

WESTLOCK COUNTY

PROVINCE OF ALBERTA

BYLAW NO. 16-2012

BEING A BYLAW of Westlock County in the Province of Alberta for the purpose of regulating and controlling of dogs within the municipal boundaries of Westlock County.

WHEREAS, the Municipal Government Act, R.S.A. 2000, c. M-26, as amended authorizes Council to pass bylaws regulating the control of animals.

NOW THEREFORE, the Council for Westlock County, in the Province of Alberta, duly assembled, hereby enacts as follows:

1. TITLE

This bylaw may be cited as the “Dog Control Bylaw”.

2. DEFINITIONS

- a. **“Animal Control Officer”** shall mean a person appointed by Council to enforce the provisions of this Bylaw, and may include a person appointed with jurisdiction in Westlock County as a Peace Officer by the Solicitor General of Alberta, and also includes a member of the Royal Canadian Mounted Police.
- b. **“At Large”** shall mean where a dog is at any place other than the owner’s property or as otherwise allowed under this bylaw, and is not being carried by any person or is not otherwise restrained by a permitted leash held by a person, and that permitted leash is attached to a choke chain, collar or harness securely holding that dog. And, that person is not capable of adequately controlling the dog.
- c. **“Business Day”** shall mean a day on which the pound keeper is open for regular business hours.
- d. **“Controlled Confinement”** shall mean when a dog(s) is confined in a pen or cage of such construction that will not allow the dog(s) to jump, climb, dig allow the entry or force their way out, or securely tethered in a manner that will not permit the dog to attack, bite, harm or cause injury to any person or other animal at any time.
- e. **“Council”** shall mean the Council for Westlock County.
- f. **“County”** shall mean Westlock County and the area contained within its boundaries as the context requires.
- g. **“Damage”** shall include any physical harm done as a result of any incident.
- h. **“Dangerous”** shall include any dog, in the opinion of the Animal Control Officer, that shows serious signs of aggression towards the public and/or Animal Control Officer and/or puts the public and/or Animal Control Officer in a position of serious physical harm.
- i. **“Dog”** shall mean a male or female of any domestic canine species.
- j. **“Live Trap”** shall mean a device used to humanely and safely capture dogs found to be in contravention of this bylaw.

- k. **“Owner”** shall mean any person, partnership, association or corporation owning, harbouring, possessing or consensually, having charge of or control over any animals, either temporarily or permanently.
- l. **“Order”** shall mean written notification to the owner of the said dog, from the Animal Control Officer, advising him of Vicious Dog requirements.
- m. **“Permitted Leash”** shall mean a leash not exceeding 3 (three) meters in length.
- n. **“Possession”** shall mean having physical or effective control of an animal, having given physical or effective control of an animal to another person for the purpose of controlling the animal for a period of time and/or where two or more persons, with the knowledge and consent of the rest, have physical or effective control of each and all of the animals.
- o. **“Pound keeper”** shall mean designated person(s) owning and/or operating a place designated by the County Administrator to be operating as an animal shelter.
- p. **“Private Property”** shall mean land within the County other than property constituting public property.
- q. **“Public Property”** shall mean any land 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 or owned or occupied by or under the control of a school, health authority or a recreational area open to the general public without fee or membership requirements;
- r. **“Property Owner”** shall mean any person who is registered under the Land Titles Act as the owner of the land or who is recorded as the owner of the property on the Assessment roll of the County or a person who has purchased or otherwise acquired the land, whether he has purchased or otherwise acquired the land directly from the owner or from another purchaser, and has not become the registered owner thereof.
- s. **“Purebred”** shall mean a dog which bears an obvious tattoo, brand, mark, tag or license identifying it as a purebred dog.
- t. **“Reasonably Practical Time”** shall generally mean 24 hours or next working day.
- u. **“Shelter”** shall mean the premises designated by Council for the purpose of impounding and caring for all animals found to be in contravention of this bylaw.
- v. **“Vicious Dog”** shall mean any dog, regardless of age, whether on public or private property, which has without provocation, chased, injured or bitten any other animal, human or destroyed or damaged any public or private property or threatened or created the reasonable apprehension of a threat to other animals or humans and which, in the opinion of the Animal Control Officer presents a threat of serious harm to other domestic animals or humans.
- w. **“Violation Tag”** shall mean a tag or similar document (as attached in Schedule “D”) used by the County, pursuant to the Municipal Government Act, R.S.A. 2000, c. M-26, as amended.

- x. **“Violation Ticket”** shall mean a ticket issued pursuant to the Part II of the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34 amended, and Regulations there under.
- y. In this Bylaw, whenever a male gender is specified, it shall be interpreted as meaning both male and female as applicable.

3. ANIMAL CONTROL OFFICER

- a. Council by resolution shall appoint one or more persons to the position of Animal Control Officer.
- b. The Animal Control Officer shall be responsible for the administration and maintenance and operation of the Animal Control services within the County.
- c. The Animal Control Officer shall keep an up-to-date and accurate record of all complaints, notices and reports that are assigned to him.
- d. The Animal Control Officer shall after a dog is impounded, notify the owner, if known, of such impoundment as soon is reasonably practical.

4. POUND KEEPER

- a. The County Administrator shall designate a place, or places to be operated as a Shelter.
- b. Each pound keeper shall be responsible for the administration and maintenance of the shelter and for the safekeeping, caring and feeding of all dogs detained under the provisions of this bylaw.

5. DOG CONTROL PROVISIONS

- a. No owner of any dog shall permit such dog to run at large.
- b. No owner of any dog shall permit such dog to bark or howl excessively or in any manner disturb the peace of others.
- c. No owner of any dog shall permit such dog to damage or cause damage to public or private property.
- d. An owner of a dog is guilty of an offence if such dog:
 - i. Bites, attacks, threatens, harasses, chases, kills or injures any person including, but not limited to, when such person is on a bicycle, horseback or while walking or running;
 - ii. Bites, attacks, threaten, harasses, chases, kills or injures any animals belonging to other persons.
 - iii. Bites or chases any vehicle.
- e. It shall be the duty of the owner of any property, upon which, any female dog in heat is kept or allowed to remain, to keep such dog housed and securely confined during the whole such period the dog is in heat.
- f. No person shall kill, harm, tease, torment, annoy, abuse or injure any dog.
- g. No person shall untie, loosen or otherwise free a dog which is not in distress unless such person has the authorization of the owner.
- h. An owner of a dog shall ensure that defecation caused by his dog(s) is immediately removed from private or public property.

6. VICIOUS DOG PROVISIONS

- a. Upon receipt of any complaint under Section 5(d) the Animal Control Officer may in addition to any other penalties imposed and without further notice or hearing, declare the subject dog a vicious dog, pursuant to the provisions of this bylaw; and
- b. May make an Order directing any one or a combination of the following:
 - i. The owner to ensure Controlled Confinement of such dog(s);
 - ii. The owner to muzzle such dog(s) when ever dog is off of the owner’s property.

- iii. The owner to post a sign at the entrance of his property stating "Vicious Dog"
 - iv. The owner of such dog(s), to forthwith deliver the dog(s) to the pound keeper who shall forthwith destroy or arrange for the destruction of such dog(s);
 - v. The owner to remove such dog(s) from within the corporate boundaries of the County.
- c. Subsection (b) (ii) shall not apply when the vicious Dog is under Controlled Confinement.
- d. An owner of a Vicious Dog is guilty of an offence if such dog:
- i. Runs at Large;
 - ii. Bites, attacks, threatens, harasses, chases, kills or injures any person including, but limited to, when such person is on a bicycle, horseback or while walking or running;
 - iii. Bites, attacks, threatens, harasses, chases, kills or injures livestock, poultry or animals belonging to other persons.
 - ii. Bites or chases any vehicle.

7. TRAPPING OF DOGS PROVISIONS

- a. Residents of Westlock County, upon approval of the Animal Control Officer, may rent a live trap in accordance with Schedule "A" of this Bylaw. Failure to comply with the provisions of Schedule "A" may result in refusal of future trap rentals and charges under this Bylaw.
- b. No person shall;
- iii. Leave a set live trap unattended, unless authorized by the Animal Control Officer.
 - iv. Leave the live trap set between the hours of 11:00pm on one day to 6:00am the following day, unless authorized by the Animal Control Officer.
 - v. Set a trap later than 24hrs prior to regular working hours, generally to mean weekends and holidays, unless authorized by the Animal Control Officer.
 - vi. Trap any dogs other than the specific dog(s) in question, in a live trap.
 - vii. Fail to notify Animal Control Officer of a trapped dog within a Reasonably Practical Time.
 - viii. Kill, harm, tease, torment, annoy, abuse or injure any dog caught in a live trap.

8. INTERFERENCE WITH ENFORCEMENT OF A BYLAW

- a. No person, whether or not that person is the Owner of a dog which is being or has been captured shall:
- i. Interfere with or attempt to obstruct a person who is attempting to capture or trap or who has captured or trapped any dog in accordance with the provisions of this bylaw; or
 - ii. Remove or attempt to remove any dog from the possession of the Animal Control Officer or Pound Keeper.
 - iii. Remove or attempt to remove any dog from the County Shelter.

9. POWERS OF ANIMAL CONTROL OFFICER AND COUNCIL

- a. The Animal Control Officer is authorized to capture and impound at the County Shelter:
- i. Any dog that is running at large within the County jurisdiction
 - ii. Any dog that has been humanely trapped in a live trap set for the purpose of capturing dogs at large
 - iii. Any dog that has been found wounded, distressed, abandoned or diseased.

- c. The Animal Control Officer is authorized to take reasonable measures to subdue and capture any dogs found to be in contravention of this bylaw including:
 - i. Baits and lures
 - ii. Live traps
 - iii. Snare poles
 - iv. Other mechanical devices
 - v. Chemical agentsproviding that such methods are applied in a humane manner.
- d. The Animal Control Officer may enter onto lands in pursuit of a dog observed the that officer to be running at Large and may remove that dog from that property;
- e. Notwithstanding the care taken to ensure return of an Owner's dog, if a dog shall be found by the Animal Control Officer to be dangerous and/or seriously injured, it may be euthanized immediately.
- f. Upon receiving information of the potential spread of a virulent communicable disease known to be transmitted by animals, the Council or designate may proclaim the County or any part thereof as an area in which dogs are absolutely restricted or confined to the buildings of the owners for such period of time as is deemed necessary, in the sole discretion and judgement of the Council or their designate;

10. IMPOUNDMENT

- a. Except as otherwise provided, when a dog has been impounded, the pound keeper shall keep such dog for a period of 3 (three) business days from the day of impoundment.
- b. When a purebred dog has been impounded, the pound keeper shall keep such dog for a period of 10 (ten) business days from the day of impoundment.
- c. Notwithstanding Section 10 (a) and (b), the owner of a dog may at any time, during regular working hours, redeem such dog upon payment of all applicable fines as set out in Schedule "B" and Levies as set out in Schedule "C".
- d. At the expiration of the impoundment period as stated in Section 10 (a) or (b), any dog not redeemed becomes property of the County and may be adopted, given away or humanely destroyed, at the County's sole discretion.
- e. An owner who fails to redeem a dog resulting in the dog being adopted or destroyed shall pay, upon demand to the County, all impoundment fines, levies and all costs incurred. Failure to comply is an offence under this Bylaw.

11. PENALTIES

- f. Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable to penalty as set out in Schedule "B", herein.

12. VIOLATION TAGS

- a. The Animal Control Officer may issue a violation tag pursuant to the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34, as amended, to any person who the Animal Control Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

13. VIOLATION TICKET

- a. If the Violation Tag is not paid within the prescribed time period, the Animal Control Officer may issue a violation ticket pursuant to the Part II of the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34 amended, and Regulations there under.

- b. Notwithstanding Section 13(a) of this Bylaw, an Animal Control Officer may issue a Violation Ticket pursuant to the Part II of the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34 amended, and Regulations there under, to any person who the Animal Control Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

14. EXISTING RIGHTS AFFECTED

- c. The terms and provisions of this Bylaw shall apply with respect to any and all rights, interest and property, both real and personal, existing both prior and subsequent to the date of the enactment of the Bylaw.

15. SEVERABILITY PROVISION

- d. Should any provision of this Bylaw be invalid, then such invalid provision shall be severed and the remaining Bylaw shall be maintained.

16. REPEAL OF BYLAW

- e. This Bylaw repeals Bylaw No. 18-2006

This Bylaw shall come into force and take effect upon third and final reading and proper signature thereof.

READ A FIRST TIME this Tenth (10TH) day of April A.D. 2012.

READ A SECOND TIME this Tenth (10TH) day of April A.D. 2012 and by unanimous vote and unanimous consent of Councillors present:

READ A THIRD AND FINAL TIME this Tenth (10TH) day of April A.D. 2012

Date

Reeve

Date

Administrator

SCHEDULE "A"

WESTLOCK COUNTY

PROCEDURE AND GUIDELINES FOR LIVE TRAPPING OF DOGS

1. A resident of Westlock County may request to rent a live trap from Westlock County. Approval will be determined by the Animal Control Officer
2. The Complainant will contact the County office and, upon validity of complaint, sign the form and an agreement provided by the County and the County will then provide a live trap to the Complainant.
3. The Complainant will be required to pay a \$20.00 deposit to the County. This deposit will be returned to the Complainant at such time as the trap is returned and is found to be in the same condition it was at the time it was obtained from the County.
4. The Complainant will set the live trap in a place shaded from the hot sun, on the premises of the Complainant for a period of not more than 72 hours, after which time he will return the trap to the County.
5. It will be the responsibility of the Complainant to check the trap regularly every 2 - 3 hours, or as approved by the County and, if a dog is caught, the Complainant must notify the County Animal Control Officer within a reasonably practical time following the trapping.
6. The Animal Control Officer may enter and inspect the premises at any time to ascertain if these guidelines are followed.
7. The Complainant shall not leave a trap set on his property unattended when absent for any period of time, unless approved by the Animal Control Officer.
8. The Complainant shall check the trap prior to 11:00 p.m. on each night that the trap is on his property and, if no dog is caught, he shall, unless otherwise approved by the by the Animal Control Officer, trip the trap and render it harmless until 6:00 a.m. the following day, then the Complainant may again set the trap.
9. At such time as the Animal Control Officer takes possession of a trapped dog, the he will try to locate an identifying tag or tattoo on the dog and, if found, will make every effort to contact the Owner of the dog in order to report that it has been impounded by Westlock County.
10. At such time as a dog owner attends the Westlock County Shelter for the purpose of claiming his dog, a Violation tag or ticket will be issued in accordance with this bylaw.
11. It is the responsibility of the Complainant to ensure that, once a dog is trapped on his property the said dog shall not be abused or harmed in any way contrary to Section 7 (b) of the Dog Control Bylaw, by anyone on his property or anyone coming onto his property.
12. Any person seeing a dog in a trap being abused is encouraged to telephone and report the abuse to the County, at which time the Animal Control Officer may attend at the premises where the abuse has taken place and may remove the dog and the trap forthwith and may also result in refusal of all future live trap requests. The validation of the report and abuse will be at the sole discretion of the Animal Control Officer.
13. No live traps will be provided by the County to a complainant when weather conditions are, or are forecast to be, colder than 0 degrees Celsius within the 72 hour period from the time of issue.
14. Any person who contravenes any of the Trapping Procedures and Guidelines may be charged with an offence under this bylaw and refused future trap requests.

I UNDERSTAND THE TERMS AND CONDITIONS LISTED IN THIS DOCUMENT AND AGREE TO COMPLY ACCORDINGLY.

NAME: _____

SIGNATURE: _____

WITNESS: _____

CASH DEPOSIT AMOUNT RECEIVED: _____

**SCHEDULE "B"
PENALTIES**

<u>SECTION</u>	<u>OFFENCE</u>	<u>PENALTY</u>	<u>2ND OFFENCE</u> (within 12 months)	<u>SUBSEQUENT</u> <u>OFFENCES</u>
5 (a)	Dog at Large	\$ 75.00	\$ 150.00	C
5 (b)	Bark or howl excessively to disturb the peace of others	\$ 100.00	\$ 250.00	C
5 (c)	Cause damage to public or private property	\$ 100.00	\$ 200.00	C
5 (d)	Dog bite, attack, threaten, chase, kill or injure	\$ 150.00	\$ 300.00	C
5 (e)	Fail to confine a female dog in Heat	\$ 50.00	\$ 100.00	C
5 (f)	Tease, torment, annoy, abuse or injure any dog	\$ 100.00	\$ 200.00	C
5 (g)	Untie, loosen or otherwise free a dog	\$ 100.00	\$ 200.00	C
5 (h)	Failure to remove Defecation on Public or Private Property.	\$ 50.00	\$ 100.00	C
6 (d)(i)	Vicious Dog at large	\$ 500.00	\$ 1,000.00	C
6 (d)(ii)	Failure to keep a vicious dog muzzled, harnessed, or properly leashed	\$ 200.00	\$ 400.00	C
6 (d)(iii)	Fail to post Vicious Dog signage on property	\$ 150.00	\$ 250.00	C
6 (d)(iv)	Vicious Dog bite, attack, threaten, chase, kill or injure	\$ 1,000.00	C	C
7 (b)	Fail to comply in accordance with Trapping Provisions	\$ 100.00	\$ 200.00	C
8 (a)	Interference with enforcement of a bylaw	\$ 250.00	\$ 500.00	C
10 (e)	Fail to pay impoundment fines and levies imposed	\$ 150.00	\$ 300.00	C

SCHEDULE "D"
VIOLATION TAG (COMPRESSED TO FIT PAGE)

Amount to be paid to Westlock County by the owner of a dog in order to reclaim such dog from the pound:

- | | | |
|----|------------------------|-----------------------------------|
| 1. | Impoundment Levies | \$ 15.00 per day/per dog |
| 2. | Veterinary Levies | Amount determined by Veterinarian |
| 3. | Dog Surrender by Owner | \$ 20.00 |