

TOWN OF VIKING

BY-LAW NO. 2003-556

A BY-LAW OF THE TOWN OF VIKING IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE LICENSING, REGULATING AND CONFINEMENT OF DOGS AND CATS.

WHEREAS the Council of the Town of Viking deems it necessary to regulate dogs and cats being “At Large”, to provide for the licensing, confinement and control of dogs and cats within the said Town.

NOW THEREFORE THE COUNCIL OF THE TOWN OF VIKING in the Province of Alberta, duly assembled, and pursuant to the authority conferred upon it by the *Municipal Government Act*, R.S.A. 2002 c.M-26, as amended, enacts as follows:

1. This By-Law may be cited as the “Animal Control By-Law”.
2. DEFINITIONS
 - 2.1 “At Large” means a Dog or Cat is at large when it is at any place other than the property of the Owner and is not being carried by any person or is not otherwise restrained by a Permitted Leash held by a person and that leash is attached to a choke chain, collar or harness securely holding that Dog or Cat;
 - 2.2 “Cat” or “Cats” mean either the male or female of any domesticated feline species;
 - 2.3 “Controlled Confinement” means when a dog is confined in a pen, cage or building or securely tethered in a manner that will not allow the Dog to bite or harm any person or animal;
 - 2.4 “Council” means the Council of the Town of Viking in the Province of Alberta;
 - 2.5 “Chief Administrative Officer” means the Chief Administrative Officer for the Town of Viking and whatever subsequent title may be conferred on that officer by Council or Statute;
 - 2.6 “Damage to Public or Private Property” shall include defecating or urinating on such property;
 - 2.7 “Dog” or “Dogs” means either the male or female of any domesticated canine species;

- 2.8 “**Animal Control Officer**” means a By-Law Enforcement Officer appointed by the Chief Administrative Officer to do any act or perform any duties under this By-Law and includes a member of the Royal Canadian Mounted Police and, when authorized, a Special Constable;
- 2.9 “Domestic Animal” means a Dog or a Cat;
- 2.10 “Kennel” means any place, owned by any person, group of persons, or corporation engaged in the commercial business of breeding, buying, selling, training or boarding Dogs; and includes “Boarding Kennel”.
- 2.11 “License Tag” means an identification tag of metal or other material issued by the Town showing the- license number for a specific Dog **or Cat**
- 2.12 “Licensed and Neutered Dog **or Cat**” means a Dog **or Cat** which has surgically been altered so offspring may not be produced and is the holder of a valid license tag issued by the Town;
- 2.13 “Medical Officer of Health for the Town” means a physician appointed by the Regional Health authority;
- 2.14 “Motor Vehicle” means:
- 2.14.1 a vehicle propelled by any power other than muscular power; or
- 2.14.2 a moped;
- but does not include a bicycle, an aircraft, a tractor, whether equipped with rubber tires or not, an implement of husbandry or a motor vehicle that runs on rails;
- 2.15 “Owner” means:
- 2.15.1 a person who has the care, charge, custody, Possession or control of a Domestic Animal;
- 2.15.2 a person who owns or who claims any proprietary interest in a Domestic Animal;
- 2.15.3 a person who harbors, suffers or permits Domestic Animal to be present on any property owned or under his control;
- 2.15.4 a person who claims and receives a Domestic Animal from the custody of the Town **Domestic Animal** Shelter or **an Animal** Control Officer; or
- 2.15.5 a person to whom a License Tag was issued for a Domestic Animal in accordance with this By-Law;

- 2.16 “Permitted Leash” means a leash adequate to control the attached Domestic Animal, and which leash shall be no longer than ten metres;
- 2.17 “Possession” means:
- 2.17.1 having physical or effective control of a Domestic Animal;
 - 2.17.2 having given physical or effective control of a Domestic Animal to another person for the purpose of controlling the Domestic Animal for a period of time;
 - 2.17.3 where one of two or more persons, with the knowledge and consent of the rest, has physical or effective control of a Domestic Animal, it shall be deemed to be in the control of each and all of them.
- 2.18 “Property Owner” means any person having a legal or equitable interest in any land or building and includes any resident, tenant or occupier of such land or building;
- 2.19 “Public Property Area” means property owned by or under the control and management of the Town within the borders of the Town;
- 2.20 “Restricted Dog” means any Dog included in Schedule “C” of this By-Law;
- 2.21 “Secure Enclosure” means a building, cage or fenced area of such construction that will not allow the confined Dog or Dogs to jump, climb, dig or force their way out, or allow the entry of young children;
- 2.22 “Serious Wound” means an injury resulting from a Dog bite which causes the skin to be broken or the flesh to be torn;
- 2.23 “Town” means the Town of Viking;
- 2.24 “**Domestic Animal Shelter**” means the premises designated by the Town of Viking impoundment and care of dogs **and cats**;
- 2.25 “Unlicensed Domestic Animal” means a Domestic Animal which is not the holder of a valid License Tag issued by the Town;
- 2.26 “Vicious Dog” means:
- 2.26.1 any Dog with a known propensity, tendency or disposition to attack; without provocation, other domestic animals or humans;
 - 2.26.2 any Dog which has inflicted a Serious Wound upon another domestic animal or human without provocation, except that a Dog shall not be deemed vicious if it attacks or bites a trespasser on the property of its Owner, or property controlled by him; or

- 2.26.3 any Dog which has been the subject of an order or direction of a Justice, under the Dangerous Dogs Act R.S.A. 2002 c.D-3;
- 2.27 “Violation Tag” means a tag or similar document issued by the Town pursuant to of the Municipal Government Act, R.S.A. 2002 c.M-26, as amended;
- 2.28 “Violation Ticket” means a ticket issued pursuant to Part II of the Provincial Offences Procedure Act R.S.A. 2002, c.P-21, as amended, and Regulations thereunder.

3. LICENSING PROVISIONS

- 3.1 Every person who resides within the borders of the Town and being the Owner of a Domestic Animal, shall pay the applicable license fee as set out in Schedule “B” of this By-Law, and obtain the appropriate license for each Domestic Animal by applying at the Town Administration Office.
- 3.2 Every person residing in the Town who becomes the Owner of a Domestic Animal after the first day of January in any given year, or a person who takes up residence within the Town and who is the Owner of a Domestic Animal which is not licensed in accordance with this By-Law, shall pay the applicable license fee, as set out in Schedule “B” of this By-Law, and obtain the appropriate license within fifteen (15) days after becoming the Owner of a Domestic Animal or being the Owner of a Domestic Animal and taking up residence within the Town.
- 3.3 An Owner of an Unlicensed Domestic Animal, Restricted Dog, or Vicious Dog is guilty of an offence.
- 3.4 An Owner shall provide the following information with each application for a License Tag:
 - 3.4.1 name, telephone number, and street address of the Owner;
 - 3.4.2 name and description of the Domestic Animal to be licensed;
 - 3.4.3 the breed or breeds of the Domestic Animal; and
 - 3.4.4 such other relevant and necessary information as may be required by the Chief Administrative Officer in respect to the application.
- 3.5 Licenses issued under this By-Law shall not be transferable from one Domestic Animal to another, nor from one Owner to another.
- 3.6 Upon payment of the required license fee, and providing the information set out in Section 3.3 herein, the Owner will be supplied with a License Tag having a number which will remain registered to that Domestic Animal, 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 Domestic Animal with the License Tag to be worn by the Domestic Animal at all times whenever the Domestic Animal is on property other than the property of the Domestic Animal Owner or property controlled by him. As an alternative, the Owner has the option at having the Town License Tag number tattooed in the Domestic Animal's ear or groin at the Owner's expense.
- 3.8 An Owner of a licensed Domestic Animal is guilty of an offence if that Domestic Animal is not wearing a License Tag or does not have the Town License Tag number tattooed in the Domestic Animal's ear or groin while that Domestic Animal is on property other than the property of the Owner or property controlled by him.
- 3.9 The Owner of a Domestic Animal which has been duly licensed under this By-Law, may obtain a replacement License Tag for one which has been lost, upon payment of the replacement License Tag fee as set out in Schedule "B" of this By-Law.
- 3.10 The provisions of Sections 3.1 to 3.8 inclusive shall not apply to the following:
- 3.10.1 persons temporarily visiting in the Town for a period not exceeding 4 weeks;
 - 3.10.2 handicapped persons holding an identification card proving ownership of a guide Dog for their use;
 - 3.10.3 **Domestic Animals under the age of six months**
- 3.11 No person is entitled to a refund or a rebate for any License tag fee.
- 3.12 Where a license fee has been paid by cheque, the License is:
- 3.12.1 issued subject to the cheque being honoured by the financial institution against which it is drawn; and
 - 3.12.2 automatically suspended if the cheque is not honoured until the License fee is paid.

4. DOMESTIC ANIMAL CONTROL PROVISIONS

- 4.1 Except as provided in Section 4.11 herein, an Owner whose Domestic Animal is At Large is guilty of an offence;
- 4.2 An Owner of a Dog is guilty of an offence if such Dog:
- 4.2.1 attacks any person;

- 4.2.2 threatens any person;
 - 4.2.3 chases a Motor Vehicle;
 - 4.2.4 chases any person on bicycle, or while walking or running; or
 - 4.2.5 attacks, harasses, injures or kills pets, belonging to other persons.
- 4.3 An Owner of a female **Domestic Animal** is guilty of an offence if the Owner of the female **Domestic Animal** does not keep such female **Domestic Animal** housed and confined in a building during the whole period such female **Domestic Animal** is in heat, except that the female **Domestic Animal** may be allowed outside the said building for a reasonable period for the sole purpose of eliminating on the property of the Owner;
- 4.4 An Owner whose Dog barks or howls thereby disturbing the quiet or repose of any person is guilty of an offence;
- 4.5 An Owner of any Domestic Animal which caused Damage to Public or Private Property in the Town is guilty of an offence;
- 4.6 If a Domestic Animal defecates on any private or Public Property Area other than the property of its Owner, the Owner shall cause such defecation to be removed immediately;
- 4.7 An Owner whose Dog is in an area where a sign prohibits the presence of Dogs, whether At Large or under control of such Owner, is guilty of an offence;
- 4.8 The Town may post signs indicating those Public Property Areas within the Town where Dogs are not permitted;
- 4.9 No more than **four (4) domestic animals** shall be harbored, suffered or permitted to remain upon or in any house, shelter, room or place, building, structure, or premises within the Town, provided this section shall not apply to premises lawfully used for the care and treatment of Domestic Animals, operated by, or under the charge of, a licensed Veterinarian nor to any premises which are temporarily being used for the purpose of a Dog show.
- 4.10 No person shall interfere with, hinder or impede a **Domestic Animal** Control Officer in the performance of any duty authorized by this By-Law;
- 4.11 The Town **may** designate areas where Dogs are permitted to run off leash, and may designate areas where organized canine events may be held by causing signs to be posted in such areas indicating such designations.
5. VICIOUS DOG, OR RESTRICTED DOG PROVISIONS
- 5.1 An Owner of a Vicious Dog or Restricted Dog is guilty of an offence:

- 5.1.1 if such Dog is on any Public Property area, or private property of which the Owner is not the Property Owner unless such Dog is on a Permitted Leash held and controlled by the Owner, or a person operating with the Owner's consent;
 - 5.1.2 unless, such Dog, at all times, while on property of which the Owner is the Property Owner, is confined within a Secure Enclosure and is not allowed out of such Secure Enclosure unless such Dog is on a Permitted Leash held and controlled by the Owner or a person operating with the Owner's consent.
 - 5.2 An Owner shall not be required to leash a Restricted Dog while it is being shown or displayed at a Dog show.
 - 5.3 The Chief Administrative Officer may, at his discretion, require the Owner of a Vicious Dog or Restricted Dog to post a sign at the entrance to his property stating "Vicious Dog" or "Restricted Dog".
 - 5.4 An Owner of a Vicious Dog or Restricted Dog is guilty of an offence if such Vicious Dog or Restricted Dog:
 - 5.4.1 attacks any person;
 - 5.4.2 threatens any person;
 - 5.4.3 chases a Motor Vehicle;
 - 5.4.4 chases any person or bicycle, horseback or while walking or running;
or
 - 5.4.5 attacks, harasses, injures or kills pets, belonging to other persons.
6. CONTROLLED CONFINEMENT, RABIES OR QUARANTINE PROVISIONS
- 6.1 A person, who has received a Serious Wound and the Owner of a Dog which as inflicted the Serious Wound, shall promptly report the Dog to an **Animal** Control Officer who may thereupon place the Dog under Controlled Confinement and the Dog shall not be released from such Controlled Confinement except by written permission of a licensed Veterinarian. At the discretion of the **Animal** Control Officer, such Controlled Confinement may be on the premises of the Owner, a licensed Veterinarian within the Town or the Town **Domestic Animal** Shelter. In the case of stray nags whose ownership is not known, such Controlled Confinement shall be at the Town **Domestic Animal** Shelter.
 - 6.2 Upon demand made by the **Animal** Control Officer, the Owner shall forthwith surrender for quarantine, any Dog which has inflicted a Serious Wound to a human, or any Dog which the **Animal** Control Officer has reasonable and probable grounds to suspect of having been exposed to rabies, and the Dog may

be reclaimed by the Owner if adjudged free of rabies, upon payment of confinement expenses and upon compliance with the licensing provisions of this By-Law.

- 6.3 In the event of an outbreak or a threatened outbreak of rabies or any disease affecting Dogs which may be transmitted to human beings, Council may by resolution, order and direct that all Dogs shall be securely tied up on their Owner's property or shall be otherwise effectively confined and prevented from leaving such Owner's property. Any Dog found in contravention of this Section may be impounded, and at the discretion of the **Animal** Control Officer may be quarantined.
- 6.4 When a Dog under quarantine has been diagnosed as rabid, or suspected by a licensed Veterinarian as being rabid, and dies while under such observation, the **Animal** Control Officer may immediately arrange to have the head of such Dog removed and sent to the appropriate laboratory for a pathological examination and may provide the Medical Officer of Health for the Town with the names of human contacts, the particulars of the suspect Dog, and any other information required by the Medical Officer of Health for the Town.
- 6.5 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 human without immediately thereafter notifying the **Animal** Control Officer; nor remove such Dog from the Town limits without written permission from the **Animal** Control Officer.
- 6.6 The carcass of any Dog **or** Cat exposed to rabies shall, upon demand, be surrendered to the Dog Control Officer.

7. POWERS OF AN ANIMAL CONTROL OFFICER

- 7.1 The **Animal** Control Officer is authorized to capture and impound in the Town **Domestic Animal** Shelter, any Domestic Animal, Vicious Dog, or Restricted Dog, which is At Large. The **Animal** Control Officer is further authorized to take such reasonable measures as necessary to subdue any Domestic Animal, including the use of tranquillizer equipment and materials. If any Domestic Animal is injured, it may be taken to a Veterinarian for treatment to relieve pain or bleeding, then to the Town **Domestic Animal** Shelter.
- 7.2 All impounded Domestic Animals may be kept in the Town **Domestic Animal** Shelter for a period of Seventy-two (72) hours. During this period, any Domestic Animal may be redeemed by its Owner, except as otherwise provided in this By-Law, upon payment to the Town or its authorized agent of:
 - 7.2.1 the appropriate impoundment fee as set out in Schedule "A" of this By-Law;

- 7.2.2 the appropriate license fee when the Domestic Animal is not licensed;
and
- 7.2.3 the cost of any Veterinary treatment to relieve pain or bleeding of any Domestic Animal that is found to be injured when picked up or injured in the process of capture.
- 7.3 At the expiration of the seventy-two (72) hour period, as prescribed in Section 7.2 herein, the Chief Administrative Officer is authorized to:
 - 7.3.1 offer the Domestic Animal for sale;
 - 7.3.2 destroy the Domestic Animal in a humane manner;
 - 7.3.3 allow the Domestic Animal to be redeemed by its Owner in accordance with the provisions of Section 7.2 herein; or
 - 7.3.4 continue to impound the Domestic Animal for an indefinite period of time, or for such further period of time as the **Animal** Control Officer, in his or her discretion, may decide.
- 8. PENALTIES
 - 8.1 Any person who contravenes any provision of this By-Law is guilty of an offence and is liable to penalty as set out in Schedule "A" herein.
 - 8.2 Notwithstanding Section 8.1 of this By-Law, any person who commits a second or subsequent offence under this By-Law within one (1) year of committing the first offence may be liable to a fine as set out in Schedule "A" of this By-Law.
 - 8.3 Under no circumstances shall any person contravening any provision of this By-Law be subject to the penalty of imprisonment.
- 9. VIOLATION TAGS
 - 9.1 An **Animal** Control Officer is hereby authorized and empowered to issue a Violation Tag to any person, who the **Animal** Control Officer has reasonable and probable grounds to believe has contravened any provision of this By-Law;
 - 9.2 A Violation Tag may be issued to such person:
 - 9.2.1 either personally;
 - 9.2.2 by mailing a copy to such person at his last known post office address,
or
 - 9.2.3 upon retrieval of such person's Domestic Animal from the Town **Domestic Animal** Shelter.

- 9.3 The Violation Tag shall be in a form approved by the Chief Administrative Officer and shall state:
- 9.3.1 the name of the Owner;
 - 9.3.2 the offence;
 - 9.3.3 the appropriate penalty for the offence as specified in Schedule “A” of this By-Law;
 - 9.3.4 that the penalty shall be paid within 30 days of the issuance of the Violation Tag;
 - 9.3.5 any other information as may be required by the Chief Administrative Officer.
- 9.4 Where a contravention of this By-Law is of a continuing nature, further Violation Tags may be issued by the **Animal** Control Officer, provided however, that no more than one Violation Tag shall be issued for each day that the contravention continues.
- 9.5 Where a Violation Tag is issued pursuant to Section 9.1 or 9.4 of this By-Law, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Town the penalty specified on the Violation Tag.
- 9.6 Nothing in this By-Law shall prevent an **Animal** Control Officer from immediately issuing a Violation Ticket.

10. VIOLATION TICKET

- 10.1 In those cases where a Violation Tag has been issued and if the penalty specified on a Violation Tag has not been paid within the prescribed time, then an Animal Control Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, R.S.A. 2002, c. P-21, as amended.
- 10.2 Notwithstanding Section 10.1 of this By-Law, an **Animal** Control Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, R.S.A. 2002, c. P-21, as amended, to any person who the **Animal** Control Officer has reasonable grounds to believe has contravened any provision of this By-Law.

11. SEVERABILITY PROVISION

- 11.1 Should any provision of this By-Law be invalid then such invalid provision shall be severed and the remaining By-Law shall be maintained.

12. REPEAL OF BY-LAW

12.1 By-Law No. 98-521 is hereby repealed.

13. EFFECTIVE DATE

13.1 This By-Law shall come into effect upon third and final reading thereof.

Read a FIRST time this ____ day of, 2003.

Read a SECOND time this _____ day of, 2003.

Read a THIRD and FINAL time this _____ day of, 2003.

_____ MAYOR

_____ CAO

SCHEDULE "A"
PENALTIES

OFFENCE	PENALTIES	SECTION
Failure to be the holder of a current License:		3.1-3.2
- Vicious Dog	\$2000	
- Restricted Dog	\$1000	
- Other Domestic Animal	\$ 60	
Failure to ensure that a collar and tag are worn when a Domestic Animal is off the premises of the Owner	\$ 30	3.7
Domestic Animal At Large:		4.1
- Vicious Dog	\$2000	
- Restricted Dog	\$1000	
- Unlicensed Dog/Cat	\$ 100	
- Licensed Dog/Cat	\$ 50	
Dog:		
- attacking any person	\$ 350	4.2.1
- threatening any person	\$ 200	4.2.2
- chasing motor vehicle	\$ 100	4.2.3
- chases any person on bicycle, horseback or while walking or running	\$ 100	4.2.4
Failure to confine and house a female in heat	\$ 100	4.3
Dog barking or howling excessively	\$ 100	4.4
Domestic Animal damaging a Public Property Area or Private Property	\$ 100	4.5
Failure to immediately remove a Domestic Animal's defecation of Private or Public Property	\$ 100	4.6
Dog in an area where prohibited by sign	\$ 100	4.7
Harboring more than 2 dogs	\$ 60	4.9

Interference with enforcement of this By-Law	\$ 250	4.10
Failure to control off Owner's Property		5.1.1
- Vicious Dog	\$1000	
- Restricted Dog	\$ 500	
Failure to confine a:		5.1.2
- Vicious Dog	\$1000	
- Restricted Dog	\$ 500	
Failure to Post Sign "Vicious Dog"	\$ 100	5.3
Vicious Dog or Restricted Dog		
- attacking any person	\$2500	5.4.1
- threatening any person	\$1500	5.4.2
- chasing a motor vehicle	\$ 500	5.4.3
- chasing any person on bicycle, etc.	\$ 500	5.4.4
An offence for which a penalty is not otherwise provided	\$ 100	
Second or subsequent offences within one year	Double	8.2

**SCHEDULE "B"
FEES**

1.	License for each neutered Dog/Cat	\$ 15.00
2.	License for each unaltered Dog/Cat	\$ 35.00
3.	License for a:	
	- Vicious Dog	\$750.00
	- Restricted Dog	\$500.00
NOTE:	Prorating fees may be applied for 1, 2 and 3. See below	
4.	Replacement License Tag	\$ 5.00
5.	Impoundment fees	
	- Vicious Dog	\$250.00
	- Restricted Dog	\$250.00
	- Other Dogs/Cats	\$ 50.00
	- If the Dog/Cat is wearing a current license, the impoundment fee is reduced by \$20.00	

LICENSE FEE PRORATING

CONDITIONS

License fees may be prorated for new applications only, in accordance with the following conditions:

- (a) the applicant being a Town resident, became the Owner of the Domestic Animal no more than 15 days prior to the application date; or
- (b) the applicant, already being the Owner of a Domestic Animal, has taken up residence in the Town no more than 15 days prior to the application date.

GUIDELINES

Applications made between:

- (a) January 1 and June 30 full fee;
- (b) July 1 and November 30 one half (1/2) fee; or
- (c) December 1 and December 31 full fee to be applied to the subsequent year, and such Dog

will be considered to be licensed from the date of application.

SCHEDULE "C"
RESTRICTED DOGS

1. Any Dog commonly known as a Pit Bull,
2. Pit Bull Terrier, or
3. American Pit Bull Terrier, or
4. Any Dog of mixed breeding which includes any of the following breeds:
 - (a) Pitbull
 - (b) Pitbull Terrier
 - (c) American Pitbull Terrier
 - (d) Staffordshire Bull Terrier, or
 - (e) American Staffordshire Terrier