

**THE TOWN OF CHESTERMERE  
THE VICIOUS DOG BYLAW NO. 2002-202/1  
PROVINCE OF ALBERTA**

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BEING A BYLAW TO AMEND THE VICIOUS DOG BY-LAW NO 91-167 OF THE TOWN OF CHESTERMERE, IN THE PROVINCE OF ALBERTA, TO REGULATE AND CONTROL VICIOUS DOGS WITHIN THE CORPORATE LIMITS OF THE TOWN OF CHESTERMERE.

**WHEREAS** Section 7 (h) of the Municipal Government Act, Chapter M-26.1, Statutes of Alberta 1994, and amendments thereto, provides for the regulation of wild and domestic animals and activities in relation to them within the limits of the municipality; and

**AND WHEREAS** Council deems it necessary for the protection of the public health, safety and welfare to provide for the close regulation of dogs of the Pit Bull variety and dogs determined to be vicious;

**NOW THEREFORE**, the Municipal Council of the Town of Chestermere, in the Province of Alberta, duly assembled, enacts as follows:

1. This By-Law shall be called "The Vicious Dog By-Law".
  - (a) All provisions of By-Law No 90-140 as amended, the Animal Control By-Law, are incorporated into and shall form a part of this By-Law, except to the extent that such provisions conflict with or are inconsistent with this By-Law.
  - (b) In case of such conflict or inconsistency, the provisions of this By-Law shall prevail.
2. (a) "Restricted dog" means any dog, whatever it's age, of the following breed kinds:
  - (i) Pit Bull Terrier;
  - (ii) American Pit Bull Terrier; or Pit Bull;or any dog of mixed breeding, which can be identified through its physical characteristics as a dog partially of the above mentioned breeds or kinds by a veterinarian licensed to practice in Alberta.
- (b) "Vicious dog" means a dog of any age, including a restricted dog, which when on or off the property of its owner:
  - (i) shows propensity, disposition or potential to attack or injure, without provocation, other animals or humans; or
  - (ii) without provocation, chases persons who approach it; or

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- (iii) is a continuing threat of serious harm to other animals or humans;  
or
  - (iv) without provocation, has attacked persons or other animals.
- 3.
  - (a) An owner shall obtain and keep in force a restricted license for his or her restricted dog.
  - (b) The restricted license fee for a restricted dog shall be Two Hundred Dollars (\$200.00) per year.
- 4.
  - (a) An owner shall maintain in force a policy of liability insurance in a form satisfactory to the municipality of The Town of Chestermere, providing third party liability coverage in a minimum amount of Five Hundred Thousand Dollars (\$ 500,000.00) for injuries caused by the owner's restricted dog.
  - (b) The liability policy shall contain a provision requiring the insurer to immediately notify the Town of Chestermere in writing should the policy expire or be cancelled or terminated.
  - (c) The owner shall provide to the Municipal Administrator proof that such liability policy is in force before he may obtain a restricted dog license;
  - (d) Upon cancellation, expiry or termination of the liability policy is in force the restricted dog license is null and void.
- 5.
  - (a) At all times while a restricted dog is on the premises of its owner, the owner shall either keep such dog 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 to prevent the escape of the restricted dog, and capable of preventing entry of young children.
  - (b) Such pen shall have secure sides and a secure top, and if it has no bottom secured to the sides, the sides must be embedded in the ground to a minimum depth of one 0.3 metre (1 foot).
  - (c) When any restricted dog is off the premises of the owner, the owner shall securely muzzle such dog, and either harness it or leash it securely to effectively prevent it from attacking or biting a person or other animal.
  - (d) Subsection (3) shall not apply when the restricted dog is in a pen meeting the requirements of subsection (1), or when the restricted dog is in a building or enclosure in attendance at a bona fide dog show.

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6.
  - (a) The owner of a dog, which the owner believes to be a vicious dog, shall keep such a dog in accordance with the provisions of Section 5 of this By-Law.
  - (b) The vicious dog license fee for a vicious dog shall be Two Hundred and Fifty Dollars (\$250.00) per year.
  - (c) If the Poundkeeper, a License Inspector, a Peace Officer or a By-Law Enforcement Officer determines that a dog is a vicious dog, either through personal observation or after an investigation initiated by a complaint, he or she may in writing:
    - (i) inform the owner that his dog has been determined to be a vicious dog, and
    - (ii) require the owner to keep such dog in accordance with the provisions of Section 6 of the By-Law, and
    - (iii) inform the owner that if the vicious dog is not kept in accordance with Section 5 of this By-Law, the owner will be fined, or subject to enforcement action pursuant to Section 9 of this By-Law.
7. The owner of vicious or restricted dog shall take all necessary steps to ensure that such dog does not bite, chase or attack any person or other animal, whether the person or animal is on the property of the owner or not.
8. In addition to the fines provided in By-Law No. 90-140 as amended, the Animal Control By-Law, persons who commit offenses under this By-Law are subject to the following fines:
  - (a) failure to obtain and keep in force restricted dog license \$500.00
  - (b) failure to maintain in force a policy liability insurance pursuant to Section of this By-Law \$1,500.00

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| (c) failure to confine a restricted dog or a vicious dog when on the premises of the owner in accordance with this By-Law   | \$1,000.00 |
| (d) failure to muzzle or otherwise secure a restricted dog or a vicious dog when off the premises of the owner  | \$1,000.00 |
| (e) if a restricted dog or vicious dog bites or attacks a person or animal, causing injury, the owner shall be subject to a fine of   | \$1,500.00 |
| (f) permitting a restricted or vicious dog to run at large  | \$1,000.00 |
| (g) failure to keep under the control of an adult person  | \$1,000.00 |
| 8) an owner who commits for a second time any of the offenses listed in this Section providing the offense is committed within 6 months of committing the first offense - <b>double the initial penalty</b> | \$1,000.00 |
9. In addition to the remedies set forth in this By-Law, if the Poundkeeper, the License Inspector, a Peace Officer, or a By-Law Enforcement Officer determines that a vicious dog or a restricted dog is not being kept in accordance with this By-Law he may:
10. (a) make application pursuant to Section 422 of the Municipal Government Act for an order directing that such dog be controlled in accordance with this By-Law, or be removed from the Town of Chestermere; and
- (b) make a complaint pursuant to the Dangerous Dogs Act for an order directing the dog be controlled or destroyed.
11. (1) The Poundkeeper shall keep all impounded restricted or vicious dogs for a period of at least seventy two (72) hours, including the day of impounding Sundays and statutory holidays shall not be included in the computation of the seventy two (72) hour period. During this period any healthy restricted or vicious dog may be redeemed by its owner, or agent of the owner, upon payment to the Poundkeeper of:
- a) the appropriate fine where applicable; and
- b) the appropriate license fee when such a dog is not licensed; and

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- c) kennel fees as identified in Schedule "C" to By-Law No. 90-140 as amended.
  - (2) At the expiration of the seventy-two (72) hour period any restricted or vicious dog not redeemed shall be destroyed.
  - (3) The Poundkeeper shall report any apparent illness, communicable disease, injury or unhealthy condition of any such dog to a veterinarian and act upon his recommendation. The owner, if know, shall be held responsible for all charges resulting.
11. Bylaw 91-167 is hereby repealed.
12. This By-Law shall come into force and effect upon final reading.

READ A FIRST TIME ON THE 19TH DAY OF FEBRUARY, 2002.

READ A SECOND TIME ON THE 19TH DAY OF FEBRUARY, 2002.

READ A THIRD TIME ON THE 19TH DAY OF FEBRUARY, 2002.

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MAYOR

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CHIEF ADMINISTRATIVE OFFICER