



BYLAW 2022/31

BYLAW 2022/31 is a Bylaw of the County of Wetaskiwin No. 10 in the Province of Alberta regarding the regulation and control of dogs 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, provides that a Municipal Council may enact a Bylaw 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:**

1.1 This Bylaw be cited as "The Dog Control Bylaw".

2. **DEFINITIONS:** In the Bylaw, unless the context otherwise requires:

2.1 "Animal" means a pet, being a dog, cat, or other tame animal or birds which serve some purpose for its owner or others, or livestock, which includes, but not limited to alpacas, bison, cattle, donkeys, goats, horses, llamas, mules, sheep, and swine.

2.2 "At-Large" means off the premises of the owner and not under the control of any person.

2.3 "Enforcement Officer" shall mean:

2.3.1. 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's Bylaw;

2.3.2. a Community Peace Officer as defined under the Peace Officer Act, SA 2006, Chapter P-3.5;

2.3.3. a member of the Royal Canadian Mounted Police (RCMP);
or

2.3.4. a Fish and Wildlife Officer appointed under the Wildlife Act (Alberta).

2.4 "Communicable Diseases" means diseases that can be passed from dog to dog or from dog to person.

2.5 "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 or harm any person or animal.

2.6 "Convicted" means found guilty in a court of law of an offence in Schedule "B" or Schedule "C" of this Bylaw.

2.7 "County" means the County of Wetaskiwin No. 10.

2.8 "Day" means a continuous period of twenty-four (24) hours.

2.9 "Dangerous Dog" means any dog that is:

2.9.1. Believed on reasonable and probable grounds to have attacked or bitten any person or animal; or

2.9.2. Has been determined to be a Dangerous Dog under the Dangerous Dog Act or similar legislation; or

2.9.3. Has been declared a Dangerous Dog by the Assistant Chief Administrative Officer.

2.10 "Development Officer" means a person appointed under Section 624 pursuant to the *Municipal Government Act*, RSA 2000, Chapter M-26.



- 2.11 "Dog" means any member of the canine family of either sex, commonly described and known as a dog.
- 2.12 "Land Use Bylaw" means the County's Land Use Bylaw, as amended or replaced from time-to-time.
- 2.13 "Livestock Dog" means a dog used specifically for the purpose of protecting and caring for livestock.
- 2.14 "Owner" means any person, partnership, association, or corporation:
 - 2.14.1 Owning, possessing, or having charge of or control over any dog;
 - 2.14.2 Person who at the time of impoundment was the owner of a dog which has subsequently been sold or destroyed;
 - 2.14.3 Harboring any dog; or
 - 2.14.4 Suffering or permitting any dog to remain about his house or premises.
- 2.15 "Owner's Property" means any property in which the Owner of a 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 following, land, buildings, and vehicles.
- 2.16 "Pound" means the compound established for the impounding of dogs as set out in this Bylaw.
- 2.17 "Restricted Dog" means any dog which has been convicted of attacking or biting a person or animal under the County of Wetaskiwin Dog Control Bylaw.
- 2.18 "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 for the entry of young children.
- 2.19 "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.
- 3. **NUMBER OF DOGS:**
 - 3.1 No more than four (4) dogs over the age of six (6) months shall be allowed to remain upon or in any land, house, shelter, room, place, building, structure, or premises within the County unless:
 - 3.1.1 The Owner is the holder of a valid and subsisting Development Permit for a Kennel within the County as per Section 4; or
 - 3.1.2 The Owner is the holder of a valid and subsisting Development Permit for a Veterinary Clinic as per Section 5; or
 - 3.1.3 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
 - 3.1.4 The County has authorized temporary approval for the purpose of a dog show.



- 3.2 Any person(s) who keeps or harbors any dog not in compliance with this Section is in contravention and guilty of an offence.
4. **KENNEL:**
- 4.1 Notwithstanding Section 3, the Development Officer may issue to an Owner a Development Permit for a Kennel in accordance with the Land Use Bylaw. Accordingly, all Kennels shall be subject to the Kennel Regulations as written in the Land Use Bylaw and failure to obtain an approval of a Development Permit for a Kennel may be subject to an offense under Section 6.
5. **VETERINARY CLINIC, DOG TRAINING OR ANIMAL GROOMING FACILITY:**
- 5.1 Notwithstanding Section 3, the Development Officer will may issue to an Owner a Development Permit for a veterinary clinic, dog training or animal grooming facility in accordance with the provisions of the Land Use Bylaw. 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.
6. **OFFENSES AND RESPONSIBILITY OF OWNER:**
- 6.1 The Owner of a dog or dogs is guilty of an offence if any of the following occurs:
- 6.1.1 The dog(s) runs at-large;
- 6.1.2 The dog(s) 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;
- 6.1.3 The dog(s) urinates or defecates 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;
- 6.1.4 The dog(s) excessively barks or howls, so as to disturb any person, with the exception of Livestock Dogs;
- 6.1.5 The dog(s) damages in any way public or private property;
- 6.1.6 The dog(s) attacks or bites any person or animal;
- 6.1.7 The dog(s) is subjected, at the discretion of the 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; or
- 6.1.8 The Owner owns or is in possession of five (5) or more dogs over the age of six (6) months without an approved Development Permit or is not a holder of a temporary use Development Permit for dog show;
- 6.2 Owners will be given thirty (30) days to rectify the offense before a second charge is considered.
7. **COMMUNICABLE DISEASES:**
- 7.1 An owner of a dog or dogs which is suffering from a communicable disease:



- 7.1.1 Shall not permit the dog to be in any public place;
- 7.1.2 Shall not keep the dog in contact with or in proximity to any other animal free of such disease; and
- 7.1.3 Shall keep the dog securely enclosed or tied up.

8. TORMENT AND NEGLIGENCE:

- 8.1 No person shall:
 - 8.1.1 Untie, loosen, or free a dog which has been tied or otherwise restrained;
 - 8.1.2 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
 - 8.1.3 Tease, torment, or annoy a dog.

9. ANIMAL CONTROL AUTHORITY:

- 9.1 An Enforcement Officer may capture and impound any dog:
 - 9.1.1. If there is reasonable grounds to believe an offence under this Bylaw is being, or has been committed;
 - 9.1.2. 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; or
- 9.2 An Enforcement Officer may enter onto private land 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:
 - 9.2.1 After reasonable notice to the owner or occupant of the land;
 - 9.2.2 With the consent of the owner or occupant of the land; or
 - 9.2.3 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:

- 10.1 No person whether or not they are the owner of a dog which is being or has been pursued or captured shall:
 - 10.1.1 Interfere with or attempt to obstruct an Enforcement Officer in pursuit of their duties;
 - 10.1.2 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;
 - 10.1.3 Falsely represent themselves as being in charge or control of a dog so as to establish that the dog is not running at-large; or
 - 10.1.4 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:

- 11.1 An Enforcement Officer will make a reasonable effort to identify the Owner(s) of a dog. When an Enforcement Officer knows the



name of the Owner(s) of an impounded dog, they 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:

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

12.1.1 Paying to the County the fee or fees owing as set out in Schedule "A" of this Bylaw; and

12.1.2 Paying the fee or fees owing as set out in Schedule "B" and/or Schedule "C" of this Bylaw.

13. DISPOSAL:

13.1 An Enforcement Officer shall not sell, destroy, or otherwise dispose of an impounded dog until:

13.1.1 The dog is held for seventy-two (72) hours, excluding weekends and statutory holidays, if the owner is not known;

13.1.2 The dog is held for seventy-two (72) hours, excluding weekends and statutory holidays, after a known owner has been given notice, or deemed to have received notice, that the dog is in the Pound; or

13.1.3 The dog is held for ten (10) days, excluding weekends and statutory holidays, if, in the opinion of the Enforcement Officer or veterinarian, the dog appears to be a purebred dog or if it bears an obvious identification device, tattoo, brand, mark, tag, or license.

13.2 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.

13.3 An Enforcement Officer may retain a dog for a longer period, if in their opinion the circumstances warrant the expense.

13.4 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.

14. CONTROLLED CONFINEMENT:

14.1 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 an 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.

14.2 At the discretion of the Enforcement Officer, such controlled confinement may be on the premises of the Owner, a registered veterinarian within the Municipality or the Dog Pound.

14.3 Upon demand made by the 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.



14.4 The dog may be reclaimed by the Owner:

14.4.1 if adjudged free of rabies; and

14.4.2 upon payment of confinement expenses.

15. DETERMINATION OF DANGEROUS DOG:

15.1 If an Enforcement Officer believes on reasonable and probable grounds that a dog has:

15.1.1 attacked or bitten any person or animal; or

15.1.2 been previously determined to be a Dangerous Dog under the Dangerous Dog Act, R.S.A 2000 c D-3, or similar legislation from another Municipality, Province, or Country,

the Enforcement Officer may seize and impound the dog and/or recommend to the Assistant Chief Administrative Officer that the dog be declared Dangerous.

15.2 Upon receipt of a recommendation from an Enforcement Officer, the Assistant Chief Administrative Officer may declare the dog to be dangerous and impose conditions on the dog owner that may include any one or more of the following:

15.2.1 The Owner of a Dangerous Dog is guilty of an offence if the dog runs at-large;

15.2.2 The Owner of a Dangerous Dog shall take all necessary steps to ensure that it does not bite or attack a person or animal; or

15.2.3 When a Dangerous 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 animal.

15.3 If the Assistant Chief Administrative Officer has declared a dog to be Dangerous, written notification shall be provided to the dog's Owner advising them:

15.3.1 That the dog has been declared a Dangerous Dog;

15.3.2 Of any conditions imposed regarding the keeping of the dog, effective upon the Owner's receipt of the notice; and

15.3.3 That if the Dangerous Dog is not kept in accordance with Section 15 of this Bylaw, the Owner will be fined, or subject to enforcement action pursuant to Section 15 of this Bylaw.

15.4 A person who receives a Dangerous Dog Notice may appeal the declaration or imposing conditions by giving written notice of the appeal and the reasons therefore to the Chief Administrative Officer within ten (10) days of receiving the declaration;

15.5 During the appeal period and until final disposition has been given, the dog owner shall ensure that the dog subject to the declaration is muzzled at all times when off the property of the owner;

15.6 Upon receipt of an appeal pursuant to Subsection 15.4, the Chief Administrative Officer shall coordinate a hearing to allow for the dog owner to give evidence and justification for overturning the Dangerous Dog declaration;



- 15.7 The Chief Administrative Officer will review and hear both the evidence and information provided by the dog owner as well as evidence and information provided by the Enforcement Officer including any witnesses that are deemed to have any relevant evidence or information about the dog's behavior;
- 15.8 At the end of the hearing the Chief Administrative Officer can remove, uphold, or alter the original Dangerous Dog declaration. The dog owner shall be notified of the decision in writing;
- 15.9 The owner of a dog declared Dangerous pursuant to this Bylaw shall obey and abide by all the conditions imposed pursuant to Section 15 of this Bylaw; and
- 15.10 The Owner shall immediately notify County Enforcement if a Dangerous Dog is at-large.
16. **RESTRICTED DOGS:**
 - 16.1 If the Enforcement Officer determines that a dog is a Restricted Dog after having been convicted of attacking or biting a person or animal under the County of Wetaskiwin Dog Control Bylaw they may:
 - 16.1.1 Give the Owner a written notice that the dog has been determined to be a Restricted Dog; and
 - 16.1.2 Require the Owner to keep such dog in accordance with the provisions of Section 16 of this Bylaw upon the Owner's receipt of the notice; and
 - 16.1.3 Inform the Owner that if the Restricted Dog is not kept in accordance with Section 16 of this Bylaw, the Owner will be fined, or subject to enforcement action pursuant to Section 16 of this Bylaw.
 - 16.2 The Owner of a Restricted Dog is guilty of an offence if the dog runs at-large;
 - 16.3 The Owner of a Restricted Dog shall take all necessary steps to ensure that it does not bite or attack a person or animal;
 - 16.4 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:
 - 16.4.1 Have a secure bottom effectively attached to the sides; or
 - 16.4.2 The sides shall be embedded in the ground to a minimum depth of thirty (30) centimetres.
 - 16.5 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 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 16.4;
 - 16.6 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 16;



- 16.7 The owner of a dog determined to be a Restricted Dog will be required to post a "Dangerous Dog Sign" on their property. The sign must have a white background and be no less than thirty (30) centimetres tall, no less than twenty (20) centimetres wide and have the warning statement in a red background with white block letters, stating "Warning Dangerous Dog";
- 16.8 If a Restricted Dog is impounded by the County for any offense under this Bylaw, an Enforcement Officer may order that the Dog remain in the custody of the County Animal Pound until the completion of the court process; and
- 16.9 The Owner shall immediately notify County Enforcement if a Restricted Dog is at-large.
- 17. PENALTIES:**
- 17.1 Where an Enforcement Officer believes that a person has contravened any provision of this Bylaw, they may serve upon such person a Violation Ticket provided by this Section personally upon the person charged;
- 17.2 In cases of repeated offences, continuing offences, or public interest, an Enforcement Officer may serve upon such person a Violation Ticket provided by this Section personally upon the person charged, or by leaving it 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 Bylaw;
- 17.3 A violation ticket shall be in such form as determined by the County and shall state the Section of the Bylaw 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; and
- 17.4 Notwithstanding the provisions of this Section, a person to whom a violation ticket has been issued pursuant to this Section may exercise their right to defend any charge of committing a contravention of any of the provisions of this Bylaw.
- 17.5 Any person who violates any provision of this Bylaw is guilty of an offence and is liable on summary conviction to:
- 17.5.1 For a first offence, to a fine of not more than Three Thousand Two Hundred and Fifty (\$3,250.00) dollars,
- 17.5.2 For a second or subsequent offence within twelve (12) months, to a fine of not less than Five Hundred (\$500.00) dollars and not more than Four Thousand Two Hundred and Fifty (\$4,250.00) dollars.
- 17.6 A court of jurisdiction, in addition to the penalties provided in this Section may, if they consider 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:**
- 18.1 If any provision of this Bylaw 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. REPEAL AND EFFECTIVE DATE:

19.1 This Bylaw shall repeal Bylaw 2019/06 and all amending Bylaws.

19.2 This Bylaw and the schedules shall come into force and effect on the final date of passing thereof.

READ: First time this 28th day of June 2022

READ: A Second time this 28th day of June 2022

READ: A Third time and finally passed this 28th day of June 2022

Previously Signed

REEVE

Previously Signed

CHIEF ADMINISTRATIVE OFFICER



Schedule "A"

Amount(s) to be paid to the County of Wetaskiwin No. 10 by the Owner of the dog in order to reclaim the dog from 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 Enforcement Officer and Equipment - Current Rate.
5. Government Sales Tax - Federal Government Rate



Schedule "B"

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

Section	Infraction	OFFENSES		
		First	Second	Continuing
6.1.1	Dog runs at- large	\$250.00	\$400.00	\$500.00
6.1.2	Failure to remove defecation	\$250.00	\$400.00	\$500.00
6.1.3	Dog urinates or defecates on private property	\$250.00	\$400.00	\$500.00
6.1.4	Dog barks or howls excessively	\$250.00	\$400.00	\$500.00
6.1.5	Damage to public or private property	\$250.00 & costs	\$400.00 & costs	\$500.00 & costs
6.1.6	Attacks or bites a person or animal	\$500.00	Schedule "C"	Schedule "C"
6.1.7	Improper care of dog	\$500.00	Court	Court
6.1.8	Owning too many dogs	\$250.00	\$400.00	\$500.00
7.	Communicable disease offences	\$500.00	Court	Court
8.	Torment or neglect a dog	\$500.00	Court	Court
10.1.1	Interfere/obstruct enforcement	\$500.00	Court	Court
10.1.2	Induce/assist a dog to escape capture	\$500.00	Court	Court
10.1.3	Falsely represent control/ownership of a dog to evade at-large charges	\$500.00	Court	Court
10.1.4	Release captured dog from impound vehicle	\$500.00	Court	Court



Schedule "C"

Amount which will be accepted by the County of Wetaskiwin No. 10 in lieu of prosecution for cases involving Dangerous or Restricted Dogs as per Section 2.9 and 2.17 of this Bylaw.

Section	Infraction	OFFENSES		
		First	Second	Continuing
15.2.1	Dog runs at-large	\$500.00	\$1,000.00	\$2,000.00
15.2.2	Attacks or bites any person or animal	\$3,000.00	Court	Court
15.2.3	Failure to muzzle or secure Dangerous dog when off premise of owner	\$500.00	\$1,000.00	Court
15.10	Owner fails to notify Dangerous Dog at-large	\$1,000.00	Court	Court
16.2	Dog runs at-large	\$750.00	\$1,250.00	\$2,250.00
16.3	Bite or attack a person or animal	\$3,250.00	Court	Court
16.4	Fail to confine Restricted Dog when on the premise of owner	\$750.00	Court	Court
16.5	Failure to muzzle or secure Restricted dog when off premise of owner	\$750.00	Court	Court
16.7	Owner fails to display Dangerous dog sign	\$500.00	\$1,000.00	\$2,000.00
16.9	Owner fails to notify Restricted Dog at-large	\$1,250.00	Court	Court