

**BYLAW # 446-06  
FOR THE VILLAGE OF VILNA  
IN THE PROVINCE OF ALBERTA**

**A BYLAW OF THE VILLAGE OF VILNA, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF LICENSING, REGULATING AND CONTROLLING DOGS WITHIN THE BOUNDARIES OF THE VILLAGE OF VILNA AND TO RESCIND BYLAW 415-00.**

**WHEREAS**, pursuant to the Municipal Government Act (Alberta), and amendments thereto, provides that a Council of a Municipality may pass a bylaw for the safety, health and welfare of people and the protection of the people and property, and the licensing of dogs and the restraining, regulating and impounding of dogs running at large and other domestic animals;

**AND WHEREAS**, the Village of Vilna has decided that it is necessary for the protection of the public health, safety and welfare to provide for the close regulation of dogs determined to be vicious;

**AND WHEREAS**, the Council of the Village of Vilna wishes to regulate and control dogs and other domestic animals within the corporate boundaries of the Village of Vilna;

**NOW THEREFORE**, the Council of the Village of Vilna, in the Province of Alberta, duly assembled, enacts as follows:

**1. NAME OF BYLAW**

1.1 This Bylaw may be cited as the Village of Vilna's "**Dog Control Bylaw**".

**2. DEFINITIONS**

2.1 "**Animal Control Officer**" means a Bylaw Enforcement Officer of the Village as referred to in Section 39 of the Police Act, peace officer or any person or persons appointed by Council to the position of Animal Control Officer under Section 3 of this Bylaw;

2.2 "**Collar**" means any device made of leather, chain or other matter, capable of having metal tags securely fastened to it and designed solely to be worn around the neck of a dog or cat;

2.3 "**Communicable Disease**" means an illness due to an infectious agent or toxic product which is transmitted directly or indirectly to a well person or animal from an infected animal and shall include: distemper, rabies, canine parvoe and parainfluenza;

2.4 "**Council**" means the Council of the Village of Vilna;

2.5 "**Dog**" shall mean a male or female of the Canidae family, six (6) months or older and includes restricted and vicious dogs of any age;

2.6 "**Restricted Dog**" means a dog of any age which can be identified as a dog exclusively or partially of one or more of the following breeds or kinds by a Veterinarian registered as a member of the Alberta Veterinarian Medical Association pursuant to the Veterinary Surgeons Act, namely;

a) Pit Bull Terrier

b) American Pit Bull Terrier

c) Pit Bull

- c) Is a continuing threat of serious harm to humans and other animals; and/or
  - d) Is deemed to be dangerous by a Justice under the provisions of the Dangerous Dogs Act.
- 2.8 **“Dog Pound”** means the premises designated by the Council for the purpose of impounding and caring for all dogs found to be running at large in violation of this Bylaw;
- 2.9 **“Domestic Animal”** means:
- a) Animals that have been domesticated for agricultural use and for resale and shall include: pigs, horses, sheep and poultry.
  - b) Animals that have been domesticated for and kept as pets and shall include: cats, pigeons and rabbits.
- 2.10 **“Identification Tag”** means a tag issued to an owner upon registration of a dog as set out in Section 6 of this Bylaw;
- 2.11 **“Kennel”** means any one location, shelter, room, dwelling or place where three or more dogs are harboured at any time, except for premises used for the care and treatment of dogs operated by a qualified veterinarian or a Dog Pound;
- 2.12 **“Offense Ticket”** means a ticket, tag or similar document issued for any bylaw offence as an alternative to the issuance of a Summons:
- 2.13 **“Owner”** means any person:
- a) owning, possessing, or having charge of or control over any dog or domestic animal, or
  - b) harbouring or keeping any dog or domestic animal, or
  - c) suffering or permitting any dog or domestic animal to remain about his property or premises, or
  - d) who owned a dog or domestic animal as defined in (a), (b) or (c) before the dog or domestic animal was impounded and subsequently sold or destroyed;
- 2.14 **“Pound Keeper”** means the person or persons owning and/or operating a place designated by Council to be operated as a Dog Pound;
- 2.15 **“Residential Area”** means any area within the Village limits that is classified, according to the Land Use Bylaw 392-98 and amendments thereto, as Residential;
- 2.16 **“Running at Large”** shall mean a dog that is off the premises of its owner and when on the premises of any person other than the premises of its owner or upon any public street, lane or highway, is not on a leash and is not under the immediate, continuous and effective control of its owner;
- 2.17 **“Parkland”** means all recreational land areas owned or controlled by the Village, lying within the Village boundaries, and whether improved in whole or in part, or in its natural state; and includes publicly maintained areas administered by the Village and includes all buildings or other improvements situated on these land areas;
- 2.18 **“Village”** shall mean the Village of Vilna, a Municipal Corporation in the Province of Alberta;

#### **4. DOG POUND AND POUND KEEPERS**

- 4.1 The Council, by resolution, shall designate or enter into an agreement to provide a place or places to be operated as a Dog Pound.
- 4.2 The Council shall, by resolution, from time to time, appoint one or more persons to the position of the Pound Keeper.
- 4.3 Each Pound Keeper shall be responsible for the administration, operation and maintenance of the Dog Pound and for the safekeeping, caring and feeding of all Dogs lawfully detained under the provisions of the Bylaw.

#### **5. POWERS OF THE ANIMAL CONTROL OFFICER AND POUNDKEEPER**

- 5.1 The Animal Control Officer and Pound Keeper are authorized to capture and impound:
  - a) Any dog, regardless of breed; and/or
  - b) Any Domestic animal running at large;
- 5.2 The Animal Control Officer and Pound Keeper are authorized to enter any private property or premises within the Village without the permission of the owner or occupant.
- 5.3 The animal Control Officer and Pound Keeper are authorized to take reasonable measures to subdue or capture dogs or domestic animals found to be in contravention of this Bylaw.

#### **6. REGISTRATION**

- 6.1 Every person who owns a dog over the age of six (6) months and resides in the Village shall, before the first day of February each year, register such dog at the Village Office.
- 6.2 The registration of a dog under Section 6.1 remains valid and subsisting for the duration of the calendar year.
- 6.3 Every person who resides in the Village and who becomes the Owner of a dog, and every person who takes up residence in the Village who is the Owner of a dog shall register such dog at the Village Office within fifteen (15) days after becoming the Owner of the dog or being the Owner of a dog taking up residence within the Village.
- 6.4 The registration of a dog under Section 6.3 remains valid and subsisting until the expiration of the calendar year in which the registration is made.
- 6.5 Under Section 6.1 and 6.3, each dog must be registered separately.
- 6.6 The keeping of dogs in the Village in numbers greater than two shall be deemed to be operating a kennel, which is not permitted within the boundaries of the Village.
- 6.7 Renewal of dog licenses is carried out within the month of January for each succeeding year that ownership continues.
- 6.8 Every Owner shall provide the Village Office with the following information when registering a dog in accordance with this Bylaw:

- 6.11 The Village shall keep a master registration book which shall contain the name and address of each Owner, the breed, color and sex of each Owner's dog, the identification number stamped on the Identification Tag and the amount of license fee paid by the Owner.
- 6.12 Every Owner shall provide his dog with a collar, and shall affix the identification tag for such dog to the collar, and shall ensure that the collar and identification tag are worn by the dog at all times when the dog is at any place other than the property of the Owner.
- 6.13 If an Identification Tag is lost or destroyed the Owner is required to immediately obtain a new Identification Tag from the Village.
- 6.14 A new Identification Tag shall be issued under Section 6.13 by the Village upon presentation by the Owner of a receipt showing payment of the registration fee for the currently year.
- 6.15 Identification Tags issued under this Bylaw shall not be transferable from one dog to another.
- 6.16 A registration fee paid to the Village under this Bylaw shall not be refunded, in whole or in part, because of the death, sale, or disposition of the dog in respect of which the registration fee was paid or because the Owner ceases to reside in the Village.
- 6.17 Dogs specified as dog guides or Seeing Eye dogs for the legally blind may be registered by the Owners and issued an Identification Tag free of charge.
- 6.18 The provisions of Section 6 shall not apply to persons who are temporarily resident in the Village area for the period not exceeding forty-eight (48) hours, or a further period, if written permission is obtained from the Municipal Administrator of the Village.
- 6.19 For a Restricted Dog, an Owner shall:
- a) obtain a Restricted Dog License, regardless of the age of the Restricted Dog;
  - b) Keep in force the Restricted Dog License;
  - c) When application for a license is made by an Owner in respect of a Restricted Dog, upon the Owner providing proof of a valid and subsisting policy of liability insurance as required by Section 6.21(a), the Village of Vilna shall issue a license to the Owner upon payment of the fee prescribed in Schedule "A"; and
  - d) Upon expiry or termination of the said liability policy the license issued for a Restricted Dog shall automatically become null and void.
- 6.20 For a Vicious Dog, an Owner shall:
- a) obtain a Vicious Dog License, regardless of the age of the Vicious Dog; and
  - b) Keep in force the Vicious Dog License.
- 6.21 For Restricted or Vicious Dogs:
- a) An Owner of a Restricted or Vicious Dog shall maintain in force a policy of liability insurance in a form satisfactory to the Chief Administrative Officer of the Village of Vilna providing third party liability coverage in a minimum amount of Five Hundred Thousand (\$500,000.00) Dollars for

- e) When a Restricted or Vicious Dog is on the premises of its Owner, it shall be kept confined indoors under the effective control of a person over the age of eighteen (18) years, or 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 Restricted Dog or Vicious Dog, and to prevent the entry of persons unauthorized by the Owner;
- f) Any such pen shall have a secure top and sides and either
  - i) have a secure bottom effectively attached to the sides; or
  - ii) the sides shall be embedded in the ground to a minimum depth of thirty (30) centimeters.
- g) When a Restricted or Vicious Dog is off the premises 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 human or other animal; provided that this requirement shall not apply when the Restricted Dog or Vicious Dog is in a building or enclosure in attendance of a bonafide dog show, or confined in a pen meeting the requirement of 6.21, subsections f (i) and (ii).
- h) If the Pound Keeper, Police Constable, Chief Administrative Officer of the Village of Vilna or a Bylaw Enforcement Officer determines on reasonable grounds that a dog is a Vicious Dog, either through personal observation or on the basis of facts determined after an investigation initiated by a complaint, he may:
  - i. Have the Bylaw Enforcement Officer issue the owner with a written notice that the dog has been determined to be a Vicious Dog;
  - ii. Require the Owner to keep such dog in accordance with the Provisions of Subsections (i) & (ii) of the Bylaw upon the Owner's receipt of the notice; and
  - iii. Inform the Owner that if the Vicious Dog is not kept in accordance with Section 6.21 (f), Subsections (i) & (ii) of the Bylaw, the Owner will be fined, or subject to enforcement action pursuant to Section 12.
- i) Where the Owner of the dog that has been determined to be a Vicious Dog produces information to the Chief Administrative of the Village of Vilna that may alter a determination made under Section 8, Subsections 1 through 3, the Chief Administrative Officer shall, as soon as is reasonable possible, cause the matter to be reviewed and make a final determination.
- j) In addition to the remedies set forth in this amendment, if the Chief Administrative Officer of the Village of Vilna, Bylaw Enforcement Officer or Police Constable determines that a Vicious Dog or a Restricted Dog is not being kept in accordance with this Amendment, he or she may:
  - i. make application pursuant to Section 422 of the Municipal Government Act, R.S.A. 1980, c.M-26, as amended for an order directing that such dog be controlled in accordance with this Amendment, or be removed from the Village, or
  - ii. make a complaint pursuant to the Dangerous Dogs Act, 1980, C.

- b) The appropriate registration fee made payable to the Village when the dog is not registered as required to be registered under Section 6 of this Bylaw; and
  - c) all reasonable costs incurred by the Pound Keeper which shall be paid to the Pound Keeper directly.
- 7.2 The Animal Control Officer shall make reasonable attempt to ascertain the name of the Owner of any impounded dog or domestic animal and shall attempt to notify the Owner of the impounded dog or animal by telephone or otherwise.
- 7.3 At the expiration of the 72-hour period referred to in section 7(1), any dog or animal not redeemed or sold may be destroyed.
- 7.4 The Animal Control Officer shall report any apparent communicable disease, illness, injury, unhealthy conditions, or other distressful signs of any dog or domestic animals impounded to a veterinary surgeon or the SPCA, and act upon their recommendations. The Owner shall be responsible for all charges resulting from any veterinary examinations of a reaction to the Owner's dog or domestic animal.
- 7.5 The Animal Control Officer may retain or order the retention of any dog or domestic animal for a longer period of impoundment if in his or her opinion, the circumstances warrant the expense of extending the impoundment.

## **8. OFFENCES:**

- 8.1 Any person who contravenes Section 6.1, 6.3, 6.8, 6.12 of this Bylaw shall have committed an offence under this Bylaw.
- 8.2 No dog or domestic animal shall run at large in the municipal boundaries of the Village. The Owner of any dog or domestic animal found running at large within the municipal boundaries of the Village shall have committed an offence under this Bylaw.
- 8.3 No dog shall bark or howl excessively and no dog or domestic animal shall in any other manner disturb the quiet of any person. The Owner of any dog or domestic animal found to be barking or howling excessively or in any other manner disturbing the quiet of any person shall have committed an offence under this Bylaw.
- 8.4 No dog or domestic animal shall bite, bark at, or chase persons; bite, bark at, or chase bicycles or other motorized vehicles; bite, bark at, or chase livestock, or otherwise cause any harm or damage to any dog or domestic animal. The Owner of any dog or animal found doing any of the actions described in the preceding sentence shall have committed an offence under this Bylaw.
- 8.5 No dog or domestic animal shall damage public or private property. The Owner of any dog or domestic animal which has damaged public or private property shall have committed an offence under this Bylaw.
- 8.6 No Owner shall keep a female dog in heat at any location where the dog is a source of attraction to other dogs.
- 8.7 It shall be the duty of the Owner of any suspected rabid or otherwise communicable ill dog or domestic animal to take such steps and precautions

- 8.12 No person shall:
- a) interfere with or attempt to obstruct an Animal Control Officer or Pound Keeper who is attempting to capture or who has captured any dog or domestic animal in accordance with the provisions of the Bylaw;
  - b) tamper with or open any vehicle in which dogs or domestic animals that have been captured for impoundment in an attempt to allow such dogs to escape there from:
  - c) remove, or attempt to remove, any dog or domestic animal from the possession of an Animal Control Officer or Pound Keeper who is in the process of carrying out his duties under this Bylaw.
- 8.13 Any person who commits an offence under this Bylaw is liable on summary convictions to a fine as set out in Schedule "A" which is attached to and forms part of this Bylaw.

## **9. IMPOUNDMENT OF DOGS:**

- 9.1 The Animal Control Officer or Police Officer may seize and impound:
- a) any dog running at large; and/or
  - b) any female dog in heat not confined and housed.
- 9.2 The Animal Control Officer shall:
- a) Forthwith following the impoundment of any dog, notify the owner if ascertainable of such impoundment;
  - b) Make provisions for an adequate animal shelter and provide adequate care, food and water for any impounded dog; and
  - c) Keep record of all impounded dogs and of their disposal.
- 9.3 The enforcement of the jurisdiction provided for in Section 5.1 but not for the purpose of investigation only, the Animal Control Officer is hereby authorized to enter any privately owned premises at reasonable times, provided however, that in this section, premises does not include a building used as a dwelling house.

## **10. RELEASE OF IMPOUNDED DOGS**

- 10.1 All impounded dogs shall be kept for a period of seventy-two (72) hours, including the day of impounding. During this period, any healthy dog may be redeemed by its owner or agent of the owner, upon payment to the Village of:
- a) the appropriate fines where applicable as levied under this bylaw; and
  - b) a daily impoundment fee as outlined in Section 7 of this bylaw.

10.2 At the expiry of the 72-hour period, any dog not redeemed may be destroyed.

10.3 The Village shall report any apparent illness, communicable disease, injury

- 11.2 Any Offence Tag shall be in a form approved by the Council and shall state, inter alia:
- a) The Name of the offender;
  - b) The offence;
  - c) The appropriate fine for the offence as specified in Schedule "B" of this Bylaw, and
  - d) That the fine shall be paid within thirty (30) days of the issuance of the Offence Tag.
- 11.3 Where a contravention of this Bylaw is of a continuing nature, further Offence Tags for the same offence may be issued by the Animal Control Officer, PROVIDED HOWEVER, that no more than one Offence Ticket shall be issued for each day that the contravention continues.
- 11.4 Where an Offence Tag is issued pursuant to this Bylaw the person to whom the Offence Tag is issued may, in lieu of being prosecuted for the offence, pay to the Treasurer of the Village a sum specified on the Offence Tag.

## 12. VIOLATION TICKET:

- 12.1 If the Fine specified on an Offence Tag is not paid within the prescribed time period then a Dog Control Officer is hereby authorized and empowered to lay a complaint and issue a Summons by means of a Violation Ticket.
- 12.2 The Violation Ticket shall be in the form prescribed by Alberta Regulation 193/82, as amended, being the Violation Ticket Regulation passed pursuant to the Summary Conviction Act:

## 13. REPEAL

- 13.1 Bylaw 415-00 of the Village of Vilna is hereby repealed.

## 14. EFFECTIVE DATE OF BYLAW:

- 14.1 This Bylaw shall take effect on the day of the final reading.

READ A **FIRST TIME** IN COUNCIL THIS 21<sup>st</sup> day of March, AD 2006.

READ A **SECOND TIME** IN COUNCIL THIS 17<sup>th</sup> day of April, AD 2006.

READ A **THIRD AND FINAL TIME**, , THIS 17<sup>th</sup> day of April, AD 2006.



**SCHEDULE "A"****1. LICENSE FEES FOR DOGS**

a)	Male Dog, neutered or unneutered	\$10.00
b)	Female Dog – spayed	\$10.00
c)	Female Dog – Unspayed	\$10.00
d)	Dog guides/Seeing Eye Dogs	No Charge
e)	Restricted Dog License	\$100.00
f)	Vicious Dog License	\$200.00

**2. POUND FEES**

- a) Dogs - \$20.00 per day or any part thereof
- b) Other Domestic Animals - \$2.00 per day or any part thereof

**SCHEDULE "B"**  
**FINES FOR OFFENCES**

<b>OFFENCE</b>	<b>FIRST</b>	<b>SECOND</b>	<b>THIRD &amp; SUBSEQUENT</b>
Allowing dog to run at large (Section 8; 8.2)	\$25.00	\$50.00	\$75.00
Harbouring an Unregistered Dog. (Section 8; 8.1)	\$10.00	\$15.00	\$20.00
Dog or Domestic Animal in restricted areas (Section 8; 8.9)	\$20.00	\$30.00	\$50.00
Dog or Domestic Animal disturbing the peace of other persons (Section 8; 8.3; 8.4)	\$20.00	\$30.00	\$50.00
Female dog in heat not confined (Section 8; 8.6)	\$20.00	\$30.00	\$50.00
Diseased dog or Domestic Animal not confined (Section 8; 8.7)	\$50.00	\$75.00	\$100.00
Dog or Domestic Animal being a public nuisance (Section 8; 8.3, 8.4)	\$20.00	\$30.00	\$50.00
Violation of any provisions of Section 8; 8.1 to 8.12	\$20.00	\$30.00	\$50.00
Negligence of distressed dog or domestic animal (Section 8; 8.7)	\$50.00	\$75.00	\$100.00
Operation of Kennel (Section 8; 8.8)	\$50.00	\$75.00	\$100.00
Lead, ride or drive livestock (Section 8; 8.9)	\$20.00	\$30.00	\$50.00
Failure to Register (Section 8; 8.1)	\$25.00		
Failure to maintain in force a policy of Liability Insurance (Section 6; 6.21)	\$1,500.00		
Failure to confine a Restricted Dog or a Vicious Dog when on the premises of the Owner (Section 6; 6.21(e))	\$500.00		
Failure to muzzle or otherwise secure a Restricted Dog or a Vicious Dog when off the premises of the Owner (Section 6; 6.21(g))	\$500.00		
If a Restricted Dog or a Vicious Dog bites or attacks a person or animal, causing injury, the Owner shall be subject to a fine of (Section 6; 6.21(d))	\$1,500.00		
Failure to obtain and keep in force a Restricted or Vicious Dog License (Section 6; 6.20(a & b))	\$500.00		