

RESPONSIBLE DOG OWNERSHIP BYLAW
BYLAW 37-2017
SUMMARY OF KEY CHANGES

ITEM	ISSUE	REASON
Name and focus of bylaw	Changing focus from "dog control" to "responsible dog ownership"	Dog control is only one aspect of managing dog related issues in the County. The majority of dog related issues addressed by enforcement services and the community are related to individuals failing to consider the rights of other people, or accepting all of the responsibilities that come with dog ownership
Format	The current bylaw uses less readable language and format	New format designed to improve readability and conform to legislative format
Rescue Organization	Require rescue organizations to obtain a free licence for their rescue dogs in foster care in Strathcona County	Allows enforcement services to issue a dog tag for the dog. This will allow enforcement officers to more easily identify unlicensed dogs, and distinguish them from rescue dogs, and to return lost dogs to their rescue or foster home
Authorized employee	Chief Commissioner or delegate responsible for all of the administrative responsibilities and decisions under the bylaw	As the Municipal Government Act provides for one employee – the Chief Commissioner – and that employee can delegate powers, duties and functions to any other employee or designated officer of the County – powers duties and functions under the bylaw should flow through the Chief Commissioner except where the services of a peace officer are required
Appeals Body	The current and new bylaw task	The new bylaw provides that there be an appeal to the Bylaw Enforcement Review

	<p>the Chief Commissioner with a number of serious decisions in relation to dogs, and the only recourse available to a resident who disagrees with that administrative decision is to a court</p>	<p>Orders Committee for important discretionary decisions:</p> <ul style="list-style-type: none"> • Dangerous dog declaration • Grant/deny an over-limit permit • Revoke an over-limit permit • Conditions and restrictions on licensing <p>This committee is comprised of citizens appointed by Council who are well positioned to evaluate whether a particular decision is in line with community views on the facts.</p>
Enforcement	<p>Peace Officer v. Bylaw Enforcement Officer</p>	<p>Powers to enforce provincial legislation, and subsidiary legislation like this bylaw are executed by the RCMP members providing services to the County or individuals with a peace officer appointment under the provincial Peace Officer Act.</p> <p>There are specific peace officer powers and protections incorporated throughout the bylaw and specifically in Part VIII</p>
Vicious Dog	<p>Vicious Dog v. Dangerous Dog</p>	<p>If a dog is exhibiting aggressive behaviour, the provincial Dangerous Dogs Act governs the more serious offences. Changing the identification of this kind of dog to a “dangerous dog” aligns the bylaw with the applicable provincial statute.</p> <p>The new bylaw contains guidelines for how a dangerous dog will be identified by the Chief Commissioner and an appeal process.</p> <p>There are new conduct requirements imposed on owners of dangerous dogs including microchipping and obtaining insurance to cover injuries caused by a</p>

		dangerous dog.
Nuisance Dog	<p>Labelling a dog a “nuisance” as opposed to imposing requirements on the owners of dogs to be responsible and meet community standards for dogs in the community</p>	<p>Failure to remove defecation, barking and related conduct issues are issues that can only be resolved by the owner of the dog, not by labelling the dog a “nuisance dog”.</p> <p>Responsible dog owner conduct and offence provisions are used in the new bylaw instead of defining the dog as a nuisance.</p>
Over-limit Permit	<p>The current bylaw allows urban and rural residents to only have 2 dogs on their property before they need to request an over-limit permit.</p> <p>There are no guidelines to help determine when issuing an over-limit permit is acceptable</p> <p>Revocation based on complaints as opposed to more objective criteria and no basis for appeal</p>	<p>The new bylaw permits 3 dogs in an urban property and 5 dogs in properties over 5 acres before an owner is required to obtain an over-limit permit.</p> <p>The new bylaw also provides a summary of issues that should be considered before the Chief Commissioner issues an over-limit permit to help guide decision making</p> <p>Dogs are part of an owner’s family. Revocation of an over-limit permit is a serious matter for that family. Complaint driven decisions do not afford an objective standard to guide revocation decisions</p> <p>Given the seriousness, there is recourse to an internal appeal which may be more accessible to families facing a revocation decision than a court process.</p>
Conditions or restrictions	A dog licence or a dangerous dog licence allows an individual to keep a dog in the	If there are consistent problems with the way a dog is managed, or the dog is a dangerous dog, the Chief Commissioner has discretion to impose conditions on the owner as part of the licensing

	community	process
Report changes in dog information	If a dog is moved to another residence, it can be difficult for enforcement services to locate the dog's owners if it is lost.	Requiring owners to update their information will allow enforcement services to return a lost dog to its owner instead of having to take it to the City of Edmonton impound facility (which accepts the County's stray animals) – thereby saving cost and time for the County's enforcement officers
Incentives	<p>Owners who attend training courses with their dogs may have more success in controlling and managing their dogs.</p> <p>Microchipped dogs are easier to return to their owner or identify if enforcement issues arise</p>	<p>Owners who microchip their dogs or take a training course with their dog will receive a fee waiver for the dog licensing fee for that year.</p> <p>If they do both in the same year, they will receive the waiver for two years</p>
Disease Control	The current bylaw copies some provincial regulatory language	The County has an interest in knowing whether there is a communicable disease issue in the County, so there are new reporting requirements and clear direction to owners of animals in those circumstances
Enforcement	The current bylaw references violation tickets and violation tags without clear rules for their use	The new bylaw clearly identifies when a municipal tag (changed name to avoid confusion with violation tag) is to be issued. A municipal tag affords a person to pay the specified penalty without being prosecuted for an offence. If the individual does not wish to pay voluntarily, a peace officer may proceed to issue a violation ticket which proceeds through the court system under the

		<p>Provincial Orders and Procedures Act.</p> <p>Enforcement officers have the discretion to simply issue a violation ticket and that would be expected in the case of more serious matters.</p>
Offences	The current bylaw contains very few identified offences.	<p>The new bylaw contains offences for a number of clearly identified items that are not in the current bylaw. The new offences have been created after considering the offences employed in other jurisdictions.</p> <p>The purpose of an offence is to establish a community standard of behaviour that considers not only the welfare of the dog, but also the safety of the public. The rights of a dog owner to manage their dog as they desire often trenches on the rights of other people to a safe and secure environment.</p> <p>New conduct offences include:</p> <ul style="list-style-type: none"> • Tethering – while tying a dog up while a person runs into a store may be expedient, it could result in small children or others accessing the dog and getting bitten or injured. This is not the dog's fault – many dogs will react if cornered • Transporting or leaving a dog in the open part of a vehicle – leaving an unsecured dog in a truck box or with the sunroof open for example, creates a hazard for others and the dog. The dog could fall or jump out of a moving vehicle, creating a highway risk. If parked, it could bite or threaten other people as it tries to guard the vehicle. • Cycling with dogs on a road or sidewalk – again, this behaviour

		<p>creates a risk and nuisance to the public using the sidewalk or road and to the dog if the owner fails to maintain control over the dog in traffic or fails to yield to pedestrians while moving at high speed.</p> <ul style="list-style-type: none"> • Off-leash area behaviour – people using the off-leash area create a hazard for their dog and for other people when they do not leash their dogs in the parking lot or areas adjacent to the park that are not officially part of the off-leash area (adjacent to the highway for example). • Accumulation of fecal matter or other waste in a yard – allowing dog waste to accumulate over winter can result in significant problems for adjacent property owners when the snow melts in spring. A new provision is created to require property owners to refrain from causing this kind of nuisance. • Transferring of dog tags – owners transfer dog tags for a number of reasons – they do not want to pay for an additional licence, they want to avoid identification of a dangerous dog etc. This is now an offence
Penalties	<p>The current bylaw contains some specified penalties</p> <p>Penalties double for a second offence in one year</p> <p>Some fairly serious offences have</p>	<p>The new bylaw contains a more standardized penalty schedule, with most offences beginning at \$100 and a doubling of the fine for a second offence in one year.</p> <p>Offences are more clearly identified in a more readable format, and then compiled in Schedule A to the bylaw.</p>

	<p>relatively low penalties. Offences such as killing livestock result in a fine of \$300, and attacking a person results in a fine of \$350. This is relatively low when compared to a \$250 fine for failing to obtain an over-limit permit</p> <p>Failure to wear a dog tag has a fine of \$30. This is an insignificant deterrent</p>	<p>However, the fine doubles again for a third or more offences in one year. Repeat offenders could incur significant fines if they do not conform to different conduct standards.</p> <p>The aggressive dog behaviours identified in the bylaw including: attacking, biting, injuring, or killing a person or another animal do not sound in prescribed penalties. The appropriate penalty will be determined by a court looking at the seriousness of the offence.</p> <p>The maximum fine for an offence under the Municipal Government Act is \$10,000, and in appropriate circumstances, the court could impose a much larger penalty than the one prescribed in the current bylaw.</p>
Dog Tags	In the current bylaw a person may tattoo a dog instead	The new bylaw requires the wearing of a dog tag at all times the dog is off the owner's property. This will provide for ease in enforcement and allowing enforcement to more effectively manage or return stray and lost dogs.
Effective Date	The provisions of the current bylaw, and decisions made under that bylaw, continue in full force and effect	The new bylaw comes into force on January 1, 2018 to coincide with the annual fees and charges bylaw decisions.
Additional requirement	Amendment to Fees and Charges Bylaw	The Fees and Charges Bylaw will have to be amended to reference dangerous dog instead of vicious dog, and create a charge for replacement dog tags