

**THE COUNTY OF SMOKY LAKE NO. 13
IN THE PROVINCE OF ALBERTA
BYLAW NO. 965-94**

A Bylaw for the purpose of Licensing, Regulating and Controlling dogs and domestic animals within the jurisdiction.

WHEREAS Section 164 of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 190 with amendments in force as of October 1, 1990, provides that a Council of a Municipality may pass a Bylaw for the licensing of dogs and the restraining, regulating and impounding of dogs running at large;

AND WHEREAS, Section 153 of the said Municipal Government Act provides that a Council of a Municipality may pass a Bylaw for the regulation of any matter or thing for the protection of life or property;

AND WHEREAS, the Council of the County of Smoky Lake wishes to regulate the control of dogs and domestic animals within the County;

NOW THEREFORE, the Council of the County of Smoky Lake No. 13, in the Province of Alberta, duly assembled, enacts as follows:

SECTION 1 - NAME OF THIS BYLAW

1.1 This Bylaw may be cited as the "**Animal Control Bylaw**".

SECTION 2 - DEFINITIONS

- 2.1 a) "**Animal Control Officer**" means a Bylaw Enforcement Officer of the County as referred to in Section 39 of the Police Act, Peace Officer or any person or persons appointed by Council to the position of Animal Control Officer under Section 3 of this Bylaw;
- b) "**Collar**" means any device made of leather, chain or other matter, capable of having metal tags securely fastened to it and designed solely to be worn around the neck of a dog or cat;
- c) "**Communicable Diseases**" means an illness due to an infectious agent or toxic product which is transmitted directly or indirectly to a well person or animal from an infected animal and shall include: Distemper, Rabies, Canine Parvoe and Parainfluenza;
- d) "**Council**" means the Council of the County of Smoky Lake No. 13;
- e) "**Dog**" means a male or female of the canidae family, six months or age or older;
- f) "**Dog Pound**" means the premises designated by the Council for the purpose of impounding and caring for all dogs found to be running at large in violation of this Bylaw;
- g) "**Domestic Animal**" means:
- i) animals that have been domesticated for agricultural use and for resale and shall include: pigs, horses, sheep and poultry;
 - ii) animals that have been domesticated for and kept as pets and shall include: cats, pigeons and rabbits.

SECTION 2 - DEFINITIONS (Continued...)

- h) "Identification Tag" means a tag issued to an owner upon registration of a dog as set out in Section of this Bylaw;
- i) "Kennel" means any one (1) location, shelter, room, dwelling or place where three (3) or more dogs are harboured at any time, except for premises used for the care and treatment of dogs operated by a qualified veterinarian or a Dog Pound;
- j) "Offence Tag" means a ticket, tag or similar document issued for any Bylaw offence as an alternative to the issuance of a Summons;
- k) "Owner" means any person:
 - i) owning, possessing or having charge of or control over any dog or domestic animal, or
 - ii) harbouring or keeping any dog or domestic animal, or
 - iii) suffering or permitting any dog or domestic animal to remain about his property or premises, or
 - iv) who owned a dog or domestic animal as defined in i), ii) or iii) before the dog or domestic animal was impounded and subsequently sold or destroyed;
- l) "Pound Keeper" means the person or persons owning and/or operating a place designated by Council to be operated as a Dog Pound;
- m) "Residential Area" means any area within the County limits that is classified according to the Land Use Bylaw No. 826-89 and amendments thereto, as residential;
- n) "Running At Large" means a dog is deemed to be running at large when found in any place other than it's owner's property and not under the immediate, continuous and effective control of any person;
- o) "SPCA" means the Society for the Prevention of Cruelty to Animals in the Province of Alberta;
- p) "Violation Ticket" means a violation ticket as defined in Section 1(k) of Alberta Regulation 193/82, as amended, being the Violation Ticket Regulation under the Summary Convictions Act.

SECTION 3 - ANIMAL CONTROL OFFICER(S)

- 3.1 The Council shall, by resolution, from time to time, appoint one (1) or more persons to the position of **Animal Control Officer(s)**.
- 3.2 Each Animal Control Officer shall be responsible to the Council for the ongoing administration, maintenance and operation of animal control services within the County as contemplated by this Bylaw.

SECTION 4 - DOG POUND AND POUND KEEPER(S)

- 4.1 The Council, by resolution, shall designate or enter into an Agreement to provide, a place or places to be operated as a **Dog Pound**. The SPCA shall be consulted with regards to the designation or Agreement of the Dog Pound.

SECTION 4 - DOG POUND AND POUND KEEPER(S) (Continued...)

- 4.2 The Council shall, by resolution, from time to time, appoint one (1) or more persons to the position of the **Pound Keeper**.
- 4.3 Each Pound Keeper shall be responsible for the administration, operation and maintenance of the Dog Pound and for the safekeeping, caring and feeding of all dogs lawfully detained under the provisions of this Bylaw.

SECTION 5 - POWERS OF THE ANIMAL CONTROL OFFICER AND THE POUND KEEPER

- 5.1 The Animal Control Officer and Pound Keeper are authorized to capture and impound:
- a) any dog or domestic animal running at large;
 - b) any dog not wearing an Identification Tag.
- 5.2 The Animal Control Officer and Pound Keeper are authorized to enter upon private property with the consent of the owner or occupant thereof to apprehend a dog or domestic animal found to be in contravention of this Bylaw.
- 5.3 The Animal Control Officer and Pound Keeper are authorized to take reasonable measure(s) to subdue and capture dogs or domestic animals found to be in contravention of this Bylaw.

SECTION 6 - REGISTRATION

- 6.1 Every person who owns a dog and resides in the County shall, before the first day of February in each year, register such dog or domestic animal at the County Office.
- 6.2 The registration of a dog under Section 6.1 remains valid and subsisting for the duration of the following calendar year.
- 6.3 Every person who resides in the County and who becomes the owner of a dog and every person who takes up residence in the County who is the owner of a dog shall register such dog at the Office of the County within fifteen (15) days after becoming the owner of the dog or being the owner of the dog taking up residence within the County.
- 6.4 The registration of a dog under Section 6.3 remains valid and subsisting until the expiration of the calendar year in which the registration is made.
- 6.5 Under Section 6.1 and 6.3 each dog is required to be registered separately.
- 6.6 Every owner shall provide the Municipal Office with the following information when registering a dog in accordance with this Bylaw:
- a) Name and address of the owner;
 - b) Name, breed, colour and sex of the dog to be registered;
 - c) Such other relevant and necessary information as may be required by the County in respect of the registration.

SECTION 6 - REGISTRATION (Continued...)

- 6.7 A registration fee as set out in Schedule "A" shall be paid to the County for the registration of each dog under Section 6.1 or 6.3 of this Bylaw.
- 6.8 Upon payment of the registration fee the County shall issue to the Owner an Identification Tag for each dog registered. The Identification Tag shall be marked with an identification number, corresponding to the identification number contained in the Master Registration Book of the County's, and the year during which the registration of the dog is valid and subsisting.
- 6.9 The County shall keep a Master Registration Book, which shall contain the name and address of each Owner, the breed, colour and sex of each Owner's dog together with the date of registration of each Owner's dog, the identification number stamped on the Identification Tag and the amount of license fee paid by the Owner.
- 6.10 Every Owner shall provide his dog with a collar to which the owner shall affix the Identification Tag for such dog and the Owner shall ensure that the collar and Identification Tag are worn by the dog at all times when the dog is at any place other than the property of the Owner.
- 6.11 If an Identification Tag is lost or destroyed, the Owner is required to obtain a new Identification Tag forthwith from the County.
- 6.12 A new Identification Tag shall be issued under Section 6.11 by the County upon presentation by the Owner of a receipt showing payment of the registration fee for the current year.
- 6.13 Identification Tags issued under this Bylaw shall not be transferrable from one (1) dog to another.
- 6.14 A registration fee paid to the County under this Bylaw shall not be refunded, in whole or in part, because of the death, sale or disposition of the dog in respect of which the registration fee was paid or because the Owner ceases to reside in the County.
- 6.15 Dogs specified as "Dog Guides" or "Seeing Eye Dogs" for the legally blind may be registered by the Owners and issued an Identification Tag free of charge.
- 6.16 The provisions of Section 6 shall not apply to persons who are temporarily resident in the County area for a period not exceeding forty eight (48) hours, or a further period, if written permission is obtained from the Municipal Administrator of the County.

SECTION 7 - IMPOUNDED DOGS OR DOMESTIC DOGS

- 7.1 The Pound Keeper shall keep all impounded dogs and domestic animals for a period of at least seventy two (72) hours commencing from the time the dog or domestic animal is impounded (excluding Sundays and Statutory Holidays). During this period any healthy dog or domestic animal may be redeemed by its Owner or agent to the Owner, upon payment of the following:
- a) the fine as set out in Schedule "A" made payable to the County of Smoky Lake No. 13 where applicable;

SECTION 7 - IMPOUNDED DOGS OR DOMESTIC DOGS (Continued...)

- b) the appropriate registration fee made payable to the County when the dog is not registered and required to be registered under Section 6 of this Bylaw;
 - c) all reasonable costs incurred by the Pound Keeper which shall be paid to the Pound Keeper directly.
- 7.2 The Animal Control Officer shall make reasonable attempt(s) to ascertain the name of the Owner of any impounded dog or domestic animal and shall attempt to notify the Owner of the impounded by telephone or otherwise.
- 7.3 At the expiration of the seventy two (72) hour period, referred to in Section 7.1, any dog not redeemed or sold may be destroyed.
- 7.4 The Animal Control Officer shall report any apparent "communicable disease", illness, injury, unhealthy conditions or other distressful signs of any dog or domestic animals impounded to a veterinary surgeon or the SPCA, and act upon their recommendations. The Owner shall be responsible for all charges resulting from any veterinary examinations and reaction to the Owner's dog or domestic animal.
- 7.5 The Animal Control Office may retain or order the retention of any dog or domestic animal for a longer period of impoundment if in his/her opinion, the circumstances warrant the expense of extending the impoundment.

SECTION 8 - ENFORCEMENT ON CERTAIN PRIVATE PROPERTIES

- 8.1 The County may agree to patrol and enforce provisions of this Bylaw on private property including condominium sites, mobile home parks and commercial malls, upon the following conditions:
- a) the Owner of the private property shall make a written request to the Municipal Administrator that this Bylaw be enforced on his/her/their property;
 - b) the Owner of the private property shall agree to relieve the County from liability and save the County harmless from any and all legal actions which may arise as a result of the County's enforcing this Bylaw on his/her/their property, excepting when such legal actions arise due to the negligence of the County; and
 - c) the private property Owner shall deliver a "site plan" of the property in question to the Municipal Administrator.

SECTION 9 - OFFENSES

- 9.1 Any person who contravenes Section 6.1, 6.3, 6.10 and 6.11 of this Bylaw shall have committed an offence under this Bylaw.
- 9.2 No dog or domestic animal shall run at large in the municipal boundaries of the County. The Owner of any dog or domestic animal found running at large within the municipal boundaries of the County shall have committed an offence under this Bylaw.
- 9.3 No dog shall bark or howl excessively and no dog or domestic animal shall in any other manner disturb the quiet of any person or persons. The Owner of any dog or domestic animal found to be barking or howling excessively

SECTION 9 - OFFENSES (Continued...)

or in any other manner disturbing the quiet of any person, shall have committed an offence under this Bylaw.

- 9.4 No dog or domestic animal shall bite, bark at or chase persons; bite, bark at or chase bicycles or other motorized vehicles; bite, bark at or chase livestock or otherwise cause any harm or damage to any dog or domestic animal. The Owner of any dog found doing any of the actions described in the preceding sentence shall have committed an offence under this Bylaw.
- 9.5 No dog or domestic animal shall damage public or private property. The Owner of any dog which has damaged public or private property shall have committed an offence under this Bylaw.
- 9.6 No owner shall keep a female dog in heat at any location where the dog is a source of attraction to other dogs.
- 9.7 It shall be the duty of the Owner of any suspected rabid or otherwise communicable ill dog or domestic animal to take such steps and precautions that are required by a veterinary surgeon to prevent the transmission of the disease.
- 9.8 No person shall operate a Kennel in any residential district of the County. Any person operation a Kennel shall be required to obtain a Development Permit, as defined under the County's Land Use Bylaw No. 826-89 and amendments thereto.
- 9.9 No person shall lead, ride or drive livestock on any parkland in the County other than in a parade for which Council has issued a permit.
- 9.10 No person shall have, maintain, raise or feed domestic animals in the County, except in any area that may be designated by Council.
- 9.11 No person shall harbour more than four (4) cats in any residential property within the County.
- 9.12 No person shall:
- a) interfere with or attempt to obstruct an Animal Control Officer or Pound Keeper who is attempting to capture or who has captured any dog or domestic animal in accordance with the provisions of this Bylaw;
 - b) tamper with or open any vehicle in which dogs or domestic animals have been captured for impoundment in an attempt to allow such dogs to escape there from;
 - c) remove, or attempt to remove, any dog or domestic animal from the possession of an Animal Control Officer or Pound Keeper who is in the process of carrying out his/her duties under this Bylaw.
- 9.13 Any person who commits an offence under this Bylaw is liable on summary convictions to a fine as set out in Schedule "B" which is attached to and forming part of this Bylaw.

SECTION 10 - OFFENCE TAG

- 10.1 An Animal Control Officer is hereby authorized and empowered to issue an Offence Tag to any person or persons who contravene any provisions of this Bylaw.
- 10.2 An Offence Tag shall be in a form approved by the Council and shall state, inter alia:
- a) the name of the Offender;
 - b) the offence;
 - c) the appropriate fine for the offence as specific in Schedule "B" of this Bylaw; and
 - d) that the fine shall be paid within thirty (30) days of the issuance of the Offence Tag.
- 10.3 Where a contravention of this Bylaw is of a continuing nature, further Offence Tags for the same offence may be issued by the Animal Control Officer, **PROVIDED HOWEVER**, that no more than one (1) Offence Tag shall be issued for each day that the contravention continues.
- 10.4 Where an Offence Tag is issued pursuant to this Bylaw, the person or persons to whom the Offence Tag(s) is/are issued may, in lieu of being prosecuted for the offence, pay to the Treasurer of the County a sum specified on the Offence Tag.

SECTION 11 - VIOLATIONS TICKET

- 11.1 If the fine specified on the Offence Tag is not paid within the prescribed time period then a Dog Control Officer is hereby authorized and empowered to lay a complaint and issue a Summons by means of a Violation Ticket.
- 11.2 The Violation Ticket shall be in the form prescribed by Alberta Regulations 193/82, as amended, being the Violation Ticket Regulation passed pursuant to the Summary Conviction Act.

SECTION 12 - REPEAL OF PREVIOUS BYLAWS

- 12.1 This Bylaw shall repeal any and all previous Bylaws.

SECTION 13 - EFFECTIVE DATE OF BYLAW

- 13.1 This Bylaw shall take effect on the day of the Third and Final Reading.

FIRST READING - November 25, 1994

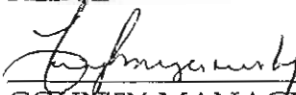
SECOND READING - November 25, 1994

THIRD AND FINAL READING - April 18, 1995

S E A L



REEVE



COUNTY MANAGER

**THE COUNTY OF SMOKY LAKE NO. 13
IN THE PROVINCE OF ALBERTA
BYLAW NO. 965-94**

SCHEDULE "A"

LICENSE FEES FOR DOGS

	Per Annum
1. Male dog, neutered or unneutered	\$10.00
2. Femal dog, spayed or unspayed	\$10.00
3. Dog Guides/Seeing-Eye Dog	No Charge

POUND FEES

1. \$20.00 per day or any part thereof - Dogs
2. \$2.00 per day or any part thereof - Other Domestic Animals

**THE COUNTY OF SMOKY LAKE NO. 13
IN THE PROVINCE OF ALBERTA
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**SCHEDULE "B"
FINES FOR OFFENCES**

OFFENCE DESCRIPTION	FIRST OFFENCE	SECOND OFFENCE	THIRD & SUBSEQUENT OFFENCES
Allowing dog to run at large	\$25.00	\$50.00	\$50.00
Harbouring an unregistered dog	\$10.00	\$15.00	\$20.00
Dog or domestic animal in restricted area	\$20.00	\$30.00	\$50.00
Dog or domestic animal disturbing the peace of other persons	\$20.00	\$30.00	\$50.00
Female dog in heat, not confined	\$20.00	\$30.00	\$50.00
Diseased dog or domestic animal, not confined	\$50.00	\$75.00	\$100.00
Dog or domestic animal being a public nuisance	\$20.00	\$30.00	\$50.00
Violations of any provisions of Section 9	\$20.00	\$30.00	\$50.00
Negligence of distressed dog or domestic animal	\$50.00	\$75.00	\$100.00
Operation of Kennel	\$50.00	\$75.00	\$100.00
Lead, ride or drive livestock	\$20.00	\$30.00	\$50.00
Failure to Register	\$25.00		