

BYLAW NO. 947/11

A Bylaw for the purpose of licensing, regulating and confining Dogs in the Clearwater County.

WHEREAS, the Council for Clearwater County has deemed it advisable to pass such a Bylaw as allowed by the Municipal Government Act, RSA 2000, c. M-26.1.

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

Section 1 -- Short Title and Application

1. This Bylaw may be cited as “Dog Control Bylaw” and will be referred to herein as “this Bylaw”.

Section 2 -- Definitions

2. In this Bylaw, unless the context otherwise requires, the term:

- a) “Animal Control Officer” means a person appointed by the County to enforce the provisions of this Bylaw;
- b) “Contractor” means a person employed, or under contract, with the County to enforce the provisions of this Bylaw and maintain and administer an impound facility for Dogs;
- c) “Dog” means either male or female of the canine family;
- d) “Municipal Ticket” means a municipal ticket issued on behalf of the Town for a violation under this Bylaw;
- e) “Officer” includes an Animal Control Officer, Bylaw Enforcement Officer, Peace Officer and a member of the Royal Canadian Mounted Police;
- f) “Owner” includes any person, partnership, association or corporation:
 - i. Owning, or possessing, or having charge of or control of any Dog;
 - ii. Harboring any Dog;
 - iii. Suffering or permitting any Dog to remain about his or her property; and
 - iv. To whom a License for such Dog has been issued by the County.

For the purposes of this Bylaw, a Dog can have multiple Owners at any given time as defined by this Bylaw.

- g) “Running at Large” means off the premises of the Owner and not on a leash held by a person able to control the Dog;
- h) “Violation Ticket” means a ticket issued pursuant to the provisions of the Provincial Offences Procedures Act, RSA 2000, c. P-34.

Section 3 – Offences

3. The Owner of a Dog is guilty of an offence, if the Dog:

- a) Is Running at Large;
- b) Defecates on any public or private property other than the property of its Owner and the Owner fails to immediately remove such defecation. This provision shall not apply to a registered guide Dog while it is assisting a blind person;
- c) Urinates on private property, other than the property of its Owner, without the permission of that property owner. This provision shall not apply to a registered guide Dog while it is assisting a blind person;
- d) Barks or howls so as to disturb any person.;
- e) Damages public or private property;
- f) Chases, threatens or harasses any person, domestic animal, bicycle, or motor vehicle;
- g) Attacks or bites any person or domestic animal.

3.1 Any person who harbours or permits more than 3 dogs, 6 or more months old, on any land classified as residential land under the Land Use Bylaw of the County is guilty of an offence. This provision does not apply to a veterinary clinic operated by a certified and registered veterinarian or a person with a valid and subsisting development approval from the County for a

kennel or small animal breeding facility

Section 4 – Authority of Officers

4. The Contractor shall keep an up-to-date record of all complaints, notices and reports relating to enforcement or investigation, including a record of any Dog's disposition, under this Bylaw.
- 4.1 An Officer may seize and impound:
 - a) Any Dog Running at Large;
 - b) Any Dog that has attacked or bitten or is alleged to have attacked or bitten a person or domestic animal;
- 4.2 To enforce the provisions of this Bylaw, an Officer is authorized enter upon private property, other than a dwelling house, at all reasonable times.
- 4.3 No person, whether or not he or she is the Owner of a Dog which is being, or has been, pursued, or has been captured, shall not:
 - a) Interfere with, or attempt to obstruct, an Officer who is attempting to capture or who has captured any Dog in accordance with the provisions of this Bylaw;
 - b) Unlock or unlatch or otherwise open the vehicle in which animals captured for impoundment have been placed, so as to allow or attempt to allow any animal to escape therefore; or
 - c) Remove or attempt to remove any Dog from the possession of an Officer.
- 4.4 Any person who, in any way, interferes with the enforcement of the provisions of this Bylaw and in particular, breaches any provision of Section 4.3 herein, is guilty of an offence.
- 4.5 The owner or occupier of any private property may apprehend a Dog found Running at Large on his or her property and shall immediately thereafter notify the County or an Officer. Following notification, an Animal Control Officer shall arrange to take delivery of the Dog as soon as possible.

Section 5 – Release of Impounded Dogs

5. The Contractor shall keep all impounded Dogs for a period of not less than 72 hours, including the day of impounding. Sundays and Statutory holidays shall not be included in the computation of the 72 hour period. During this period, any healthy Dog may be returned to its Owner, upon payment to the Contractor of kennel fees (established under the contract between the Contractor and the County) for every twenty four hour period or fraction thereof that a Dog has been impounded.
- 5.1 Notwithstanding the foregoing, an impounded Dog shall not be returned to its Owner until the fourth day after impoundment if the Animal Control Officer has reasonable grounds to believe, and does believe, that the Dog is a continuing danger to people, other animals or property and has recommended to the County that the County make an application for an Order under the Dangerous Dog Act.
- 5.2 After the expiration of the 72-hour period, any impounded Dog not claimed may be destroyed or sold by the Contractor.
- 5.3 The Contractor or Animal Control Officer shall report any apparent illness, communicable disease, injury or unhealthy condition of any Dog to a veterinarian and act upon his or her recommendation. The Owner, if known, shall be held responsible for all resulting costs and expenses incurred.

SECTION 6- PENALTIES

6. Where an Officer has reasonable grounds to believe that a person has contravened any provision of this Bylaw, he or she may:
 - (a) serve upon the person a Municipal Ticket allowing payment of the specified penalty as set out in Schedule "A" at the County Office, which payment shall be accepted by the County in lieu of prosecution for the offence; or
 - (b) he or she may issue a Violation Ticket in accordance with the Provincial Offences Procedure Act, RSA 2000, c. P-34, allowing a voluntary payment as set out in Schedule "A" at the Provincial Court, or requiring a person to appear in Court without the alternative of making a voluntary payment.

- 6.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable, on summary conviction, to the penalty as set out in Schedule "A", and in default of payment of the specified penalty, to imprisonment for up to 6 months.
- 6.2 Any person who contravenes the same provision of this Bylaw twice or more within a 12 month period is guilty of a second, third or subsequent offence and is liable, on summary conviction, to a penalty for a second, third or subsequent offence as set out in Schedule "A", and in default of payment of the specified penalty, to imprisonment for up to 6 months.
- 6.3 The Municipal Ticket may be served by leaving the ticket at the residence of the Owner. The Violation Ticket may be served upon a person in accordance with the provisions of the Provincial Offences Procedure Act, RSA 2000, c. P-34.
- 6.4 A Provincial Court Judge, in addition to imposing penalties provided for in this Bylaw, may, if he or she considers it proper to do so, order the Owner to comply with any provision of this Bylaw pursuant to Section 567 of the Municipal Government Act, RSA 2000, c.M-26.1, as amended.
- 6.5 Any person who contravenes any provision of this Bylaw, for which there is no penalty specified in Schedule "A", shall be liable to a penalty of not less than \$500.00 and not more than \$10,000.00 and in default of payment of the penalty, to imprisonment for up to 6 months.

Section 7 – Severability of Bylaw Provisions

- 7. It is the intention of Clearwater County Council that each separate provision of this Bylaw shall be deemed independent of all other provisions, and if any provision of this Bylaw is declared invalid, all other provisions shall remain valid and enforceable.

Section 8 - Transition

- 8. By-law #723/01 and all amendments thereto are hereby rescinded.

READ A FIRST TIME this ___ day of _____, 2011.

READ A SECOND TIME this ___ day of _____, 2011.

READ A THIRD AND FINAL TIME this ___ day of _____, 2011.

REEVE

MUNICIPAL MANAGER

SCHEDULE "A"**PENALTIES**

SECTION OF OFFENCE	FIRST OFFENSE	SECOND OFFENCE	THIRD AND SUBSEQUENT OFFENCES
3.a) Dog Runs at large	250.00	400.00	500.00
3.b) Fail to immediately remove defecation	250.00	400.00	500.00
3.c) Allow Dog to urinate on private property without permission of owner	250.00	400.00	500.00
3.d) Bark/Howl so as to disturb	250.00	400.00	500.00
3.e) Damage public or private property	250.00	400.00	500.00
3.f) Chase, threaten, harass person, animal, bicycle or motor vehicle	300.00	400.00	COURT
3.g) Attack or bite any person or animal	COURT	COURT	COURT
3.1) Have more than 3 dogs	300.00	400.00	500.00
4.3 a) Interfere with/obstruct Officer	300.00	400.00	500.00
4.3 b) Unlock or open vehicle to allow animal escape	300.00	400.00	500.00
4.3 c) Remove dog from Officer	300.00	400.00	500.00