

BYLAW NO. 2018-562

BEING A BYLAW TO INCREASE PUBLIC SAFETY IN RELATION TO DOGS IN  
THE VILLAGE OF MUNSON IN THE PROVINCE OF ALBERTA FOR THE  
PURPOSE OF LICENSING, REGULATION AND CONTROL OF VICIOUS DOGS  
IN THE VILLAGE OF MUNSON

WHEREAS the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 and all amendments thereto, empower Council to pass Bylaws for the purpose of restricting, regulating and controlling of dogs in the Municipality.

AND WHEREAS the provisions of the Provincial Offences Procedure Act, being Chapter P-21 Revised Statutes of Alberta, 1980 and all amendments thereto, empower Council to pass By-laws respecting voluntary penalties.

AND WHEREAS it has been determined that it is appropriate to regulate dogs for the purposes and reasons of residents protection, health and safety and to ensure no public nuisance is caused;

AND WHEREAS the Council of the Village of Munson deems it proper and expedient pass such a By-law;

NOW THEREFORE the Council of the Village of Munson duly assembled, enacts as follows:

1. TITLE

This By-law may be cited as the "Vicious Dog By-law" of the Village of Munson.

2. DEFINITIONS

In this By-law, unless the context otherwise requires:

- (a) "Animal Control Officer" or "By-Law Enforcement Officer" means a person authorized by the Village of Munson to enforce the provisions of this By-Law;
- (b) "animal" for the purpose of this by-law means dog
- (c) 'council' means the Council of the Village of Munson
- (d) "Dog" means and includes both male and female species;
- (e) "He/Him/His" means either sex, male or female of the human species
- (f) "Harbour" means having care or control of a dog;
- (g) "Officer" means Animal Control Officer, By-law Enforcement Officer or R.M.C.P. officer;
- (h) "Owner" means:
  - (i) a person who has the care, charge, custody, possession or control of an animal;
  - (ii) a person who owns or who claims any proprietary interest in an animal;
  - (iii) a person who harbors, suffers, or permits any animal to be present on any property owned, occupied, or leased by him, or which is otherwise under his control;
  - (iv) a person who claims and receives an animal from the custody of the Pound or an Animal Control Officer;
  - (v) a person to whom a license tag was issued for an animal in accordance with this By-law;
  - (vi) a person to whom a Kennel License was issued for animals in accordance with this By-law;
  - (vii) a person who habitually feeds and/or waters an animal to enable it to survive, and for the purposes of

this By-law, an animal may have more than one(1) owner;

- (i) "Owners Property" means any property in which the Owner of an animal has a legal or equitable interest or over which the Owner of an animal 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;
- (j) "Potentially Dangerous Dog" means a dog that in the absence of any mitigating factors, chases or approaches any person or domestic animal, anywhere other than on the property of its guardian, in a menacing fashion or apparent attitude of attack, including, but limited to, behavior such as growling or snarling;
- (k) "Vicious Animal" means any Animal, whether on public or private property, that:
  - i. has, without provocation, chased, attacked or bitten any person or Animal, causing physical injury and resulting in a conviction under this bylaw; or
  - ii. has, without provocation, chased, attacked or bitten any person or Animal on more than one occasion, with or without causing physical injury, and resulting in separate convictions under this bylaw; or
  - iii. has threatened or created the reasonable apprehension of a threat to any person or other domestic Animal; or
  - iv. has been declared by a court to be a Vicious Animal, or declared, pursuant to a bylaw of another municipal jurisdiction, to be a Vicious Dog
- (l) "Village" means the municipal corporation of the Village of Munson or the areas contained within the boundary thereof as the context requires.

## **VICIOUS ANIMALS**

### **Declaration**

1.0. An Animal may be declared by an Animal Control Officer or the CAO to be a Vicious Animal pursuant to this bylaw and will be licensed as such by the Village and subject to special provisions of this bylaw pertaining to Vicious Animals.

1.1. The Owner of an Animal declared to be Vicious pursuant to this Declaration shall be served with a Notice setting out the reasons therefore, the responsibilities of an Owner of a Vicious Animal pursuant to this bylaw, and the process of an appeal available to the Owner.

1.2. Within two (2) business days after the end of the appeal period of an Animal being declared a Vicious Animal, the Owner must become compliant with this bylaw.

### **Insurance**

2.0. The Owner of a Vicious Animal shall have liability insurance specifically covering any damages from personal injury caused by the Vicious Animal of not less than three million dollars (\$3,000,000).

### **Signage**

3.0. The Owner of a Vicious Animal shall;

a) display signage at each entrance to the Owner's property and on the secure enclosure in which the Vicious Animal is confined;

b) purchase signs, as specified in Schedule "B" of this bylaw, warning of the presence of a Vicious Animal on the Owner's property.



#### **Licensing Requirements for Vicious Animals**

4.0. The Owner of an Animal that has been declared a Vicious Animal pursuant to this bylaw shall submit an application for a Vicious Animal license from the Village immediately upon becoming the Owner of a Vicious Animal.

4.1. A Vicious Animal license shall be issued to the Owner of a Vicious Animal provided the Owner has:

- a) completed an application as specified by the Village; and
- b) paid the annual license fee for a Vicious Animal as specified in Schedule "A"
- c) supplied to the Village satisfactory proof that:
  - i. the Animal has been tattooed or implanted with an electronic identification microchip by a veterinarian;
  - ii. the Animal has a current vaccination for rabies;
  - iii. the Animal has been altered by a veterinarian;
  - iv. the Owner has a secure enclosure capable of preventing entry of any person except the Owner, and escape of the Animal, in accordance with this bylaw;
  - v. the Owner has a valid liability insurance policy as required by this bylaw;
  - vi. clear and visible signs have been posted on the Owner's property warning of the presence of a Vicious Animal, as required by this bylaw; and
  - vii. submitted any additional information as required by the CAO or Animal Control Officer in a timely manner.

4.2. Upon receipt of a written application to license a Vicious Animal, an Animal Control Officer is authorized to enter upon the property of the Owner to inspect any place where the Animal will be kept, including, but not limited to the secure enclosure, to ensure it meets the requirements of this bylaw.

4.3. No Owner of a Vicious Animal may own, keep or have more than one (1) Vicious Animal on the Premises at any time.

#### **Responsibility of Owners of Vicious Animals**

5.0. The Owner of a Vicious Animal shall:

- a) ensure that the Animal wears a current license tag issued by the Town securely attached to a collar at all times;
- b) when selling or otherwise giving the Animal to a new Owner within the Village, fully inform the new Owner that the Animal has been declared a Vicious Animal by the Village;
- c) notify the Village of the change in Ownership of the Animal or the death of the Animal within two (2) business days of the date of change in Ownership or death.

5.1 When a Vicious Animal is on the Premises of the Owner, the Owner or any other person having care or control of a Vicious Animal, shall, at all times, ensure that:

- a) the Animal is confined indoors, or
- b) when the Animal is not confined indoors, it is confined in a locked, secure enclosure that complies with this bylaw

5.2. The Owner of a Vicious Animal shall ensure the Animal does not:

- a) chase or otherwise threaten a person(s), whether on the property of the Owner or not, unless the person(s) chased or threatened is a trespasser on the property of the Owner;
- b) cause damage to property or other Animals, whether on the property of the Owner or not;
- c) bite a person(s), whether on the property of the Owner or not;
- d) attack a person(s), whether on the property of the Owner or not, causing severe physical injury; or
- e) cause death to another Animal.

#### **Secure Enclosure**

6.0. For the purposes of this bylaw, a secure enclosure shall:

- a) be of minimum dimensions of 1.5 meters by 3.0 meters, and 2.0 meters in height;
- b) have secure sides and a secure top, and if it has no bottom secured to the sides, the sides must be embedded into the ground to a minimum depth of 30 centimeters;
- c) not be located within 2.0 meters of the property line of the Owner or within 5.0 meters of a neighbouring residential dwelling;
- d) provide shelter from the elements.

#### **Fencing**

7.0. The Owner shall fence the yard of property to the maximum height as per the *Land Use Bylaw*.

#### **Vicious Animal off Owner's Property**

8.0. At all times, when a Vicious Animal is off the property of the Owner, the Owner or any other person having care or control of the Vicious Animal, shall ensure that the Animal is:

- a) securely muzzled;
- b) secure in a harness or leash which shall not exceed 1.0 meter in length and is adequate to control the Animal;
- c) under the control of a competent person who is at least eighteen (18) years of age;
- d) not running at large.

8.1 If the Animal is running at large, the Village must be notified immediately.

8.2 The Animal is prohibited from any off-leash area.

8.3 An Owner of a Vicious Animal who contravenes any provision of this bylaw is guilty of an offence and is subject to penalties applicable as provided for in Schedule A

#### **Search and Seizure**

9.0 Where a Justice of the Peace is satisfied by information on oath or affirmation that there are reasonable grounds to believe that,

- (a) A dog is in any building, receptacle or place, including a dwelling house,
- (b) It is not desirable in the interests of public safety that the dog be in that location

- 9.1 In the circumstances described in section (1) the Justice of the Peace may issue a warrant authorizing an Officer named in the warrant to enter any building, receptacle, or place, including a dwelling house, to search for and seize the dog and any muzzle, collar or other equipment for the dog
- 9.2 An Officer named in a warrant who is executing a warrant under this section maybe accompanied by one or more veterinarians or animal control personnel as are reasonably required to give effect to the safe and humane seizure of the dog, whether the accompanying persons are named in the warrant or not.

**Offences**

- 10.0 Any person who contravenes any provision of this By-law is guilty of an offence and is liable to a penalty as set out in Schedule "A" of this By-law

THIS BYLAW SHALL RESIND BYLAW NO. 2009-538 Restricted dog bylaw.

THIS BY-LAW SHALL COME INTO FULL FORCE AND EFFECT AS OF THE DATE OF THE THIRD AND FINAL READING.

READ A FIRST TIME THIS 21 DAY OF February, 2018.

READ A SECOND TIME THIS 21 DAY OF February, 2018.

READ A THIRD TIME AND FINALLY PASSED THIS 21 DAY OF February, 2018.

  
MAYOR

  
ADMINISTRATOR



## Schedule A

	First Offence	Second Offence
Owner of vicious animal fail to have liability insurance	\$300	\$500
Owner of vicious animal fail to display signs at entrance to property	\$250	\$500
Owner fail to immediately make written application for license	\$250	\$500
Owner fail to provide proof of tattoo/implant	\$250	\$500
Owner fail to provide proof of altering	\$250	\$500
Owner of vicious animal have more than one vicious animal	\$250	\$500
Owner of vicious animal fail to: license within two days after appeal	\$250	\$500
Owner of vicious animal fail to: Ensure animal wearing license tag	\$200	\$400
Fully inform new owner that animal is "vicious"	\$200	\$400
Notify Town of change of ownership/death within two business days	\$200	\$400
Fail to properly confine vicious animal	\$250	\$500
Owner of vicious animal fail to ensure animal does not:		
Chase person/animal	\$500	COURT
Damage/destroy public/private property	\$500	COURT
Bite a person	\$500	COURT
Attack a person/animal causing injury	COURT	
Cause death to another animal	COURT	
Owner of vicious animal fail to ensure:		
Animal is securely muzzled	\$250	\$500
Animal in harness/leash exceeding 1.0 meter	\$250	\$500
Animal under control of competent person	\$250	\$500
Animal not running at large	\$250	\$500

**Schedule "B"**  
**Vicious Dog Signage**

Warning signs for a Vicious Dog must meet the following specifications:

1. Be a minimum 6 inches by 6 inches (15 cm by 15 cm) in size.
2. Contain the word "WARNING" or "DANGER" in minimum  $\frac{3}{4}$ " (2 cm) size font.
3. Contain wording identifying a "VICIOUS DOG on Premises".
4. Contain a visual warning symbol of a dog.
5. Be made of a rigid material that is resistant to weather and capable of being attached outdoors to a secure enclosure or fence.

A sample sign (not to scale):

