

VILLAGE OF THORSBY

BY-LAW 93-9

Being a by-law of the Village of Thorsby, in the Province of Alberta, for the purpose of regulating and controlling dogs.

Whereas under the authority of Section 164 of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta 1980 and amendments thereto, the Council of a municipality may pass by-laws for the licensing, regulation and control of dogs and domestic animals.

Now therefore the Municipal Council of the Village of Thorsby in the Province of Alberta, hereby enacts as follows:

(1) Every person in the Village of Thorsby, who is the owner, possessor or harbourer of a dog shall be subject to paying a tariff or licence fee(s) in accordance with the following classifications:

(i) \$5.00 licence fee for a spayed bitch or neutered male (certificate signed by a registered veterinarian required as proof).

(ii) \$10.00 licence fee for each unspayed bitch or un-neutered male.

These fees are due annually on or before the 31st day of April each year or within 30 days from the time a person becomes an owner of a dog.

There may be no more than three dogs per residence permitted with the exception of a litter of pups which may remain with the mother for three months.

(2) (a) A "Restricted Dog" - which is any dog of any age of any of the following breeds:

- Pit Bull Terrier
- American Pit Bull Terrier
- Pit Bull

or any dog of mixed breeding which can be identified by physical characteristics as a dog partially of the above mentioned breeds or kinds, by a licensed veterinarian in Alberta, is subject to a restricted licence fee of \$500.00 annually.

(b) A "Vicious Dog" - which is a dog of any age, including a restricted dog, which, when on or off the property of its owner:

- (i) shows a propensity, disposition or potential to attack or injure, without provocation, other animals or humans;
- (ii) without provocation, chases persons who approach it;
- (iii) is a continuing threat of serious harm to other animals or humans or;
- (iv) without provocation, has attacked persons or other animals;

is subject to a restricted licence fee of \$500.00 annually.

- (3) An owner of a restricted or vicious dog, under Part 2 (a) and (b) of this by-law shall maintain a policy of liability insurance, satisfactory to the Municipal Administrator of the Village of Thorsby, providing for third party liability coverage to a minimum of \$500,000.00 for injuries caused by the owner's restricted or vicious dog.
- (a) This liability policy shall also contain a provision requiring the insurer to immediately notify the Village in writing should the policy expire, be cancelled or terminated.
- (b) Upon cancellation, expiry or termination of the liability policy, the restricted dog license is null and void and the owner must prove that the liability policy has been re-instated before he may obtain another restricted or vicious dog licence.
- (4) Where dogs are deemed to be restricted or vicious, the owner shall either keep such dog confined indoors under the effective control of a person over the age of 16 or confined in a securely enclosed and locked pen which will prevent the escape of the restricted or vicious dog and prevent entry of children.
- (5) When any restricted or vicious dog is off the premises of the owner, the owner shall securely muzzle such dog and either harness it or leash it securely to prevent it from attacking or biting a person or animal.
- (6) Any dog, whether licensed or not, that is:
- (a) running at large;
 - (b) biting, attacking, running at or attempting to bite, attack or run at any person;
 - (c) actually or apparently infected with rabies or any other disease;
 - (d) found or brought onto school grounds or in the area of a park, whether leashed or not;
 - (e) the subject of a complaint by any person(s), as creating a nuisance by barking, howling or otherwise disturbing any person, at any time of the day or night;
- renders the owner liable for a penalty under this by-law.
- (7) The dogcatcher, as appointed by Council, is empowered to enforce the provisions of this by-law and to impound dogs which have created a situation which is in violation of this by-law. The dogcatcher:
- (a) after a period of not less than 72 hours following capture, arrange for the dog to be destroyed by a humane method, if not claimed by the owner or custodian;
 - (b) upon expiration of the 72 hour period, if the rightful owner has not claimed the impounded dog, may sell such dog to any person, excluding the former owner, upon payment of all pound fees and costs incurred;

Ed.

(c) shall require that any owner claiming the said dog must, before the dog's release, obtain a licence for the dog in the event it is unlicensed, and pay to the Village the applicable fine(s) levied for the offence.

(8) The following schedule of penalties shall apply with respect to offences under this by-law:

(a) An owner permitting a dog to run at large; "at large" meaning off the premises of the owner/harbourer and not restrained by a leash held by a person able to control the dog:

Fine - First offence	\$50.00
- Second offence	\$100.00
- Third offence	\$150.00

(b) An owner permitting a dog to bark or howl excessively:

Fine - First offence	\$40.00
- Second & subsequent	\$60.00

(c) An owner's failure to ensure that a Village of Thorsby dog licence is worn when a dog is off the premises of the owner/harbourer:

Fine - \$20.00

(d) An owner's failure to immediately remove a dog(s) defecation from public or private property other than the property of the dog's owner:

Fine - \$25.00

(e) An owner having more than 3 dogs on his/her premises (with the exception of a bitch and pups under 3 months):

Fine - \$50.00

(f) An owner in violation of any section of this by-law not included in the schedule of Section 8, (a) through (e):

Fine - \$100.00

(9) Every owner of an impounded dog shall pay \$10.00 per day for the costs of maintenance of such dog.

(10) If the dogcatcher, or Police Constable determines that a dog is vicious, either through personal observation or after an investigation initiated by a complaint, he or she may in writing:

(a) inform the owner that this dog has been determined to be a vicious dog;

(b) require the owner to keep such dog in accordance with the by-law.

(11) If a dogcatcher or Police Constable determines that a vicious or restricted dog is not being kept in accordance with this by-law he may make a complaint pursuant to the Dangerous Dogs Act

LS.

for an order directing that the dog be controlled or destroyed by authorized personnel. The head of the dog then must be tested by a licensed veterinarian, at the expense of the owner, to determine if the dog was infected with rabies or any other diseases.

(12) Prosecution and Voluntary Payment

Any person who is in violation of any of the provisions of this by-law is subject to prosecution in a court of law in the Province of Alberta. The "Dogcatcher", as appointed by Village Council, is hereby empowered to initiate such prosecution.

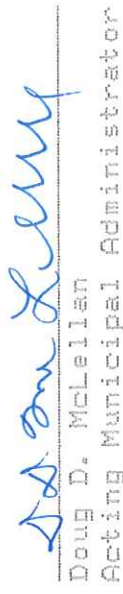
In lieu of prosecution, any person who is alleged to have been in violation of any provision of this by-law, may voluntarily pay the applicable fine as prescribed in this by-law at the Village Office within thirty days of being notified of the alleged offence, but such payment does not nullify any of the other provisions of this by-law.

(13) By-laws Nos. 80-4 and 93-3 are hereby repealed.

This by-law shall have force and effect upon the third final reading thereof.

Read a first, second and third time this 26 day
of JULY 1993.


Elaine Solberg
Mayor


Doug D. McLellan
Acting Municipal Administrator

