



COUNTY OF BARRHEAD NO. 11
Province of Alberta

BY-LAW NO. 3-2003

Dog Control By-Law

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A BY-LAW OF THE COUNTY OF BARRHEAD NO. 11, in the Province of Alberta, to provide for the control and confinement of dogs and to regulate dogs being 'at large' within the said municipality and rescinding By-Law No. 17-95.

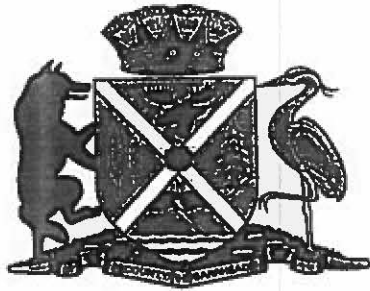
The Council of the County of Barrhead No. 11, in the Province of Alberta, duly assembled, and pursuant to the authority conferred upon it by the Municipal Government Act, RSA 2002, Chapter M-26, and amendments thereto, enacts as follows:

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

Definitions

2. In this By-Law,

- 2.1. "At Large" and "Run at Large" means off the premises of the owner of the dog and not under the immediate physical control by means of a leash, chain or other similar device of a competent and responsible person.
- 2.2. "Council" means the Council of the municipal corporation of the County of Barrhead No. 11.
- 2.3. "County" means the municipal corporation of the County of Barrhead No. 11, in the Province of Alberta.
- 2.4. "Dangerous Dog" means any dog which when either unmuzzled, unleashed or unattended by its owner, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack.
- 2.5. "Day" means a continuous period of twenty four hours.
- 2.6. "Dog" means a male or female animal of the canine species and includes an animal that is a cross between a wolf and a dog or a coyote and a dog or a combination thereof.
- 2.7. "Housed and Confined" means to confine a female dog during the whole period of time that such dog is in heat in such a manner that the dog will not be a source of attraction to the other dogs.
- 2.8. "Kennel" means any place, owned by any person, group of persons, or corporation engaged in the commercial business of breeding, buying, selling training or boarding dogs;
- 2.9. "Officer" means a Special Constable, By-Law Officer, Animal Control Officer, a member of the Royal Canadian Mounted Police, Peace Officer, or any person who is appointed by the Council for the purpose of enforcing this by-law.
- 2.10. "Owner" means a person or corporate body who owns, harbors, possesses, has charge of, control or custody of a dog or permits any dog to remain about their premises.
- 2.11. "Pound" means the place of confinement for impounded dogs as designated by Council from time to time.
- 2.12. "Poundkeeper" means a person or persons appointed by Council to be in charge of the Pound and their authorized servants, agents and employees.



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2.13. "Vicious Dog" means:

- a) any dog with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or other animals on public or private property, or
- b) any dog owned or harboured primarily or in part for the purpose of dog fighting or any dog trained for dog fighting; or
- c) any dog which has been found to be a dangerous dog upon three (3) separate occasions, and

- 3. This By-Law shall be in full force and effect within the areas specified in Schedule "B".
- 4. The Council shall establish a pound for the impounding of dogs captured pursuant to this By-Law, and the Council may make any rules and regulations not inconsistent with the provisions of this By-Law as it considers necessary for the conduct in regulating such pound.
- 5. The Council may appoint a Poundkeeper and other such persons as they deem necessary for the carrying out of the provisions of this By-Law as required and for keeping of the Pound.
- 6. The Council may make arrangements or agreements with the Society for the Prevention of Cruelty to Animals or any other organization or persons for the purpose of capturing and impounding dogs unlawfully at large.

Number of Dogs

- 7. No person residing on a residential parcel of ten (10) acres or less in size shall keep or harbor more than two (2) dogs of whatever sex and aged six (6) months or more at the same time in any house, shelter, room or place within the County, provided this Section shall not apply to premises lawfully used for the care and treatment of dogs operated by and in charge of a licensed veterinarian, nor to premises for which permission by the County has been granted for temporary use for the purpose of a dog show, nor to any person who has been granted a permit to operate a kennel within the County. This section of this by-law does not apply to a visitor having a maximum of two adult dogs at a residence in the County on a temporary basis for a maximum of fourteen days.

Dogs at Large and Prohibitions

- 8. No person who is the owner of a dog shall permit or otherwise allow such dog to be at large or run at large within the jurisdiction of the County.
- 9. Any dog left in a vehicle off the premises of the owner of such dog shall be deemed to be at large unless the dog is contained within an enclosed portion of such vehicle or is securely fastened within and unable to exit that vehicle to any area surrounding the said vehicle.



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10. No person who is the owner of a dog shall permit or otherwise allow such dog to be or become a public nuisance by:
 - 10.1. Biting or chasing a person; or
 - 10.2. Biting, barking at and worrying or chasing livestock, bicycles, automobiles, or other vehicles; or
 - 10.3. Barking, howling, or otherwise disturbing any person; or
 - 10.4. Causing damage to property or other animals.
 11. The person who is the owner of a dog who permits or otherwise allows such dog to defecate on property other than their own shall remove forthwith any defecated matter so deposited.
 12. The person who is the owner of a female dog which is in heat, shall keep such dog housed and confined.
 13. No person shall:
 - 13.1. Untie, loosen or otherwise free a dog which has been tied or otherwise restrained, or
 - 13.2. 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 within the County, or
 - 13.3. Cause unnecessary suffering to a dog by neglect or deprivation nor punish or abuse a dog in a manner or to an extent that is cruel or unnecessary, or
 - 13.4. Tease, torment or annoy a dog, or
 - 13.5. Interfere with or attempt to obstruct an Officer who is attempting to capture or has captured a dog, which is subject to being impounded pursuant to the provisions of this By-Law, or
 - 13.6. Induce a dog to enter a house or other place where it may be safe from capture or otherwise assist a dog to escape capture, or
 - 13.7. Falsely represent himself as being in charge or control of a dog so as to establish that the dog is not at large, or
 - 13.8. Unlock or unlatch or otherwise open a vehicle in which dogs seized for impoundment have been placed, or
 - 13.9. Remove or attempt to remove a dog from the possession or control of the poundkeeper except in accordance with the provisions of this By-Law.
 14. An Officer may capture and impound any dog in respect of which they believe or have reasonable grounds to believe an offence under this By-Law is being or has been committed.
 15. An Officer may enter onto the land surrounding any building in pursuit of any dog which has been at large and should the dog attain the safety of its home, the owner may be charged for allowing the dog to be at large whether possession of the dog is captured by the Officer or not.



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16. The owner of any impounded dog may reclaim such dog from the pound by paying to the Poundkeeper or an Officer all penalties, impoundment fees or other charges as authorized by Council under Schedule "A" contained within this By-Law within seventy two (72) consecutive hours, excluding Saturdays, Sundays or statutory holidays, from the commencement of the impoundment, or within a time period that may be ordered by the Chief Administrative Officer of the County, whichever time period is greater.
17. The Poundkeeper or Officer may sell or destroy a dog
- (a) after the dog has been impounded for seventy two (72) consecutive hours, excluding Saturdays, Sundays or statutory holidays, or
 - (b) after the time period ordered by the Chief Administrative Officer of the County, whichever time period is greater, unless pursuant to Section 7 (2) of the "Animal Protection Act", if in the opinion of the humane society or a peace officer, the animal appears to be a purebred animal, or if it bears an obvious identification tattoo, brand, mark, tag or licence, the applicable time limit under Section 12 shall be ten (10) days after the date on which the animal was impounded.
18. The purchaser of an impounded dog from the pound pursuant to the provisions of this By-Law shall obtain full right and title to the dog and the right and title of the former owner of the dog shall cease thereupon.
19. The Poundkeeper shall report any apparent illness, communicable disease, injury or unhealthy condition of any dog to a veterinarian and act upon their recommendation. The owner, if known, shall be held responsible for all charges resulting.
20. The Chief Administrative Officer of the County, authorized representative, may order
- (a) an extension to the time limitations for which an owner of any impounded dog may reclaim the dog from the pound, or
 - (b) that an impounded dog not be sold or destroyed.
21. A Poundkeeper or Officer at any time may not release a dog from the pound until all fees incurred for the impoundment of such dog are paid to the County in full by cash or certified cheque.

Dangerous Dogs

22. The owner of a dangerous dog who allows or otherwise permits such dangerous dog to be at large is subject to a fine as specified in Schedule "A".

Vicious Dogs

23. No dog shall be deemed vicious pursuant to this by-law if such dog bites, attacks, or menaces a trespasser on the property of its owner provided that such property is posted with warning signs or harms or menaces anyone who has tormented or abused it.



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24. No person shall keep or maintain any dog which is a vicious dog unless such dog is at all times securely kept in an enclosure. The only time that a vicious dog shall be allowed out of its enclosure is:
- 24.1. if it is necessary for the owner to obtain veterinary care for the vicious dog, or
 - 24.2. to sell or give away the vicious dog, or
 - 24.3. to comply with the order of a court of competent jurisdiction.
25. The owner of any dog that has been found to be a vicious dog and such dog is not securely confined to an enclosure shall be guilty of an offence and
- 25.1. in the case of a first offence, be liable to a fine as specified in Schedule "A", or charged under the "Dangerous Dog Act".
 - 25.2. in the case of a second offence and any subsequent offences, be charged under the "Dangerous Dog Act" and an application will be made to the courts to have the dog destroyed.
26. Any owner or keeper of a dog who sells or gives away, or possesses with the intent to sell, any vicious dog shall give written notice to the person who will be receiving the dog that the said dog has been found to be a vicious dog.

Contravention and Penalties

27. A person who contravenes a provision of this By-Law by doing something which he is prohibited from doing, or by failing to do something which he is required to do, or by doing something in a manner different from that in which he is required or permitted to do in this By-Law, is guilty of an offence and shall be liable to receive a violation ticket and penalty as set out in Schedule "A" of this By-Law.
28. The penalty sum stated on the violation ticket shall be accepted by the County in lieu of prosecution for the offence if the amount specified on the violation ticket is paid in full to the County by the date specified on the violation ticket.
29. A Violation Ticket shall be deemed for the purposes of this By-Law to have been duly served upon an owner if it is served as follows
- (a) by registered or certified mail addressed to the owner of the dog concerned to their last known mailing address, or
 - (b) by handing the notice to the owner of the dog concerned or to any adult or person over the age of sixteen (16) at the place of residence of the said owner.
30. The said sums in Schedule "A" shall be accepted by the County in lieu of prosecution for the offence specified on the ticket if the amount specified on the ticket is paid in full to the County by the date specified on the ticket.
31. A person to whom a Violation Ticket has been issued pursuant to this By-Law may exercise his right to defend any charge of committing a contravention any of the provisions to this By-Law.
32. The County Manager or designate may, at his discretion, revoke any penalty or fee levied pursuant to this By-Law.



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33. The County Manager or designate may, at his discretion, order the release of any dog to the owner.
34. The levying and payment of any fine provided in this By-Law shall not relieve a person from the necessity of paying any fees, charges or costs from which he is liable under the provisions of this By-Law.
35. A Provincial Judge, in addition to the penalties pursuant to the provisions of this By-Law, may if he considers the offence sufficiently serious, direct or order the person that owns, keeps, maintains or harbors a dog to prevent such dog from doing mischief or causing the disturbance or a nuisance complained of or to have the animal removed from the County or to have the animal destroyed.

Amendments to Schedule "A" and Schedule "B"

36. Schedule "A" and Schedule "B" of his by-law may be amended by resolution of Council.

Severability Provision

37. Should any provision of this By-Law be invalid then such invalid provision shall be severed and the remaining By-Law shall be maintained.
38. By-Law No. 17-95 is hereby rescinded.
39. This By-Law shall come into full force and upon third and final reading thereof.

FIRST READING GIVEN THIS 20th DAY
OF MAY, 2003.

Lawrence Mills
REEVE

Dale Whitlock Seal
COUNTY MANAGER

SECOND READING GIVEN THIS 3rd
DAY OF JUNE, 2003.

Lawrence Mills
REEVE

Dale Whitlock Seal
COUNTY MANAGER

THIRD READING GIVEN THIS 17th
DAY OF JUNE, 2003.

Lawrence Mills
REEVE

Dale Whitlock Seal
COUNTY MANAGER

SCHEDULE "A"

To County of Barrhead No. 11 By-Law No. 3-2003

Dog Control By-Law

Passed June 17, 2003

1. Penalties to be applied for Offences under By-Law No. 3-2003:

(a) Dogs Running at Large

- (i) A fine of Seventy five (\$75.00) Dollars for the first offence in a calendar year;
- (ii) A fine of One Hundred and Fifty (\$150.00) Dollars for the second offence in a calendar year;
- (iii) A fine of Three Hundred (\$300.00) Dollars for the third and each subsequent offence thereafter in a calendar year.

(b) Dangerous Dog Running At Large

A fine of Three Hundred (\$300.00) Dollars for the first and each subsequent offence.

(c) Vicious Dog Which is Not Confined to an Enclosure

A fine of Five Hundred (\$500.00) Dollars

(d) Contravention of any provision of the By-Law for which a penalty is not specified:

A fine of not less than Seventy Five (\$75.00) Dollars for the first and each subsequent offence in a calendar year.

2. Impoundment Fees shall be:

- (a) For the first and each subsequent impoundment in respect of each dog, the fee shall be charged at 100% of the actual fee imposed by the locally authorized pound for that specific animal, and shall be computed for each day of impoundment, or portion thereof, commencing the day of seizure, in respect of each dog impounded.

SCHEDULE "B"

To County of Barrhead No. 11 By-Law No. 3-2003

Dog Control By-Law

Passed June 17, 2003

By-Law No. 3-2003 shall be in full force and effect within the following areas of the County of Barrhead No. 11:

- a) All Hamlets as established by Ministerial Order or the Council.
- b) The following land use districts as defined in the County of Barrhead No. 11 Land Use By-Law in force and effect from time to time:
 - i) Area Structure Plan District
 - ii) Urban General District
 - iii) Country Residential Restricted District
 - iv) Intermunicipal Plan District