

**BY-LAW # 2019-674
OF THE TOWN OF VIKING
IN THE PROVINCE OF ALBERTA**

A BY-LAW OF THE TOWN OF VIKING IN THE PROVINCE OF ALBERTA PROVIDING FOR THE LICENSING AND CONTROLLING OF PETS WITHIN THE SAID TOWN.

WHEREAS THE MUNICIPAL GOVERNMENT ACT, RSA 2000, c. M-26 AS AMENDED OR REPEALED AND REPLACED FROM TIME TO TIME, PROVIDES THAT A COUNCIL MAY PASS BYLAWS FOR MUNICIPAL PURPOSES RESPECTING WILD AND DOMESTIC ANIMALS AND ACTIVITIES IN RELATION TO THEM;

AND WHEREAS the Council of the Town of Viking deems it advisable to pass a bylaw for restraining and regulating the running at large of pets and the licensing, impoundment and disposal of pets running at large within the Town of Viking.

NOW THEREFORE the Municipal Council of the Town of Viking duly assembled enacts as follows:

1. TITLE:

1. This bylaw may be cited as "**The Animal Control Bylaw**".

2. DEFINITIONS:

2. In this bylaw unless the context otherwise requires:

- 2.1 "CAO" means the Chief Administrative Officer of the Town of Viking.
- 2.2 "Animal Shelter" means the business or premises designated by the Municipality for the impoundment of pets.
- 2.3 "At Large" means a dog or cat that is any place other than the property of the owner or that of an adult person the owner has place in charge of the pet and that is not being carried or restrained on a Permitted Leash attached to a choke chain, collar, gentle leader, or harness securely attached to the pet and accompanied by a person old enough and strong enough to effectively control the movements of the pet.
- 2.4 "Attack" means a dog aggressively making contact with a person or pet but does not draw blood with its claws or teeth.
- 2.5 "Attack severely" or "severe attack" means an attack where the pet draws blood with its claws, or teeth.
- 2.6 "Cat" means a domesticated cat, regardless of the sex of the cat.
- 2.7 "Controlled Confinement" means that a pet is controlled in a pen, cage, or other structure from which it can not jump, push, or dig its way out, and that has a child-proof latch on any gates or doors.

"Council" means the Council of the Town of Viking.

- 2.8 "Damage to Private Property" means any damage done to plants or fixtures on public or private property while a pet is at large or is not effectively restrained and includes pets defecating, unless the faeces are immediately picked up.
- 2.9 "Domestic Animal" means any pets owned, nurtured, or kept by an owner; this includes dogs and cats, but also includes pets including, but not limited to birds, rodents, or reptiles normally kept within the residence and that are not subject to licensing requirements.
- 2.10 "Dog" means a domesticated dog, regardless of the sex of the dog.
- 2.11 "Enforcement Officer" or "Animal Control Officer" means any Peace Officer or any other person appointed by Council to enforce the provisions of this bylaw, including employees of the municipality, and may include the RCMP.
- 2.12 "Excessive barking" means continuously for more than 5 minutes.
- 2.13 "Kennel" means any place owned by one or more persons or corporations engaged in the commercial business of breeding, buying, selling, training, or boarding pets; and includes a Boarding Kennel.
- 2.14 "License" means a numbered metal or other material tag issued by the Town when the owner of a pet licenses such pet with the Town.
- 2.15 "License for Neutered Pet means a license issued to a pet that has been surgically altered so it is no longer reproductive.
- 2.16 "Motor Vehicle" means a vehicle that is powered by other than muscle power and includes mopeds and motorized mobility equipment such as wheel chairs.
- 2.17 "Muzzle" means a device attached to the face or nose of a vicious dog that prevents the dog from opening its mouth enough to bite, and may include a properly fitted gentle leader.
- 2.18 "Owner" unless the context otherwise requires, means any person, partnership, association or corporation who has legal title or possession of a pet or who harbours, feeds, keeps, or shelters a pet, or has been assigned by the owner to have the care or control of a pet.
- 2.19 "Permitted Leash: means a leash composed of a material that cannot be chewed through, and that is of sufficient strength to control the pet; such lease shall not be longer than 1.5 metres.
- 2.20 "Persistent Barking" means barking for longer than 30 seconds at a time frequently throughout the day and/or night.
- 2.21 "Pet" in this bylaw refers to dogs and cats, pets that must be licensed.
- 2.22 "Pound" means a place, designated by Council, where pets that have been seized may be

kept.

- 2.23 "Pound keeper" means any person appointed by the Town Administrator to keep a pound for the purpose of controlling and disposing of pets that have been seized.
- 2.24 "Property Owner" means a person or persons having a legal or equitable interest in any land or building and shall be responsible for the actions of any tenant, resident, or occupier of such land or building
- 2.25 "Restricted Dog" means a dog as described in Schedule "C" of this bylaw.
- 2.26 "Safe Access" means an owner must provide at least one door to a residence that a person may access without encountering a dog.
- 2.27 "Secure Enclosure" see "Controlled Confinement".
- "Town" means the Municipality or Town of Viking.
- 2.28 "Vicious Dog" means:
- a) Any dog with a known propensity, tendency, or disposition to attack, without provocation, other domestic animals and humans, and/or
 - b) Any dog that has inflicted a Serious Wound (severely attack) upon a human or other domestic animal while At Large, or while on the owners property if the owner has not provided at least one safe access, and/or
 - c) Any dog that has been the subject of an Order issued by an Enforcement Officer or the Courts within the Dominion of Canada.
- 2.29 "Violation tag" means a ticket or similar document issued by the Town pursuant to the Municipal Government Act, R.S.A. 2000, c. M-26, as amended or replaced and appealed from time to time.
- 2.30 "Violation ticket" means a ticket issued pursuant to the Provincial Offenses Procedure Act, RSA 2000, c. P-34 and regulations there under, as amended or replaced and repealed from time to time.
- 2.31 "Warning Sign" means a clear sign mounted at the gate to an enclosure that contains a dog that may, or is known to, act aggressively to a person entering.

3. DOMESTIC PET LICENSING:

- 3.1 Every owner of a pet over the age of three months in the Town of Viking shall, before the 31st. day of January of each calendar year, license such pet with the Town and pay to the Town a license fee for each pet so licensed as specified in Schedule B.
- 3.2 Every owner of a pet in the Town of Viking, who fails to license such pet as required by Section 3.1 herein, shall license such pet with the Town and pay to the Town an increased license fee as specified in Schedule B.

- 3.3 Notwithstanding the provisions of sections 3.1 and 3.2 herein, every owner who after the 31st. day of January in any calendar year acquires a pet or who has a pet and takes up residence in the Town shall within fourteen (14) days thereof license his or her pet with the Town and pay to the Town a license fee for each pet being licensed as per Schedule B
- 3.4 In the event that an owner fails to license his or her pet within fourteen (14) days as per s. 3.3 and if such owner keeps a pet within the Town he or she shall license such pet with the Town and pay to the Town an increased license fee as specified in Schedule B.
- 3.5 An owner shall provide the following information with each application for a Licence Tag:
- a) Name, street address, and telephone number of the Owner, and
 - b) Name and description of the domestic animal to be licenced, and
 - c) The breed of the domestic animal, and
 - d) Any other information as may be required by the Chief Administrative Officer in respect of the application.
- 3.6 Notwithstanding Sections 3.1, 3.2, 3.3, or 3.4 herein, a person providing written certification of possessing a registered or Certified Guide Dog shall NOT be required to pay a license fee.
- 3.7 Upon licensing a pet as required in this bylaw, the owner shall be issued with a metal or other material pet tag that has been stamped with a license number. This number will remain associated to the specified pet for as long as the owner keeps the pet.
- 3.8 In the event that a pet tag is lost, a new pet tag may be issued, upon proof of license of the pet and upon payment to the Town of a fee.
- 3.9 A pet tag shall not be transferred from one pet to another, or attached to any pet that has not been licensed with the Town.
- 3.10 A pet tag is only valid for the calendar year for which it is issued.
- 3.11 At all times when a dog or cat is on any property other than that of its owner, the pet tag issued for such pet shall be securely attached to a collar or harness that is being worn by said pet. **An owner has the option of having the license number tattooed in the pet's ear or groin.
- 3.12 Pet owners visiting the municipality for less than 30 (thirty) days shall be exempted from purchasing pet license.

4. DOMESTIC PET REGULATIONS:

- 4.1. No owner shall own, possess, keep, harbour, or have care or control of more than four pets, provided that no more than two of the pets are dogs.
- 4.2 No owner shall cause, or allow or permit another person to cause his pet to be on any property not his own unless:
- a) A leash of sufficient strength to restrain the pet, and not longer than 1.5 meters, is

- securely attached to the pet, and
 - b) The leash is being held by a person able to restrain the pet, or
 - c) The leash is securely tied to a stationary object that cannot be moved by the pet, and
 - d) The pet cannot interfere with normal human traffic.
- 4.3 No owner shall cause, or allow or permit another person to cause, his pet while on property not his own to:
- a) Bark excessively at any person, or
 - b) Chase a vehicle, or
 - c) Threaten, attack, or severely attack any person, or
 - d) Chase, challenge, attack, or severely attack any pet owned or being kept by another person, or
 - e) Cause any damage or nuisance on any property owned or maintained by another person or business, or
 - f) Run at large
- 4.4 An owner whose pet defecates on public property, or private property not owned by the dog owner shall forthwith remove any defecated matter to a suitable receptacle as would not constitute a nuisance. The provisions of this section shall not apply to a blind person who is being guided by a certified "seeing eye" or guide dog.
- 4.5 No owner shall cause, or allow or permit another person to cause, his pet to be or remain on any private property without having first obtained the permission of the owner of said property.
- 4.6 No owner shall cause, or allow or permit his pet to bark or yelp or howl or meow excessively or persistently or in any other manner disturb the quiet of any person.
- 4.7 No owner shall fail to immediately take all reasonable steps to quiet his pet that is making noise each and every time the pet makes noise.
- 4.8 No person shall fail to provide a safe access to a residence.
- 4.9 No owner of an unsterilized female dog shall fail to keep such dog housed and confined IN A BUILDING during the whole period while said dog is in heat, except that such dog may be brought outside under direct supervision ON LEASH to defecate or urinate.
- 4.10 No owner shall allow a pet to damage private or public property.
- 4.11 No owner shall allow a pet to enter a private property or a property owned or maintained by

the Municipality displaying a sign prohibiting pets.

- 4.12 No person shall in any way permit a pet to be in distress by:
- a) Causing any unnecessary physical pain to the pet, or
 - b) Neglecting to provide food, potable water, care or warm/cool shelter as is necessary to maintaining the good health of the pet, or
 - c) Neglecting to provide the necessary treatment for a pet suffering from disease or injury or which is infested by any vermin or parasite, or
 - d) Harassing or tormenting such pet.
 - e) Any other action, or omission of an action, that may cause distress.
- 4.13 No person shall interfere with, hinder or impede an Animal Control Officer in the performance of any duties authorized in this bylaw.

5. RESTRICTED AND VICIOUS DOG PROVISIONS

- 5.1 An owner who fails to license a dog according to the categories (Domestic, Restricted, Vicious) contained in this bylaw is guilty of an offense. Restricted dogs are described in Schedule "C". Vicious dogs are dogs that have been declared vicious by this, or any other, municipality in the Dominion of Canada.
- 5.2 No owner of a Restricted or Vicious Dog shall:
- 5.2.1 allow said dog to be off the owner's property without using an approved leash and fitted with a muzzle, and
 - 5.2.2 keep said dog on the owner's property unless the dog is confined within a Secure Enclosure.
 - 5.2.3 allow said dog off leash during a dog show without a permit from the Municipality.
 - 5.2.4 fail to post appropriate warnings at all entrances to the property that the dog may access while out of a secure enclosure but on an approved leash and under the direct supervision of a person capable of controlling said dog.
 - 5.2.5 allow said dog to:
 - a) Threaten a person
 - b) Attack a person
 - c) Seriously attack a person

- d) Chase pedestrians, runners, bicycles, people on horseback
- e) Attack, harass, injure, or kill a domestic animal belonging to another person.

6. CONTROLLED CONFINEMENT, RABIES, OR QUARANTINE PROVISIONS

- 6.1 Any person bitten by a pet or wild animal should immediately report to a hospital and follow procedures as directed by medical personnel.
- 6.2 If possible, the identity of the pet or the last known location of the pet or wild animal should be provided to medical staff.
- 6.3 If the animal causing the bite is killed, the carcass must be turned over to a veterinarian for examination and testing.

7. AUTHORITY OF AN ENFORCEMENT OFFICER:

- 7.1 Any pet at large may be captured and seized by any pet catcher or Enforcement Officer and placed in a pound as provided for in this bylaw.
- 7.2 An Enforcement Officer or a pet catcher may use any means necessary to capture and seize a pet at large, provided that:
 - (a) No pet shall be seized on private property without the permission of the owner of said property, except in case of fresh pursuit and it is definitely known that the property is not that of the owner of the pet, and
 - (b) Every reasonable precaution is taken to avoid causing any injury or bodily harm to such pet.
- 7.3 Every pet seized under this bylaw shall, as soon as practical, be taken to the prescribed pound and restrained therein.
- 7.4 No person shall in any way interfere with, or obstruct an Enforcement Officer or pet catcher who has seized or is attempting to seize a pet at large.
- 7.5 The owner of such pet may redeem the pet by signing a Claim and Release form as approved by the Town Administrator and pay any associated penalties.
- 7.6 No person shall release or attempt to release a pet that has been seized except as otherwise provided in this bylaw.
- 7.7 If a pet on an owner's private property is in distress and
 - a) The owner does not forthwith take steps that will relieve its distress, or
 - b) The owner cannot be found immediately and informed of the pet's distress, thenAn Enforcement Officer or pet catcher may, with the assistance or permission of a member of

the Royal Canadian Mounted Police, take any action he considers necessary to locate the animal and relieve its distress, including taking the pet into custody, pursuant to the Animal Protection Act.

8. POUND

- 8.1 A pound keeper shall:
- a) Receive and impound any pet seized under the provisions of this bylaw, and
 - b) Keep a record of such pet on a form approved by the CAO, and
 - c) Ensure that any pet so impounded is provided with sufficient food and potable water to maintain the health and comfort of the pet, and
 - d) Provide the services of a veterinarian, as soon as practical, for any pet which appears to be ill or injured, and
 - e) Before releasing a pet, receive approval from the CAO that all fines and penalties have been paid, and
 - f) Ensure that no pet, while impounded is unnecessarily mistreated.
- 8.2 Any pet that has been placed in a pound shall be kept therein for a period of not less than three clear days, exclusive of Saturdays, Sundays and statutory holidays unless sooner claimed by the owner or otherwise disposed of in accordance with this bylaw.
- 8.3 An owner may redeem an impounded pet upon payment to the pound keeper of all fines and fees and costs as prescribed in this bylaw and shall sign a Claim and Release form as approved by the Town Administrator.
- 8.4 All fines not already paid to the Town, fees and costs, as applicable, shall be paid by cash or equivalent to the pound keeper prior to release to the owner of any pet.
- 8.5 In any case, where a pet is found to be ill or has been injured and it has been determined by a veterinarian or other competent person that the pet should be destroyed to prevent needless suffering, the pet may be destroyed as soon as practical.
- 8.6 Any pet that has been impounded for longer than the period of time prescribed in this bylaw may at the discretion of the pound keeper:
- a) Be sold at a price to cover the cost of the impoundment, provided that the pet is not sold to the owner or to any other person representing the owner, or
 - b) Be destroyed by a veterinarian.
- 8.7 No person shall purchase an impounded pet and thereafter return it to the previous owner until or unless the previous owner pays all fines and penalties owed to the Town concerning the pet.

- 8.8 The pound keeper shall, if the pet being impounded is wearing a pet tag or any other identification, make a conscientious effort to notify the owner that the pet has been impounded and give said owner a reasonable period of time to claim the pet before disposing of same.
- 8.9 The pound keeper shall, on or before the last working day of each month submit all monies, copies of receipts and invoices, covering all transactions for the previous month, to the Town Administrator.

9. OFFENCES AND PENALTIES:

- 9.1 A person who contravenes any section of this bylaw is guilty of an offence and liable, on summary conviction before a Provincial Court Judge, to fines as listed in Schedule A of this bylaw.
- 9.2 Notwithstanding Section 9.1 of this bylaw, any person who commits a second or subsequent offense under this bylaw within a period of 12 (twelve) months of the first offense may be liable to a fine double the amount set out in Schedule A of this bylaw.
- 9.3 Provincial Judge, in addition to the penalties provided in this bylaw, may direct or order the owner of the pet
 - a) To obtain a license, and/or
 - b) To prevent such animal from doing mischief, or causing a disturbance, or a nuisance complained of, and/or
 - c) To have the pet destroyed or removed from the Town, and/or
 - d) To comply with any other relevant sections of this bylaw, and/or
 - e) In any other manner deemed appropriate.
- 9.4 Notwithstanding Section 9.3 of this bylaw, an Enforcement Officer may issue a violation tag to a person who the Enforcement officer has reasonable and probable grounds to believe has contravened any provision of this bylaw:
 - a) Specifying a voluntary payment as described in Schedule A of this bylaw; and
 - b) The person to whom the violation tag is issued may, in lieu of being prosecuted for the offence, pay to the Town or the Enforcement Officer the penalty specified within the time period indicated on the violation tag.
- 9.5 A violation tag shall be deemed to have been sufficiently served if
 - a) Served to the accused directly, or
 - b) Mailed to the address of the registered owner of the vehicle or person occupying a property, or

- c) Secured to the vehicle or property in respect of which the offense is alleged to have been committed, or
 - d) Left with the Pound for payment prior to a captured pet being released.
- 9.6 Where a violation tag has been issued and the penalty specified on the violation tag has not been paid within the prescribed time, then:
 - a) An Enforcement Officer may issue a violation ticket specifying that a voluntary payment be made as described in Schedule A of this bylaw, or
 - b) The Town may initiate Court proceedings.
- 9.7 Notwithstanding sections 9.3 through 9.6 of this bylaw, an Enforcement Officer may immediately issue a violation ticket to any person who the Enforcement Officer has reasonable grounds to believe has contravened any provisions of this bylaw, specifying that
 - a) A voluntary payment be made as described in Schedule A of this bylaw; or
 - b) If it is in the public interest to compel the accused to appear before a Judge, issue a summons respecting any offense for which a voluntary payment may be made requiring the accused to appear before a Provincial Court Judge on the initial appearance date without the alternative of making a voluntary payment.
- 9.8 The levying and payment of any fines shall not relieve a person from the necessity of
 - a) Immediately remedying the situation that created the violation, or
 - b) Paying any other fees, charges or costs for which he is liable under the provisions of this bylaw.
- 9.9 Where a contravention of this bylaw is of a continuing nature, further violation tags or tickets may be issued by an Enforcement Officer, provided however, that no more than one violation tag or ticket shall be issued for each day the contravention continues.
- 9.10 If an owner contravenes any part of Section 5.2.5 of this bylaw the owner may be instructed by an Enforcement Officer to remove said dog from the Town within 24 hours

10. SEVERABILITY PROVISION

- 10.1 Should any provision of this bylaw be invalid, then such provision shall be severed and the remaining bylaw shall be maintained.

11. ATTACHMENTS

- 11.1 SCHEDULE A, B, and C shall be included as part of this bylaw.

12. REPEAL

12.1 Town of Viking bylaw # 2003-566 is hereby repealed.

13. EFFECTIVE DATE

13.1 This bylaw shall take effect on the date of passing thereof.

READ A FIRST TIME THIS ____ DAY OF _____, 2019.

READ A SECOND TIME THIS ____ DAY OF _____, 2019.

READ A THIRD AND FINAL TIME THIS ____ DAY OF _____, 2019 AND FINALLY PASSED.

Mayor

CAO

SCHEDULE A PENALTIES

SECTION	OFFENCE	PENALTY(\$)
3. GENERAL		
3.1 – 3.4	Fails to register domestic (non-restricted or vicious) pet by January 31 of current year / within 14 days of taking up residence / acquisition	100
3.11	Fail to display pet tag on collar	100
4.1	Own/possess/keep/harbour more than 4 pets/ owner own/posses/keep/ harbour more than 2 dogs	200
4.2	While off owner's property, use leash of insufficient strength/ leash longer than 1.5 m/ leash not secured to stationary object/ pet interferes with human traffic	100
4.3	Dog, while not on owner's property:	
4.3 a)	excessively bark	100
4.3.b)	chase vehicle	100
4.3.c)	threaten/ chase/ attack/ severely attack a person	100/ 200/500/1000
4.3.d)	chase/challenge/attack/severely attack a pet	100/100/200/500
4.3 e)	cause damage/nuisance to property	200
4.3. f)	run at large	200
4.4	Owner fail to immediately pick up faeces	200
4.5	Allow pet on private property without owner's permission	100
4.6	Allow pet to howl/meows/barks excessively or persistently	200
4.7	Fail to take immediate steps to quiet a pet	200
4.8	Fail to provide safe access to residence	500
4.9	Fail to keep dog in heat indoors or on leash outside to defecate	100
4.10	Pet damages private or public property	200
4.11	pet on posted private or public property	200
4.12	Owner permit pet to be in distress	500
4.13	Interfere with Animal Control Officer	250

5. RESTRICTED AND VICIOUS DOGS

5.1	Fail to license dog as restricted or vicious	500
5.2.1-.3	Fail to control restricted or vicious dog off owner's property	1000/500
5.2.4	Fail to post restricted or vicious dog warning signs	200
5.2.5.a), d)	Dog threatens a person or chases	500
5.2.5 b), c)	Dog attacks or severely attacks a person	2500
5.2.5. e)	Dog attacks domestic animal belonging to other persons or strays	1000
9.2	Repeat offence for same contravention within a 12 month period	Double
XX	An offence for which a specified penalty is not listed	200

SCHEDULE "B"
FEES

1. License for neutered/spayed cat or dog	15.00
2. License for unaltered dog or cat	35.00
3. License for restricted dog	500.00
4. License for vicious dog	750.00

NOTE: Prorated license fees for 1 and 2 above may be applied for partial year.

5. Replacement License tag	5.00
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SCHEDULE "C"
RESTRICTED DOGS DEFINITION

1. Any dog commonly known as a Pit Bull
2. Pit Bull Terrier
3. American Pit Bull Terrier
4. Staffordshire Pit Bull Terrier
5. Any dog of mixed breeding that includes any of the above breeds