

BY-LAW NUMBER 2017/35

BY-LAW NO. 2017/35 is a By-Law of the County of Wetaskiwin No. 10 in the Province of Alberta regarding the regulation and control of dogs running at large within the County of Wetaskiwin No. 10.

WHEREAS: Section 7 of the Municipal Government Act, Chapter M-26, 2000, and amendments thereto, of the Province of Alberta, provide that a Municipal Council may enact a By-Law respecting wild and domestic animals and activities in relation to them.

NOW THEREFORE: The Council of the County of Wetaskiwin No. 10 in the Province of Alberta, duly assembled enacts as follows:

1) TITLE

This By-Law may be cited as "The Dog Control By-Law".

2) DEFINITIONS

In the By-Law unless the context otherwise requires:

- a) **"Animal Shelter"** means a place that the County shall provide or designate as such;
- b) **"Animal Protection Act"** means the Animal Protection Act, RSA 2000, Chapter A-41.
- c) **"At Large"** means off the premises of the owner and not under the control of any person.
- d) **"By-Law Enforcement Officer"** shall mean,
 - (i) By-Law Enforcement Officer means a person appointed under Section 555 and 556 pursuant to the Municipal Government Act, RSA 2000, Chapter M-26, employed or contracted by the County to enforce the County By-Laws;
 - (ii) Community Peace Officer as defined under The Peace Officer Act, SA 2006, Chapter P-3.5;
 - (iii) A member of the Royal Canadian Mounted Police (RCMP); or
 - (iv) Fish and Wildlife Officer appointed under the Wildlife Act (Alberta).
- e) **"Communicable Diseases"** means diseases that can be passed from dog to dog or from dog to person.
- f) **"Controlled Confinement"** means the confinement of a dog in a pen, cage or building or securely tethered in a manner that will not allow the dog to bite, harm or harass any person or animal;
- g) **"County"** means the County of Wetaskiwin No. 10.
- h) **"Day"** means a continuous period of twenty-four (24) hours.
- i) **"Development Officer"** means a person appointed under Section 624 pursuant to the Municipal Government Act, RSA 2000, Chapter M-26

- j) **"Development Permit"** shall mean a permit issued in accordance with the Land Use By-law.
- k) **"Discretionary Use"** as defined in the Land Use By-law.
- l) **"Dog"** means any member of the canine family of either sex, commonly described and known as a dog"
- m) **"Dog Training or Animal Grooming Facility"** means a development that provides a service for the training or care and appearance of animals, but does not include kennel or the overnight boarding of such animals.
- n) **"Former Owner"** means the person who at the time of impoundment was the owner of an animal which subsequently has been sold or destroyed.
- o) **"Kennel"** as defined in the Land Use By-law.
- p) **"Land Use By-Law"** means the County's Land Use By-Law 95/54, as amended or replaced from time-to-time.
- q) "Livestock" means alpacas, bison, cattle, donkeys, goats, horses, llamas, mules, sheep and swine;
- r) "Livestock Dog" means a dog used specifically for the purpose of protecting and caring for livestock;
- s) **"Owner"** means any person, partnership, association, or corporation:
 - (i) Owning, possessing or having charge of or control over any dog;
 - (ii) Person who at the time of impoundment was the owner of a dog which has subsequently been sold or destroyed;
 - (iii) Harboring any dog; or
 - (iv) Suffering or permitting any dog to remain about his house or premises.
- t) **"Owner's Property"** means any property in which the Owner of an dog has a legal or equitable interest in or property in which the Owner of a dog has been given the control or use of by the legal or equitable Owner of the property. Property shall include, without limiting the generality of the foregoing, land, buildings and vehicles;
- u) **"Pound"** means the compound established for the impounding of dogs as set out in this By-Law;
- v) **"Restricted Dog"** means any dog which has been convicted of a "chase or threaten a person or domestic animal, bicycle or motor vehicle" or "bite person or animal" offense.
- w) **"Secure Enclosure"** shall mean a building, cage or fenced area of such construction that will not allow the confined dog(s) to jump, climb, dig or force their way out or allow the entry of young children.

- x) **"Serious Wound"** means an injury to a person or animal resulting from the action of a dog which causes the skin to be broken or flesh to be torn;
- y) **"Veterinary Clinic"** as defined in the Land Use By-law.

3) NUMBER OF DOGS

- a) No more than four (4) dogs shall be allowed to remain upon or in any land, house, shelter, room, place, building, structure, or premises within the County unless:
 - (i) the Owner is the holder of a valid and subsisting Development Permit for a Kennel within the County as per Section 4; or
 - (ii) the Owner is the holder of a valid and subsisting Development Permit for a Veterinary Clinic as per Section 5; or
 - (iii) the Owner is the holder of a valid and subsisting Development Permit for a dog training or animal grooming facility as per Section 5; or
 - (iv) the County has authorized temporary approval for the purpose of a dog show.
- b) Any person(s) who keeps or harbors any dog not in compliance with this By-Law is in contravention of this Section is guilty of an offence.

4) KENNEL

Notwithstanding Section 3, the Development Officer will issue to an Owner a Development Permit for a Kennel when it appears either as a permitted or discretionary use in accordance with the current Land Use By-Law and to the following:

- a) Any person wishing to obtain a Development Permit must complete a Development Permit Application for a Kennel; and must,
 - (i) supply letters from all the immediate adjacent landowners commenting on the number of dogs proposed; and
 - (ii) have full disclosure of any previous Kennel operated by the owner(s) whether within the County or another location;
- b) Upon receipt of a Development Permit Application Form, the Development Officer shall consider the letters from the adjacent landowners and the Application Form to,
 - (i) Grant a Development Permit for a Kennel for the maximum of four (4) dogs; or
 - (ii) Grant a Development Permit for a Kennel with terms and conditions that include five (5) dogs or more, but must state the maximum number of dogs to be allowed.
- c) A Development Permit for a Kennel shall not be transferable and a new Development Permit Application is required any time there is a change in ownership or change in operation including the number of dogs.
- d) All Kennels shall be subject to the Kennel Regulations as written in the Land Use By-Law;

- e) Failure to obtain an approval of a Development Permit for a Kennel may be subject to an offense under Section 6 (j).

5) VETERINARY CLINIC, DOG TRAINING OR ANIMAL GROOMING FACILITY

- a) Notwithstanding Section 3, the Development Officer will issue to an Owner a Development Permit for the provision of the following services when it appears as either a permitted or discretionary use in accordance with the current Land Use By-Law as:
 - (i) Veterinary clinic; and/or
 - (ii) Dog training or animal grooming facility. Presence of dog(s) are not to exceed five (5) hours in any given day and there must be a minimum of five (5) hours between consecutive days.;
- b) A Development Permit for veterinary clinic, dog training or animal grooming facility shall not be transferable and a new Development Permit Application is required if there are changes in the ownership, the operation, or a combination thereof;
- c) Failure to obtain an approval of a Development Permit for a veterinary clinic, dog training or animal grooming facility may be subject to an offense under Section 6 (j).

6) OFFENSES AND RESPONSIBILITY OF OWNER

The owner of a dog or dogs is guilty of an offence if the dog or following occurs:

- a) Runs at large;
- b) Defecates on any public or private property other than the property of its owner and the owner, or person in control of the dog, fails to immediately remove such defecation. This provision shall not apply to a registered service dog while it is assisting a person in need;
- c) Urinates on private property, without the permission of the property owner. This provision shall not apply to a registered service dog while it is assisting a person in need;
- d) With the exception of Livestock Dogs excessively barks or excessively howls so as to disturb any person;
- e) Damages in any way public or private property;
- f) Chases any person, domestic animal, bicycle or motor vehicle;
- g) Attacks, bites, or harasses any person or animal;
- h) Is subjected, at the discretion of the By-Law Enforcement Officer, to cruel punishment, including, but not limited to, being left unattended in a motor vehicle or not being provided with water, food or proper care
- i) The owner does not maintain and keep in good repair a secure enclosure;
- j) Owns or in possession of five (5) dogs or more over the age of six (6) months of age if neither a holder of an approved development permit for neither a Kennel nor an Animal Care Service or is not a holder of a temporary use development permit for dog show .

- (i) Owners will be given thirty (30) days to rectify the offense before a second charge is considered as per Section 6 (j).

7) COMMUNICABLE DISEASES

- a) An owner of a dog or dogs which is suffering from a communicable disease:
 - (i) Shall not permit the dog to be in any public place;
 - (ii) Shall not keep the dog in contact with or in proximity to any other animal free of such disease;
 - (iii) Shall keep the dog to secured enclosure or tied up;
 - (iv) Shall immediately report the matter to the By-Law Enforcement Officer, Animal Health Inspection Branch of Agriculture Canada and the RCMP.

8) TORMENT AND NEGLIGENCE

No person shall:

- a) Untie, loosen or otherwise free a dog which has been tied or otherwise restrained;
- b) Negligently or willfully open a gate, door, or other opening in a fence or enclosure in which a dog has been confined and thereby allow a dog to run at large; or
- c) Tease, torment, annoy or neglect a dog.

9) ANIMAL CONTROL AUTHORITY

A By-Law Enforcement Officer may capture and impound any dog;

- a) In respect of which he/she believes or has reasonable grounds to believe an offence under this By-law is being, or has been committed;
- b) Which is required to be impounded pursuant to the provisions of any statute of Canada or the Province of Alberta or any regulation made thereunder;
- c) A By-Law Enforcement Officer to enforce the provisions contained therein may enter onto the land surrounding any building in pursuit of any dog which has been observed running at large in accordance with section 542 of the Municipal Government Act, Chapter M-26, 2000, and amendments thereto, of the Province of Alberta.
 - (i) After reasonable notice to the owner or occupant of the land; or
 - (ii) With the consent of the owner or occupant of the land; or
 - (iii) Without reasonable notice or the consent of the owner or occupant of the land in the event the circumstances constitute an emergency or extraordinary circumstance.

10) OBSTRUCTION

No person whether or not he/she is the owner of a dog which is being or has been pursued or captured shall;

- a) Interfere with or attempt to obstruct a By-Law Enforcement Officer who is attempting to capture or who has captured a

- dog which is subject to being impounded pursuant to the provisions of this By-law;
- b) Induce the dog to enter a house or other place where it may be safe from capture or otherwise assist the dog to escape capture;
 - c) Falsely represent him/herself as being in charge or control of a dog so as to establish that the dog is not running at large; or
 - d) Unlock or unlatch or otherwise open the impound van or vehicle in which dogs kept for impoundment have been placed so as to allow or attempt to allow any dog to escape there from.

11) NOTIFICATION

A By-Law Enforcement Officer will make a reasonable effort to identify the Owner(s) of a dog. When a By-Law Enforcement Officer knows the name of the Owner(s) of an impounded dog, he/she shall make a reasonable effort to contact the Owner(s) by personal delivery of a notice or by phone, but as a last resort by mail to notify the Owner(s) of the impoundment.

12) RECLAIMING

The owner of any impounded dog may reclaim the dog by:

- a) Paying to the County the fee or fees owing as set out in **Schedule "A"** of this By-law; and
- b) Paying the fee or fees owing as set out in **Schedule "B"** and/or **Schedule "C"** of this By-law;

13) DISPOSAL

The By-Law Enforcement Officer shall not sell, destroy or otherwise dispose of an impounded dog until the following conditions are met:

- a) After a dog is retained in the Pound for;
 - (i) Seventy-two (72) hours after the owner has received notice or is deemed by the By-Law Enforcement Officer to have received notice that the dog is in the Pound, when the name and address of the owner are known; or
 - i. Seventy-two (72) hours if the name and address of the owner are not known or unless a person having the authority orders the retention or the disposal of the dog, or the owner of the dog makes arrangements with the By-Law Enforcement Officer for the further retention of the dog or the By-Law Enforcement Officer may cause the dog to be sold, destroyed or otherwise disposed of;
 - ii. If a dog, in the opinion of the By-Law Enforcement Officer or veterinarian appears to be a purebred dog or if it bears an obvious identification device, tattoo, brand, mark, tag, or license, the applicable retention time is raised to ten (10) days as per the Alberta Animal Protection Act.
- b) The By-Law Enforcement Officer may retain a dog for a longer period if in his/her opinion the circumstances warrant the expense.

- c) The purchaser of a dog from the Pound pursuant to the provisions of this subsection shall obtain full right and title to it and the right and title of the former owner of the dog shall cease thereupon.
- d) When a dog is found to be ill, in distress or has been injured and it has been determined by a veterinarian or their designate that the dog should be destroyed to prevent needless suffering, the dog may be destroyed as soon as practical.

14) CONTROLLED CONFINEMENT

- (a) A person who has received a serious wound or the Owner of any animal which has received a serious wound and the Owner of a dog which has inflicted the serious wound shall promptly report the dog to a By-law Enforcement 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 registered veterinarian.
At the discretion of the By-law Enforcement Officer, such controlled confinement may be on the premises of the Owner, a registered veterinarian within the Municipality or the Dog Shelter.
- (b) Upon demand made by the By-law Enforcement Officer, the Owner shall forthwith surrender for quarantine any dog which has inflicted a serious wound to any person or any animal which the Enforcement Officer has reasonable and probable grounds to suspect of having been exposed to rabies.
The dog may be reclaimed by the Owner:
 - (i) if adjudged free of rabies; and
 - (ii) upon payment of confinement expenses;

15) RESTRICTED DOGS

- (a) The Owner of a Restricted Dog shall not allow the dog to run at large;
- (b) The Owner of a Restricted Dog shall take all necessary steps to ensure that it does not chase or threaten any person, domestic animal, bicycle or motor vehicle, whether the person or animal is on the property of the Owner or not;
- (c) The Owner of a Restricted Dog shall take all necessary steps to ensure that it does not bite or attacks a person or animal;
- (d) When a Restricted 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 sixteen (16) years, 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 Dog and to prevent the entry of persons unauthorized by the Owner. 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) centimetres.
- (e) When a Restricted 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 person or domestic animal. This requirement shall not apply when the Dog is in a building or enclosure in attendance at a bona fide dog show or confined in a pen meeting the requirements of Section 15 (d).

- (f) The Owner of a dog, which the Owner knows or ought to know is a Restricted Dog, shall keep the Restricted Dog in accordance with the provisions of Section 15 (a) and (b);
- (g) If the Animal Shelter keeper or a By-law Enforcement Officer determines on reasonable grounds that a dog is a Restricted Dog, either through personal observation or on the basis of facts determined after an investigation initiated by a complaint, he may:
 - (i) give the Owner a written notice that the dog has been determined to be a Restricted Dog; and
 - (ii) require the Owner to keep such dog in accordance with the provisions of Section 15 (a) of this By-Law upon the Owner's receipt of the notice; and
 - (iii) inform the Owner that if the Restricted Dog is not kept in accordance with Section 15 (a) of this By-Law, the Owner will be fined, or subject to enforcement action pursuant to Section 15 of this By-Law.
- (h) Where the Owner of a dog that has been determined to be a Restricted Dog produces information to the By-law Enforcement Officer that may alter a determination made under Section 15, the By-law Enforcement Officer shall, as soon as is reasonably possible, cause the matter to be reviewed and make a final determination.
- (i) If a Restricted Dog is impounded by the County for any offense under this By-Law, a By-law Enforcement Officer may order that the Dog remain in the custody of the County Animal Shelter until the completion of the court process

16) PENALTIES – VOLUNTARY PAYMENT TICKETS

- a) Where a By-Law Enforcement Officer believes that a person has contravened any provision of this By-law, he/she may serve upon such person a violation ticket provided by this Section either personally or by leaving it for the person at the person's residence with another person who appears to be at least eighteen (18) years of age and such service shall be adequate for the purpose of this By-law;
- b) A violation ticket shall be in such form as determined by the County and shall state the Section of the By-Law which was contravened and the amount which is provided in **Schedule "B"** or **Schedule "C"** that will be accepted by any Provincial Courthouse in the Province of Alberta in lieu of prosecution;
- c) Notwithstanding the provisions of this Section, a person to whom a violation ticket has been issued pursuant to this Section may exercise his/her right to defend any charge of committing a contravention of any of the provisions of this By-Law.

17) SUMMARY CONVICTION

- a) A person who contravenes a provision of this By-Law by doing something which he/she is prohibited from doing, by failing to do something which he/she is required to do or by doing something in a manner different from that in which he/she is required or permitted to do by this By-Law, is guilty of an offence and liable upon summary conviction to a fine for any other offence under this By-Law or upon failure to pay the fine and costs to imprisonment for a period not exceeding ninety (90) days unless such fine and costs of committal are sooner paid;
- b) The levying and payment of any fine or the imprisonment for any period provided in the By-Law shall not relieve a person from the necessity of paying any fee, charges or costs for which he/she is liable under the provisions of this By-Law;
- c) A Provincial Judge, in addition to the penalties provided in this Section may, if he/she considers the offence sufficiently serious, direct or order the person that owns, keeps, maintains or harbors a dog to stop the dog from doing mischief or causing the disturbance or a nuisance complained of, have the dog removed from the County or to have the dog destroyed or otherwise disposed of.

18) SEVERABILITY PROVISION

If any provision of this By-Law is held to be invalid by a decision of a court of competent jurisdiction, that decision will not affect the validity of the remaining portions.

19) BYLAW 2017/35 HEREBY REPEALS BYLAW 2015/03 AND ALL AMENDING BY-LAWS.

This By-Law and the schedules shall come into force and effect on the final date of passing thereof.

READ: A First time this, 18th day of July A.D., 2017

READ: A Second time this 18th day of July A.D., 2017

READ: A Third time and finally passed this 18th day of July A.D., 2017

REEVE

CHIEF ADMINISTRATIVE OFFICER

SCHEDULE "A" OF BY-LAW 2017/35

Amount(s) to be paid to the County of Wetaskiwin No. 10 by owner of dog in order to reclaim dog at the Pound.

1. Impoundment Fees - Regular Pound Rate
2. Care and Sustenance - Regular Board Rate
3. Destruction of Dog costs - Amount Expended
4. Fee for By-Law Enforcement Officer and equipment - Current Rate.
5. Government Sales Tax - Federal Government Rate

SCHEDULE "B" OF BY-LAW 2017/35

Amount which will be accepted by the County of Wetaskiwin No. 10 in lieu of prosecution.

| INFRACTION | FIRST OFFENSE | SECOND OFFENSE | CONTINUING OFFENSE |
|--|----------------------|-----------------------|---------------------------|
| 6 a. Permit dog to run at large | \$250.00 | \$400.00 | \$500.00 |
| 6 b. Failure to remove defecation | \$250.00 | \$400.00 | \$500.00 |
| 6 c. Allow dog to urinate or defecate on private property | \$250.00 | \$400.00 | \$500.00 |
| 6 d. Permit dog to bark or howl | \$250.00 | \$400.00 | \$500.00 |
| 6 e. Damage to public or private property | \$250.00 & costs | \$400.00 & costs | \$500.00 & costs |
| 6 f. Chase or threaten a person, domestic animal, bicycle or motor vehicle | \$400.00 | Schedule "C" | Schedule "C" |
| 6 g. Attack, bite or harasses a person or animal | \$500.00 | Schedule "C" | Schedule "C" |
| 6 h. Improper care of dog | \$500.00 | Court | Court |
| 6 i. Secure enclosure not maintained | \$250.00 | \$400.00 | \$500.00 |
| 6 j. Owning too many dogs | \$250.00 | \$400.00 | \$500.00 |
| 7 a. Communicable disease offences | \$500.00 | Court | Court |
| 8. Tormenting or negligence to dog | \$500.00 | Court | Court |
| 10. Interfere with enforcement | \$500.00 | Court | Court |

SCHEDULE "C" OF BY-LAW 2017/35

Amount which will be accepted by the County of Wetaskiwin No. 10 in lieu of prosecution for cases involving Restricted Dogs as per **Section 2(t)** of this By-law

| INFRACTION | FIRST OFFENSE | SECOND OFFENSE | CONTINUING OFFENSE |
|--|----------------------|-----------------------|---------------------------|
| 15 a. Permit dog to run at large | \$500.00 | \$1,000.00 | \$2,000.00 |
| 15 b. Chase or threaten a person or domestic animal | \$2,000.00 | \$4,000.00 | \$8,000.00 |
| 15 c. Bite person or animal | \$3,000.00 | Court | Court |
| 15 d. Fail to confine Restricted Dog when on the premise of owner | \$500.00 | \$1,000.00 | Court |
| 15 e. Failure to muzzle or secure Restricted dog when off premise of owner | \$500.00 | \$1,000.00 | Court |