

LAMONT COUNTY, ALBERTA
BYLAW NO. 756.16
DOG CONTROL BYLAW

WHEREAS the *Municipal Government Act*, RSA 2000, c. M-26, authorizes a municipality to pass bylaws respecting the safety, health and welfare of people and the protection of people and property and respecting household pets and activities relating to them; and

WHEREAS the *Municipal Government Act*, RSA 2000, c. M-26, authorizes a municipality to pass Bylaws regarding the remedying of contraventions of Bylaws;

WHEREAS it is desirable and in the best interest of the public to pass a bylaw to regulate Dogs within Lamont County;

NOW THEREFORE, the Council of Lamont County duly assembled and under the authority of the *Municipal Government Act*, as amended, hereafter enacts the following:

SECTION 1 - DEFINITIONS

- 1(1) This Bylaw may be cited as the “Lamont County Dog Control Bylaw”.
- 1(2) For the purposes of this Bylaw the following definitions shall apply:
- (a) “Council” means the Council of Lamont County;
 - (b) “County” means the municipality of Lamont County;
 - (c) “Dog” means a canine animal over the age of six (6) months;
 - (d) “Flock/Herd” means a group of domestic animals kept for the purpose of farming. Examples may include (but are not limited to) cattle and sheep;
 - (e) “Municipal Government Act” means the *Municipal Government Act*, RSA 2000, c. M-26 as amended or replaced from time to time;
 - (f) “Owner” means any person;
 - (i) owning, possessing, having charge of or care and control over or harbouring any Dog,
 - (ii) who is recognized by any visible form of identification on the Dog,
 - (iii) tolerating or permitting any Dog to remain on or about the property owned or controlled by that Person,
 - (iv) as registered on the title of a property within Lamont County at the Land Titles Office,
 - (v) who is recorded as the Owner of the said Property on the County’s assessment roll,
 - (vi) who is an occupant of the said property under lease, license, or permit;
 - (g) “Peace Officer” has the same meaning as in the *Provincial Offences Procedure Act*;
 - (h) “Person” includes a corporation, an individual, and the heirs, executors, administrators or other legal representatives of an individual;
 - (i) “Court” means The Provincial Court of Alberta;
 - (j) “Running at Large” means any Dog that is off the property of the Owner or private property in which the Dog has permission to visit and is not under the direct control of the Owner;
 - (k) “Provincial Offences Procedures Act” means the *Provincial Offences Procedures Act*, RSA 2000, c. P34 and the regulation thereof, as amended or replaced from time to time;
 - (l) “Bark Excessively” means a Dog that barks, howls or makes any other loud noise for a continuous period so as to unreasonably disturb the peace and tranquility of the neighbourhood;

- (m) "Residential Area" means any residential subdivision including but not limited to: Country Residential (CR) Districts and Hamlet (H) Districts as defined in the Lamont County Land Use Bylaw as amended from time to time.
- (n) "Vicious Dog" means:
 - (i) Any Dog which, without provocation, has chased, injured, or bitten any human, livestock or other animal;
 - (ii) Any Dog while off the Owners property, without provocation has maliciously damaged or destroyed, any public or private property;
 - (iii) Any Dog which, without provocation, has threatened or created the reasonable apprehension of threat to humans, livestock or another animal; and which in the opinion of the Peace Officer presents a threat of serious harm to other humans, livestock or animals;
 - (iv) Any Dog which has been previously determined to be a Vicious Dog.

SECTION 2 - VICIOUS DOGS

- 2(1) The Peace Officer may at his or her discretion declare a Dog to be a Vicious Dog.
- 2(2) When the declared Vicious Dog is not on the property of the Owner:
 - (a) The Dog shall be harnessed or on a leash which length shall not exceed one (1) meter and in a manner that prevents it from chasing, injuring or biting other household pets, livestock, or Persons as well as preventing damage to public or private property;
 - (b) The Dog shall be under the control of a person who is eighteen (18) years of age or older; and
 - (c) The Dog shall be muzzled.
- 2(3) When the Vicious Dog is on the property of the Owner:
 - (a) The Dog shall be confined indoors; or
 - (b) The Dog shall be confined in a secure enclosure which means a locked building, cage or fenced area of such construction that will not allow the confined Dog or Dogs to jump, climb, dig or force their way out, or allow the entry of any Person not in control of the Dog.
- 2(4) An Owner shall not be required to leash or muzzle a Vicious Dog while it is being shown or displayed at a bona fide Dog show.
- 2(5) Where a Dog is determined to be a Vicious Dog pursuant to the provisions of this Bylaw, the Owner shall:
 - (a) Post signs conspicuously on his premises alerting the public that a Vicious Dog is located on the premises,
 - (b) Not breed or sell the Dog within Lamont County, and
 - (c) Immediately notify a Peace Officer should the Dog be Running at Large.
- 2(6) If the Peace Officer determines a Dog to be a Vicious Dog, the Peace Officer shall give the Owner(s) written notice within fifteen (15) days of such determination:
 - (a) Informing the Owner(s) that the Dog has been determined to be a Vicious Dog;
 - (b) Requiring the Owner(s) to keep the Vicious Dog in accordance with the provisions of Section 2 of this Bylaw; and
 - (c) Informing the Owner(s) that if the Vicious Dog is not kept in accordance with Section 2 of this Bylaw, the Owner(s) will be fined, or subject to enforcement action pursuant to Section 6 or Section 7 of this Bylaw.
- 2(7) An Owner of a Dog determined to be a Vicious Dog by the Peace Officer may appeal such determination to the Council within thirty (30) days of receiving notice of such determination.
- 2(8) Council shall as soon as is practicable cause the matter to be reviewed and make a final determination, which determination shall be final and binding and not subject to further appeal under this Bylaw.
- 2(9) A Dog shall **not** be declared Vicious if:
 - (a) It attacks or bites a trespasser on the property of its Owner(s), or property controlled by him/her.
 - (b) It is kept as a livestock guardian Dog and if the attack is in defense of livestock which the Dog is responsible on the property of the Owner(s) or a property the Owner(s) have leased by written legal agreement.

SECTION 3 – OWNER RESPONSIBILITIES

- 3(1) No Owner shall allow a Dog to Bark Excessively in any Residential Area that, in the opinion of the Peace Officer, is unreasonably interfering with the use and/or enjoyment of another Person's property.
- 3(2) An Owner shall ensure that their Dog(s) do not enter or remain on another person's property without explicit consent from the property's owner or agent.
- 3(3) Subject to Section 5, no Owner shall possess, keep, harbor, or have control of more than four (4) Dogs over the age of six (6) months.

SECTION 4 – IMPOUNDMENT

- 4(1) A Peace Officer may capture or impound any Dog that has received one or more bona fide complaint(s) related to the Dog entering or remaining on another Person's private property in which it is not authorized. A Peace Officer may also impound any Dog that is required to be impounded pursuant to any provincial or federal law.
- 4(2) It shall be the duty of the kennel operator or any person authorized by Council to confine all Dogs captured for violation of this Bylaw in the designated kennel subject to the Owners right to redeem that Dog within four (4) days or ninety six (96) hours (not including weekends or statutory holidays).
- 4(3) No Dog shall be released until all boarding fees incurred are paid in full to the kennel operator by cash, debit, or certified cheque.
- 4(4) No Person shall interfere with or attempt to obstruct a Peace Officer who is attempting to capture, or who has captured a Dog as per this Bylaw.
- 4(5) Any Dog not redeemed within the time specified herein may be sold, destroyed, adopted, or otherwise disposed of.

SECTION 5 – OVER-LIMIT PERMIT

- 5(1) Notwithstanding Section 3(3), a Peace Officer may issue an Over-limit Permit to the Owner.
- 5(2) Any person wishing to obtain an Over-limit Permit must apply in writing and is eligible for a permit allowing the Owner to own more than four (4) Dogs over the age of six (6) months.
- 5(3) Upon receipt of the request a Peace Officer may, in his or her sole discretion, grant an Over-limit Permit, refuse to grant an Over-limit Permit, or grant an Over-limit Permit upon such additional terms and conditions as the Peace Officer deems appropriate.
- 5(4) Once an Over-limit Permit has been granted, a fee of \$50.00 for every Dog over the specified limit, shall be collected prior to issuing the permit.
- 5(5) The Over-limit Permit fee shall be waived for Dogs who are used for the purpose of controlling or protecting a Flock/Herd.
- 5(6) When an Over-limit Permit is issued, it is valid for one (1) calendar year and is not transferable.
- 5(7) A Peace Officer may revoke an Over-limit Permit, without returning the fee, if the permit holder harbours more Dogs than the Over-limit Permit allows, if the Peace Officer receives a bona fide complaint from one or more adjacent landowner(s), or if one or more of the Owners Dogs are in violation of any provision of this Bylaw.
- 5(8) The refusal to issue an Over-limit Permit may be appealed to Council within thirty (30) days of receiving notice of the decision.
- 5(9) Council shall as soon as it is practical, review the matter and make a final determination which shall be final and binding and not subject to further appeal under this Bylaw.

SECTION 6 – ORDERS

- 6(1) If a designated officer of the County finds that a Person is in contravention of this Bylaw, the designated officer may by written order, require the Person(s) responsible for the contravention to remedy it if the circumstances so require.
- 6(2) Every Order written with respect to this Bylaw must:
- (a) Indicate the Person(s) to whom it is directed;
 - (b) Identify the Person(s) to which the Order relates by municipal address or legal description;
 - (c) Identify the date it was issued;
 - (d) Identify how the Person(s) fails to comply with this Bylaw;
 - (e) Identify the specific provisions of the Bylaw the Person contravenes;
 - (f) Identify the nature of the action required to be taken to be compliant;
 - (g) Identify the time within which the action must be completed;
 - (h) Indicate that if the required action is not completed within the time specified, the County may take whatever action or measures are necessary to remedy the contravention;
 - (i) Indicate expenses and costs of any action or measures taken by the County under this section are an amount owing to the County by the Person to whom the Order is directed.
 - (j) Indicate the expenses and costs referred to in this section may be attached to the tax roll of the Person(s) property if such costs are not paid by a specified time;
- 6(3) An Order written pursuant to this Bylaw will be deemed to have been served on the Owner or Person when the Order has been:
- (a) Personally delivered to the Owner(s) or Person(s);
 - (b) Left for the Owner(s) or Person(s) at his or her residence or with a Person(s) on the premises who appears to be at least eighteen (18) years of age;
 - (c) Sent via registered mail addressed to the last known postal address of the Owner(s) or Person(s); or
 - (d) Posted in a conspicuous place on the property referred to on the Order, when the Peace Officer has reason to believe:
 - (i) That the Owner(s) to whom the Order is addressed is evading service; or
 - (ii) No other means of service is available.
 - (e) If an Order is sent via registered mail as referred to in Section 6(3)(c) then it is deemed to be received by the Owner(s) five (5) days after the Order was mailed.
- 6(4) Every Person(s) who fails to comply with an Order issued pursuant to this Bylaw within the time set out in the Order commits an offence.

SECTION 7 – ENFORCEMENT**General Penalty Provision**

- 7(1) A Person who contravenes this Bylaw by:
- (a) Doing any act or thing which the Person is prohibited from doing; or
 - (b) Failing to do any act or thing the Person is required to do; is guilty of an offence.
- 7(2) Any Person who is convicted of an offence pursuant to this Bylaw is liable on summary conviction to a fine not exceeding five thousand dollars (\$5,000.00) and in default of payment of any fine imposed to a period of imprisonment not exceeding three (3) months.
- 7(3) Where a Peace Officer believes that a Person has contravened any provision of this Bylaw, the Peace Officer may commence proceedings against the Person by issuing a violation ticket pursuant to the *Provincial Offences Procedures Act*.
- 7(4) Where there is a specified penalty listed for an offence in Schedule "A" to this Bylaw, that amount is the specified penalty for the offence.

Violation Tickets and Penalties

- 7(5) Notwithstanding specified penalties set out in Schedule "A" to this Bylaw:
- (a) If a Person is convicted twice under the same provision of this Bylaw within a twelve (12) month period, the specified penalty for the second conviction shall be twice the amount of the specified penalty for a first offence; and
 - (b) If a Person is convicted three or more times under the same provision of this Bylaw within a twelve (12) month period the penalty for the third and subsequent convictions shall be triple the amount of the specified penalty for a first offence.

- 7(6) This section does not prevent any Peace Officer from issuing a violation ticket requiring a Court appearance of the defendant, pursuant to the provisions of the *Provincial Offences Procedures Act*, or from laying an information in lieu of a violation ticket.
- 7(7) The County is not required to enforce this Bylaw. In deciding whether to enforce this Bylaw, the County may take into account any practical concerns including available municipal budget and personnel resources.

SECTION 8 - SEVERABILITY

- 8(1) If any provision of this Bylaw is held to be invalid by a decision of a court of competent jurisdiction, that decision will not affect the validity of the remaining portions.

SECTION 9 – TRANSITION

- 9(1) Schedule “A” forms part of this Bylaw.
- 9(2) This Bylaw shall come into force and effect upon the final passing and signing thereof.

READ A FIRST TIME this 16th day of February, 2016.

PUBLIC HEARING HELD this 8th day of March, 2016.

READ A SECOND TIME this 6th day of September, 2016.

READ A THIRD TIME this 6th day of September, 2016.

REEVE

CHIEF ADMINISTRATIVE OFFICER

SCHEDULE “A”

FINE SCHEDULE

WHEREAS under the provisions of Section 44 of the Provincial Offences Procedure Act, being the Revised Statutes of Alberta and amendments thereto and under the provisions of Section 7 of the Municipal Government Act, RSA. 2000, c. M-26, and amendments thereto, the Council of a municipality may by bylaw provide for the payment fines for offences, or summons out of Court.

WHEREAS a violation ticket may be issued by a Peace Officer to any person charged with a breach of any of the provisions of this Bylaw.

Bylaw Section	Offence	Specified Penalty
	VICIOUS DOGS	
2(2)	Failure to properly confine Vicious Dog not on Owner’s property	\$1500.00
2(3)	Failure to properly confine Vicious Dog on Owner’s Property	\$1500.00
2(5)(a)	Failure to post Vicious Dog Sign	\$1500.00
2(5)(b)	Breed/Sell Vicious Dog	\$2500.00
2(5)(c)	Fail to Notify Peace Officer of Vicious Dog at Large	\$1500.00
	OWNER RESPONSIBILITIES	
3(1)	Bark Excessively in a Residential Area	\$100.00
3(2)	Owners Dog on unauthorized private property	\$150.00
3(3)	Exceed maximum allowable Dogs without valid permit	\$200.00
	IMPOUNDMENT	
4(3)	Boarding fee (per day)	\$25.00
4(4)	Obstruct a Peace Officer	\$300.00
	OVER-LIMIT PERMIT	
5(4)	Permit fee (per Dog over specified limit)	\$50.00
	ORDERS	
6(4)	Fail to Comply with Order	\$200.00