

COUNTY OF ATHABASCA NO. 12

BY-LAW NO. 2001 - 08

A BY-LAW OF THE COUNTY OF ATHABASCA NO. 12, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE REGULATING, CONTROLLING AND CONFINEMENT OF DOGS.

WHEREAS Pursuant to the provisions of Section 191 (1) of the Municipal Government Act, being Chapter M-26.1 of the Revised Statutes of Alberta, 1994 with amendments, a Municipal Council may pass bylaws for regulating and controlling animals;

AND WHEREAS The Council of the County of Athabasca deems it necessary to provide for the regulating, control and confinement of dogs "Running at Large" within hamlets and multi-country residential subdivisions within the County of Athabasca No. 12;

NOW THEREFORE The Council of the County of Athabasca No. 12 hereby enacts the following:

1. **TITLE**

This Bylaw shall be known as the "Dog Control Bylaw".

2. **DEFINITIONS:**

- (1) "Dog Control Officer" means any member of the Royal Canadian Mounted Police or a County of Athabasca No. 12 Special Constable or Bylaw Enforcement Officer appointed by the County of Athabasca No. 12 Council to carry out the Provisions of this bylaw.
- (2) "Normal Working Hours" means the office hours of the County of Athabasca, being 8:30 a.m. - 5:00 p.m., Monday to Friday, excluding statutory holidays.
- (3) "Pound" means a place or facility designated by the County of Athabasca No. 12 Council for the purpose of holding and caring for any dogs impounded under provisions of this bylaw.
- (4) "Poundkeeper" means the owner or operator of the pound.
- (5) "Owner" means:
 - (i) a person who has the care, charge, custody, possession or control of a dog;
 - (ii) a person who owns or harbors a dog;
 - (iii) a person who claims and receives a dog from the pound.
- (6) "Running at Large" means:
 - (i) a dog that is off the property of its owner, and
 - (ii) is not on a leash, and

(iii) is not under the immediate, continuous and effective control of its owner.

(7) "County" means the County of Athabasca No. 12.

3. REGULATIONS:

- (1) No dog shall be allowed to run at large within hamlets & multi-country residential subdivisions within the County of Athabasca No. 12.
- (2) No person shall interfere or attempt to obstruct a Dog Control Officer or anyone who is attempting to capture or who has captured a dog, which is being impounded pursuant to the provisions of this bylaw.
- (3) The owner of a dog or dogs shall not permit the dog or dogs to be or become a public nuisance by;
 - (i) biting or chasing a pedestrian,
 - (ii) biting, barking at or chasing livestock, bicycles, automobiles, or other vehicles,
 - (iii) barking, howling or otherwise disturbing any person,
 - (iv) causing damage to property or other animals,
- (4) Where a dog or dogs has caused damage to property and other animals, the owner of the dog or dogs shall pay for all damages incurred to the person suffering such damages.
- (5) The owner of a dog or dogs who allow such dog or dogs to upset waste receptacles or scatter the contents thereof, either in or about a lane, street or other public property or in or about premises belonging to the owner of the dog or dogs is guilty of an offence and be liable to a violation ticket.

4. CAPTURE AND IMPOUNDMENT:

- (1) The Dog Control Officer or any person may capture and impound any dog running at large contrary to any provision of this bylaw.
- (2) When necessary, the Dog Control Officer or any person, may, in attempting to capture a dog found to be in contravention of this bylaw, employ the use of bait or any device or other suitable means to apprehend the dog, provided that:
 - (i) it is not prohibited by law; and
 - (ii) it is employed with due respect for humanness to the dog.
- (3) Where a dog is on any private property or premises without the permission of the owner or occupant, the Dog Control Officer or any person enforcing this bylaw, may, with the permission of the owner or occupant, enter such property or premises to apprehend the dog.

5. RECLAIMING OF IMPOUNDED DOG:

- (1) An impounded dog may be kept at the pound for a period of three days (Sundays and statutory holidays not included). During this period, the owner may reclaim the dog by paying the County, during normal working hours, an impoundment fee and boarding fee as set out in this bylaw, and by paying the Poundkeeper directly any Veterinarian fees incurred during the impoundment.
- (2) Any dog not reclaimed by the owner within a period of three (3) days from the date of the impoundment, (Sundays and statutory holidays not included) may be sold by the Poundkeeper.
- (3) Any dog not reclaimed by the owner within a period of three (3) days (Sundays and statutory holidays not included) from the date of the impoundment, or sold by the Poundkeeper, shall become the property of the County who will then instruct the Poundkeeper to destroy or otherwise dispose of the dog.

6. VIOLATION TAG:

- (1) The Dog Control Officer or the County Municipal Administrator is hereby authorized and empowered to issue a Violation Tag to any person the Dog Control Officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.
- (2) The Violation Tag shall state:
 - (i) the name and address of the offender if ascertainable;
 - (ii) the offence;
 - (iii) the appropriate penalty for the offense as outlined in this bylaw; and
 - (iv) that the penalty shall be paid within 30 days of the issuance of the Violation Tag.
- (3) The Violation Tag may be issued to such person:
 - (i) either personally;
 - (ii) by mailing a copy to such person at their last known address; or,
 - (iii) upon retrieval of such persons dog from the Pound.

7. VIOLATION TICKET:

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 a Dog Control Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the Provincial Offenses Procedure Act.

8. PENALTIES & FEES:

- (1) Penalties:
 - (i) Permitting a dog to run at large - \$50.
 - (ii) Interfering with enforcement of this bylaw - \$50.
 - (iii) Second or subsequent offense within a twelve month period - \$100.

- (2) Fees:
 - (i) Impounding Fee \$50.
 - (ii) Boarding Fee \$ 10. per day for each day of impoundment
- (3) Any person who contravenes any provision of this bylaw is guilty of an offense and is liable to a fine of not more than TWO THOUSAND, FIVE HUNDRED DOLLARS (\$2500.00).
- (4) In lieu of prosecution, a person who has contravened any provision of this bylaw, may, within 30 days of the issuance of a Violation Tag, elect to voluntarily pay a penalty as set out in this bylaw.

9. SEVERABILITY PROVISION:

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

10. Bylaw Numbers 7 - 1985, 31 - 1987 and 1 - 1996 are hereby repealed.

11. This Bylaw shall come into full force and effect on the date of the final passing thereof.

READ A FIRST TIME this 31st day of May, A.D. 2001.

REEVE

COUNTY MANAGER

READ A SECOND TIME this _____ day of _____, 2001.

REEVE

COUNTY MANAGER

READ A THIRD TIME this _____ day of _____, 2001.

REEVE

COUNTY MANAGER

