

BYLAW NO. 1070/08

A BYLAW OF LACOMBE COUNTY, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE REGULATING, CONTROLLING AND CONFINEMENT OF DOGS.

WHEREAS pursuant to the provisions of Sections 7 and 8 of the *Municipal Government Act*, being Chapter M-26 of the Revised Statutes of Alberta, 2007 with amendments, a Municipal Council may pass bylaws respecting domestic animals and activities in relation to them.

AND WHEREAS the Council of Lacombe County deems it necessary to provide for the regulating, control and confinement of dogs running at large within the County;

NOW THEREFORE the Council of Lacombe County in the Province of Alberta, duly assembled, hereby enacts the following:

1. TITLE

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

2. DEFINITIONS

2.1 "County" means Lacombe County.

2.2 "Altered" means either a spayed female or neutered male dog.

2.3 "Dog" means a dog, either male or female of any breed.

2.4 "County Commissioner" means the Commissioner for Lacombe County and whatever subsequent title may be conferred on that officer by Council or Statute.

2.5 "Dog Control Officer" means any Community Peace Officer or person appointed by the County Commissioner to carry out the provisions of this Bylaw.

2.6 "Normal Working Hours" means the office hours of Lacombe County, being 8:00 a.m. to 4:30 p.m., Monday to Friday, excluding statutory holidays.

2.7 "Pound" means a place or facility designated by the County Commissioner for the purpose of holding and caring for any dogs impounded under provision of this Bylaw.

2.8 "Poundkeeper" means the owner or operator of the pound.

2.9 "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.

2.10 "Running at Large" means:

A dog shall be deemed to be "running at large" when it is off the premises of the owner and is not on a leash or under the immediate continuous and effective control of its owner or some competent person or when, being on a leash or under the immediate continuous and effective control of its owner or some competent person the dog:

- i) bites, attacks, runs at, or attempts to bite, attack, or run at any person; or
- ii) chases or barks at any automobile, bicycle, or other vehicle; or

iii) worries or annoys any other animal; or

iv) is brought or found on any school or college premises or the area of a park.

2.11 "Second Offence" or "Subsequent Offence" means the penalty when any person contravenes the same provision of the Bylaw twice or more within a consecutive twelve month period.

3. REGULATIONS

3.1 No dog shall be allowed to run at large in the County.

3.2 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 that is being impounded pursuant to the provisions of this Bylaw.

3.3 No dog shall bite, attack, run at any person or animal or attempt to bite, attack, or run at any person or animal.

4 LICENSING

4.1 Licensing of dogs only applies to dogs in the Hamlet of Mirror.

4.2 Within the Hamlet of Mirror all dogs over three (3) months of age are required to be licensed by their Owners.

4.3 Dog licenses are to be obtained from the County Office prior to January 31st of each calendar year.

4.4 Any person failing to purchase a dog license by February 28 of the calendar year shall be subject to an additional fee to obtain licenses.

4.5 Fees for these licenses are outlined in Schedule "B" of this Bylaw.

4.6 In accordance with Lacombe County Municipal Land Use Bylaw 1056/07, no person shall keep more than two (2) dogs. This does not apply to un-weaned pups (less than three (3) months of age)

4.7 Each owner will be issued a tag for each dog and each tag must be affixed to a collar which must be worn by the dog.

4.8 No person shall be entitled to a license rebate under this Bylaw.

4.9 Owners that can provide sufficient evidence of visual impairment and that employ assistance dogs are exempt from these licensing requirements.

5. CAPTURE AND IMPOUNDMENT

5.1 The Dog Control Officer or any person may capture and impound any dog running at large contrary to any provision of this Bylaw.

5.2 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 humaneness to the dog.

5.3 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.

6. RECLAIMING OF IMPOUNDED DOG

- 6.1 An impounded dog may be kept at the pound for a period of seventy two (72) hours (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 Schedule "B" of this Bylaw, and by paying the Poundkeeper directly any veterinarian fees incurred during the impoundment.
- 6.2 Any dog not reclaimed by the owner within a period of seventy two (72) hours from the date of the impoundment, (Sundays and statutory holidays not included) may be sold by the Poundkeeper. Any proceeds from the sale of the impounded animals shall be the property of the County.
- 6.3 Any dog not reclaimed by the owner within a period of seventy two (72) hours (Sundays and statutory holidays not included) from the date of the impoundment, or sold by the Poundkeeper, shall become the property of the County which will then instruct the Poundkeeper to destroy or otherwise dispose of the dog with no liability to the owner for the said disposition.

7. VIOLATION TAG

- 7.1 A Dog Control Officer 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.
- 7.2 The Violation Tag shall state:
- i) the name and address of the offender if ascertainable;
 - ii) the offence and location;
 - iii) date of the offence;
 - iv) the appropriate penalty for the offence as in Schedule "A" of this Bylaw;
 - v) that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag; and
 - vi) any other information as may be required by the County Commissioner.
- 7.3 The Violation Tag may be issued to such person:
- i) either personally; or
 - ii) by mailing a copy to such person at their last known address, or
 - iii) by leaving it for the defendant at his residence with a person on the premises who appears to be at least eighteen (18) years of age; or
 - iv) upon retrieval of such person's dog from the Pound.
- 7.4 Where a Violation Tag is issued pursuant to Section 7.1 of this Bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to Lacombe County the penalty specified on the Violation Tag.
- 7.5 Nothing in this Bylaw shall prevent a Community Peace Officer from immediately issuing a Violation Ticket.

8. VIOLATION TICKETS

- 8.1 In those cases where a Violation Tag has been issued and if the penalty specified on the Violation Tag has not been paid within the prescribed time, then a Community Peace Officer is hereby authorized to issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*, to any person who

the Community Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

8.2 Notwithstanding Section 8.1 of this Bylaw, a Community Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*, to any person who the Community Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

8.3 Any person to whom a Violation Ticket has been issued may make voluntary payment in respect of the Violation Ticket by delivering the Violation Ticket along with an amount equal to that specified for the offence as set out in Schedule "A" of this Bylaw, to the Provincial Court office specified on the Violation Ticket.

9. SEVERABILITY PROVISION

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

10. REPEAL OF BYLAW

10.1 Bylaw No. 892/99 is hereby repealed.

10.2 Village of Mirror Bylaw No. 10/2001 is hereby repealed.

11. EFFECTIVE DATE

11.1 This Bylaw shall take effect as and from third and final reading.

Received first and second readings, and by unanimous consent of the Councillors present, a third reading and finally passed this 28th day of February, A.D. 2008

Reeve

County Commissioner

SCHEDULE “A”

PENALTIES

	<u>PENALTIES</u>	<u>SECTION</u>
Permitting a dog to run at large	\$75.00	3.1
Dog bite, attack, run at person or animal	\$250.00	3.3
Interfering with enforcement of this Bylaw	\$150.00	3.2
Second or subsequent offense within a twelve (12) month period	\$300.00	2.11
Dog failing to wear a collar and tag	\$25.00	4.7
Failing to obtain a dog license prior to January 31 st	\$75.00	4.3

SCHEDULE “B”

FEES

	<u>FEES</u>	<u>SECTION</u>
Impounding fee	\$75.00	6.1
Boarding fee (per day for each day of impoundment)	\$10.00	6.1
Dog license fee	Altered \$15.00 Unaltered \$25.00	4.3
Dog license fee after February 28 th	Altered \$30.00 Unaltered \$50.00	4.4

SCHEDULE “C”

VIOLATION TICKET

	<u>PENALTIES</u>	<u>SECTION</u>
Permitting a dog to run at large	\$150.00	3.1
Dog bite, attack, run at person or animal	\$500.00	3.3
Interfering with enforcement of this Bylaw	\$150.00	3.2
Second or subsequent offense within a twelve (12) month period	\$600.00	2.11
Dog failing to wear collar and tag	\$50.00	4.7
Failure to obtain dog license prior to January 31 st	\$150.00	4.3