

BY-LAW NO. 22-05

LEDUC COUNTY

A BY-LAW OF LEDUC COUNTY, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE REGULATION, CONTROL AND CONFINEMENT OF ANIMALS (DOGS) AND TO REPEAL BY-LAW NO. 9-96.

WHEREAS under authority and subject to the provisions of the Municipal Government Act, Statutes of Alberta, 2000 Chapter M-26, with amendments thereto, the Council of the County, duly assembled, enacts as follows:

1. TITLE

This By-law may be cited as "The Animal Control By-Law".

2. INTERPRETATION AND APPLICATION

In the by-law unless the context otherwise requires;

- (a) Animal - shall mean any canidae animal of either sex, commonly described and known as a dog and actually or apparently six (6) months of age or older including vicious or restricted dogs.
- (b) Animal Control Officer - means a person appointed by Council and duly sworn in by the County Manager whose duties entail carrying out the provisions of the bylaw.
- (c) Communicable Diseases - shall be such diseases as can be passed from Animal to other domestic animal, from other domestic animal to Animal, or from other domestic animal to human being and shall include but not be limited to distemper, rabies, parvo, parainfluenza, as per the Public Health Act, 1984 R.S.A. c. P-27.1, as amended, and Regulations thereunder.
- (d) County - means the municipal corporation of Leduc County or the area contained within the boundary thereof as the context requires.
- (e) Day - means a continuous period of twenty-four (24) hours.
- (f) Former Owner - means the person who at the time of impoundment was the owner of an animal which subsequently has been sold or destroyed.
- (g) Kennel - means a facility which is engaged in the business or recreation of breeding and/or boarding and/or selling of dogs.
- (h) License Inspector - means the License Inspector for Leduc County appointed from time to time or authorized assistants.
- (i) Owner - means a person who has the care, charge, custody, possession or control of an Animal, who owns or claims any proprietary interest in an Animal, or who harbors, suffers or permits an Animal to be present on any property owned or under his control, or who claims and receives an Animal from the custody of the Pound or an Animal Control Officer.
- (j) Permitted Leash - means a leash adequate to effectively, immediately and continuously control the Animal to which it is attached, and which shall not exceed three (3) metres in length, or of a retractable nature to allow for the immediate control of the Animal at the maximum three (3) metre length.
- (k) Pound - means the Pound established for the impounding of Animals as set out in this by-law.
- (l) Poundkeeper - means a person appointed by the County who is responsible for the operation of the Pound and such other duties as set out in this By-Law.
- (m) Caretaker - means person or persons who have the appropriate facilities in which to keep an animal and who agree to care for the animal in accordance with this by-law, during the animal impoundment period.
- (n) Running at Large - shall mean any Animal which is off the premises of the property of the owner or the property of the harborer, or is not otherwise restrained by a Permitted Leash or under the immediate, continuous and effective control of a competent person, or if it is on any private property or premises within Leduc County without the permission of the owner or occupant.
- (o) Twelve (12) Month Period - shall mean the period commencing on January 1, and ending on December 31 of any calendar year, or any part thereof.
- (p) Vicious Animal - means an Animal of any age which, when on or off the property of its Owner:
 - (i) shows a propensity, disposition or potential to attack or injure, without provocation, other animals or humans;
 - (ii) is a continuing threat of serious harm to other animals or humans;
 - (iii) without provocation, has attacked persons or other animals; or
 - (iv) any Animal which has been deemed to be dangerous by a Justice, under the provisions of the Dangerous Dogs Act of Alberta, as amended.

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3. RESPONSIBILITIES OF ANIMAL OWNERS

The Owner of an Animal:

- (a) shall ensure that the Animal is not running at large;
- (b) shall be deemed to have failed or refused to comply with the requirements of the previous subsection unless he/she proved to the satisfaction of the Court trying the case, that he/she had taken all reasonable precautions either:
 - (i) to secure the Animal so that it would not be able to leave the premises of the Owner; or
 - (ii) to ensure himself/herself that the Animal was under the constant supervision of a person competent to control it at all times when it was off the premises of the Owner.
- (c) In addition, the Owner of an Animal determined to be vicious under Section 4 of this by-law shall take the following precautions:
 - (i) at all times while a vicious Animal is on the premises of its Owner, the Owner shall either keep such Animal confined indoors, or confined in a securely enclosed and locked pen, or other structure, constructed to prevent the escape of the vicious Animal, and capable of preventing the entry of young children;
 - (ii) such pen shall have secure sides and a secure top, and if it has no bottom secured to the sides, the sides must be embedded in the ground to a minimum depth of one (1) foot;
 - (iii) when any Vicious Animal is off the premises of the Owner, the Owner shall securely muzzle the Animal and ensure the Animal is restrained by a Permitted Leash and which shall effectively prevent it from attacking or biting a person or other animal;
 - (iv) Subsection (i), (ii) and (iii) shall not apply when the Vicious Animal is in a pen meeting the requirements of Subsection (i), or when the Vicious Animal is in a building or enclosure in attendance at a bona fide Animal show;
 - (v) the Owner of a Vicious Animal shall take all necessary steps to ensure that such Animal does not bite, chase or attack any person or other animal, whether the person or animal is on the property of the Owner or not;
 - (vi) the Owner of a Vicious Animal shall not permit such Animal to run at large;
 - (vii) the Owner of a Vicious Animal shall maintain liability insurance in a minimum amount of \$500,000.

4. DETERMINING AN ANIMAL TO BE VICIOUS

- (a) The Owner of an Animal, which the Owner has reason to believe to be a Vicious Animal, shall keep such Animal in accordance with the provisions of Section 3(c) of this By-Law.
- (b) If an R.C.M. Police Officer, or a Peace Officer, Special Constable or Animal Control Officer appointed by Council determines that an Animal is a Vicious Animal, either through personal observation or after an investigation initiated by a complaint, he or she may in writing:
 - (i) inform the Owner that his Animal has been determined to be a Vicious Animal;
 - (ii) require the Owner to keep such Animal in accordance with the provisions of Section 3 of this By-law;
 - (iii) inform the Owner that if the Vicious Animal is not kept in accordance with Section 3 of this By-Law, the Owner will be fined, or subject to enforcement action pursuant to Schedule C of this By-Law; and
- (c) The Owner of an Animal that has been determined to be a Vicious Animal may produce information to the County Clerk, or his designate, that may alter a determination made under Section 4, the appeal will be set before a Committee of a minimum of two (2) individuals as established by the County Clerk, or his designate.
- (d) An Animal whose primary responsibility while on the premises of its Owner is livestock protection, may not be regarded a Vicious Animal if it is determined the Animal has reacted against another animal(s) in an incident/situation to its legitimate protection responsibilities.

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5. NUISANCE

- (a) The Owner of an Animal shall not permit the Animal to be or become a public nuisance by:
 - (i) biting or chasing a person;
 - (ii) biting, barking at, or chasing stock, bicycles, automobiles or other vehicles;
 - (iii) barking, howling or otherwise disturbing the quiet of any person or persons;
 - (iv) causing damage to property or other animals; or
 - (v) permitting a female Animal which is in heat to escape from the Owners premises during the period in which the said Animal is in heat, and the Owner shall keep such female Animal housed and confined in an enclosure or tethered so as to prevent any escape of such Animal from the premises, and being an attraction to other Animals.
- (b) An Owner of an Animal who permits the Animal to defecate on property other than his own, including vacant undeveloped County owned property, shall remove forthwith any defecated matter deposited.
- (c) An Owner of an Animal which is found upsetting waste receptacles, or scattering the contents thereof, either in or about a road or other public property or in or about premises not belonging to or in the possession of the Owner of the Animal is guilty of an offense separate and apart from the offense provided in Section 3, and upon summary conviction thereof shall in addition to any penalty imposed upon him shall be civilly liable to the County for any expenses directly or indirectly by it in connection with the receptacle being upset or the waste scattered abroad.

6. COMMUNICABLE DISEASES

An Owner of an Animal which is suffering from a communicable disease:

- (a) shall not permit the Animal to be in contact with any human being;
- (b) shall not permit the Animal to be in any public place;
- (c) shall not keep the Animal in contact with or in proximity to any other animal free of such disease;
- (d) shall keep the Animal locked or tied up;
- (e) shall immediately report the matter to the Animal Control Officer, to the Animal Health Inspection Branch of Agriculture Canada, and the R.C.M.P.

7. ANIMAL CONTROL AUTHORITY

- (a) An Animal Control Officer or any person authorized by this By-law may capture and impound any Animal:
 - (i) in respect of which he/she believes or has reasonable grounds to believe and offense under this By-Law is being or has been committed;
 - (ii) which is required to be impounded pursuant to the provisions of any statute of Canada or the Province of Alberta, or any regulation made thereunder;
 - (iii) shall deliver the Animal to the Pound or to a Caretaker with the appropriate facilities.
- (b) An Animal Control Officer or any person authorized by this By-Law to enforce the provisions contained herein and who is delegated the authority of a designated officer under Section 542 of the Municipal Government Act may enter onto land for the purpose of pursuit, capture and restraint of any Animal found running at large, or for the purpose of observation, investigation or enforcement of this By-Law:
 - (i) after reasonable notice to the owner or occupant of the land; or
 - (ii) with the consent of the owner or occupant of the land; or
 - (iii) without reasonable notice or the consent of the owner or occupant of the land in the event the circumstances constitute an emergency or extraordinary circumstances.
- (c) The Animal Control Officer is authorized to take reasonable measures to subdue and capture Animals found to be in contravention of this By-Law.
- (d) The Animal Control Officer is authorized to take or order the taking of an injured or sick Animal to a Veterinarian for treatment to relieve pain or bleeding, at the expense of the Owner.

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- (e) The Animal Control Officer shall report any apparent illness, communicable disease, injury or unhealthy condition of any Animal to a veterinarian and act upon his recommendations. The Owner, if known, shall be held responsible for all charges resulting.

8. OBSTRUCTION

No person whether or not he/she is the Owner of an Animal which is being or has been pursued or captured shall:

- (a) interfere with or attempt to obstruct an Animal Control Officer who is attempting to capture or who has captured an Animal which is subject to being impounded pursuant to the provisions of this By-law;
- (b) induce the Animal to enter a house or other place where it may be safe from capture or otherwise assist the Animal to escape capture;
- (c) falsely represent himself/herself as being in charge or control of an Animal so as to establish that the Animal is not running at large; or
- (d) unlock or unlatch or otherwise open the Pound van or vehicle in which Animals are kept for impoundment have been placed so as to allow or attempt to allow any Animal to escape therefrom.

9. KENNELS

- (a) No person or persons shall operate a kennel on any parcel of land unless a kennel is a permitted or discretionary use in the Land Use By-Law of the County and for which a development permit is also obtained.
- (b) All kennels shall be subject to the Kennel Regulations attached to this By-Law as Schedule "D".

10. NEGLIGENCE

No person shall:

- (a) untie, loosen or otherwise free an Animal which has been tied or otherwise restrained; or
- (b) negligently or willfully open a gate, door, or other opening in a fence or enclosure in which an Animal has been confined and thereby allow an Animal to run at large.

11. TORMENT

No persons shall tease, torment, or annoy an Animal.

12. NOTIFICATION

An Animal Control Officer will make a reasonable effort to identify the Owner of an Animal. When an Animal Control Officer knows the name of the Owner of an impounded Animal, he shall make a reasonable effort to contact the Owner(s) by personal delivery of a notice or by phone, but as a last resort by mail and notify the Owner(s) of the impoundment.

13. RECLAIMING

The Owner of any impounded Animal may reclaim the Animal from the Pound upon the payment to the Pound the fees as set out in Schedule "A" of this By-Law.

14. DISPOSAL

- (a) An impounded Animal may be kept in the Pound for a period of:
 - (i) seventy-two (72) hours (excluding Sundays and statutory holidays) after the Owner has received or has been deemed to receive notice that his Animal is in the Pound, when the name and address of the Owner are known; or
 - (ii) ninety-six (96) hours (excluding Sundays and statutory holidays) when the name and address of the Owner are not known.
- (b) Upon having been impounded in the Pound for a period outlined above, and upon the Owner not reclaiming the Animal in accordance with Section 12, the Animal Control Officer may:

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- (i) offer the Animal for sale or adoption;
- (ii) destroy the Animal in a humane manner;
- (iii) continue to impound the Animal for an indefinite period of time in the Animal Control Officer's discretion.

15. PENALTIES - VOLUNTARY PAYMENT TICKETS

- (a) Where an Animal Control Officer believes that a person has contravened any provision of this By-law, he may serve upon such person a tag provided by this Section either personally or by mailing or leaving the same at the persons last known address and such service shall be adequate for the purpose of this By-Law.
- (b) A tag shall be in such form as determined by the County and shall state the Section of the By-Law which was contravened and the amount which is provided in Schedules "B" and/or "C" that will be accepted by the County in lieu of prosecution.
- (c) Upon production of a tag issued pursuant to this Section within fourteen (14) days from the issue thereof together with the payment to the Poundkeeper of the fee(s) as provided in Schedules "B" and/or "C", the person to whom the tag was issued shall not be liable for prosecution for the contravention in respect of which the tag was issued.
- (d) Notwithstanding the provisions of this Section, a person to whom a tag has been issued pursuant to this Section may exercise his right to defend any charge of committing a contravention of any of the provisions of this By-Law.
- (e) In those cases where a tag has been issued and if the penalty specified on the tag has not been paid within the prescribed time, then an Animal Control Officer is authorized and empowered to issue a Violation Ticket pursuant to Part 2 of the Provincial Offenses Procedures Act S.A. 1988, c. P-2 1.5, as amended.
- (f) Notwithstanding Section 15(e), or any other provision in the By-Law, an Animal Control Officer is authorized and empowered to immediately issue a Violation Ticket pursuant to the Provincial Offenses Procedures Act, to any person to who the Animal Control Officer has reasonable and probable grounds to believe is contravening any provision of this By-Law, and the Animal Control Officer need not first issue a tag for a contravention of this By-Law.
- (g) Each time an offence occurs, or where the offence is of a continuing nature, each day or part of day on which it continues, constitutes a separate offence.

16. SUMMARY CONVICTION

- (a) A person who contravenes a provision of this By-Law by doing something which he/she is prohibited from doing, or by failing to do something which he/she is required to do, or by doing something in a manner different from that in which he/she is required or permitted to do by this By-Law, is guilty of an offence and liable upon summary conviction to a fine of not less than Forty Dollars (\$40.00) or more than Twenty Five Hundred Dollars (\$2,500.00) for any offence under this By-Law.
- (b) The levying and payment of any fine in this By-Law shall not relieve a person from the necessity of paying any fees, charges or costs for which he/she is liable under the provisions of this By-Law.
- (c) Each time an offence occurs, or where the offence is of a continuing nature, each day or part of day on which it continues, constitutes a separate offence.

17. REPEAL BY-LAW NO. 9-96

This By-Law shall replace By-Law No. 9-96 of the County and the said By-Law is hereby repealed.

18. EFFECT OF BY-LAW

This By-Law and the Schedules shall come into force and effect on the date of the third reading.

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Read a first time this 5th day of July, A.D., 2005.

Read a second time this 5th day of July, A.D., 2005.

Read a third time with the unanimous support of the Council Members present and passed this 5th day of July, A.D., 2005.

John Whaley

REEVE

SEAL



COUNTY MANAGER

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SCHEDULE "A" IMPOUNDMENT FEES

Amount(s) to be paid to the Poundkeeper by Owner of Animal in order to reclaim Animal at the Pound.

- 1. Care and Sustenance - per day Regular Board Rate
- 2. Veterinary Fees Amount expended

SCHEDULE "B" FINE SCHEDULE

Amount which will be accepted by Leduc County In lieu of prosecution.

	<u>1st Offense</u>	<u>2nd Offense</u>	<u>3rd Offense</u>
Section 3(a) Running at Large	\$40.00	\$60.00	\$80.00
Section 5(a) Public Nuisance	\$40.00	\$60.00	\$80.00
(b) Defecation	\$40.00	\$60.00	\$80.00
Section 8 Obstruction	\$40.00	\$60.00	\$80.00
Section 10 Negligence	\$40.00	\$60.00	\$80.00
Section 11 Torment	\$40.00	\$60.00	\$80.00

Second and third offense fines shall apply when committed within the Twelve (12) Month Period. The fines charged for the third offense shall apply for any subsequent offenses.

SCHEDULE "C" - FINE SCHEDULE - VICIOUS ANIMAL

Amount which will be accepted by Leduc County in lieu of prosecution:

		<u>1st Offense</u>	<u>2nd Offense</u>
Section 3(c)(i)	Failure to confine a Vicious Animal	\$250.00	\$500.00
Section 3(c)(iii)	Failure to muzzle or otherwise secure a Vicious Animal when off the premises	\$250.00	\$500.00
Section 3(c)(v)	If a Vicious Animal bites or attacks a person or animal causing injury	\$500.00	\$1,000.00
Section 3(c)(vi)	Permitting a Vicious Animal to run at large	\$250.00	\$500.00
Section 3(c)(vii)	Failure to maintain in force a policy of liability insurance	\$250.00	\$500.00

Second offense fines shall apply when committed within the Twelve (12) Month Period.

Any Owner who commits three or more offenses listed in this Section will be issued a compulsory court notice, and upon conviction will be subject to a fine of not more than \$2,500.00 and not less than \$500.00.

SCHEDULE "D" - KENNEL REGULATIONS

Application for a Kennel license will be considered by an Animal Control Officer. The Animal Control Officer may approve the application, subject to conditions, or may refuse the application.

All Kennels shall comply with the following regulations:

- 1. Prior to the establishment of a Kennel, a license must be obtained from the County.
- 2. An exercise area shall be provided for each Animal, as follows:
 - (a) breeds weighing 16 kg (35 lbs.) or less - at least 2.2 m² (24 ft.²) per Animal; and
 - (b) breeds weighing more than 16 kg (35 lbs.) - at least 4.4 m² (48 ft.²) per Animal.
- 3. No building or exterior exercise area shall be allowed within 90 m (295 ft.) of any dwelling located on adjacent parcels, or within 30 m (98 ft.) of any property line of the parcel for which an application is made, whichever distance is greater.
- 4. All exterior exercise areas (runs) shall be enclosed with an acceptable fence with an adequate height as approved by the Animal Control Officer.

SCHEDULE "D" - KENNEL REGULATIONS (Cont'd)

5. The Kennel, including buildings and exterior exercise areas, shall be sited behind the principal building.
6. Visual screening of the Kennel from existing dwellings on adjacent parcels may be required by the Animal Control Officer.
7. Unless otherwise allowed by the Animal Control Officer, no animal including pups shall be allowed outdoors between the hours of 10:00 p.m. to 7:00 a.m. daily.
8. The Kennel shall be cleaned regularly or as required by the Animal Control Officer.
9. A Kennel license shall be subject to modification or amendment to this By-Law, or cancellation for due cause.
10. A new license is required each time a change to the Kennel operation is made.
11. A license may be transferred to a new Owner provided there is no change to the Kennel operation.
12. A Kennel shall at no time cause a nuisance or unduly interfere with the general enjoyment of adjacent properties. In the event a complaint is made to the County, the Animal Control Officer may require the complaint be submitted in writing with appropriate details on the nature and extent of the nuisance or violation of this By-Law.
13. Failure to comply with any of the above regulations or the conditions of a license may result in the cancellation of the license by the Animal Control Officer. In the event a Kennel license is cancelled, the Kennel operation shall cease and the Kennel shall be removed within the time period as specified in the cancellation notice. Any continued or new Kennel Operation without a valid Kennel license shall constitute a violation of this By-Law.
14. A Kennel may be subject to an annual inspection.

Exceptions or variances to the above regulations, conditions of a license or a decision of the Animal Control Officer may be made by the Council of Leduc County.

APPLICATION

An application for a kennel license shall include the following:

1. Copy of valid development permit or proof that an application for a development permit has been made.
2. A site plan showing location and dimensions of all existing and proposed buildings and land uses on the subject parcel and adjacent parcels of land and distances.
3. A business operation plan with sufficient information, as required by the Animal Control Officer.
4. Full disclosure of any previous Kennel operated whether within the County, or another location.

A kennel license application shall be accompanied with a Forty (\$40.00) Dollar application fee.

FINE SCHEDULE

Amount which will be accepted by Leduc County in lieu of prosecution:

	<u>1st Offense</u>	<u>2nd and Subsequent Offenses</u>
Failure to comply with the regulations and/or condition of a license*	\$250.00	\$500.00

* For each day the offense continues, a separate fine may be imposed by the Animal Control Officer to the owner/operator of the Kennel and/or the land owner pursuant to this fine schedule.