

## COUNTY OF ST. PAUL NO. 19

### BYLAW NO. 2018-05

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A Bylaw of the County of St. Paul in the Province of Alberta to provide for the regulation and control of dogs running at large within the County of St. Paul.

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**WHEREAS** Section 7 of the Municipal Government Act, 2000, Chapter M-26, and amendments thereto, of the Province of Alberta, provide that a Municipal Council may enact a Bylaw respecting wild and domestic animals and activities in relation to them.

**NOW, THEREFORE:** The Council of the County of St. Paul No. 19 in the Province of Alberta, duly assembled enacts as follows:

#### **Section 1: Title**

This Bylaw shall be cited as “The Dog Control Bylaw.”

#### **Section 2: Definitions**

In the Bylaw unless the context otherwise requires:

- a) “At large” means off the premises of the owner and not under the control of the person;
- b) “Dog Control Officer” shall mean,
  - i) A person appointed under Section 555 and 556 pursuant to the Municipal Government Act, RSA 2000, Chapter M-26, employed or contracted by the County to enforce the County Bylaws;
  - ii) Community Peace Officer as defined under the Peace Officer Act, SA 2006, Chapter P-3.5;
  - iii) A member of the Royal Canadian Mounted Police (RCMP); or
  - iv) Fish and Wildlife Officer appointed under the Wildlife Act (Alberta);
- c) “Controlled Confinement” shall mean the confinement of a dog in a pen, cage or building or securely tethered in a manner than will not allow the dog to bite, harm, or harass any person or animal;
- d) “County” shall refer to the County of St. Paul No. 19.
- e) “Damage to Property” shall include defecating or urinating on such property;
- f) “Dog Show” shall refer to any event for the purpose of showing or exhibiting dogs which is sanctioned or recognized by the Canadian Kennel Club;

- g) “Dog Training School” shall refer to any facility for which the primary purpose is the training of dogs, and at which facility dog training activities are under the direct control and supervision of a dog trainer;
- h) “Kennel” shall mean any property, wherein four (4) or more dogs are harboured, boarded, permitted, or sheltered within the municipal boundaries of the County;
- i) “Land Use Bylaw” shall mean the County’s Land Use Bylaw, as amended;
- j) “Owner” shall refer to:
  - i) a person who has the care, charge, custody, possession, or control of a dog;
  - ii) a person who owns or who claims any proprietary interest in a dog;
  - iii) a person who harbours, suffers, or permits a dog to be present on any property owned or under their control;
  - iv) a person who claims and receives a dog from the custody of the County dog shelter or a Bylaw Control Officer
  - v) a person to whom a license tag was issued for a dog in accordance with the Bylaw;
- k) “Permitted Leash” shall refer to a leash adequate to control a dog to which it is attached, and which leash shall not exceed two metres in length;
- l) “Possession” shall refer to:
  - i) Having physical or effective control of a dog;
  - ii) Having given physical or effective control of a dog to another person for the purpose of controlling the dog for a period of time;
  - iii) Where one or two or more persons has physical or effective control of a dog, it shall be deemed to be in control of each and all of them.
- m) “Secure Enclosure” shall mean a building, cage, or fenced area of such construction that will not allow the confined dog or dogs to escape from that enclosure;
- n) “Vicious Dog” shall refer to:
  - i) Any dog with a known propensity, tendency, or disposition to attack, without provocation, any person or animal;
  - ii) Any dog which has been deemed to be dangerous by a Justice under the provisions of the Dangerous Dogs Act of Alberta, as amended;

- o) "County Dog Shelter" shall mean premises designated by the County for the impoundment and care of dogs.

**Section 3: Dog Control Provisions**

- 3.1) An owner whose dog is At Large is guilty of an offence;
- 3.2) An owner of a dog of the female sex is guilty of an offence if the dog is not housed and confined in a building during the whole period such as the dog is in heat, except that the dog may be allowed outside for a reasonable period for the sole purpose of defecating and urinating on the property of the owner;
- 3.3) An owner whose dog barks or howls so as to disturb the quiet or repose of any person is guilty of an offence;
- 3.4) An owner of any dog which has damaged any public or private property area within the municipal boundaries of the County is guilty of an offence;
- 3.5) The County may post signs indicating those public property areas where dogs are not permitted, and an owner whose dog is in an area where a sign prohibits the presence of dogs, whether at large or under the control of such owner, is guilty of an offence;
- 3.6) Any person who harbours, boards, permits or shelters more than two (2) dogs over the age of six (6) months on any property within the municipal boundaries of the County, except for farmers or a County-approved kennel, is guilty of an offence;
- 3.7) Section 3.6 herein, shall not apply to:
  - 3.7.1 Premises lawfully used for the care and treatment of dogs, operated by, or under the supervision of a licensed veterinarian;
  - 3.7.2 Any premises which may be used for the purpose of a dog show;
  - 3.7.3 Any person in possession of a valid County development permit to operate a kennel within the County, as authorized by the County Land Use Bylaw; or
  - 3.7.4 Any lot with eighty (80) acres or more with a single residence.
- 3.8) An owner of a dog is guilty of an offence if such a dog:
  - 3.8.1 Threatens, attacks, or harasses any person;

- 3.8.2 Chases any person while such a person is walking, running, on bicycle or horseback;
- 3.8.3 Attacks, harasses, injures, or kills any animal belonging to any person.
- 3.9) An owner of a vicious dog is guilty of an offence if such a dog is not at all times on the property of the owner and is confined within a secure enclosure, unless the dog is on a permitted leash and controlled by the owner;
- 3.10) Any person interfering with, hindering, or impeding a Bylaw Enforcement Officer in the performance of any duty authorized by this Bylaw is guilty of an offence.

#### **Section 4: Power of a Dog Control Officer**

- 4.1) The Officer is authorized to capture and impound in the County dog shelter any dog which is at large, the dog control officer is further authorized to take such reasonable measures as necessary to subdue such dogs including the use of tranquillizer equipment and materials. If any such dog is injured, it may be taken to a veterinarian for treatment to relieve pain or bleeding, then to the County dog shelter.
- 4.2) All impounded dogs may be kept in the County dog shelter for a period of seventy-two (72) hours. Sundays and Statutory holidays shall not be included in the computation of the seventy-two (72) hour period. During this period, any dog may be redeemed by its owner, except as otherwise provided in this Bylaw, upon payment to the County of its authorized agent of. Dogs required to be held longer by order of Alberta Health Services will be subject to impoundment fees as per 4.2.1
  - 4.2.1 The appropriate impoundment fee as set out in the Fee Schedule Bylaw.
  - 4.2.2 The cost of any veterinary treatment required for a dog that was injured when picked up or in the act of capture.
- 4.3) Once the seventy-two (72) hour period has expired, the County will obtain ownership of the dog, and at its discretion and in accordance with the *Animal Protection Act*, will determine the best course of action in each individual case.

#### **Section 5: Penalty Provisions**

- 5.1) Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine as set out under the Penalties Bylaw.

- 5.2) Notwithstanding Section 5.1 of this Bylaw, any person who commits a second or subsequent offence under this Bylaw within one (1) year of committing another offence under this Bylaw; and who was:

5.2.1 Found liable on summary conviction for that earlier offence; or

5.2.2 Who was issued a Violation Tag pursuant to Section 6 herein and paid the amount specified in the Violation tag within thirty (30) days;

May be liable on summary conviction to a fine as set out under the Penalties Bylaw.

- 5.3) All violations will be accompanied by the appropriate fee, as identified in the Penalties Bylaw.

### **Section 6: Violation Tags**

- 6.1) An Officer is hereby authorized and empowered to issue a Violation Tag to any person, whom the Officer has reasonable and probable grounds to believe contravened any provision of this Bylaw;

- 6.2) A Violation Tag may be issued to such a person:

6.2.1 Either personally;

6.2.2 By mailing a copy to the owner's last known post office address;

6.2.3 Upon retrieval of such person's dog from the County dog shelter.

- 6.3) The violation tag shall be in a form approved by the County and shall state:

6.3.1 The name of the owner

6.3.2 The offence

6.3.3 The appropriate penalty for the offence as set out in the Penalties Bylaw

6.3.4 That the penalty shall be paid within thirty (30) days on the issuance of the Violation Tag

6.3.5 Any other information the County deems pertinent

- 6.4) Where a contravention of this Bylaw is of a continuing nature, further violation tags may be issued by the Officer, provided however, that no more than one violation tag shall be issued for each day the contravention continues.

- 6.5) Where a Violation Tag is issued pursuant to this Section, the person to whom the violation tag is issued may, in lieu of being prosecuted for the offence, pay to the County the penalty specified on the Violation Tag.

- 6.6) Nothing in this Bylaw shall prevent the Officer from immediately issuing a violation ticket.

**Section 7: Violation Ticket**

- 7.1) If the penalty specified on a Violation Tag is not paid within the prescribed time period, then the Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, S.A. 1988, c. P-21.5.
- 7.2) Notwithstanding Section 7.1, an Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, S.A. 1988, c. P-21.5, without first issuing a violation tag.

**Section 8: Rescission**

- 8.1) Bylaws 2017-10 is hereby repealed.

This Bylaw shall come into full force and effect upon the final passing thereof.

Read a first time in Council this 27<sup>th</sup> day of March, A.D. 2018.

Read a second time in Council this 27<sup>th</sup> day of March, A.D. 2018.

Read a third time in Council this 27<sup>th</sup> day of March, A.D. 2018.

*(Originals signed by Reeve S. Upham)*

*(Originals signed by CAO S. Kitz)*

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Reeve

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Chief Administrative Officer