

Dog Control Bylaw

Bylaw No. 01-24

Leduc County

A BYLAW FOR LEDUC COUNTY, IN THE PROVINCE OF ALBERTA, FOR REGULATING AND CONTROLLING DOGS

WHEREAS pursuant to Section 7 of the *Municipal Government Act*, being Chapter M-26, Revised Statutes of Alberta, 2000, and amendments thereto the Council of Leduc County may pass bylaws for municipal purposes respecting:

- a) the safety, health and welfare of people and the protection of people and property;
- b) wild and domestic animals and activities in relation to them; and
- c) the enforcement of bylaws; and

NOW THEREFORE, be it resolved that the Council of Leduc County, duly assembled, enacts as follows:

PART 1 - TITLE, DEFINITIONS AND INTERPRETATION

1. Title

- 1.1 This bylaw may be cited as the "Dog Control Bylaw";

2. Definitions

- 2.1 In this bylaw:

- (a) "aggressive dog" means any dog designated as such in accordance with part 5 of this bylaw or as a dangerous dog pursuant to the *Dangerous Dogs Act*;
- (b) "animal shelter" means the facility or facilities designated by the county as the location for the impoundment and care of dogs subject to this bylaw;
- (c) "at large" means any dog:
 - (i) off an owner's property; and
 - (ii) which is not being carried by a person, or which is not otherwise restrained by means of a leash or restraining device that is no more than two (2) meters (6.56 feet) in length, securely holding the dog;
- (d) "council" means the council of Leduc county;
- (e) "county" means Leduc county;
- (f) "county manager" means the chief administrative officer of the county or their delegate;
- (g) "director of enforcement services" means the person appointed as the director of the county's bylaw and peace officer services;
- (h) "dog" means a member of the species "*Canis Lupus Familiaris*" (commonly referred to as the domestic dog), whether male or female, including any hybrid offspring of that species;
- (i) "guide dog" has the same meaning as in the *Blind Persons' Rights Act*;

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- (j) "municipal tag" means a tag or similar document issued by the county pursuant to the *Municipal Government Act* that alleges a bylaw offence and provides a person with the opportunity to pay an amount to the county in lieu of prosecution of the offence;
- (k) "owner" includes any person:
 - (i) who has the care, charge, custody, possession, or control of a dog;
 - (ii) who owns or claims a proprietary interest in a dog;
 - (iii) who harbours, suffers, or permits a dog to be present on any property owned or under their control;
 - (iv) who claims and receives a dog from the custody of an animal shelter or a peace officer;
 - (v) who is named on the identification required by section 4 of this bylaw;where one of two or more persons, with the knowledge and consent of the other or others, has physical or effective control of a dog, the dog shall be deemed to be in the control of each and all of them;
- (l) "owner's property" means private property owned by or under the control or possession of an owner of a dog;
- (m) "peace officer" has the same meaning as in the *Provincial Offences Procedure Act*, including a bylaw officer and police officer;
- (n) "person" means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative;
- (o) "registered veterinarian" has the same meaning as in the *Veterinary Professions Act*;
- (p) "secure enclosure" means a building, cage, or other enclosure for retaining a dog, which has a secure top and bottom, and which prevents a dog from jumping, climbing, digging or using any other means to exit the enclosure, and which is capable of preventing the entry of young children into the enclosure;
- (q) "serious wound" means an injury resulting from a dog attack which causes a breaking of the skin or the flesh to be torn;
- (r) "service dog" has the same meaning as in the *Service Dogs Act*;
- (s) "violation ticket" has the same meaning as in the *Provincial Offences Procedure Act*.

3. Rules of interpretation

- 3.1 Nothing in this bylaw relieves a person from complying with any provision of provincial or federal legislation or regulation, other bylaw or any requirement of any lawful permit, order or licence.
- 3.2 The headings in this bylaw are for guidance purposes and convenience only.
- 3.3 Every provision in this bylaw is independent of all other provisions and if any provision of this bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this bylaw shall remain valid and enforceable.

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- 3.4 Any reference to the provisions of a statute of Alberta is a reference to that statute as amended, from time to time.

PART 2 - DOG IDENTIFICATION

4. Identification Requirement

- 4.1 No dog owner shall permit or allow a dog off of the owner's property in Leduc County without the dog wearing at least one form of identification that includes the owner's current name and phone number. Recognized forms of dog identification include either a securely fastened tag, collar, harness; or working pet microchip. Identification is required regardless of whether the dog is accompanied by the owner.

PART 3 - RESTRICTIONS

5. Number of dogs

- 5.1 No person shall keep or have more than three (3) dogs on a parcel of land that is less than five (5) acres in size, or no more than five (5) dogs on a parcel of land that is five (5) acres or more in size, unless:
- (a) the property is lawfully used for the care and treatment of dogs, operated by or under the charge of a registered veterinarian;
 - (b) the property is temporarily being used for the purposes of an authorized dog show;
 - (c) the dogs in excess of the limit are under six (6) months of age and are the offspring of a dog residing at the same location;
 - (d) the owner is a not-for-profit association, not-for-profit corporation or government organization engaged in the provision of specialized dog services, including but not limited to service dogs, guide dogs, police dogs, and search and rescue dogs;
 - (e) the owner whose dog is in excess of the limit is temporarily visiting a resident of the county for a period not exceeding four (4) consecutive weeks;
 - (f) the person is authorized under the County's land use bylaw to operate a kennel or similar facility; or
 - (g) the person has been issued a permit from the county manager authorizing them to keep or have dogs in excess of the limit.

PART 4 - OFFENCES

6. Control and noise

- 6.1 No owner of a dog shall permit or allow the dog to:
- (a) be at large;
 - (b) bark, howl, or otherwise makes such noise so as to, in the opinion of a peace officer, unreasonably disturb the peace of any person;

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- (c) threaten, attack, bite, chase, injure or otherwise harass any person;
 - (d) threaten, attack, bite, chase, injure or otherwise harass any other domestic animal;
 - (e) cause death to a person;
 - (f) cause death to a domestic animal;
 - (g) chase a motor vehicle or a person; or
 - (h) cause damage to property.
- 6.2 In determining whether barking, howling or noise unreasonably disturbs the peace of others under section 6.1(b), the following factors may be considered by a peace officer:
- (a) whether the dog is within 100 meters of the residence claiming to be disturbed;
 - (b) if the dog is a trained livestock dog performing tasks to assist with livestock production, such as herding or guarding;
 - (c) the length of time and time of day of the barking or howling.
- 6.3 No owner of a dog shall permit or allow the dog to enter into a public bathing, swimming, or wading pool.
- 6.4 No owner of a dog shall permit or allow the dog to be present at any location, whether public or private property, where a sign prohibits the presence of dogs.
- 6.5 Sections 6.3 and 6.4 do not apply to a service dog or guide dog, that is in the possession and control of an owner who holds an identification card proving ownership of the service dog or guide dog for their use.
- 6.6 No person shall, without the knowledge or consent of the owner, untie, loosen or otherwise free a dog that was tied or otherwise restrained, or open a gate, door or opening in a fence or secure enclosure in which a dog has been confined, thereby allowing the dog to be at large.
7. Hygiene
- 7.1 Where a dog has defecated on any public or private property, other than the owner's property, the owner shall remove such defecation immediately.
- 7.2 An owner's property shall be maintained in a clean and sanitary condition and an owner shall take such steps as are necessary to prevent the presence of nuisances, including, but not limited to:
- (a) the accumulation of fecal matter in an amount which, in the opinion of a peace officer, is excessive; and
 - (b) offensive or noxious odours arising as a consequence of the keeping of a dog on the owner's property.
- 7.3 An owner of a female dog in estrus (also known as being "in heat") shall contain or restrain that dog, both on and off the owner's property, in a manner sufficient to avoid attracting other dogs.

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8. Care

- 8.1 No person shall tease, torment, provoke, abuse, or injure any dog.

PART 5 – AGGRESSIVE DOG

9. Declaration of aggressive dog

- 9.1 The director of enforcement services may declare a dog to be an aggressive dog if there are reasonable grounds to believe, either through personal observation or on the basis of facts determined after an investigation of a complaint, and taking into consideration Schedule “B”, if applicable, that the dog:

- (a) has a known propensity, tendency, or disposition to threaten, attack, chase or bite other animals or humans;
- (b) has inflicted a serious wound upon another animal, dog or human;
- (c) has been the subject of an order or direction of a justice or judge, pursuant to the *Dangerous Dogs Act*; or
- (d) is a continuing threat of serious harm to any human or other animal or dog.

- 9.2 Where the director of enforcement services determines that a dog is an aggressive dog, they shall:

- (a) serve the owner of the dog either personally, by regular mail, or by registered mail with a written notice that the dog has been declared to be an aggressive dog;
- (b) direct the owner to keep the aggressive dog in accordance with the provisions of section 11, and provide the owner with a time limit for compliance; and
- (c) inform the owner that, if the aggressive dog is not kept in accordance with section 11, the owner may be fined, or subject to enforcement action pursuant to this Bylaw.

10. Review of declaration

- 10.1 The owner of a dog declared an aggressive dog may, within fourteen (14) days after the date the written notice of the declaration is received, and upon payment of the fee as set out in the fees and charges bylaw, request in writing that the declaration be reviewed by the county manager. The county manager is not obligated to conduct an oral hearing of the review and may instead conduct the review based on written material provided by enforcement services and the owner.

- 10.2 Upon a request to review the declaration pursuant to section 10.1, the county manager may:

- (a) uphold the declaration of the dog as an aggressive dog;
- (b) reverse the decision and revoke the aggressive dog declaration; or
- (c) may uphold the declaration of the dog as an aggressive dog and vary the conditions of harbouring the dog within the county.

- 10.3 The decision of the county manager shall be provided to the owner, in writing with reasons, within fourteen (14) days of the county manager conducting the review and may be served either personally, by regular mail, or by registered mail on the owner.

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11. Requirements of an owner of an aggressive dog

11.1 The owner of an aggressive dog shall:

- (a) maintain a current and verifiable policy of liability insurance in a form satisfactory to the county providing third party liability coverage for a minimum amount of one-million (\$1,000,000.00) dollars for injuries that may be caused by the owner's aggressive dog and proof of such insurance coverage must be provided to the county upon demand of a peace officer;
- (b) while the aggressive dog is off the owner's property, muzzle and secure the aggressive dog by means of a secure restraining device, and keep the aggressive dog under the physical control of the owner or a person over the age of eighteen (18) years with the owner's consent;
- (c) while the aggressive dog is on the owner's property, confine the aggressive dog within a secure enclosure or within the residence of the owner;
- (d) immediately notify a peace officer if the aggressive dog is at large; and
- (e) remain liable for the actions of their aggressive dog until formal notification of sale, gift, or transfer is given to the county.

11.2 The owner of an aggressive dog shall immediately notify the County should the policy of liability insurance expire, be cancelled or terminated, and upon the occurrence of such an event, shall produce to the County written proof that a new insurance policy has been secured, meeting the requirements of section 11.1(a), within fifteen (15) days of the expiry, cancellation, or termination of the original policy of liability insurance.

11.3 The county manager may require the owner of an aggressive dog to post a sign at all entrances to the owner's property, as directed, stating there is an aggressive dog on the property.

11.4 An owner who fails to comply with any provision in this part is guilty of an offence.

PART 6 – DISEASES

12. Disease control

12.1 The owner of a dog that has inflicted a serious wound, or that the owner has reason to suspect may have been exposed to rabies or other communicable disease, shall, in addition to any other duty imposed under the *Public Health Act* or *Animal Health Act*, immediately inform a peace officer:

- (a) of the infliction of the serious wound or the suspicion of exposure to rabies or other communicable disease;
- (b) in the case of a serious wound, of the name and contact information for the person that has been wounded or the owner of the dog that has been wounded, as applicable; and
- (c) whether the matter has been reported to the chief provincial veterinarian, local community health centre, public health inspector, or the medical officer of health.

12.2 A peace officer that has reasonable grounds to believe that a dog found at large may have, or has been, exposed to rabies or another communicable disease may confine that dog at an animal

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shelter, veterinary facility, or any other location as directed by the chief provincial veterinarian, medical officer of health or a public health inspector.

- 12.3 A peace officer that has reasonable grounds to believe that a dog within the County has, or has been exposed to, rabies or another communicable disease shall report the matter to the chief provincial veterinarian as soon as reasonably possible.
- 12.4 An owner of a dog which has been inflicted with a serious wound by another animal or who has been notified by the county that a peace officer has reasonable grounds to believe the dog has, or has been exposed to, rabies or another communicable disease, shall:
- (a) not permit the dog to be in any public place;
 - (b) ensure the dog is not in contact with or in proximity to any other animal; and
 - (c) comply with any restriction or observation period imposed by the County.
- 12.5 An owner who fails to comply with any provision in this part is guilty of an offence.

PART 7 – ENFORCEMENT AND IMPOUNDMENT

13. Authority

- 13.1 A peace officer is, in addition to any other powers or authority granted under this bylaw or any enactment, authorized to:
- (a) capture and impound in an animal shelter any dog that is at large;
 - (b) take any reasonable measures necessary to subdue any dog that is at large, including the use of tranquilizer equipment and materials;
 - (c) enter onto lands surrounding any building in pursuit of a dog while it is at large; and
 - (d) if a dog is in distress, whether or not as a result of enforcement action taken pursuant to this bylaw, take the dog to a registered veterinarian for treatment and, once treated, to transfer the dog to an animal shelter.

14. Notification of dogs at large

- 14.1 A person who takes control of any dog found at large shall immediately notify a peace officer.
- 14.2 A person who takes control of a dog found at large shall surrender the dog to the possession of the peace officer.

15. Impoundment

- 15.1 Dogs impounded in the animal shelter shall be kept for a minimum period of seventy-two (72) hours. In the calculation of the period, days the animal shelter is not open shall not be included.
- 15.2 Notwithstanding section 15.1, where a dog that has been impounded bears a form of identification such as obvious tattoos, brands or marks, or a working microchip, tag or licence, the dog shall be kept by the animal shelter a minimum of ten (10) calendar days from the date the dog was impounded.

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16. Reclaiming an impounded dog

- 16.1 During the period established in section 15, the dog may be reclaimed by its owner, except as otherwise provided in this bylaw, upon payment to the County or its authorized agent of:
- (a) the impoundment fee set out in the fees and charges bylaw; and
 - (b) the cost of any veterinary treatment provided in respect of the dog pursuant to this bylaw.
- 16.2 At the expiration of the time period established in section 15, the county manager is authorized to:
- (a) allow the dog to be redeemed by its owner in accordance with the provisions of section 16.1; or
 - (b) offer the dog for sale or as a gift; or
 - (c) continue to impound the dog for an indefinite period of time or for such further period of time as the county manager, in their sole and unfettered discretion, may decide; or
 - (d) have the dog euthanized in a humane manner.

17. Euthanasia

- 17.1 Where a dog has been impounded, if, in the opinion of a registered veterinarian, the dog should be humanely euthanized for medical reasons, a registered veterinarian may immediately proceed to humanly euthanize the dog.

PART 8 – COSTS, FINES AND PENALTIES

18. Costs

- 18.1 Any expenses or costs of any enforcement action or measure taken by the county under this bylaw, including but not limited to payment of veterinary treatment, are amounts owing to the county by the owner or any other person responsible for the contravention of this bylaw, or any or all of them, and may be collected as a civil debt, pursuant to the *Municipal Government Act*.

19. Continuing offences

- 19.1 In the case of an offence that is of a continuing nature, a peace officer may deem a contravention to constitute a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine in an amount not less than that established by this bylaw for each such day.

20. Vicarious liability

- 20.1 For the purposes of this bylaw, an act or omission by an employee or agent of a person is deemed also to be an act or omission of the person if the act or omission occurred in the course of the employee's employment with the person, or in the course of the agent exercising the powers or performing the duties on behalf of the person under their agency relationship.

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21. Corporations and partnerships

- 21.1 When a corporation commits an offence under this bylaw, every principal, director, manager, employee or agent of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.
- 21.2 If a partner in a partnership is guilty of an offence under this bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.

22. Offences and penalties

- 22.1 A person who contravenes any provision of this bylaw is guilty of an offence.
- 22.2 A person who is guilty of an offence is liable to a fine in an amount not less than that established in Schedule "A" and not exceeding \$10,000.00.
- 22.3 Without restricting the generality of section 22.2, the fine amounts set out in Schedule "A" are established for use on municipal tags and violation tickets if a voluntary payment option is offered.
- 22.4 A peace officer is hereby authorized and empowered to issue a municipal tag to any person who the peace officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.
- 22.5 A municipal tag shall be served either:
 - (a) personally; or
 - (b) by mailing a copy, via regular mail or registered mail, to such person at their last known postal address.
- 22.6 A municipal tag shall be in a form approved by the county manager and shall state:
 - (a) the name of the person;
 - (b) the offence;
 - (c) the specified penalty established by this bylaw for the offence;
 - (d) that the penalty shall be paid within thirty (30) days of the issuance of the municipal tag; and
 - (e) any other information as may be required by the county manager.
- 22.7 Where a municipal tag is issued pursuant to this bylaw, the person to whom the municipal tag is issued may, in lieu of being prosecuted for the offence, pay to the county the penalty specified within the time period indicated on the municipal tag.
- 22.8 Notwithstanding section 22.7, a peace officer is hereby authorized and empowered to immediately issue a violation ticket pursuant to the *Provincial Offences Procedure Act* to any

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person who the peace officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.

22.9 If a violation ticket is issued in respect of an offence, the violation ticket may:

- (a) specify the fine amount established by this bylaw for the offence; or
- (b) require a person to appear in court without the alternative of making a voluntary payment.

22.10 A person who commits an offence may:

- (a) if a violation ticket is issued in respect of the offence; and
- (b) if the violation ticket specifies the fine amount established by this bylaw for the offence;

make a voluntary payment by submitting to a clerk of the provincial court, on or before the initial appearance date indicated on the violation ticket, the specified penalty set out on the violation ticket.

22.11 When a clerk of the provincial court records the receipt of a voluntary payment pursuant to section 22.10 and the *Provincial Offences Procedure Act*, the act of recording constitutes acceptance of the guilty plea and also constitutes a conviction and the imposition of a fine in the amount of the specified penalty.

PART 9 - TRANSITIONAL

23. Enactment

23.1 This bylaw shall take effect on the date of third reading.

23.2 This bylaw repeals and replaces Bylaw No. 22-05.

Read a first time this 9th day of January, A.D. 2024.

Read a second time this 9th day of January, A.D. 2024.

Read a third time with the unanimous consent of the Council Members present and finally passed this 9th day of January, A.D. 2024.



MAYOR



COUNTY MANAGER

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SCHEDULE "A"

Fines and Penalties

OFFENCE	SECTION	1 st OFFENSE MINIMUM FINE
Dog not wearing a form of identification while off the owner's property	4.1	\$100
Person keeping more dogs than permitted	5.1	\$250
Dog at large	6.1(a)	\$250
Dog barks, howls, or otherwise makes such noise so as to, in the opinion of a peace officer, unreasonably disturb the peace of any	6.1(b)	\$250
Dog threatens, attacks, bites, injures or otherwise harasses any person	6.1(c)	\$1000
Dog threatens, attacks, bites, chases, injures or otherwise harasses any other domestic animal	6.1(d)	\$250
Dog causes death to a person	6.1(e)	\$10,000
Dog causes death to a domestic animal	6.1(f)	\$2500
Dog chases a motor vehicle, person on a bicycle, person on horseback, or person that is walking or running	6.1(g)	\$500
Dog causes damage to property	6.1(h)	\$250
Dog enters public bathing, swimming, or wading pool	6.3	\$250
Dog present at a location where sign prohibits presence	6.4	\$100
Person unties, loosens or frees a dog	6.6	\$250
Failure to remove defecation	7.1	\$250
Failure to maintain property in sanitary condition	7.2	\$250
Failure to contain or restrain female dog in estrus	7.3	\$100
Person teases, torments, provokes, abuses or injures any dog	8.1	\$500

*Minimum fines for 2nd and subsequent offenses will be double the 1st offense fine.

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SCHEDULE "A"

Fines and Penalties

OFFENCE	SECTION	1st OFFENSE MINIMUM FINE
Owner fails to comply with aggressive dog provisions	11.4	\$1000
Owner fails to comply with disease control provisions	12.5	\$500
Person who takes control of a dog found at large, fail to immediately notify a peace officer	14.1	\$150
Person who takes control of a dog found at large, fail to surrender the dog to a peace officer	14.2	\$300

*Minimum fines for 2nd and subsequent offenses will be double the 1st offense fine.

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SCHEDULE "B"

Dr. Ian Dunbar's Dog Aggression Scale

Assessment of the severity of biting problems based on objective evaluation of wound pathology

Level 1	Dog growls, lunges, snarls, no teeth touch skin. Mostly intimidation/threatening behaviour.
Level 2	Teeth touch skin but no puncture. May have red mark/minor bruise from dog's head or snout, may have minor scratches from paws/nails. Minor surface abrasions or lacerations.
Level 3	Punctures 1 to 3 holes, single bite. No tearing or slashes. Victim not shaken side to side. Bruising.
Level 3.5	Multiple level 3 bites.
Level 4	2 to 4 holes from a single bite, typically contact/punctures from more than canines, considerable bruising. Black bruising, tears and/or slashing wounds. Dog clamped down and held and/or shook head from side to side.
Level 5	Multiple bites at Level 4 or above. A concerted, repeated attack causing severe injury.
Level 6	Any bite resulting in death.

This Scale is developed by Dr. Ian Dunbar PhD. BVetMed, MRCVS, of Berkeley California. From his studies, Dr. Dunbar has been able to separate and classify bites into a generalized 6.5 level assessment protocol. This Scale is used as a standard throughout the world in classifying dog behavior resulting in injury to both humans and other animals. Updated in 2012 by Dr. Ian Dunbar and Nikeae Michalchuk for incident classification of dog aggression investigations. The scale has been implemented into Animal Bylaws (iii - vi) and is used as reference for dog aggression investigation by government agencies and canine aggression specialists.

Bite Inhibition

"Inhibitions are the mechanisms which compel an animal to interrupt an action in the middle of a sequence."(i) "Good bite inhibition does not mean that the dog will never snap, lunge, nip, or bite. Good bite inhibition means that should the dog snap and lunge, his teeth will seldom make skin contact and should the dog's teeth ever make skin contact, the inhibited "bite" will cause little, if any, damage."(ii)

References: (i). ABRANTES R. Dog Language An Encyclopedia of Canine Behavior 145. Wakan Tanka Publishers 1997. (ii). DUNBAR. I. PhD, BVetMed, MRCVS After you Get Your Puppy 84. James & Kenneth Publishers 2001. (iii). Town of Cochrane Animal Control Bylaw 0412016. (iv). Town of Rocky Mountain House Bylaw 16104V (v). Town of Stony Plain Bylaw 2566/AC/16. (vi). City of Airdrie Animal Control Bylaw 8-33/2016 (vii). MD Foothills Responsible Dog Ownership Bylaw 1512019. (viii) City of Wetaskiwin Responsible Pet Ownership Bylaw 2000-21. © Maverick Dog Works, 2022 · www.maverickdogworks.com