

BYLAW 37-2017 RESPONSIBLE DOG OWNERSHIP BYLAW

Whereas, sections 7 and 8 of the *Municipal Government Act*, RSA 2000, c M-26, permit the Council of a municipality to pass bylaws for municipal purposes in relation to wild and domestic animals and activities in relation to them, and create offences and impose fines and penalties, regulate or prohibit conduct, provide for a system of licensing and the imposition of terms and conditions on licences, impose fees, and provide for appeals;

PART I – PURPOSE, DEFINITIONS AND INTERPRETATION

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| Purpose | 1 The purpose of this bylaw is to establish rules governing dog-related matters within Strathcona County. |
| Citation | 2 This bylaw is cited as the Responsible Dog Ownership Bylaw. |
| Definitions | <p>3 Words in this bylaw have the following meanings:</p> <ul style="list-style-type: none"> (a) “animal” means any live creature, both domestic and wild, and includes fowl, fish and reptiles, but does not include a human; (b) “animal shelter” means a facility contracted by the County for the purposes of housing and providing care for impounded dogs or other animals, collecting fees, and otherwise assisting with the administration of this bylaw, and may include a veterinary clinic; (c) “at large” means a dog that is in a location that is not the owner’s property and which is not being carried by a person or which is not otherwise restrained or under the physical control of a person by means of some form of restraining device securely holding that dog; (d) “Chief Commissioner” means the chief administrative officer of the County, or delegate; (e) “County” means the municipal corporation of Strathcona County, a specialized municipality established under the authority of the <i>Municipal Government Act</i>, RSA 2000, c M-26 and Order in Council 761/95, or the geographic area municipally described as Strathcona County as the context requires; (f) “Court” means a court of competent jurisdiction in the Province of Alberta; (g) “dangerous dog” means any dog designated as such in accordance with Part V of this bylaw or pursuant to the <i>Dangerous Dogs Act</i>; |

- (h) “*Dangerous Dogs Act*” means the *Dangerous Dogs Act*, RSA 2000, c D-3;
- (i) “distress” has the same meaning as in the *Animal Protection Act*, RSA 2000, c A-41;
- (j) “dog” means a member of the species “*Canis Lupus Familiaris*” (commonly referred to as the domestic dog), whether male or female, including any hybrid offspring of that species;
- (k) “dog licence” means a licence issued by the Chief Commissioner to an owner pursuant to this bylaw;
- (l) “dog licence fee” means the fee payable to obtain a dog licence as set by the Fees and Charges Bylaw;
- (m) “dog tag” means an identification tag issued by the County showing the dog’s licence number that is intended to be attached to a dog’s collar or harness;
- (n) “Fees and Charges Bylaw” means the County’s Fees, Rates and Charges Bylaw, Bylaw 45-2016;
- (o) “foster residence” means the residence of a person who provides a temporary home to a rescue dog;
- (p) “General Appeals and Review Committee” means a County Council committee that hears reviews from bylaw decisions in the County;
- (q) “harness” means straps and fittings that are of a suitable size and strength that may be humanely attached to the chest and back of a dog;
- (r) “in heat” means the period of time during which a female dog can become impregnated;
- (s) “Land Use Bylaw” means the County’s Land Use Bylaw, Bylaw 6-2015;
- (t) “licensing year” means the year commencing on March 31 and ending on March 31 the following year;
- (u) “motor vehicle” has the same meaning as it does in the *Traffic Safety Act*, RSA 2000, T-6;
- (v) “Municipal Government Act” means the *Municipal Government Act*, RSA 2000, c M-26;

- (w) “municipal tag” means a tag or similar document issued by the County under the *Municipal Government Act* that alleges a bylaw offence and provides a person with the opportunity to pay an amount to the County in lieu of prosecution for the offence;
- (x) “muzzle” means a humane fastening or covering device of adequate strength placed over the mouth of a dog to prevent it from biting;
- (y) “off-leash area” means an area designated by the County wherein dogs are not required to be attached to a restraining device;
- (z) “over-limit permit” means a permit granted by the Chief Commissioner to a person pursuant to this bylaw that allows the person to keep or allow more than the maximum permitted number of dogs specified in this bylaw at their residence;
- (aa) “over-limit permit fee” means the fee payable to obtain an over-limit permit, as set by the Fees and Charges Bylaw;
- (bb) “owner” means a person:
 - i. who has the care, charge, custody, possession or control of a dog;
 - ii. who owns or claims a proprietary interest in a dog;
 - iii. who allows or permits a dog to be present on any property owned or under his or her control;
 - iv. who claims and receives a dog from the custody of an animal shelter or a peace officer; or
 - v. to whom a dog licence was issued for a dog in accordance with this bylaw;
- (cc) “owner’s property” means private property owned by or under the control or possession of an owner of a dog;
- (dd) “peace officer” means a member of the Royal Canadian Mounted Police or a peace officer appointed under the *Peace Officer Act*, SA 2006, c P-3.5, and is a designated officer for the purposes of enforcing this bylaw;
- (ee) “person” means any individual, firm, partnership, association, incorporated entity including a society or cooperative, trustee, executor, administrator or other legal representative;

- (ff) “police dog” means a dog that is trained to perform policing services for a police service;
- (gg) “police service” has the same meaning as it does in the *Police Act*, RSA 2000, c P-17;
- (hh) “progeny” means a dog that is not older than six (6) months that was born to a licensed female dog and is kept or allowed to remain at the same residence as its mother;
- (ii) “*Provincial Offences Procedure Act*” means the *Provincial Offences Procedure Act*, RSA 2000, c P-24;
- (jj) “*Public Health Act*” means the *Public Health Act*, RSA 2000, c P-37;
- (kk) “puppy” means a dog under the age of three (3) months;
- (ll) “registered veterinarian” has the same meaning as in the *Veterinary Professions Act*, RSA 2000, c V-2;
- (mm) “rescue dog” means a dog that is in the temporary care of a rescue organization;
- (nn) “rescue organization” means a person that is engaged in finding permanent homes for rescue dogs;
- (oo) “residence” means any land, house, shelter, room or place, building structure or property within the County at, upon or in which a person lives or resides;
- (pp) “restraining device” means any leash, harness, or other restraining system capable of allowing the owner to maintain adequate control of the attached dog, or if located on the owner’s property, capable of retaining a dog within the boundaries of the owner’s property;
- (qq) “secure enclosure” means a building, cage, fenced area or other enclosure for the retaining of a dog and which prohibits a dog from jumping, climbing, digging or using any other means to exit the enclosure, and which is capable of prohibiting the entry of young children into the enclosure;
- (rr) “serious wound” means an injury resulting from a dog attack which causes a breaking of the skin or the flesh to be torn;
- (ss) “service dog” has the same meaning as in the *Service Dogs Act*, SA 2007, c S-7.5; and
- (tt) “violation ticket” has the same meaning as in the *Provincial*

Offences Procedure Act.

Interpretation

4 The following rules apply to interpretation of this bylaw:

- (a) Nothing in this bylaw relieves a person from complying with any provision of any provincial or federal legislation or regulation, other bylaw or any requirement of any lawful permit, order or licence;
- (b) Headings, titles, and preambles in this bylaw are for ease of reference only;
- (c) This bylaw is gender-neutral and, accordingly, any reference to one gender includes another;
- (d) Every provision of this bylaw is independent of all other provisions and if any provision of this bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this bylaw shall remain valid and enforceable; and
- (e) References to bylaws and enactments in this bylaw include amendments and replacement bylaws and enactments, and regulations and orders thereunder.

PART II – LICENSING

Dog Licence

5 Every person who resides within the County and who is the owner of a dog that is over the age of three (3) months and every rescue organization that places a dog into a foster residence in the County shall apply for a dog licence as set out in this Part by:

- (a) paying the required dog licence fee as set out in the Fees and Charges Bylaw; and
- (b) providing the following information on a dog licence application:
 - (i) the name, telephone number and address of the owner(s) and the dog;
 - (ii) the name of the dog to be licensed;
 - (iii) a complete description of the dog to be licensed;
 - (iv) the breed or breeds of the dog to be licensed, if known; and
 - (v) such other and further information as may be required by the Chief Commissioner.

6 Every person who:

- (a) resides in the County and becomes an owner of a dog that is over the age of three (3) months;
- (b) owns a dog over the age of three (3) months and becomes a resident within the County; or
- (c) is a rescue organization that places a dog into the residence of a foster in the County;

shall apply to the Chief Commissioner for a dog licence for that dog within 30 days of becoming the owner of such dog, or becoming a resident in the County or, in the case of a rescue organization, placing a dog into a foster residence.

Onus

7 The onus of proving a person has a valid and subsisting licence is on the person alleging its existence.

Term of
Licence

8 The first dog licence issued to the owner of a dog is valid from the date of issuance until the end of the licensing year.

9 An owner must obtain a dog licence for each of the owner's dogs not later than March 31 every year.

10 The Chief Commissioner may impose conditions or restrictions on a dog licence.

11 An owner who fails to obtain a dog licence as required by this Part, or fails to comply with conditions or restrictions imposed on a dog licence, is guilty of an offence.

Transferability

12 Dog licences are not transferable from one dog to another, nor from one owner to another.

Changes in
Information

13 An owner to whom a dog licence has been issued must update the information provided on the dog licence application for the dog not later than 30 days after:

- (a) the dog is transferred to a different foster residence;
- (b) the dog is moved to a new address; or
- (c) the owner has changed his or her contact information.

14 An owner who fails to update dog licence information as required by section 13 is guilty of an offence.

Fees

15 The Chief Commissioner will not issue a dog licence until the applicable dog licence fee is paid, unless payment of the dog licence fee is waived

under this bylaw.

Fee Waiver

16 Dog licence fees are waived for:

- (a) rescue dogs;
- (b) progeny;
- (c) for the first dog licence issued to an owner for a dog;
- (d) for the licensing year following the licensing year in which:
 - i. an owner obtains an electronic identification microchip for a dog; or
 - ii. an owner and a dog successfully complete obedience, recall, or similar training approved by the Chief Commissioner; and
- (e) for the two licensing years following the licensing year in which an owner meets both requirements in subsection (d) in the same licensing year.

17 The Chief Commissioner may require such records and information the Chief Commissioner deems necessary to substantiate an application for a dog licence fee waiver.

Dog Tags

18 A dog tag having a unique County identification number will be issued by the Chief Commissioner to the owner of a dog when an owner first licences the dog.

19 The Chief Commissioner may replace lost dog tags for the prescribed fee set out in the Fees and Charges Bylaw.

20 Dog tags are not transferable between dogs, between owners, between rescue organizations, or rescue organizations and other owners.

21 A person who attaches a dog's dog tag to a different dog is guilty of an offence.

22 Every owner shall ensure that a dog tag is securely fastened to a collar or harness worn by the dog at all times while the dog is off of the owner's property.

23 An owner who fails to ensure that a dog tag is securely fastened to a dog's collar or harness while off of the owner's property, is guilty of an offence.

Refund of Fees

24 Dog licence fees are not in whole or in part refundable for any reason.

Exemptions
from
Licensing
Requirement

- 25 The provisions of this Part shall not apply to the following:
- (a) Not-for-profit associations, not-for-profit corporations and government organizations engaged in the provision of specialized dog services including, but not limited to, the training of service dogs, police dogs and other dogs performing work that requires specialized training;
 - (b) puppies;
 - (c) owners of service dogs holding an identification card proving ownership of a service dog for their use;
 - (d) owners of dogs temporarily visiting the County for a period not exceeding four (4) consecutive weeks; and
 - (e) holders of a valid and subsisting development permit issued under the Land Use Bylaw for an animal breeding, animal boarding, animal hospital or shelter, or animal grooming and care facility or as otherwise permitted by the Land Use Bylaw.

PART III – OVER-LIMIT PERMITS

Limits

- 26 Unless a person holds a valid over-limit permit issued pursuant to this bylaw, a person shall not harbour, suffer or permit to remain upon or in any residence:
- (a) more than three (3) dogs, for residences of five (5) acres or less; and
 - (b) more than five (5) dogs for residences over five (5) acres.

Over-limit
Permit

- 27 The Chief Commissioner may issue an over-limit permit to a person, with or without conditions or restrictions, upon:
- (a) receipt of an application in the prescribed form; and
 - (b) payment of the prescribed over-limit permit fee, unless waived under this bylaw.

Validity

- 28 An over-limit permit is valid only for the person, the residence and for the licensed dogs identified in the over-limit permit application, for the licensing year identified in the over-limit permit, and expires on March 31 each year.
- 29 A person who allows or permits to remain upon or in any residence more than the permitted number of dogs provided for in this Part, without an over-limit permit, is guilty of an offence.
- 30 As part of the over-limit application process, the Chief Commissioner

may, in addition to requiring an inspection of the residence, require the provision of records and information pertaining to the circumstances, including, but not limited to, whether:

- (a) the applicant has special skills, training or experience that would assist the applicant to properly care for and supervise more dogs than the permitted limit;
- (b) the applicant is temporarily providing a foster residence for rescue dogs;
- (c) the applicant is providing training to service dogs or requires service dogs at the residence;
- (d) the need for an over-limit permit arises from a move from a location where the permitted limit was higher;
- (e) additional dogs are moving to the residence because of the death, illness, disability or change in the economic circumstances of a friend or family member;
- (f) the applicant or other individuals living at the residence were previously prosecuted or are under investigation in relation to a dog-related offence either under this bylaw, its predecessor or another bylaw or an enactment;
- (g) progeny are temporarily living at the residence;
- (h) there is adequate exercise and living space for all of the dogs at the residence;
- (i) the residence is securely fenced;
- (j) the location of the structure or structures where the dogs will reside in or use could result in noise, waste, odour or other nuisance or disturbance to neighbouring residences; and
- (k) any other factor that could adversely impact neighbouring residences or the public, or create an unsafe or unsanitary environment for the dogs, people or other animals residing at the residence.

31 An owner who provides false or misleading information in an over-limit permit application is guilty of an offence.

32 The Chief Commissioner may waive an over-limit permit fee if, in the Chief Commissioner's consideration of the facts presented at the time of the application, payment of the over-limit fee would, in all of the circumstances, be unfair.

Refunds

33 An over-limit permit fee is not refundable in whole or in part for any

reason.

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| Transferability | <p>34 Over-limit permits are not transferable between persons or residences and apply only to the licensed dogs specified in the over-limit permit.</p> <p>35 The Chief Commissioner may, upon receipt of a written request for a variation in an over-limit permit, amend or vary the over-limit permit to permit dogs other than the dogs referenced in an over-limit permit application to remain in or upon any residence.</p> <p>36 The holder of an over-limit permit who allows dogs other than those specified in an over-limit permit application to remain in or upon an owner's property, is guilty of an offence.</p> |
| Revocation of over-limit permit | <p>37 The Chief Commissioner may, in writing, revoke an over-limit permit and require the holder of the permit to reduce the number of dogs in or at the residence to the permitted limit within not less than thirty (30) days if:</p> <ul style="list-style-type: none">(a) the applicant provided false or misleading information when applying for or renewing an over-limit permit;(b) the circumstances that existed at the time the over-limit permit was issued or renewed significantly changed; or(c) the applicant or another person residing at the residence is convicted of a dog-related offence under this bylaw or its predecessor, or under another enactment. |
| Exceptions to Over-Limit Permits | <p>38 This Part does not apply where the:</p> <ul style="list-style-type: none">(a) property is lawfully used for the care and treatment of animals, operated by or under the charge of a registered veterinarian;(b) owner is the holder of a valid and subsisting development permit which authorizes the keeping of dogs in excess of the applicable limit established under this Part; or(c) owner whose dog is in excess of the limit is temporarily visiting a resident of the County for a period not exceeding four (4) consecutive weeks. |

PART IV – RESPONSIBLE DOG OWNERSHIP CONDUCT REQUIREMENTS

- 39 An owner whose dog is at large is guilty of an offence.
- 40 Any person who, without the knowledge or consent of the owner, unties, loosens or otherwise frees a dog that was tied or otherwise restrained, or opens a gate, door or opening in a fence or secure enclosure in which a dog has been confined, thereby allowing the

dog to be at large, is guilty of an offence.

Off-Leash Area

41 If a dog is in an off-leash area, its owner must:

(a) carry a restraining device; and

(b) attach the restraining device to the dog in the parking lot or other areas adjacent to an off-leash area.

42 An owner must supervise and maintain control over the owner's dog while the dog is in an off-leash area.

43 An owner who fails to comply with section 41 or section 42 is guilty of an offence.

Prohibited areas

44 An owner whose dog enters an area where a County sign or another bylaw prohibits dogs is guilty of an offence.

Obstruction

45 An owner whose dog obstructs any other person or animal and restricts them from using a path, walkway, sidewalk, trail, road or other publicly accessible space is guilty of an offence.

Defecation

46 Where a dog has defecated on any property other than the owner's property, the owner shall remove such defecation immediately and an owner who fails to do so is guilty of an offence.

47 An owner's property shall be maintained in a clean and sanitary condition and an owner shall take such steps as are necessary to prevent the presence of nuisances, including but not limited to:

(a) the accumulation of fecal matter in an amount which, in the opinion of a peace officer, is excessive; and

(b) offensive or noxious odours or drainage from the owner's property arising as a consequence of the keeping of a dog on the owner's property.

48 An owner who fails to maintain the owner's property in accordance with section 47 is guilty of an offence.

Noise

49 An owner of a dog that barks, howls, or otherwise makes such noise so as to, in the opinion of a peace officer, likely disturb the peace of any person, is guilty of an offence.

50 Dog barking and howling shall be deemed to likely disturb the peace of any person if the barking or howling activity occurs:

(a) within 100 metres of another residence, and continues for more than one (1) hour; or

(b) between the hours of 22:00 hours and 06:00 hours and

continues for more than fifteen (15) minutes.

Tethering	51	An owner who leaves a dog unattended while tethered or tied at any location other than the owner's property is guilty of an offence.
	52	If a dog is tied, tethered, or otherwise restrained by a restraining device at the owner's property, the owner must ensure that the dog: <ul style="list-style-type: none">(a) has adequate shelter, water and food for the duration of the time that the dog is tied or tethered; and(b) does not become entangled in, or injured by, the tie, tether or restraining device.
	53	The owner of a dog that fails to comply with section 52 is guilty of an offence.
Conveyance	54	An owner shall not operate a bicycle, scooter or other wheeled conveyance with a dog attached to a restraining device on a road or sidewalk, except for as required by a person operating a wheeled mobility device.
	55	An owner who fails to comply with section 54 is guilty of an offence.
Motor Vehicles	56	An owner who transports a dog in or on a vehicle outside of the passenger compartment or in an uncovered passenger compartment without ensuring that the dog is: <ul style="list-style-type: none">(a) securely confined in a pen or cage; or(b) secured in a harness or other manner of fastening; to prevent the dog from jumping or falling off the vehicle or being injured, is guilty of an offence.
	57	An owner who leaves a dog unattended outside of the passenger compartment or in an uncovered passenger compartment of a motor vehicle where persons other than the owner could access the dog is guilty of an offence.
	58	An owner who leaves a dog unattended in or on a motor vehicle without proper protection from the elements or in a manner that places the dog at risk of harm, is guilty of an offence.
	59	An owner of a female dog in heat who does not contain or restrain that dog, both on and off the owner's property, in a manner sufficient to avoid attracting other animals, is guilty of an offence.
Damage	60	The owner of a dog that causes damage to property is guilty of an offence.

Garbage	61 The owner of a dog that scatters garbage is guilty of an offence.
Aggressive or Threatening Behaviours	<p>62 The owner of a dog that threatens, chases or otherwise harasses any person so as to cause a reasonable apprehension of harm, is guilty of an offence.</p> <p>63 The owner of a dog that threatens, chases or otherwise harasses another animal so as to cause a person to have a reasonable apprehension of harm for the animal, is guilty of an offence.</p> <p>64 The owner of a dog that chases a motor vehicle or other wheeled conveyance is guilty of an offence.</p> <p>65 The owner of a dog that attacks, bites, injures, or kills any human is guilty of an offence.</p> <p>66 The owner of a dog that attacks, bites, injures, or kills another animal is guilty of an offence.</p>

PART V – DANGEROUS DOG PROVISIONS

Declaration	<p>67 The Chief Commissioner may declare a dog to be a dangerous dog if the Chief Commissioner has reasonable grounds to believe, either through personal observation or on the basis of facts determined after an investigation of a complaint, that the dog:</p> <ul style="list-style-type: none"> (a) has, or has a known propensity, tendency, or disposition to, without provocation, attack, bite, injure or kill other animals or humans; (b) has inflicted a serious wound upon another animal or human; (c) has been the subject of an order or direction of a Justice or Judge, pursuant to the <i>Dangerous Dogs Act</i>, or a similar enactment in another province; (d) is a continuing threat of serious harm to any human or other animal; or (e) has, or has a known propensity, tendency, or disposition to, without provocation, in such manner as to cause a reasonable apprehension of harm, threaten, chase, or harass any human or other animal.
Service	<p>68 Where the Chief Commissioner determines that a dog is a dangerous dog, the Chief Commissioner shall:</p> <ul style="list-style-type: none"> (a) serve the owner with a written notice that the dog has been declared to be a dangerous dog;

- (b) direct the owner to keep the dangerous dog in accordance with the provisions of this Part; and
- (c) inform the owner that if the dangerous dog is not kept in accordance with this Part, the owner may be fined, or subject to enforcement action pursuant to this bylaw.

Dangerous
Dog Licence
and
requirements

69 An owner of a dangerous dog must, not more than thirty (30) days after the Chief Commissioner serves a notice declaring the owner's dog to be a dangerous dog, to the satisfaction of the Chief Commissioner comply with the following requirements:

- (a) pay the prescribed fee and obtain a dangerous dog licence for the dog;
- (b) have a registered veterinarian implant an electronic identification microchip in the dog, if the dangerous dog is not already microchipped;
- (c) provide to the Chief Commissioner the dangerous dog's microchip information;
- (d) post signage at the owner's property warning of the presence of a dangerous dog at the premises;
- (e) if the dangerous dog is not spayed or neutered, have the dangerous dog spayed or neutered; and
- (f) obtain and, for as long as the owner keeps the dangerous dog, maintain a policy of liability insurance in a form satisfactory to the County providing third party liability coverage in a minimum amount of one million (\$1,000,000.00) dollars for injuries caused by the owner's dangerous dog and provide proof of such coverage to the Chief Commissioner with each dangerous dog licence application, or as otherwise required by the Chief Commissioner.

Additional
conduct rules
for dangerous
dogs

70 An owner of a dangerous dog must, in addition to the conduct rules and requirements for all dogs in Part IV of this bylaw, comply with the following dangerous dog conduct requirements:

- (a) An owner must comply with the conditions or restrictions imposed by the Chief Commissioner on a dangerous dog licence;
- (b) While the dangerous dog is off the owner's property, an owner must place a muzzle on the dog and secure the dangerous dog by means of a restraining device under the physical control of the owner or, with the owner's consent, a person over the age of eighteen (18) years;

- (c) While the dangerous dog is on the owner's property, the owner must confine the dangerous dog within a secure enclosure or within a structure on the owner's property;
- (d) An owner shall not bring a dangerous dog to an off-leash area;
- (e) An owner must immediately notify a peace officer if the dangerous dog is at large; and
- (f) An owner must visibly and securely attach to the dangerous dog's collar or harness a dog tag issued by the Chief Commissioner that indicates to the public that the dog has been declared a dangerous dog.

71 The owner of a dangerous dog must pay the prescribed fee, and meet the other requirements to obtain a dangerous dog licence for each of the owner's dangerous dogs, not later than March 31 every year.

72 In addition to the remedies set forth elsewhere in this bylaw, if a peace officer determines that a dangerous dog is not being kept in accordance with this bylaw, the peace officer may:

- (a) Issue an order pursuant to section 545 of the *Municipal Government Act* directing that the dangerous dog be kept in accordance with this bylaw or removed from the County; or
- (b) In addition or in the alternative to the issuance of an order under subsection (a) above, bring an application pursuant to the *Dangerous Dogs Act* for an order directing the dangerous dog be kept in accordance with this bylaw, destroyed or such other order as the Court directs.

73 An owner of a dangerous dog who fails to comply with the requirements of this Part is guilty of an offence.

PART VI – DISEASE CONTROL

Owner's Responsibilities

74 The owner of a dog that has caused a serious wound, or that the owner has reason to suspect may have been exposed to rabies or other communicable disease, shall, in addition to any other duty imposed under the *Public Health Act*, immediately inform a peace officer:

- (a) of the infliction of the serious wound or the suspicion of exposure to rabies or other communicable disease;
- (b) of the name and contact information for the person or owner of the animal having received the serious wound; and
- (c) whether the matter has been reported to the local community

health centre, Public Health Inspector, or the Medical Officer of Health.

Peace Officer's
Authority

75 A peace officer that has reasonable grounds to believe that a dog found at large may have, or has been exposed to, rabies or another communicable disease:

(a) shall report the matter to the Medical Officer of Health or a Public Health Inspector as soon as reasonably possible; and

(b) may confine that dog at an animal shelter, veterinary facility, or any other location as directed by the Medical Officer of Health or a Public Health Inspector.

76 The owner of a dog that has, or was potentially exposed to rabies or other communicable disease, shall immediately quarantine the dog in such manner as to keep the dog away from the public and other animals.

Offence

77 An owner who fails to comply with any provision in this Part is guilty of an offence.

PART VII – PENALTIES AND OFFENCES

Continuing
Offences

78 If an offence is of a continuing nature, each day, or part thereof, that a person fails to comply with the requirements of this bylaw constitutes a new offence.

Obstruction

79 Any person who interferes with or obstructs a peace officer in the execution of the peace officer's duties under this bylaw is guilty of an offence.

False
Information

80 Any person who provides false information to a peace officer is guilty of an offence.

Municipal
Tag

81 A peace officer may issue a municipal tag under this bylaw to any person whom the peace officer has reasonable and probable grounds to believe has contravened any provision of this bylaw, and may provide for a voluntary payment of the fine in relation to an offence, if the penalty for the offence is less than \$1,000.

82 A municipal tag shall be issued and served to a person:

(a) personally; or

(b) by mailing a copy, via registered mail, to the person at their last known dog licensing address, or their last known postal address.

83 A municipal tag shall be in a form approved by the Chief Commissioner

and shall state:

- (a) the name of the person to whom the municipal tag is issued;
- (b) particulars of the contravention under this bylaw;
- (c) the specified penalty for the offence as set out in Schedule "A";
- (d) that the specified penalty shall be paid within thirty (30) days of the issuance of the municipal tag in order to avoid prosecution; and
- (e) any other information as may be required by the Chief Commissioner.

84 Where a municipal tag has been issued under this bylaw, the person to whom the municipal tag has been issued may, in lieu of being prosecuted for the offence, pay to the County the penalty specified on the municipal tag.

85 If a municipal tag has been issued and the specified penalty on the municipal tag has not been paid within the prescribed time, a peace officer may issue a violation ticket to the person to whom the municipal tag was issued.

86 Notwithstanding the above, a peace officer may immediately issue a violation ticket to any person whom the peace officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.

Violation
Ticket

87 A peace officer is hereby authorized and empowered to issue a violation ticket pursuant to the *Provincial Offences Procedure Act* to any person who the peace officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.

88 A peace officer may elect to issue a violation ticket under Part 2 or Part 3 of the *Provincial Offences Procedure Act* as provided for by the *Provincial Offences Procedure Act*.

89 If a violation ticket is issued in respect of an offence, the violation ticket may:

- (a) state the specified penalty for the offence as set out in Schedule "A"; or
- (b) require a person to appear in Provincial Court without the alternative of making a voluntary payment.

90 A person who commits an offence may:

- (a) if a violation ticket is issued in respect of the offence; and

(b) if the violation ticket states the specified penalty established by this bylaw for the offence, as set out in Schedule "A";

make a voluntary payment by submitting to a Clerk of the Provincial Court, on or before the initial appearance date indicated on the violation ticket, the specified penalty set out on the violation ticket.

- 91 When a clerk of the Provincial Court records the receipt of a voluntary payment pursuant to section 91 above and the *Provincial Offences Procedure Act*, the act of recording constitutes acceptance of the guilty plea and also constitutes a conviction and the imposition of a fine in the amount of the specified penalty.
- Penalties
- 92 A person guilty of an offence under this bylaw is liable upon summary conviction to a fine in an amount not less than the amount specified in Schedule "A" of this bylaw, and not exceeding \$10,000, and to imprisonment for not more than six (6) months for non-payment of a fine.
- 93 Without restricting the generality of section 92 above the fine amounts set out in Schedule "A" are established as specified penalties for use on municipal tags and violation tickets, if a voluntary payment option is offered.
- 94 If a person is guilty of an offence under this bylaw that does not have a specified penalty prescribed in Schedule "A", the person is liable upon summary conviction to a fine in an amount not less than \$500, and not exceeding \$10,000, and to imprisonment for not more than six (6) months for non-payment of a fine.
- 95 A peace officer may pursue any and all remedies set out in this bylaw, the *Municipal Government Act* and any other law in the Province of Alberta, and nothing in this bylaw shall restrict, limit or preclude the County from taking multiple enforcement measures to regulate dogs in the County.
- Vicarious Liability
- 96 For the purposes of this bylaw, an act or omission by an employee or agent of a person is deemed also to be an act or omission of the person if the act or omission occurred in the course of the employee's employment with the person, or in the course of the agent's exercising the powers of performing the duties on behalf of the person under their agency relationship.
- Corporations
- 97 When an incorporated entity commits an offence under this bylaw, every principal, director, manager, employee or agent of the incorporated entity who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the incorporated entity has been prosecuted for the offence.
- Partnerships
- 98 If a partner in a partnership is guilty of an offence under this bylaw, each partner in that partnership who authorized the act or omission that

constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.

Strict Liability 99 An offence under this bylaw is a strict liability offence.

PART VIII – IMPOUNDMENT AND ENFORCEMENT POWERS

- Peace Officer Powers 100 A peace officer, in addition to any other powers or authority granted under this or another bylaw or any enactment, is authorized:
- (a) to capture and impound in an animal shelter any dog that is at large;
 - (b) to take any reasonable measures necessary to subdue any dog, including the use of traps and tranquilizer equipment and materials;
 - (c) to enter onto private or public lands in pursuit of a dog while it is at large; and
 - (d) if a dog is in distress, whether or not as a result of enforcement action taken pursuant to this bylaw, to take the dog to a registered veterinarian for treatment and, once treated, to transfer the dog to an animal shelter.
- Costs 101 Any expenses or costs of any enforcement action or measure taken by the County under this bylaw, including but not limited to the receipt of legal advice and services or payment of veterinary treatment, are amounts owing to the County by the owner or any other person responsible for the contravention of this bylaw, or any or all of them, and may be collected as a civil debt, pursuant to the *Municipal Government Act*.
- Dogs at Large 102 A person who takes control of any dog or dangerous dog found at large shall immediately notify a peace officer and surrender the same to the possession of the peace officer.
- Impoundment 103 Dogs impounded in an animal shelter shall be kept for a minimum period of seventy two (72) hours and in the calculation of the seventy two (72) hour period, Saturdays, Sundays, statutory and civic holidays and days that the animal shelter is not open shall not be included.
- 104 Notwithstanding section 103, where a dog that has been impounded bears an obvious identification tattoo, brand, mark, tags or licence, or whose owner is identified by the presence of an electronic identification microchip, the dog shall be kept by the animal shelter for a minimum of 30 days from the date the dog was impounded, in accordance with section 610 of the *Municipal Government Act*.

105 During the time periods established in sections 103 and 104 above, the dog may be reclaimed by its owner, except as otherwise provided in this bylaw, upon payment to the County or its authorized agent of:

- (a) the impoundment fees as established by the animal shelter from time to time;
- (b) the cost of any veterinary treatment provided for the dog pursuant to this bylaw; and
- (c) in the case of an unlicensed dog, the appropriate licence fee.

106 At the expiration of the time period established in sections 103 and 104 above, the Chief Commissioner is authorized to:

- (a) offer the dog for sale or as a gift;
- (b) humanely euthanize the dog;
- (c) allow the dog to be reclaimed by its owner in accordance with the provisions of section 105 above; or
- (d) continue to impound the dog for an indefinite period of time or for such further period of time as the Chief Commissioner, in the Chief Commissioner's sole and unfettered discretion, may decide.

107 Where a dog has been impounded, if in the opinion of a registered veterinarian or a peace officer, the dog should be humanely euthanized for medical reasons, a registered veterinarian may immediately humanely euthanize the dog.

No Action

108 No action shall be taken against any person, including a peace officer or registered veterinarian, acting under the authority of this bylaw for damages for destruction or other disposal of any dog, in accordance with the provisions of this bylaw.

PART IX – DECISIONS AND APPEALS

Decisions

109 The following matters are within the Chief Commissioner's discretion, subject to any appeal or review provided for in this bylaw or to a Court:

- (a) determine which organizations constitute rescue organizations for the purposes of this bylaw;
- (b) determine which dog training and behavioural courses are acceptable for a dog licence fee waiver application;

- (c) prescribe the application, renewal, variation and other forms required for this bylaw;
- (d) prescribe the form of signage to be used to inform the public of the presence of a dangerous dog at the dangerous dog's owner's property;
- (e) impose conditions and restrictions on a dog licence, dangerous dog licence or over-limit permit;
- (f) determine whether to waive fees for a dog licence or over-limit permit; and
- (g) determine the form of dog tags, including dog tags indicating that a dog has been declared a dangerous dog.

Appeals

110 An owner or over-limit permit holder or over-limit permit applicant may appeal the Chief Commissioner's decisions on the following matters to the County's General Appeals and Review Committee:

- (a) declare a dog to be a dangerous dog;
- (b) grant or deny an over-limit permit application;
- (c) revoke an over-limit permit; or
- (d) impose conditions or restrictions on a dog licence, dangerous dog licence or over-limit permit.

111 An owner must deliver notice in writing to the Chief Commissioner of the owner's decision to appeal a decision not less than seven (7) days after the date on which the owner received written notice of the Chief Commissioner's decision.

112 If a matter is appealed, the Chief Commissioner will, not later than seven (7) days after notice of an appeal was delivered to the Chief Commissioner, deliver to the General Appeals and Review Committee, the records and information upon which the decision was based.

113 The decision of the General Appeals and Review Committee is final, subject to judicial review by the Courts.

PART X - GENERAL

Effective Date 114 This bylaw comes into effect on January 1, 2018.

Repeal 115 Bylaw 85-2006 is repealed on January 1, 2018.

Transitional 116 Nothing in this bylaw invalidates any action taken, licence or permit granted or revoked, or offence proceeding commenced under or pursuant to Bylaw 85-2006.

READ A FIRST TIME THIS ____ day of _____, 201__.

READ A SECOND TIME THIS ____ day of _____, 201__.

READ A THIRD TIME THIS ____ day of _____, 201__.

SIGNED THIS ____ day of _____, 201__.

MAYOR

DIRECTOR, LEGISLATIVE AND LEGAL
SERVICES

SCHEDULE "A"
Bylaw 37-2017
RESPONSIBLE DOG OWNERSHIP BYLAW
FINES

Section	Offence	1st Offence	2nd Offence	3rd and Subsequent Offences
11	Failure to obtain a dog licence	\$250	\$500	\$1,000
11	Failure to comply with conditions or restrictions on a dog licence	\$250	\$500	\$1,000
14	Failure to update dog licence information	\$50	\$100	\$200
21	Attaching a dog's tag to a different dog	\$250	\$500	\$1,000
23	Failure to fasten dog tag to dog's harness or collar	\$100	\$200	\$400
29	Failure to obtain an over-limit permit	\$250	\$500	\$1,000
31	Provide false or misleading information to obtain an over-limit permit	\$250	\$500	\$1,000
36	More than the permitted number of dogs without an over-limit permit	\$100	\$200	\$400
39	Dog at large	\$150	\$300	\$600
39	Dog at large – dangerous dog	\$1,000	\$2,000	\$4,000
40	Person other than the owner freeing dog so as to allow it to be at large	\$100	\$200	\$400
43	Failure to carry a restraining device in an off-leash area	\$100	\$200	\$400
43	Failure to attach restraining device to dog in the parking lot or other areas adjacent to an off-leash area	\$100	\$200	\$400
43	Failure to supervise dog in off-leash area	\$100	\$200	\$400
43	Failure to maintain control of dog in an off-	\$100	\$200	\$400

	leash area			
44	Dog in prohibited area	\$100	\$200	\$400
45	Dog obstructs person or animal using path, walkway, sidewalk, trail, road or other space	\$100	\$200	\$400
46	Failure to immediately remove defecation when dog off owner's property	\$150	\$300	\$600
48	Allowing excessive accumulation of fecal matter at owner's property to cause offensive odours, drain into neighboring property, or other nuisance	\$150	\$300	\$600
49	Dog barking, howling or other noise that disturbs the peace of other person	\$150	\$300	\$600
51	Tethering dog other than at owner's residence	\$100	\$200	\$400
51	Tethering dog other than at owner's residence – dangerous dog	\$1,000	\$2,500	\$4,000
53	Failure to provide adequate shelter, water or food to dog tethered at owner's property	\$100	\$200	\$400
53	Failure to ensure dog does not become entangled or injured while tied or tethered	\$100	\$200	\$400
55	Operating a bicycle or other conveyance with dog attached to restraining device on sidewalk or road	\$100	\$200	\$400
56	Transporting dog in motor vehicle outside of passenger compartment and uncovered passenger compartment without ensuring dog secured	\$100	\$200	\$400
57	Leaving dog unattended in motor vehicle outside of passenger compartment or uncovered passenger compartment	\$100	\$200	\$400
58	Leaving dog unattended in motor vehicle without protection from elements or that	\$100	\$200	\$400

	places dog at risk of harm			
59	Failure to contain or restrain dog in heat to prevent attraction of other animals	\$100	\$200	\$400
60	Dog damages property	\$150	\$300	\$600
61	Dog scatters garbage other than at the owner's property	\$100	\$200	\$400
62	Dog threatens, chases or otherwise harasses a person causing reasonable apprehension of harm	\$250	\$500	\$1,000
62	Dog threatens, chases or otherwise harasses a person causing reasonable apprehension of harm – dangerous dog	\$1,000	\$2,500	\$5,000
63	Dog threatens, chases or otherwise harasses an animal causing a reasonable apprehension of harm to the animal	\$250	\$500	\$1000
63	Dog threatens, chases or otherwise harasses an animal causing a reasonable apprehension of harm to the animal – dangerous dog	\$500	\$1,000	\$2,500
64	Dog chases motor vehicle or other conveyance	\$100	\$200	\$400
65	Dog or dangerous dog attacks, bites, injures or kills a person	Court	Court	Court
66	Dog or dangerous dog attacks, bites, injures or kills another animal	Court	Court	Court
73	Failure to comply with Part V dangerous dog provisions	\$1,000	\$2,500	\$5,000
77	Failure to comply with Part VI disease control provisions	\$1,000	\$2,500	\$5,000
79	Interfere with or obstruct peace officer	\$500	\$1,000	\$2,500
80	Provide false information to a peace officer	\$500	\$1,000	\$2,500