee as set out in Schedule “B” of this Bylaw, and obtain a License Tag for each Dog for the current year commencing on the third (3rd) day of January, by applying at the Village Office.

- 3.3 An Owner of a Dog which is unlicensed, and which is required to be Licensed pursuant to this Bylaw is guilty of an offence.
- 3.4 No Person residing within the Village shall keep or harbor more than two (2) Dogs of whatever sex and age six (6) months or more, at the same time in any house, shelter, room or place within the Village.
- 3.5 Notwithstanding section 3.4, a Person shall be authorized to keep or harbor up to four (4) Dogs in any house, shelter, room or place if they are in possession of a Dog Fancier’s License issued pursuant to this Bylaw.
- 3.6 An Owner shall provide with each application for a Dog License or a Dog Fancier’s License the information as may be required by the Village or the Peace Officer, and may include:
 - a. Name, Street and/or Postal address, telephone number of the Owner;
 - b. Name and description of the Dog to be Licensed;
 - c. Such other relevant and necessary information as may be required by the Village in respect to the application; and
 - d. Payment to the Village of an annual Dog Fancier’s License Fee as set out in Schedule “B” of this Bylaw by the second (2nd) day of January in each year for the current year commencing on the third (3rd) day of January (A valid Village Dog License must have been issued for each Dog owned by the Person applying for the Dog Fancier’s License).
- 3.7 Any Person who provides the Village with false or misleading information with respect to the information required in Section 3.6 above is guilty of an offence.
- 3.8 A License issued under this Bylaw shall not be transferable from one Dog to another, nor from one Owner to another.
- 3.9 If the application is approved, and the required License Fee is paid, the Owner will be supplied with a License Tag which shall have a number registered to their Dog(s).
- 3.10 An Owner shall ensure that the License Tag is securely fastened to a collar or harness worn by the Dog, with the License Tag to be worn by the Dog when the Dog is on property other than the Owner’s Property.
- 3.11 The Owner of a Dog which has been duly Licensed under this Bylaw may obtain a License Tag to replace a tag which has been lost, upon payment of a fee as set out in Schedule “B” of this Bylaw.
- 3.12 An Owner of a Licensed Dog is guilty of an offence if that Dog is not wearing a License Tag while that Dog is on property other than the Owner’s Property.
- 3.13 The provisions of Sections 3.1 to 3.12, inclusive, shall not apply to Persons temporarily in the Village for a period not exceeding two (2) weeks, nor to holders of a valid Development Permit issued pursuant to the Land Use Bylaw for providing the service of a Kennel.

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- 3.14 The Village shall consider all applications for Dog Licenses or a Dog Fancier's License and may, in their sole discretion:
- Require the applicant to submit such information as the Village deems appropriate, including information respecting the Dog, proposed Controlled Confinement of the Dog, the Property where the Dog is to be kept, availability and nature of insurance, a site plan of the Property, and the number of Dog(s) to be kept.
 - Reject the application.
 - Approve the application, with or without any conditions, relevant to the presence of the Dog(s) on the lands.
- 3.15 The Village may revoke a Dog License or a Dog Fancier's License if:
- The applicant fails to comply with the conditions of the License.
 - The License was issued based on incorrect information or misrepresentation by the applicant.
 - The License was issued in error.
 - The Owner has been given written notice that a breach of this Bylaw has occurred, and the Owner fails, refuses or neglects to correct the contravention.
 - As it relates to a Dog Fancier's License, upon (30) day notice to Owner of the Dog Fancier's License.
- 3.16 No Person is entitled to a refund or a rebate for any License Fee paid.
- 3.17 If a License Tag is not associated with the current Owner or Dog, it shall be deemed invalid.

SECTION 4: DANGEROUS DOGS

- 4.1 The Owner of a Dangerous Dog shall take all necessary steps to ensure that it does not bite, chase or attack any Person, Dog or other animal whether the Dog is on the Property of the Owner or not.
- 4.2 If a Dangerous Dog bites, chases or attacks a Person, Dog or animal, the Owner shall be guilty of an offence and be liable to a penalty as set out in Schedule "A" of this Bylaw, exclusive of any other civil actions or penalties.
- 4.3 When a Dog that has been declared a Dangerous Dog is on the premises of its Owner, it shall be 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 Dangerous Dog, and to prevent the entry of Persons unauthorized by the Owner.

Any such pen shall have a secure top and sides and either:

- Have a secure bottom effectively attached to the sides.
- Or the sides shall be embedded in the ground to a minimum of thirty (30) centimeters.

Any Person who contravenes Section 4.3 is guilty of an offence.

- 4.4 When a Dangerous Dog is off the Property of the Owner, it shall be securely Muzzled, and shall be either harnessed or leashed securely to effectively prevent it from attacking or biting a Person, Dog or other animal; provided that this requirement shall not apply when the Dog is in a building or enclosure, in attendance at a bona fide Dog show, or confined in a pen meeting the

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requirements of section 4.3. Any Person who fails to meet the requirements of this section is guilty of an offence.

- 4.5 The Owner of a Dog, which the Owner knows or ought to know is a Dangerous Dog, shall ensure that such Dog is confined and secured in accordance with the provisions of Section 4.3.
- 4.6 If a Peace Officer determines on reasonable grounds that a Dog is a Dangerous Dog, either through Personal observation or based on facts determined after an investigation initiated by a complaint, the Peace Officer may:
- a. Give the Owner written notice that the Dog has been determined to be a Dangerous Dog, by way of a Section 545 Order to Remedy Contraventions.
 - b. Require the Owner to keep such Dog in a certain way which may include but is not limited to:
 - i. In accordance with the provisions of Section 4.3 of this Bylaw.
 - ii. Muzzle the Dog when not on the Owner's property.
 - iii. Provide the Peace Officer with Proof of Liability insurance.
 - iv. Provide the Peace Officer Proof of Dog behavioral training.
 - c. If the Dog has bitten a Person or animal or attempted to bite a Person or animal and if it appears as though the Dog ought to be destroyed order the Owner to destroy the Dog.
 - d. If the Peace Officer believes that the Dog is dangerous and not kept under property control order the Owner to destroy the Dog.
 - e. Inform the Owner that if the Dangerous Dog is not kept in accordance with an order issued under this section that the Owner of the Dangerous Dog could be fined, or subject to enforcement which shall include a court order allowing the Peace Officer to seize the Dog and destroy it.
- 4.7 An Owner of a Dangerous Dog shall:
- a. Upon the passing of this Bylaw apply for a yearly Dangerous Dog License and pay the applicable fee as set out Schedule "B" of this Bylaw.
 - b. Apply for a Dangerous Dog License each year thereafter.
 - c. Be subject to the same process, with all the necessary modifications, of licensing a Dog as outlined in Section 3 of this Bylaw.
 - d. Notwithstanding a Violation Tag or ticket has been issued, and in addition to the licensing fee, any Dangerous Dog License that is expired pursuant to the records of the Village as of the Third (3rd) day of January of each year the license shall be subject to an administrative fee as established by the CAO.
 - e. In the year a Dog, which has been deemed a Dangerous Dog in another Municipality is acquired, apply for and obtain a Dangerous Dog License and each subsequent year thereafter.
- 4.8 The Owner of a Dangerous Dog At Large pursuant to this Bylaw is guilty of an offence.
- 4.9 The Owner of an unlicensed Dangerous Dog, notwithstanding the Dangerous Dog Designation is from another Municipality; if the Owner ought to have known the Dog was deemed a Dangerous Dog in the other Municipality, pursuant to this Bylaw is guilty of an offence.
- 4.10 Provisions in this Bylaw which apply to Dangerous Dogs shall not apply to Dogs owned by a Police service solely by reason of any events or actions which occur while the Dogs are engaged in Police work.

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- 4.11 Nothing in this Section shall prevent a Peace Officer from bringing forward an application, to a Provincial Court Justice, in relation to a Dog that has injured (or attempted to injure) any Person, Dog or other animal pursuant to the *Dangerous Dog Act* or *Animal Protection Act* of the Province of Alberta without first deeming a Dog Dangerous under this Bylaw.
- 4.12 Where the Owner of a Dog that has been determined to be a Dangerous Dog produces information to the Village, that may alter a determination made under this section, the CAO shall, as soon as is reasonably possible, cause the matter to be reviewed and make a final determination.

SECTION 5: DOG CONTROL PROVISIONS

5.1 An Owner whose Dog is:

- a. Licensed as indicated on the records of the Village,
- b. Unlicensed as indicated on the records of the Village,

and is found At Large pursuant to this Bylaw is guilty of an offence.

- 5.2 An Owner whose Dog barks, howls or makes another noise thereby disturbing the quiet or repose of any Person is guilty of an offence (Refer to 7.3).
- 5.3 An Owner whose Dog has caused Damage to Property within the Village, pursuant to this Bylaw is guilty of an offence.
- 5.4 The Village may post signs in areas where Dog(s) are not permitted. An Owner whose Dog is in an area where a sign prohibits the presence of a Dog(s), is guilty of an offence regardless of whether or not such Dog is At Large.
- 5.5 An Owner of a Dog is guilty of an offence if such Dog:
- a. Bites, attacks, threatens, harasses, barks at, chases, kills, or injures any Person including, but not limited to, when such Person is on a bicycle, horse-back or while walking or running.
 - b. Bites, attacks, threatens, harasses, barks at, chases, kills, or injures any animal belonging to other Persons.
 - c. Bites, barks at, or chases any vehicle.
 - d. Barks, howls or otherwise comports itself in such a fashion as to alarm or cause any Person to fear for their physical safety.
 - e. Upsets any waste receptacle or scatters the contents thereof.

Whether or not the Dog is At Large at the time of the offence.

- 5.6 If a Dog defecates on property which is not the Owner's Property, the Owner shall cause such defecation to be removed immediately and disposed of in a sanitary manner. Any Owner who fails to clean up defecated matter immediately after it is eliminated by the Dog is guilty of an offence.

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- 5.7 An Owner of a Dog shall carry a suitable means of removing defecation while the Dog is in the custody of the Owner on property other than the Owner's Property. A Person who fails to produce a suitable means of removing defecation to a Peace Officer on request of the Peace Officer is guilty of an offence.
- 5.8 An Owner of a female Dog is guilty of an offence if the Owner of such female Dog does not keep it Housed and Confined during the entire period such female Dog is in heat except that the female Dog may be released from being housed and confined, for a reasonable period, for the sole purpose of eliminating on the Owner's Property.
- 5.9 A Person is guilty of an offence if that Person teases, torments, annoys, abuses or injures any Dog.
- 5.10 A Person is guilty of an offence if they loosen or otherwise free a Dog(s), which is not in distress, unless such Person has the authorization of the Owner.
- 5.11 No Person, whether they are the Owner of a Dog(s) or not, which is being or has been pursued or captured, shall:
- a. Interfere with or attempt to obstruct a Peace Officer who is attempting to capture or who has captured a Dog(s) which is subject to being impounded pursuant to the provisions of this Bylaw (Obstruct for the purpose of this Section shall include but is not limited to blocking or yelling at a Peace Officer).
 - b. Entice the Dog to enter a house or other place where it may be safe from capture.
 - c. Falsely represent themselves as being in care or control of the Dog(s), to establish that the Dog(s) is not At Large.
 - d. Unlock or unlatch or otherwise open the Peace Officer's vehicle where a captured Dog(s) has been placed to allow or attempt to allow any Dog(s) to escape therefrom.
- 5.12 For the purpose of greater certainty, and to provide clear authority for the Peace Officer to perform duties under this Bylaw, an explicit authority is granted for the Peace Officer to enter onto private property to perform any of those duties which are required to be performed under this Bylaw; however, this authority does not include a dwelling.
- 5.13 No Person residing within the Village shall keep or harbor more than two (2) Dogs (4 Dog(s) with a Dog Fancier's License) of whatever sex and age six (6) months or more, at the same time in/on a Property within the Village. Provided this Section shall not apply to premises lawfully used for the care and treatment of Dog(s) operated by and in charge of a Veterinarian, nor to premises for which permission by the Village has been granted for temporary use for the purpose of a Dog show, nor to any Person who has been granted a permit to operate a Kennel within the Village.
- 5.14 No Person shall allow a Dog to be left unattended while tethered or tied up on premises where the public has access, whether the right of access is expressed or implied.
- 5.15 An Owner shall at all times keep the Property where a Dog is kept in a clean and tidy condition. For the purpose of this section, "clean and tidy condition" means clean and tidy from the observation of a Peace Officer, acting reasonably. Any Person who fails to keep their property in a clean and tidy condition is guilty of an offence.

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NUISANCE DOG

- 5.16 A Peace Officer may, on having reasonable and probable grounds to believe a Dog is a Nuisance Dog, direct the Owner, in writing, to take such action as deemed necessary by the Peace Officer to ensure this Bylaw is not further contravened.
- 5.17 The Owner of a Nuisance Dog who fails to comply with the written direction of a Peace Officer pursuant to Subsection 5.16 is guilty of an offence.
- 5.18 The Owner of a Nuisance Dog is guilty of an offence if they fail to take all precautions to ensure that such Nuisance Dog is not left tethered or tied up and allowed to behave in such a fashion that it disturbs the rest, enjoyment or use of another Person's property, in a residential yard when no one at that residence is home (Refer to section 7.2).
- 5.19 When the Owner of a Nuisance Dog is at home supervising the Nuisance Dog, they shall not allow the Nuisance Dog, when tethered or tied up in a residential yard, to get closer than 1.5 meters to the property line.

SECTION 6: CONTROLLED CONFINEMENT

- 6.1 A Person who has received a Serious Wound or the Owner of any animal which has received a Serious Wound and the Owner of a Dog which has inflicted the Serious Wound shall promptly report the Dog to a Peace Officer who may thereupon place the Dog under Controlled Confinement. The Dog shall not be released from such Controlled Confinement until the Peace Officer is satisfied that the provisions of this Bylaw will be complied with.
- 6.2 If a Peace Officer has reasonable and probable grounds to believe that the Owner of a Dog or the Person in control of a Dog, that has caused a Serious Wound to a Person or animal, is unable or unwilling to comply with an order issued under section 4.6 of this Bylaw the Peace Officer can immediately demand the Owner, or Person in control of the Dog, surrender the Dog to the Peace Officer. The Peace Officer that makes the demand to the Owner, or the Person in control of the Dog, shall forthwith deliver the Dog to the Shelter and place it under Controlled Confinement until the case is heard in the Provincial Court of Justice. An Owner who refuses or neglects to surrender a Dog on the demand of a Peace Officer is guilty of an offence.
- 6.3 Upon demand made by the Peace Officer, the Owner shall forthwith surrender any Dog which the Peace Officer has reasonable and probable grounds to suspect of having been exposed to rabies.
- 6.4 The Dog, which has been impounded pursuant to section 6.2 and 6.3, may be reclaimed by the Owner:
- a. If judged free of rabies.
 - b. Upon payment of confinement expenses and payment of any penalties pursuant of this Bylaw.
 - c. Upon compliance with the licensing provisions of this Bylaw.
 - d. At the sole discretion of a Peace Officer considering the recommendation of a Registered Veterinarian.

However, if the Peace Officer determines that a License will not be issued for the Dog, or if the Owner refuses to acquire a License the Dog shall be removed from the municipal boundaries

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of the Village or surrendered to the Village for euthanization. The cost of surrendering the Dog and the cost of euthanization shall be the responsibility of the Owner of the Dog being surrendered.

- 6.5 In the event of an outbreak, or a threatened outbreak of rabies, or any disease affecting Dogs, which may be transmitted to Persons, the Peace Officer, by virtue of this Bylaw, may direct that all Dog(s) be securely tied up by the Owner or be otherwise effectively confined and prevented from being At Large. Any Dog found At Large in contravention of this Section shall be impounded and the Owner is guilty of an offence.
- 6.6 Except as herein provided, no Person shall kill, or cause to be killed, any rabid Dog, any Dog suspected of having been exposed to rabies, or any Dog which has bitten a Person, nor remove such Dog from the Village without prior written permission from the Peace Officer.
- 6.7 When, in the judgment of a Registered Veterinarian, a Dog should be destroyed for humane reasons, such Dog may not be redeemed, until such Dog has been destroyed. The cost of surrendering the Dog and the cost of euthanization shall be the responsibility of the Owner or the Dog being surrendered. -
- 6.8 No action shall be taken against a Peace Officer, the Village or the Shelter, acting under the authority of this Bylaw, for damages for the destruction or disposal of any Dog.

SECTION 7: POWERS OF A PEACE OFFICER

- 7.1 A Peace Officer may obtain, from a Provincial Court Justice, a warrant to search within a private dwelling or upon any property; upon satisfying the Provincial Court Justice that there are reasonable and probable grounds to believe that there has occurred or is occurring within or upon such private dwelling or property a contravention of the provisions of this Bylaw. If, upon conducting such search, it appears that a contravention of this Bylaw is or has occurred, or a number of Dogs in excess of the Dogs authorized by this Bylaw are being kept, then upon laying a charge under this Bylaw the Peace Officer, conducting the search, may forthwith remove from the property and impound, as evidence for trial, any number of Dogs in excess of the maximum number, or any Dog being kept in contravention of this Bylaw.
- 7.2 A Peace Officer is authorized to capture and impound in the Shelter any Dog which is At Large or in any way being kept or allowed to behave in contravention of this Bylaw. The Peace Officer is further authorized to take such reasonable measures as are necessary to subdue any Dog which is At Large, including the use of tranquilizer equipment and materials. If any such Dog is injured, it may be taken to a Registered Veterinarian for treatment and then to a Shelter.
- 7.3 **UPON A COMPLAINT BEING RECEIVED**, and for the purpose of greater certainty, any Dog which is found in contravention of section 5.2 without the Owner being home or someone authorized by the Owner to supervise the Dog being home, the Dog shall be impounded to stop the further contravention of this Bylaw. Upon removing the Dog from the property, the Peace Officer shall place a Dog Impoundment Notice, as prescribed from time to time by the Village, on the property.
- 7.4 Any Dog impounded pursuant to this Bylaw shall be kept in the Shelter for a period of seventy-two (72) hours. Sundays and Statutory Holidays shall not be included in the computation of the

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seventy-two (72) hour period. During this period, any Dog may be redeemed by its Owner, except as otherwise provided for in this Bylaw, upon payment to the Village of:

- a. The appropriate impoundment fee.
- b. The appropriate penalty as set out in Schedule "A" of this Bylaw.
- c. The appropriate License Fee when the Dog is not Licensed as set out in Schedule "B" of this Bylaw.
- d. The cost of any Veterinary treatment to relieve pain or bleeding of any Dog that is found to be injured when picked up or injured in the process of capture.

However, if no License is issued for the Dog, or the conditions of the License have not been met, the Peace Officer is not obliged to release the Dog to the Owner.

7.5 An impounded Dangerous Dog shall be kept in the Shelter for a period of seventy-two (72) hours from the time the Owner is given authorization, at the sole discretion of the Peace Officer, to reclaim the Dog from the Shelter.

7.6 At the expiration of the seventy-two (72) hour period as prescribed in Section 7.4 and 7.5 of this Bylaw, the Village is authorized to:

- a. Offer the Dog for sale, or for 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 7.4.
- d. Continue to impound the Dog for an indefinite period or for such further period as the Peace Officer, in the Peace Officers sole discretion, may decide.

The purchaser of a Dog from the Shelter shall obtain full rights and title to the Dog, and the right and title of the Former Owner of the Dog shall cease.

7.7 The discretion to investigate a complaint pursuant to this Bylaw lies solely with the Village or its agents.

SECTION 8: OFFENCE AND PENALTY

8.1 Any Person who contravenes or fails to comply with any provision of this Bylaw is guilty of an offence and is liable to a fine of not less than \$100.00, and not more than \$10,000.00 or imprisonment for a term of not more than one year, or both.

8.2 Notwithstanding section 8.1 above, the minimum fine payable in respect of a contravention of this Bylaw shown for any offence referred to in Schedule "A" is the immediately adjacent amount shown in the same Schedule.

8.3 When a voluntary payment option is provided, the specified penalty payable in respect of a contravention of this Bylaw shown for any offence referred to in Schedule "A" to this Bylaw is the immediately adjacent amount shown in the same Schedule.

8.4 A contravention of this Bylaw constitutes a separate offence in respect of each day or part of a day on which it continues. A Person guilty of such offence is liable to a fine in an amount not less than that established by this Bylaw for each such day. No proceedings may be instituted under this Bylaw more than six (6) months after the last occurrence of the alleged offence.

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- 8.5 Notwithstanding the foregoing, the minimum fine and specified penalty payable in respect of a second or subsequent contravention of the same section of this Bylaw committed within twenty-four (24) months shall be double the minimum fine and specified penalty of the previous offence, up to a maximum penalty of \$10,000.00.

SECTION 9: VICARIOUS LIABILITY

- 9.1 In this Bylaw, employees, employers, principals, and agents, are each severally liable and each guilty of the offence for any contravention of or any failure to comply with this Bylaw committed in the course of employment or during the agent's exercising powers or performing duties on behalf of their principal. When a corporation contravenes or fails to comply with this Bylaw, every principal, director, officer, manager, employee or agent of the corporation who authorized, assented to, acquiesced, or participated in the act or omission that constitutes the offence is severally liable and guilty of the offence.
- 9.2 In this Bylaw, the legal and beneficial Owners of any Property are each severally liable and each guilty of the offence if the tenant(s), lessee(s), or occupier(s) of such Land contravenes or fail to comply with this Bylaw in relation to such Property.
- 9.3 In this Bylaw, the operator and the Owner(s) of any vehicle are each severally liable and each guilty of the offence if either of them contravenes or fails to comply with this Bylaw in relation to any such vehicle. In this section, "Owner" has the same definition as is used in the *Traffic Safety Act*, RSA 2000, c T-6, and all amendments thereto.

SECTION 10: INSPECTING AND REMEDYING CONTRAVENTIONS

- 10.1 On behalf of the Village, any Peace Officer, employee or agent may enter upon Property within the Village and take any actions or measures deemed necessary by such Person(s) to achieve any of the following purposes:
- a. To carry out any inspection to determine compliance with this Bylaw.
 - b. To eliminate any danger to public safety.
 - c. To enforce this Bylaw.
 - d. To prevent a re-occurrence of any contravention of this Bylaw.
- 10.2 Except as otherwise provided, in this Bylaw, notice shall be provided as follows:
- a. If a Peace Officer, employee or agent of the Village reasonably believes that there may be an emergency related to the subject premises no notice is required (emergency as it relates to this section means eminent danger to Persons or property).
 - b. Where only an investigation to determine compliance is conducted, notice may be affected upon the occupants of the premises in writing not less than 24 hours in advance and shall be in the form of a *Municipal Government Act*, RSA 2000 cM-26, section 542 Inspection Notice.

Subject to the foregoing, no such action or measures referred to in the preceding section may be performed until 7 days have elapsed following the mailing of an order to remedy the danger, or contravention, as prescribed by the *Municipal Government Act*, RSA 2000 cM-26, and all amendments thereto (an "Order to Remedy"). An Order to Remedy shall be served Personally, by regular mail or by being posted on the property.

Village of Dutchess



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- 10.3 All expenses, costs, and legal costs on a solicitor-client basis incurred by the Village or its agents for any such action or measure performed pursuant to this Bylaw or the *Municipal Government Act, RSA 2000 cM-26*, and all amendments thereto, are amounts owing to the Village by the Person who was required to do something by the Order to Remedy, shall be paid within 30 days of any such Person receiving notice of the amount in the same manner as the Order to Remedy, and are amounts which may be added to the property tax roll, the business tax roll, or both pursuant to the *Municipal Government Act*, and all amendments thereto.
- 10.4 No Person shall obstruct or hinder any other Person in the exercise or performance of that Person's powers pursuant to this Bylaw.
- 10.5 All expenses, cost, and legal costs on a solicitor-client basis incurred by the Village or its agents for any such action or measure taken pursuant to this Bylaw are amounts owing to the Village by the party violating this Bylaw and shall include but are not limited to any cost incurred for prosecuting an offence contrary to this Bylaw, veterinary care or impound fees incurred by the Village.

SECTION 11: VIOLATION TAGS/VIOLATION TICKETS

- 11.1 Any Peace Officer, in that Officer's sole discretion, is hereby authorized and empowered to issue a Violation Tag to any Person whom the Peace Officer has reasonable and probable grounds to believe has contravened or failed to comply with any provision of this Bylaw.
- 11.2 A Violation Tag may be issued to any Person either:
- Personally.
 - By mailing a copy to such a Person by ordinary mail to their last known mailing address.
- 11.3 A Violation Tag shall be in a form approved by the Village and shall include:
- The name of the Person;
 - The date upon which the offence was committed;
 - The section number(s) of this Bylaw which were contravened;
 - The appropriate specified penalty or minimum fine for the offence as prescribed by this Bylaw.
 - The time within which the entire penalty must be paid to the Village; and,
 - If payment is not received within the time permitted by such Violation Tag, there shall be an administrative surcharge of \$20.00, or 20% of the specified penalty, whichever amount is greater.
- 11.4 If payment is received by the Village within the period permitted by any such Violation Tag, no Information or Violation Ticket may be issued against the Person for the same offence that was subject of the Violation Tag.
- 11.5 Except where a Violation Tag has been paid as prescribed herein, nothing in this Bylaw shall limit a Peace Officers' discretion to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*, and all amendments thereto, or instead lay an Information pursuant to the *Criminal Code* and all amendments thereto, at any time within six (6) months of the last occurrence of the offence, regardless of whether or not a Violation Tag has been issued.

Village of Duchess



Bylaw 521-24 Dog Bylaw

- 11.6 Any Peace Officer, in that Officer's sole discretion, is authorized to issue a Violation Ticket which permits the voluntary payment of the fine or specified penalty indicated thereon in the manner specified by the *Provincial Offences Procedure Act*, and all amendments and regulations thereto.
- 11.7 Any fine or penalty imposed upon conviction for any offence occurring within the Village ensures to the benefit of the Village.

SECTION 12: GENERAL

- 12.1 This Bylaw shall not apply to Dog(s) kept at any veterinary clinic, or being securely transported within a motor vehicle to or from a veterinary clinic.
- 12.2 Should any provision of this Bylaw be deemed invalid, then such invalid provision may be severed, and the remaining Bylaw shall be maintained.
- 12.3 The Owner of a Dog is responsible for and is not excused from ascertaining and complying with the requirements of any Federal, Provincial or other Municipal legislation, including the Village Land Use Bylaw. Where the keeping of the Dog(s) would not comply with any Federal, Provincial or other Municipal Legislation, the Peace Officer may refuse to issue a License.
- 12.4 Payment of any fine or imprisonment for any period, pursuant to the provisions of this Bylaw or any Provincial Legislation, shall not relieve any Person from the obligation to pay any fees, charges or costs for which that Person is liable.
- 12.5 Payment of any fine or imprisonment for any period as provided for in this Bylaw shall not relive any Person from any civil liability whatsoever, which may arise by reason of that Person's contravention of any provision of this Bylaw.
- 12.6 Bylaw 387-99 and amendments is hereby repealed.
- 12.7 This Bylaw shall come into force and effect upon the date of the passing of the third and final reading and shall apply to notwithstanding the presence of the Dog in the Village prior to that date.

Village of Duchess



Bylaw 521-24
Dog Bylaw

SECTION 13: AMENDMENTS

The Council of the Village of Duchess may, by Bylaw or resolution in Council, alter, amend or repeal any or all of the Schedules, which form part of the Bylaws.

READ A FIRST TIME THIS 28TH DAY OF OCTOBER 2024.

READ A SECOND TIME THIS _____ DAY OF _____ 2024.

UNANIMOUS CONSENT FOR THIRD READING ON THIS _____ DAY OF _____ 2024.

READ A THIRD AND FINAL TIME AND PASSED THIS _____ DAY OF _____ 2024.

Signed by Mayor and CAO this _____ day of _____ 2024.

MAYOR

CAO

Village of Dutchess



Bylaw 521-24 Dog Bylaw

SCHEDULE "A"

PENALTIES

SECTION	OFFENCE	PENALTIES
3.3	Owner of an unlicensed Dog	\$ 100.00
3.7	Providing false or misleading information	\$1000.00
3.12	Owner of a Licensed Dog not wearing License Tag while off the Owner's Property	\$ 100.00
4.2	Owner of a Dangerous Dog which bites, chases or attacks any Person or animal	\$5000.00
4.3	Failure of Owner of a Dangerous Dog to keep Dog properly confined/Provide Secure Pen	\$1000.00
4.4	Failure of Owner of a Dangerous Dog to keep the Dog Muzzled and harnessed or leashed while off of the Owners' property	\$1000.00
4.8	Owner of a Dangerous Dog At Large	\$ 500.00
4.9	Owner of an unlicensed Dangerous Dog	\$ 500.00
5.1	Owner of a Dog At Large:	
	(a) Licensed Dog	\$ 75.00
	(b) Unlicensed Dog	\$ 150.00
5.2	Owner of a Dog which barks, howls or makes another noise thereby disturbing the quiet or repose of any Person	\$ 750.00
5.3	Owner of a Dog which causes Damage to Property (plus costs)	\$1000.00
5.4	Owner of a Dog which is present in an area where the presence of Dogs is prohibited by sign	\$ 150.00
5.5 (a)	Owner of a Dog which bites, attacks, threatens, harasses, barks at, chases, kills, or injures any Person	\$2500.00
5.5 (b)	Owner of a Dog which bites, attacks, threatens, harasses, (plus costs) barks at, chases, kills, or injures any vertebrate or invertebrate	\$2000.00
5.5 (c)	Owner of a Dog which bites, barks at, or chases any vehicle	\$ 150.00

Village of Duchess



Bylaw 521-24 Dog Bylaw

5.5 (d)	Owner of a Dog that barks howls or comports itself in an alarming fashion	\$ 150.00
5.5 (e)	Owner of a Dog that upset any waste receptacle	\$ 150.00
5.6	Failure to remove defecation immediately	\$ 150.00
5.7	Failure to produce suitable means of removing defecated matter	\$ 150.00
5.8	Failure of Owner to keep a female Dog in heat housed and confined	\$ 150.00
5.9	Teasing, tormenting, annoying, abusing, or injuring any Dog	\$2000.00
5.10	Untying, loosening or otherwise freeing a Dog without the Owner's authorization	\$1000.00
5.11	Interfering with, impeding or hindering a Peace Officer's enforcement of this Bylaw	\$2000.00
5.13	Excessive number of Dogs	\$1000.00
5.14	Leave Dog tied up at public access	\$ 150.00
5.15	Fail to keep yard of Dog in a clean and tidy condition	\$ 150.00
5.17	Fail, refuse or neglect to comply with and enforcement order in relation to a Nuisance Dog	\$1000.00
5.18	Nuisance Dog in yard when no Owner at home disturbs another Person	\$ 150.00
5.19	Nuisance Dog allowed to be within 1.5 meters of a property line	\$ 150.00
6.1	Fail to report a Dog attack to a Peace Officer	\$1000.00
6.2	Fail to surrender Dog at request of a Peace Officer	\$1000.00
6.5	Dog at large at a time when a rabies outbreak order has been placed	\$1000.00
6.6	Destroy Dog without written consent	\$1000.00
	An offence for which a penalty is not otherwise provided in Schedule "A" of this Bylaw	\$100.00

Village of Dutchess



Bylaw 521-24 Dog Bylaw

SCHEDULE "B"

Altered Male/Female Dog:	\$40.00
Unaltered Male/Female Dog:	\$60.00
Altered Male/Female Dangerous Dog:	\$250.00
Unaltered Male/Female Dangerous Dog:	\$500.00
Replacement Tag:	\$5.00
Dog Fancier's License:	\$50.00