

SMOKY LAKE COUNTY
IN THE PROVINCE OF ALBERTA
BYLAW NO. 1163-08

A BYLAW OF SMOKY LAKE COUNTY IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE REGULATING AND CONFINEMENT OF DOGS.

WHEREAS, the Council of Smoky Lake County deems it necessary to provide for the confinement and control of dogs within the said County;

AS WHEREAS, 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;

NOW THEREFORE, the Council of Smoky Lake County, in the Province of Alberta, duly assembled, and pursuant to the authority conferred upon it by the *Municipal Government Act*, RSA 2000, C-M-26, as amended, enacts as follows:

SECTION 1: NAME OF THIS BYLAW

1.1 This Bylaw may be cited as the "Dog Control Bylaw".

SECTION 2: DEFINITIONS

2.1 **Animal Control Officer:** means a Bylaw Enforcement Officer or Peace Officer of the County, member of the Royal Canadian Mounted Police, the Chief Administrative Officer or his designate.

2.2 **At Large:** means a Dog is at large when it is at any place other than:

2.2.1 an area designated and signed off-leash by the County, or

2.2.2 the property of the Dog Owner and is not being carried by any person or is not otherwise restrained by a Permitted Leash held by a person and that leash is attached to a choke chain, collar or harness securely holding that Dog.

2.3 **Chief Administrative Officer:** means the person appointed by Council as the Chief Administrative Officer who holds the position of Smoky Lake County pursuant to Section 207 – 210 of the *Municipal Government Act* .

2.4 **Controlled Confinement:** means when a dog is confined in a pen, cage or building or securely tethered in a manner that will not allow the Dog to bite or harm any person or animal.

2.5 **Council:** means the Council of Smoky Lake County in the Province of Alberta.

2.6 **County:** means Smoky Lake County.

2.7 **County Dog Shelter:** means the premises designated by the County for impoundment and care of dogs.

2.8 **Damage to Public or Private Property:** shall include defecating or urinating on such property.

2.9 **Dog or Dogs:** means either the male or female of any domesticated canine species.

2.10 **Kennel:** means any place, owned by any person, group of persons, or corporation engaged in the commercial business or breeding, buying, selling, training, or boarding Dogs.

- 2.11 **Medical Officer of Health for the County:** means a physician appointed by the Health Unit or designated by the Minister under the *Public Health Act* as a Medical Officer of Health.
- 2.12 **Motor Vehicle:** means:
- 2.12.1 vehicle propelled by any power other than muscular power; or
 - 2.12.2 moped; but does not include a bicycle, an aircraft, a tractor, whether equipped with rubber tires or not, an implement of husbandry or a motor vehicle that runs on rails.
- 2.13 **Nuisance:** means any Dog, which by reason of:
- 2.13.1 accumulation of waste.
 - 2.13.2 accumulation of material contaminated by waste.
 - 2.13.3 disposal of waste.
 - 2.13.4 disposal of material contaminated by waste.
 - 2.13.5 trespass upon property.
 - 2.13.6 threat to public safety, or
 - 2.13.7 noise.
- is, in the opinion of an Animal Control Officer and having regard for all circumstances, injurious or obnoxious or likely to unreasonably to injure, endanger or detract from the comfort, repose, health, peace or safety of persons or property within the boundary of the County.
- 2.14 **Offspring:** means the progeny of any Dog while dependent upon its parents for the necessities of life, and which, without limiting the generality of the foregoing shall mean progeny under the age of three months.
- 2.15 **Over-Limit Permit:** means a permit issued to an Owner pursuant to Section 5 of this Bylaw permitting the keeping or harbouring on land or premises by an Owner of Dogs in excess of the number permitted pursuant to Section 4 of this Bylaw.
- 2.16 **Owner:** means:
- 2.16.1 a person who has a care, charge, custody, possession or control of a Dog.
 - 2.16.2 a person who owns or who claims by proprietary interest in a Dog.
 - 2.16.3 a person who harbours, suffers or permits a Dog to be present on any property owned or under his control.
 - 2.16.4 a person who claims and receives a Dog from the custody of the County Dog Shelter or an Animal Control Officer.
- 2.17 **Permitted Leash:** means a leash adequate to control the attached Dog, and which leash shall be no longer than eight metres.
- 2.18 **Police Service Dog:** means a Dog owned and utilized by the Royal Canadian Mounted Police or any other accredited police service within the Province of Alberta.
- 2.19 **Possession:** means:
- 2.19.1 having physical or effective control of a Dog.

- 2.19.2 having given physical or effective control of a Dog to another person for the purpose of controlling the Dog for a period of time.
- 2.19.3 where one of two or more persons, with the knowledge and consent of the rest, has physical or effective control of a Dog, it shall be deemed to be in the control of each and all of them.
- 2.20 **Private Property:** means any property within the County not owned by or occupied by the Government of Canada, Government of Alberta, or by the County or otherwise under the control and management of the County, except for property owned or occupied by an Owner.
- 2.21 **Property Owner:** means any person having a legal or equitable interest in any land or building and includes any resident, tenant or occupier of such land or building.
- 2.22 **Public Property Area:** means any property within the County owned by or occupied by the Government of Canada, Government of Alberta or by the County or otherwise under the control and management of the County.
- 2.23 **Secure Enclosure:** means a 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 young children.
- 2.24 **Serious Wound:** means an injury resulting from a Dog bite which causes the skin to be broken or the flesh to be torn.
- 2.25 **SPCA:** means the Society for the Prevention of Cruelty to Animals in the Province of Alberta.
- 2.26 **Vicious Dog:** means a Dog which in the opinion of the Animal Control Officer constitutes a Vicious Dog under Section 8.
- 2.27 **Violation Tag:** means a tag or similar document issued by the County pursuant to the *Municipal Government Act*, RSA 2000, c.M-26, as amended.
- 2.28 **Violation Ticket:** means a ticket issued pursuant to Part II of the *Provincial Offenses Procedure Act*, RSA 2000, c.P-34, as amended, and Regulations thereunder.

SECTION 3: COUNTY DOG SHELTER

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

SECTION 4: NUMBER OF DOGS

- 4.1 No more that two (2) Dogs shall be harboured, suffered or permitted to remain upon or in any land, house, shelter, room or place, building, structure, or premises within the County unless:
- 4.1.1 the premises are lawfully used for the care and treatment of Dogs, operated by or under the charge of a licensed Veterinarian for the care and treatment of Dogs.
- 4.1.2 the premises are temporarily being used for the purpose of a Dog Show.
- 4.1.3 the Owner is the holder of a valid and subsisting Development Permit to operate an Animal Breeding and Boarding facility, Animal Hospital and Shelter or other Dog operation as authorized by the Land Use Bylaw.
- 4.1.4 the Owner is a not-for-profit association engaged in the provision of specialized Dog services, including but not limited to guide Dogs, Police Service Dogs, and search and rescue Dogs.

- 4.1.5 the Owner is the holder of a valid Over-limit Permit issued under Section 5 of this Bylaw.
- 4.2 Any person who keeps or harbours any Dog to which this bylaw applies in contravention of this Section is guilty of an offence.

SECTION 5: OVER-LIMIT PERMITS

- 5.1 Notwithstanding Section 4, the Animal Control Officer may issue to an Owner an Over-limit Permit, as per **Schedule "C"**,
- 5.2 Any person wishing to obtain an Over-limit Permit must apply in person to the Animal Control Officer.
- 5.3 Upon receipt of a person applying for an Over-limit Permit, the Animal Control Officer shall consider the Over-limit Permit Application, and may, in his sole and absolute discretion:
 - 5.3.1 refuse to grant an Over-limit Permit.
 - 5.3.2 grant an Over-Limit Permit.
 - 5.3.3 grant an Over-Limit Permit upon such additional terms and conditions as the Chief Administrative Officer or his designate deems appropriate.
- 5.4 An Over-limit Permit shall not be transferable.
- 5.5 The Animal Control Officer may revoke an Over-limit Permit if:
 - 5.5.1 a bona fide complaints from two or more residents living adjacent to the Over-limit Permit holder's residence, or
 - 5.5.2 the permit holder harbours Dogs in excess of the number permitted by the Over-limit Permit; or
 - 5.5.3 the Permit holder is guilty of an offence pursuant to Section 6 or 7 of this Bylaw.

SECTION 6: BYLAW ENFORCEMENT PROVISIONS

- 6.1 Except as provided in Section 6.10 herein, an Owner whose Dog is At-Large is guilty of an offence.
- 6.2 An Owner of a Dog is guilty of an offence if such Dog:
 - 6.2.1 attacks any person;
 - 6.2.2 threatens any person;
 - 6.2.3 chases a Motor Vehicle;
 - 6.2.4 chases any person on bicycle, horseback, or while walking or running; or
 - 6.2.5 attacks, harasses, injures or kills livestock, poultry, or pets, belonging to other persons.
- 6.3 An Owner of a female Dog is guilty of an offence if the Owner of the female Dog does not keep such female Dog housed and confined in a building during the whole period such female Dog is in heat, except that the female Dog may be allowed outside the said building for a reasonable period for the sole purpose of eliminating on the property of the Owner.

- 6.4 An Owner whose Dog barks or howls thereby disturbing the quiet or repose of any person is guilty of an offence.
- 6.5 An Owner of any Dog which has caused Damage to Public or Private Property in the County is guilty of an offence.
- 6.6 If a Dog defecates on any Private Property or Public Property Area other than the property of its Owner, the Dog Owner shall cause such defecation to be removed immediately and an Owner who fails to cause such defecation to be removed immediately is guilty of an offence.
- 6.7 An Owner whose Dog is in an area where a sign prohibits the presence of Dogs, whether At-Large or under control of such Owner, is guilty of an offence.
- 6.8 The County may post signs indicating those Public Property Areas within the County where Dogs are not permitted.
- 6.9 No person shall interfere with, hinder or impede an Animal Control Officer in the performance of any duty authorized by this Bylaw.
- 6.10 The County may designate areas where Dogs are permitted to run off leash.
- 6.11 The County may designate areas where organized canine events may be held by causing signs to be posted in such areas indicating such designations.
- 6.12 No person shall operate a Kennel in any residential district of the County. Any person operating a Kennel shall be required to obtain a Development Permit, as defined under the County's Land Use Bylaw and amendments thereto.

SECTION 7: NUISANCE

- 7.1 Any person who keeps or harbours a Dog which constitutes a Nuisance is guilty of an offence.
- 7.2 Notwithstanding the provisions in Section 7.1, herein, nothing in this Bylaw shall preclude the operation of the *Stray Animals Act*, RSA 2000, c. S-20 as amended from time to time, or the operation of any applicable Alberta legislation.

SECTION 8: VICIOUS DOG PROVISIONS

- 8.1 The Animal Control Officer may deem a Dog Vicious if:
- 8.1.1 any Dog has a known propensity, tendency or disposition to attack, without provocation, other domestic animals or humans.
 - 8.1.2 any Dog has inflicted a Serious Wound upon another domestic animal or human without provocation.
 - 8.1.3 any Dog has been the subject of an order or direction of a Justice, under the *Dangerous Dogs Act*, RSA 1980 c. D-3.
 - 8.1.4 any Dog has been determined to be Vicious pursuant to the provisions of this Bylaw.
- 8.2 If the Animal Control Officer determines on reasonable grounds that a Dog is a Vicious Dog, either through personal observation or on the basis of facts determined after an investigation initiated by a complaint, he may:

- 8.2.1 give the Owner a written notice that the Dog has been determined to be a Vicious Dog; and
 - 8.2.2 require the Owner to keep such Dog in accordance with the provisions of Section 8.4 of this Bylaw upon the Owner's receipt of the notice; and
 - 8.2.3 inform the Owner that if the Vicious Dog is not kept in accordance with Section 8.4 of this Bylaw, the Owner will be fined, or subject to enforcement action pursuant to this Bylaw.
- 8.3 Where the Owner of a Dog that has been determined to be a Vicious Dog produces information to the Chief Administrative Officer that may alter a determination made under Subsection (2), the Chief Administrative Officer shall, as soon as it is reasonably possible, cause the matter to be reviewed and make a final determination.
- 8.4 An Owner of a Vicious Dog is guilty of an offence:
- 8.4.1 if such Dog is on any Public Property Area, or private property of which the Owner is not the Property Owner unless such Dog is on a Permitted Leash held and controlled by the Owner, or a person operating with the Owner's consent;
 - 8.4.2 unless; such Dog, at all times, while on property of which the Owner is the Property Owner, is confined within a Secure Enclosure and is not allowed out of such Secure Enclosure unless the Dog is on a Permitted Leash held and controlled by the Owner or a person operating with the Owner's consent.
- 8.5 An Owner shall not be required to leash a Vicious Dog while it is being shown or displayed at a Dog show.
- 8.6 The Chief Administrative Officer may, at his discretion, require the Owner of a Vicious Dog to post a sign at the entrance to his property stating "Vicious Dog".
- 8.7 An Owner of a Vicious Dog is guilty of an offence if such Vicious Dog:
- 8.7.1 attacks any persons.
 - 8.7.2 threatens any person.
 - 8.7.3 chases a Motor Vehicle.
 - 8.7.4 chases any person on bicycle, horseback, or while walking or running.
 - 8.7.5 attacks, harasses, injures or kills livestock, poultry or pets, belonging to other persons.
 - 8.7.6 is At-Large.

SECTION 9: CONTROLLED CONFINEMENT, RABIES OR QUARANTINE PROVISIONS

- 9.1 A person, who has received a Serious Wound and the Owner of a Dog which has inflicted the Serious Wound, shall promptly report the Dog to the Animal Control Officer who may thereupon place the Dog under Controlled Confinement and the Dog shall not be released from such Controlled Confinement except by written permission of a licensed Veterinarian. At the discretion of the Animal Control Officer, such Controlled Confinement may be on the premises of the Owner, a licensed Veterinarian within the County or the County Dog Shelter. In the case of stray Dogs whose ownership is not known, such Controlled Confinement shall be at the County Dog Shelter.

- 9.2 Upon demand made by the Animal Control Officer, the Owner shall forthwith surrender for quarantine, any Dog which has inflicted a Serious Wound to a human, or any Dog which the Animal Control Officer has reasonable and probable grounds to suspect of having been exposed to rabies, and the Dog may be reclaimed by the Owner if adjudged free of rabies, upon payment of confinement expenses and upon compliance with the provisions of this Bylaw.
- 9.3 In the event of an outbreak or a threatened outbreak of rabies or any disease affecting dogs which may be transmitted to human beings, Council may by resolution, order and direct that all Dogs shall be securely tied up on their "Owner's" property or shall be otherwise effectively confined and prevented from leaving such "Owner's" property. Any Dog found in contravention of this Section may be impounded, and at the discretion of the Animal Control Officer may be quarantined.
- 9.4 When a Dog under quarantine has been diagnosed as rabid, or suspected by a licensed Veterinarian as being rabid, and dies while under such observation, the Animal Control Officer may immediately arrange to have the head of such Dog removed and sent to the appropriate laboratory for a pathological examination and may provide the Medical Officer of Health for the County with the names of human contacts, the particulars of the suspect Dog, and any other information required by the Medical Officer of Health for the County.
- 9.5 Except as herein provided, no person shall kill, or cause to be killed, any rabid Dog, any Dog suspected of having been exposed to rabies, or any Dog which has bitten a human without immediately thereafter notifying the Animal Control Officer nor remove such Dog from the County limits without written permission from the Animal Control Officer.
- 9.6 The carcass of any Dog exposed to rabies shall, upon demand, be surrendered to the Animal Control Officer.

SECTION 10: POWERS OF AN ANIMAL CONTROL OFFICER

- 10.1 The Animal Control Officer is authorized to capture and impound in the County Dog Shelter, any Dog, Vicious Dog, which is At-Large. The Animal Control Officer is further authorized to take such reasonable measures as necessary to subdue any Dog, including the use of tranquilizer equipment and materials. If any Dog is injured, it may be taken to a Veterinarian for treatment to relieve pain or bleeding, then to the County Dog Shelter.
- 10.2 All impounded dogs may be kept in the County Dog Shelter for a period of **Seventy-Two (72) Hours**. During this period, any Dog may be redeemed by its Owner, except as otherwise provided in this Bylaw, upon payment to the County or its authorized agent of:
 - 10.2.1 the appropriate impoundment fee as set by the County Dog Shelter; as set out in **Schedule "A"** and;
 - 10.2.2 the cost of any Veterinary treatment to relieve pain or bleeding of any Dog that is found to be injured when picked up or injured in the process of capture.
- 10.3 At the expiration of the Seventy-Two (72) Hour period, as prescribed in Section 10.2 herein, the County Dog Shelter Caretaker is authorized to:
 - 10.3.1 offer the Dog for sale;
 - 10.3.2 destroy the Dog in a humane manner;
 - 10.3.3 allow the Dog to be redeemed by its Owner;
 - 10.3.4 continue to impound the Dog for an indefinite period of time or for such further period of time as the Animal Control Officer, in his or her discretion, may decide.

SECTION 11: PENALTIES

- 11.1 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.
- 11.2 Notwithstanding Section 11.1 of this Bylaw, any person who commits a second or subsequent offence under this Bylaw within one (1) year of committing the first offence may be liable to a fine of not less nor more than the sum as set out in **Schedule "B"** of this Bylaw.
- 11.3 Under no circumstances shall any person contravening any provision of this Bylaw be subject to the penalty of imprisonment.

SECTION 12: VIOLATION TAGS

- 12.1 An Animal Control Officer is hereby authorized and empowered to issue a Violation Tag to any person, who the Animal Control Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 12.2 A Violation Tag may be issued to such person:
- 12.2.1 either personally.
 - 12.2.2 by mailing a copy to such person at his last known post office address.
 - 12.2.3 upon retrieval of such person's Dog from the County Dog Shelter.
- 12.3 The Violation Tag shall be in a form approved by the Chief Administrative Officer and shall state:
- 12.3.1 the name of the Owner.
 - 12.3.2 the offence.
 - 12.3.3 the appropriate penalty for the offence as specified in **Schedule "B"** of this Bylaw.
 - 12.3.4 that the penalty shall be paid within 30 day of the issuance of the Violation Tag.
 - 12.3.5 any other information as may be required by the Chief Administrative Officer.
- 12.4 Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by the Animal Control Officer, provided however, that no more than one Violation Tag shall be issued for each day that the contravention continues.
- 12.5 Where a Violation Tag is issued pursuant to this Bylaw, 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.
- 12.6 Nothing in this Bylaw shall prevent the Animal Control Officer from immediately issuing a Violation Ticket.

SECTION 13: VIOLATION TICKET

- 13.1 In those cases where a Violation Tag has been issued and if the penalty specified on a Violation Tag has not been paid within the prescribed time, then the Animal Control Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*, RSA 2000, c. P-34, as amended.

13.2 Notwithstanding Section 13.1 of this Bylaw, the Animal Control Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*, RSA 2000, c. P-34, as amended, to any person who the Animal Control Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

SECTION 14: SEVERABILITY PROVISION

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

SECTION 15: REPEAL OF PREVIOUS BYLAWS

15.1 Bylaw 1093-01 is hereby repealed.

SECTION 16: EFFECTIVE DATE OF BYLAW

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

READ FIRST TIME THIS _____ DAY OF _____, 2008.

READ A SECOND TIME THIS _____ DAY OF _____, 2008.

READ A THIRD TIME AND FINAL PASSED THIS _____ DAY OF _____, 2008.

REEVE

SEAL

CHIEF ADMINISTRATIVE OFFICER

SMOKY LAKE COUNTY
IN THE PROVINCE OF ALBERTA
BYLAW NO. 1163-08

SCHEDULE "A"

COUNTY DOG SHELTER: FEES

1. \$20.00 per day or any part thereof - Dogs

SMOKY LAKE COUNTY
IN THE PROVINCE OF ALBERTA
BYLAW NO. 1163-08

SCHEDULE "B"

PENALTIES

OFFENCE	PENALTIES	SECTION
Dog At-Large	\$ 175.00	6.1
<ul style="list-style-type: none"> ▪ Vicious Dog 	\$ 2,000.00	8.4
Dog: <ul style="list-style-type: none"> ▪ attacking any person ▪ threatening any person ▪ chasing motor vehicle ▪ chases any person on bicycle, horseback or while walking or running ▪ attacking, harassing, injuring or killing livestock. 	\$ 350.00 \$ 200.00 \$ 100.00 \$ 200.00 \$ 300.00	6.2.1 6.2.2 6.2.3 6.2.4 6.2.5
Failure to confine and house a female Dog in heat	\$ 100.00	6.3
Dog barking or howling excessively	\$ 150.00	6.4
Dog damaging a Public Property Area or Private Property	\$ 150.00	6.5
Failure to immediately remove a dog's defecation from Private or Public Property	\$ 150.00	6.6
Dog in an area where prohibited by sign	\$ 150.00	6.7
Harboring more than 2 dogs (with out permit)	\$ 250.00	4.2
Interference or impede with enforcement of this Bylaw	\$ 250.00	6.9
Failure to control off Owner's Property: Vicious Dog	\$ 1,000.00	8.4.1
Failure to confine a: Vicious Dog	\$ 1,000.00	8.4.2
Failure to Post Sign: "Vicious Dog"	\$ 250.00	8.6
Vicious Dog: <ul style="list-style-type: none"> ▪ attacking any person ▪ threatening any person ▪ chasing a motor vehicle ▪ chasing any person on bicycle, horseback or while walking or running ▪ attacking, harassing, injuring or killing livestock ▪ At-Large 	\$ 2,500.00 \$ 1,500.00 \$ 500.00 \$ 500.00 \$ 1,000.00 \$ 500.00	8.7.1 8.7.2 8.7.3 8.7.4 8.7.5 8.7.6
An offence for which a penalty is not otherwise provided	\$ 100.00	
Second or subsequent offences within one-year	\$ Double	11.2

SMOKY LAKE COUNTY
 IN THE PROVINCE OF ALBERTA
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SCHEDULE "C"

OVER-LIMIT DOG PERMIT

Permit Number: _____	Animal Control Officer: _____
Issue Date: _____ End Date: _____	
Permit Holders Name: _____	
Permit Holders Phone Numbers: _____ <div style="display: flex; justify-content: space-around; font-size: small;"> Residence Business Cellular </div>	
Property Address: _____ Subdivision: _____	
Legal Description: _____ <div style="display: flex; justify-content: space-around; font-size: small;"> Lot Block Plan ¼ Section Township Range -W4 </div>	
<p>The following Number and Breed of Dogs have been Approved for the Property:</p> <p># _____ Dog(s) - Current Breed: _____</p> <p># _____ Dog(s) - New Breed: _____</p>	
<p>THE CHIEF ADMINISTRATIVE OFFICER OR HIS DESIGNATE MAY WITHDRAW AT ANY TIME AN OVER-LIMIT PERMIT</p>	
Permit Holder's Signature: _____ Date: _____	
Animal Control Officer: _____ Date: _____	