

BYLAW 1352/15

DOG CONTROL

STURGEON COUNTY, MORINVILLE, ALBERTA

A BYLAW OF STURGEON COUNTY IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE LICENSING, REGULATING AND CONFINEMENT OF DOGS.

WHEREAS, the Municipal Government Act, R.S.A. 2000 C.M-26, and amendments thereto authorize Council to establish and adopt bylaws.

AND WHEREAS the Council of Sturgeon has deemed it necessary to regulate dogs being At Large, to provide for the licensing of dogs, and to provide for the confinement of certain dogs within the said County;

NOW THEREFORE BE IT RESOLVED, the Council of Sturgeon County duly assembled, hereby enacts as follows:

Section 1 Title and Application

- 1.1 This Bylaw may be cited as the "Dog Control Bylaw".
- 1.2 This Bylaw shall apply to the whole of Sturgeon County, with the exception of section 3 hereof_which shall apply only to all land within Sturgeon County that is within the boundaries of all Hamlets and Country Residential Subdivisions; and CFB Edmonton

Section 2 Definitions

- 2.1 "Animal Control Officer" means the person or persons appointed as such from time to time by the County Commissioner, to do any act or perform any duties under this Bylaw and includes a member of the Royal Canadian Mounted Police, Peace Officer and a Bylaw Enforcement Officer.
- 2.2 "At Large" when used in reference to a dog, means a dog that is not on or within the property of the dog's Owner, unless the dog is restrained by a Permitted Leash, and under the effective control of a person.
- 2.3 "County" means Sturgeon County.
- 2.4 "Damage to Public or Private Property" may include defecating and/or urinating on such property.
- 2.5 "Designated Leashed Area" means any County land designated by Council, posted by signs, where all dogs are required be on a Permitted Leash.

- 2.6 "Dog Handler" means a person who is responsible for a dog, and is capable of restraining the size and strength of the particular animal.
- 2.7 "Domestic Animal" means an animal which has been habituated to live and breed in a tame condition, in or about the habitations of people.
- 2.8 "Enforcement Services Committee" means a committee comprised of an Animal Control Officer and two (2) Peace Officers.
- 2.9 "Kennel/Rescue Group" means any place owned by any person, group of persons, or corporation engaged in the commercial business of breeding, buying, selling or boarding dogs, where permitted under the County Land Use Bylaw No. 819/96 as amended.
- 2.10 "Motor Vehicle" means:
- (a) A vehicle propelled by any power other than muscular power; or
 - (b) A moped,
- but does not include a bicycle, a power bicycle, an aircraft, an implement of husbandry or a Motor Vehicle that runs on rails.
- 2.11 "Municipal Dog Shelter" means the premises designated by the County for the purpose of impounding and caring for all dogs found to be At Large in violation of this Bylaw.
- 2.12 "OHV" means Off Highway Vehicles as defined by the Traffic Safety Act, R.S.A. 2000, c.T-6
- 2.13 "Owner" means and includes any person owning, possessing, having the charge or control over, harboring, suffering or permitting any dog to remain about his house or property.
- 2.14 "Permitted Leash" means a leash used to restrain a dog which is sufficiently strong for that purpose and does not exceed two (2) metres in length; but in no event shall an electronic leash be considered a Permitted Leash.
- 2.15 "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.
- 2.16 "Public Property" means any property within the County owned or occupied by the Government of Canada, Government of Alberta or by the County or otherwise under the control and management of the County.
- 2.17 "Service Dog" means a service dog as defined in the Service Dogs Act, S.A. 2007, c. S-7.5.

- 2.18 "Serious Wound" means an injury caused by a dog which results in skin being bruised, broken or flesh being torn.
- 2.19 "S.P.C.A." means The Society for Prevention of Cruelty to Animals;
- 2.20 "Trespasser" means as defined in the Petty Trespass Act, R.S.A. 2000, c. P-11.
- 2.21 "Vicious Dog" means a dog which in the opinion of the Enforcement Services Committee constitutes a Vicious Dog under Section 5 hereof.
- 2.22 "Violation Tag" means a Violation Tag issued under the authority of the County which complies with subsection 10.3 hereof.
- 2.23 "Violation Ticket" means a Violation Ticket issued pursuant to the provisions of the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34 ("POPA"), or the regulations thereunder.

Section 3 Responsibilities of Owners

THAT RESIDE WITHIN THE BOUNDRIES OF ALL HAMLETS, COUNTRY RESIDENTIAL SUBDIVISIONS AND CFB EDMONTON

- 3.1 No person shall own, keep or harbor any dog unless such dog is licensed as herein provided.
- 3.2 The owner of every dog shall each year pay to the County the appropriate license fee, as set out in Schedule "A", attached hereto.
- 3.3 The owner of every dog shall between the first and thirty first day of January in each year, obtain a license for the current year.
- 3.4 Every person who becomes the owner of a dog that is not currently licensed in accordance with this Bylaw, shall register his/her dog(s), and pay the license fee herein provided, within thirty (30) days after becoming the owner of the said dog.
- 3.5 Dog Owners shall provide the County with the following information with each application for a dog license:
- (a) Name and address of the Owner;
 - (b) Name and description of the dog to be licensed; and
 - (c) Such other relevant and necessary information as may be required by the County in respect to the application.

- 3.6 Upon payment of the required license fee the Owner will be supplied with a metal license tag stamped with a number.
- 3.7 Every Owner shall ensure that the license tag is securely fastened to a choke chain, collar, or harness which must be worn by the dog at all times whenever the dog is on any place other than the property of the dog Owner.
- 3.8 The provisions of subsections 3.1 to 3.7 inclusive shall not apply to persons temporarily in the County for a period not exceeding (2) two weeks, nor to holders of a valid development permit issued pursuant to the Land Use Bylaw 819/96 and amendments thereto, authorizing operation of a Kennel/Rescue Group.
- 3.9 No Dog shall be at Large, the owner of any dog found at Large shall have committed an offence under this Bylaw.
- 3.10 The Owner of a female dog shall keep such female dog housed and confined in a building during the whole period such female dog is in heat, except that she may be allowed outside the said building for the sole purposes of defecating or urinating on the property of the Owner.
- 3.11 No dog shall cause Damage to Public or Private Property in the County. The Owner of any dog found causing Damage to Public or Private Property shall have committed an offence under this Bylaw.
- 3.12 No person shall keep more than three (3) dogs unless:
- (a) Those dogs are less than six (6) months of age; or
 - (b) The person has obtained a development permit authorizing the person to keep more than three (3) dogs on that parcel of land.
- 3.13 If a dog defecates on public property, or on private property other than the property of its owner, the dog owner shall cause such defecation to be removed immediately and an Owner who fails to cause such defecation to be removed is guilty of an offence.
- 3.14 No owner shall allow defecation to remain on the owner's property to such an extent that it results in excessive odour. An owner shall immediately remove any defecation from the owner's property upon notice from an Animal Control Officer.

Section 4 Nuisance

- 4.1 An Owner of a dog that:
- (a) Howls or barks excessively or in a manner to interfere with the use and or enjoyment of one's property; or

- (b) Which without provocation, bites, attempts to bite, barks at, chases any person on a bicycle, on horseback, a person while walking or running, on an OHV, motor vehicle or otherwise attempts to threaten any person, domestic animal, or livestock whether on the Owner's property or not; or
- (c) Does any other act which causes harm, damage, or injury to another dog, person, domestic animal, livestock or property.

shall have committed an offence under this Bylaw.

Section 5 Vicious Dogs

5.1 An Enforcement Services Committee may declare any dog to be a Vicious Dog if:

- (a) Any dog, in the opinion of the Enforcement Services Committee, has a propensity, tendency or disposition to attack, without provocation, other Domestic Animals, or humans; or
- (b) Any dog which, has without provocation, chased, injured, or bitten any human, domestic animal, or livestock; or
- (c) Any dog which, has without provocation, damaged or destroyed, any public or private property; or
- (d) Any dog which, has without provocation, threatened or created the reasonable apprehension of threat to another human, domestic animal or livestock; and which in the opinion of the Enforcement Services Committee presents a threat of serious harm to humans, domestic animals or livestock; or
- (e) Any dog which has been previously declared to be a Vicious Dog; or
- (f) The committee determines, on reasonable grounds, either through personal observations, or based upon facts determined after an investigation, that the dog is vicious.

5.2 Any dog subject to an order or direction of a Judge or Justice, pursuant to the *Dangerous Dogs Act* R.S.A. 2000, c. D-3, as amended, is by virtue of that order a Vicious Dog and subject to all the conditions imposed by this bylaw.

5.3 A dog shall not be declared vicious solely because it attacks or bites a Trespasser on the property of its Owner, or property controlled by him or her.

5.4 Upon a dog being declared to be a Vicious Dog, an Animal Control Officer:

- (a) Shall give the Owner written notice by personnel service or by mail to the address on County record within (15) days of such determination;

- (b) Shall require the Owner to keep the Vicious Dog in accordance with the provisions of Section 5 of this Bylaw; and
- (c) Shall inform the Owner that if the Vicious Dog is not kept in accordance with Section 5 of this Bylaw, the Owner will be subject to enforcement action pursuant to this Bylaw.

5.5 An Owner of a Vicious Dog:

- (a) Shall not allow the Vicious Dog to enter Public Property, or private property of which the Owner is not the registered owner, unless the Vicious Dog is muzzled and held and controlled by the Owner, or a person with the Owner's consent, by a Permitted Leash; and
- (b) Shall ensure, at all times, that the Vicious Dog, while on the Owner's property, is confined within a secure enclosure, and such enclosure means a locked 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 any person not in control of the dog and not allow the dog out of the secure enclosure unless muzzled and held and controlled by the Owner, or a dog handler operating with the Owner's consent, by a Permitted Leash; and
- (c) An Owner of a Vicious dog shall within ten (10) days after the dog has been declared Vicious, license the Vicious dog and prior to a Licence being issued, at the Owner's expense will:
 - 1) Have a Veterinarian tattoo or implant an electronic identification microchip in the Animal, if the animal has not had this done.
 - 2) Provide the information contained on the tattoo or in the microchip to the Animal Control Officer.
 - 3) Provide the County with a recent photograph of the dog, and current vaccination and medical history; and
- (d) Shall within five (5) days inform the Animal Control Officer, if the Vicious Dog leaves the County permanently, with the name of the person(s) and legal address where the Vicious Dog has gone; and
- (e) Shall immediately post a sign supplied by Sturgeon County at each entrance of the property alerting the public to the fact that a Vicious dog is located on the premises. The first two (2) signs will be supplied free of charge, additional signs will be available at the expense of the land or dog owner; and
- (f) Which without provocation, bites, attempts to bite, barks at, chases any person on a bicycle, on horseback, a person while walking or running, on a OHV, or otherwise attempts to threaten any person, domestic animal, or livestock whether on the Owner's property or not; and

- (g) Shall not allow a Vicious Dog to be At Large; and
- (h) Shall immediately notify the Animal Control Officer should the dog be At Large; and
- (i) Shall ensure license tag is worn when Vicious Dog is off Owner's property.

Section 6 Designated Leash Area

- 6.1 Council may, posted by signs, designate any County land where all dogs are required to be on a permitted leash. The Owner or Dog Handler of any dog found At Large in a Designated Leash Area shall have committed an offence under this by law.

Section 7 Designated Off Leash Area

- 7.1 Council may, posted by signs, designate any County Land or land within the boundaries of any Hamlets and County Residential Subdivision as an off leash area.

Section 8 Controlled Confinement, Rabies or Quarantine Provisions

- 8.1 Any dog which bites a person shall be promptly reported to the Animal Control Officer and may thereupon be quarantined at the direction of the Animal Control Officer and shall not be released from such quarantine except by written permission of the Veterinarian at the Municipal Dog Shelter. At the discretion of the Animal Control Officer such quarantine may be on the premises of the Owner or at the Municipal Dog Shelter. In the case of stray dogs whose ownership is not known such quarantine shall be at the Municipal Dog Shelter.
- 8.2 Upon demand made by the Animal Control Officer, the Owner shall forthwith surrender any dog which has bitten a human, or which is suspected of having been exposed to rabies, for supervised quarantine which expense shall be borne by the Owner, 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 Bylaw.
- 8.3 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 by the Owner or shall be otherwise effectively confined and prevented from being At Large. Any dog found At Large in contravention of this section shall be impounded.
- 8.4 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 shall immediately send the head of such dog to the appropriate Health Department for pathological examination and shall notify the Medical Officer of Health for the County of reports of human contacts, and the diagnosis made of the suspected dog.

- 8.5 During such period of rabies quarantine as herein mentioned, every animal bitten by a dog adjudged to be rabid shall be forthwith destroyed, or at the Owner's expense and option, shall be treated for rabies infection by a licensed Veterinarian or held under quarantine by the Owner in the same manner as other dogs are quarantined.
- 8.6 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, nor remove the same from the County without written permission from the Animal Control Officer.
- 8.7 The carcass of any dead dog exposed to rabies shall, upon demand, be surrendered to the Animal Control Officer.
- 8.8 The Animal Control Officer shall direct the disposition of any dog found to be infected with rabies.
- 8.9 When, in the judgement of a licensed Veterinarian, a dog should be destroyed for humane reasons, such dog may not be redeemed.

Section 9 Powers of an Animal Control Officer

- 9.1 The Animal Control Officer is authorized to capture and impound in the Municipal Dog Shelter, all dogs found in contravention of this Bylaw. He or she is further authorized to take such reasonable measures as necessary to subdue such dogs, including use of tranquilizer equipment and materials. If any such dog is seriously injured, it shall be taken to a Veterinarian for treatment to relieve pain or bleeding, then immediately to the Municipal Dog Shelter.
- 9.2 All impounded dogs shall be kept in the Municipal Dog Shelter for a period of at least seventy-two (72) hours. Sundays and Statutory Holidays shall not be included in the computation of the seventy-two (72) hour period. During this period, any healthy, sick or injured dog may be redeemed by its Owner, upon payment to the County, or its authorized agent of:
- 9.3 At the expiration of the seventy-two (72) hour period, any such dog not redeemed will be surrendered to the Municipal Dog Shelter.
- 9.4 No person shall obstruct an Animal Control Officer appointed to enforce the provisions of this Bylaw, in the performance of any duty authorized by this Bylaw.

Section 10 Offences

- 10.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine as set out in Schedule "A" which is attached hereto as part of this Bylaw.

- 10.2 Notwithstanding section 10.1 of this Bylaw, any person who commits a second or subsequent offence under this Bylaw within one (1) year of committing the first offence shall be liable to a fine of not less than the double sum as set out in item of Schedule "A" which is attached hereto as part of this Bylaw.
- 10.3 Schedule "A" may be amended from time to time by a resolution of Council and any such amendment shall form part of this Bylaw.

Section 11 Violation Tags

- 11.1 An Animal Control Officer is hereby authorized and empowered to issue a Violation Tag to any person who contravenes any provision in this Bylaw.
- 11.2 Such Violation Tag may be issued to such person:
- (a) Either personally or by leaving a copy for him at his last or most usual place of abode; or
 - (b) by mailing a copy to such person to his last known address.
- 11.3 The Violation Tag shall state, *inter alia*:
- (a) The name of the offender;
 - (b) The offence;
 - (c) The appropriate fine for the offence as specified in Schedule "A" of this Bylaw; and
 - (d) That the fine shall be paid within 30 days of the issuance of the Violation Tag.
- 11.4 Where a contravention of this Bylaw is of a continuing nature, further Violation Tags for the same offence may be issued by an Animal Control Officer, provided however, that no more than one Violation Tag shall be issued for each day that the contravention continues.
- 11.5 Where a Violation Tag is issued, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the County the sum specified on the Violation Tag.

Section 12 Violation Ticket

- 12.1 If the fine specified on a Violation Tag is not paid within the prescribed time period, then an Animal Control Officer is hereby authorized and empowered to lay a complaint and issue a Summons by means of a Violation Ticket.

12.2 Nothing in this Bylaw shall prevent an Animal Control Officer from immediately issuing a Violation Ticket

Section 13 Repeal and Coming into Effect

13.1 This Bylaw shall come into effect upon receiving third reading, and being signed in accordance with s. 213 of the MGA.

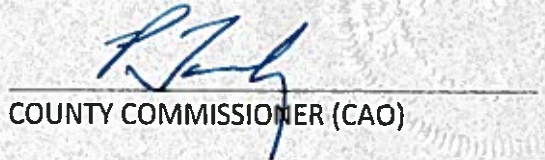
13.2 Upon this Bylaw coming into effect, 1269/11 is hereby repealed.

READ a first time this 26th day of May, 2015.

READ a second time this 10th day of November, 2015.

READ a first time this 10th day of November, 2015.


MAYOR


COUNTY COMMISSIONER (CAO)

If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

**SCHEDULE A
BYLAW 1352/15
LICENSE FEES AND PENALTIES**

The Owner of every dog in the areas described in Section 1 (1.2) and Section 5 shall each year pay to the County the appropriate license fee, being:

	<u>Prior to Sept 1</u>	<u>On or after Sept 1</u>
For each neutered male and spayed female dog	\$20.00	\$10.00
For each unaltered male and female dog	\$30.00	\$15.00
Vicious dog yearly fee if deemed a vicious dog by Sturgeon County	\$ 1,000.00	\$ 1,000.00

*The Owner of a dog which has been duly licensed under this Bylaw may obtain a license tag to replace a tag which has been lost, upon payment of a fee of ten (\$10.00) dollars.

PENALTIES:

Section	Offence	Penalty \$
3.3	Failure to obtain a Dog license.	\$ 250.00
3.7	Failure to ensure that license tag is worn when dog is off the Owner's premises	\$ 100.00
3.9	Permitting a dog to be At Large	\$ 200.00
3.10	Failing to confine and house a female dog in heat	\$ 100.00
3.11	Permitting a dog to Damage Public or Private Property	\$ 200.00
3.12	Exceeding the number of dogs on a parcel of land	\$ 200.00
3.13	Failing to immediately remove a dog's defecation from Private or Public Property	\$ 150.00
3.14	Fail to remove defecation from own property	\$150.00
4 (a)	Permitting a dog to howl or bark excessively	\$ 300.00
4 (b)	Bite, attempt to bite, bark at, any person, chase livestock or other domestic animal.	\$ 1,000.00
4 (c)	Any act to cause harm, damage, or injury	\$ 500.00
5.5 (a)	Fail to muzzle and control Vicious Dog on Private or Public property	\$ 2,000.00
5.5 (b)	Fail to ensure Vicious Dog is confined in secure enclosure	\$ 2,000.00
5.5 (c)	Fail to license a Vicious Dog	\$ 2,000.00
5.5 (d)	Failure to notify Animal Control Officer when Vicious Dog leaves County permanently	\$ 500.00
5.5 (e)	Fail to post sign indicating "Vicious Dog"	\$ 1,000.00
5.5 (f)	Bites, attempt to bite, barks at, chases a person, domestic animal or livestock	\$ 2,500.00

5.5 (g)	Allow Vicious Dog to be At Large	\$ 2,000.00
5.5 (h)	Fail to notify Animal Control Officer of Vicious Dog At Large	\$ 1,000.00
5.5 (i)	Fail to ensure license tag is worn when Vicious Dog is off owners property	\$ 1,000.00
6.1	Fail to have dog on a permitted leash in a designated leash area	\$ 200.00
9.4	Obstruct Animal Control Officer	\$ 1,000.00

The penalty for second or subsequent offence within one (1) year shall be double the amount of the fine for a first offence.