

SADDLE HILLS COUNTY

BYLAW 199-2011

A BYLAW OF SADDLE HILLS COUNTY IN THE PROVINCE OF ALBERTA PROVIDING FOR THE LICENSING, REGULATION AND CONTROL OF DOGS WITHIN SADDLE HILLS COUNTY.

WHEREAS the Municipal Government Act, RSA 2000, c. M-26 as amended or repealed and replaced from time to time, provided that a council may pass bylaws for municipal purposes respecting the control of dogs within the municipality;

AND WHEREAS the Council of Saddle Hills County deems it advisable to pass a bylaw for the licensing, regulation and control of dogs within the Hamlet of Woking, campgrounds, picnic grounds or school yards within the County.

AND WHEREAS the County may enter into an agreement with a third party for the provision of licensing, controlling and impoundment of dogs within the specified areas of the County.

NOW THEREFORE the Council of Saddle Hills County duly assembled enacts as follows:

1. **TITLE:**

This bylaw may be cited as "**The Dog Control Bylaw**".

2. **DEFINITIONS:**

In this bylaw unless the context otherwise requires:

- a) "Animal Control Officer" includes a person engaged by Saddle Hills County to carry out the provisions of this bylaw; Bylaw Enforcement Officer, Peace Officer or a member of the Royal Canadian Mounted Police.
- b) "Chief Administrative Officer" means a person appointed by Council as the Administrator of Saddle Hills County, or his designate.
- c) "Council" means the Council of Saddle Hills County.
- d) "County" means Saddle Hills County.
- e) "Dog" means any animal of the Canine family, over the age of six (6) months.

- f) "Dog Tag" means a numbered metal tag issued by the County or pound keeper when the owner of a dog licenses such dog with the County.
- g) "Master Rates Bylaw" refers to the bylaw of Saddle Hills County establishing the rates charged for various municipal services, as may be amended from time to time.
- h) "Owner" unless the context otherwise requires, means any person, partnership, association or corporation who has legal title or possession of a dog or who harbours or keeps or has the care or control of a dog.
- i) "Pound" means a facility established for the holding of impounded dogs.
- j) "Pound keeper" means any person appointed by Council or the Chief Administrative Officer to keep a pound for the purpose of controlling and disposing of dogs that have been seized.
- k) "Running at Large" means a dog which is not being restrained by a leash or is not being effectively controlled by a competent and responsible person and is actually upon property other than the property in respect of which the owner of the dog has the right of occupation.
- l) "Specified Penalty" means an amount determined pursuant to the municipal bylaws under section 44 of the Provincial Offences and Procedures Act, RSA 2000, c.P-34, that can be paid by a defendant who is issued a violation ticket and is authorized to make a payment without a Court appearance.
- m) "Voluntary Payment" means a payment with respect to a violation ticket for a contravention of a provision of this bylaw.
- n) "Violation Ticket" means a summons or ticket issued pursuant to the Provincial Offences Procedure Act, R.S.A. 2000, c.P-34 and regulations there under, as amended or replaced and repealed from time to time. A violation ticket may be issued wherein the person alleged to have committed a breach of a provision of this bylaw is given an opportunity to pay a voluntary payment to the Clerk of the Provincial Court in lieu of prosecution for the offence. The violation ticket may be issued by personally serving it upon the alleged offender, by leaving it at the residence of the alleged offender, or by leaving it at the defendant's residence with a person on the premises who appears to be at least 18 years of age.
- o) "Woking" means the Hamlet of Woking.

2.1. Words importing the masculine gender, include the feminine gender or vice

versa whenever the context so requires.

- 2.2. Words importing the singular shall include the plural or vice versa whenever the context so requires.

3. LICENSING:

- 3.1. Every owner of a dog (where the dog is over six months of age) in the Hamlet of Woking shall, on or before the 31st day of January of each calendar year license each dog with the County and pay the license fees as specified in the Master Rates Bylaw.
- 3.2. No person in the Hamlet of Woking shall own, possess or harbour an unlicensed dog.
- 3.3. Notwithstanding the provisions of sections 3.1 and 3.2 herein, every owner who after the 31st day of January in any calendar year acquires a dog or who has a dog and takes up residence in Woking shall within fourteen (14) days thereof license his or her dog with the County and pay to the County a license fee for each dog being licensed.
- 3.4. Notwithstanding Sections 3.1, 3.2 and 3.3 herein, a blind person possessing a registered or certified guide dog shall NOT be required to pay a license fee.
- 3.5. Upon licensing a dog as required in this bylaw, the owner shall be issued with a metal dog tag.
- 3.6. In the event that a dog tag is lost, a new dog tag may be issued, upon proof of license of the dog and upon payment of a fee as specified in the Master Rates Bylaw.
- 3.7. A dog tag shall not be transferred from one dog to another, or attached to any dog that has not been licensed with the County.
- 3.8. A dog tag is only valid for the calendar year for which it is issued.
- 3.9. The dog tag issued for such dog shall be attached in a secure manner to a collar or harness that is being worn by said dog.

4. REGULATIONS:

- 4.1. All dogs on property in respect of which the owner of the dog or dogs has the right of occupation must be restrained on that property by either:
 - a) containing the animal within adequate fencing on the property so that the

dog cannot escape;

- b) tying the dog with an adequate chain so that the dog cannot escape, or;
- c) within the confines of the residence.

4.2. No owner shall allow his dog to be or to remain on any property not his own unless:

- a) a leash of sufficient strength to restrain the dog, and not longer than 1.5 meters is securely attached to the dog, and
- b) the leash is being held by a person able to restrain the dog, or
- c) the leash is securely tied to a stationary object which cannot be moved by the dog.

4.3. No owner shall allow his dog, while on property not his own to:

- a) bark at any person, or
- b) chase any person or vehicle, or
- c) attack or bite any person, or
- d) chase or attack or bite any animal owned or being kept by another person, or
- e) cause any damage or nuisance thereon. An owner whose dog defecates on said property shall forthwith remove any defecated matter to a suitable receptacle as would not constitute a nuisance. The provisions of this section shall not apply to a blind person who is being guided by a bona fide "seeing eye" or guide dog.

4.4. No owner shall allow his dog to be or remain on any private property without having first obtained the permission of the owner of said property.

4.5. No owner shall allow his dog to bark or yelp or howl excessively or persistently or in any other manner disturb the quiet of any person.

4.6. No owner shall own, possess, keep, harbour, or have care or control of more than two dogs.

4.7. No person shall in any way permit a dog to be in distress by:

- a) causing any unnecessary physical pain to the dog, or
 - b) neglecting to provide food, potable water, care or shelter as is necessary to maintain the good health of the dog, or
 - c) neglecting to provide the necessary treatment for a dog suffering from disease or injury or which is infested by any vermin or parasite, or
 - d) harassing or tormenting such dog.
- 4.8. No person shall negligently or willfully open a gate, door or other opening in a fence or enclosure in which a dog has been confined and thereby allow a dog to run at large.

5. **EXEMPTIONS (“GRANDFATHERING”):**

Notwithstanding Section 3 and Section 4 of this bylaw, the County is prepared to offer an exemption to Woking residents for the maximum number of dogs **currently owned** to be four per residence providing that all four dogs are licensed in accordance with this bylaw. Only the dogs owned as of the date and time of the passing of this bylaw will be considered under this exemption.

6. **ENFORCEMENT:**

- 6.1. Any dog running at large may be captured and impounded by any Animal Control Officer and placed in a pound as provided for in this bylaw.
- 6.2. Any dog running at large may be pursued onto private property without the loss of jurisdiction of the Animal Control Officer; or should the dog attain the safety of a building or structure, the possessor or harbourer may be prosecuted for allowing the dog to run at large whether possession of the dog is obtained by the officer or not. Animal Control Officer may use any means necessary to capture and impound a dog running at large, provided that every reasonable precaution is taken to avoid causing any injury or bodily harm to such dog.
- 6.3. Every dog seized under this bylaw shall, as soon as practical, be taken to the prescribed pound and restrained therein.
- 6.4. No person shall in any way interfere with, or obstruct an Animal Control Officer who has seized or is attempting to seize a dog running at large.
- 6.5. No person shall release or attempt to release a dog that has been impounded except as otherwise provided in this bylaw.
- 6.6. If a dog is in distress and

- a) the owner does not forthwith take steps that will relieve its distress, or
- b) the owner cannot be found immediately and informed of the dog's distress,

an Animal Control Officer may, with the assistance of a member of the Royal Canadian Mounted Police, take any action he considers necessary to locate the animal and relieve its distress, including taking the dog into custody, pursuant to the Animal Protection Act.

7. POUND

7.1 A pound keeper shall:

- a) receive and impound any dog seized under the provisions of this bylaw, and
- b) keep a record of such dog, and
- c) ensure that any dog so impounded is provided with sufficient food and potable water to maintain the health and comfort of the dog, and
- d) provide the services of a veterinarian, as soon as practical, for any dog which appears to be ill or injured, and
- e) ensure that no dog, while impounded is unnecessarily mistreated.

7.2 Any dog that has been placed in a pound shall be kept therein for a period of not less than 72 hours unless claimed by the owner or otherwise disposed of in accordance with this bylaw.

7.3 An owner may redeem an impounded dog upon payment to the pound keeper the fees and costs as prescribed in the Master Rates Bylaw.

7.4 All fees and costs, as applicable, shall be paid to the pound keeper prior to release to the owner of any dog.

7.5 In any case, where a dog is found to be ill or has been injured and it has been determined by a veterinarian or other competent person that the dog should be destroyed to prevent needless suffering, the dog may be destroyed as soon as practical.

7.6 Any impounded dog not claimed within 72 hours of it being impounded may be released to any person upon payment of the pound charge, or the dog may be

destroyed.

- 7.7 An Animal Control Officer shall, if the dog being impounded is wearing a dog tag or any other identification, make a conscientious effort to notify the owner that the dog has been impounded and give said owner a reasonable period of time to claim the dog before disposing of same.

8. OFFENCES AND PENALTIES:

- 8.1 A person who contravenes any section of this bylaw is guilty of an offence and liable, on summary conviction before a Presiding Justice, to fines as listed in the Master Rates Bylaw.
- 8.2 An Animal Control Officer may issue a violation ticket to any person whom the Animal Control Officer has reasonable grounds to believe has contravened any provision of this bylaw, specifying that
- a) a voluntary payment be made as described in the Master Rates Bylaw; or
 - b) if it is in the public interest to compel the accused to appear before a Presiding Justice, issue a summons respecting any offence for which a voluntary payment may be made requiring the accused to appear before a Justice of the Provincial Court on the initial appearance date without the alternative of making a voluntary payment.
- 8.3 The levying and payment of any fines shall not relieve a person from the necessity of:
- a) immediately remedying the situation that created the violation, or
 - b) paying any fees, charges or costs for which he is liable under the provisions of this bylaw.
- 8.4 In the case of an offence that is of a continuous nature, a contravention constitutes a separate offence in respect to each 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 the Master Rates Bylaw for each such day.

9. SUMMARY CONVICTIONS

- 9.1 A person who is guilty of an offence under this Bylaw is liable to a fine in an amount not less than that which is established in the Master Rates Bylaw and not to exceed \$2,500.00 and to imprisonment of not more than six months for non-payment of a fine.

10. SEVERABILITY PROVISION

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

11. REPEAL

11.1 Saddle Hills County bylaw # 77-1997 is hereby repealed.

12. EFFECTIVE DATE

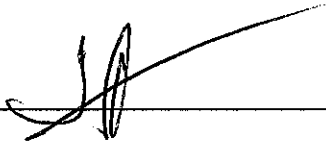
12.1 This bylaw shall take effect on the date of passing thereof.

READ A FIRST TIME THIS 20th DAY OF July, 2011.

READ A SECOND TIME THIS 20th DAY OF July, 2011.

READ A THIRD AND FINAL TIME THIS 17th DAY OF August, 2011 AND FINALLY PASSED.

Reeve



(SEAL)

Chief Administrative Officer

