

**COUNTY OF TWO HILLS NO. 21
IN THE PROVINCE OF ALBERTA
BY-LAW NO. 8-2000**

**A BY-LAW OF THE COUNTY OF TWO HILLS NO. 21 IN THE
PROVINCE OF ALBERTA TO PROVIDE FOR THE REGULATING
AND CONFINEMENT OF DOGS.**

WHEREAS, by virtue of the power conferred on it by the Municipal Government Act, the Council of the County of Two Hills No. 21, in the Province of Alberta, duly assembled, enacts as follows:

Section 1 - Short Title

1.1 This By-Law shall be known and may be cited as the Dog Control By-Law of the County of Two Hills No. 21.

Section 2 - Interpretation

2.1 In this By-Law, the following terms (unless the context specifically required otherwise) shall have the following meanings:

- 1) "At Large" shall mean where a dog which is at any place other than the property of the dog owner and is not being carried by any person or is not otherwise restrained by a permitted leash held by a person and that leash is attached to a choke chain, collar, or harness securely holding the dog;
- 2) "Controlled Confinement" shall mean the confinement of a dog in a pen, cage, or building or securely tethered in a manner that will not allow the dog to bite, harm, or harass any person or animal;
- 3) "County" shall mean the County of Two Hills No. 21.
- 4) "Damage to Public or Private Property" shall include defecating or urinating on such property;
- 5) "Dog" shall mean either the male or female of any domesticated canine species;
- 6) "Dog Control Officer" shall mean a By-Law Enforcement Officer appointed by the County to do any act or perform any duties under this By-law and includes a member of the Royal Canadian Mounted Police and, when authorized, a Special Constable;
- 7) "Dog Show" shall mean any event for the purpose of showing or exhibiting Dogs which is sanctioned or recognized by the Canadian Kennel Club;

- 8) "Dog Training School" shall mean any facility for which the primary purpose is the training of dogs, and at which facility dog training activities are under the direct control and supervision of a dog trainer;
- 9) "Kennel" shall mean any property, wherein four (4) or more dogs are harbored, boarded, permitted, or sheltered within the municipal boundaries of the County;
- 10) "Land Use By-Law" shall mean the County's Land Use By-Law 3-96 as amended;
- 11) "Owner" shall mean:
 - i) a person who has the care, charge, custody, possession, or control of a dog;
 - ii) a person who owns or claims any proprietary interest in a dog;
 - iii) a person who harbors, suffers, or permits a dog to be present on any property owned or under his control;
 - iv) a person who claims and receives a dog from the custody of the County dog shelter or a Dog Control Officer;
- 12) "Permitted Leash" shall mean a leash adequate to control the Dog to which it is attached, and which leash shall not exceed two metres in length;
- 13) "Possession" shall mean:
 - i) having physical or effective control of a dog;
 - ii) having given physical or effective control of a dog to another person for the purpose of controlling the dog for a period of time;
 - iii) where one or two or more persons has physical or effective control of a dog, it shall be deemed to be in the control of each and all of them.
- 14) "Property Owner" shall mean any person having a legal or equitable interest in any land or building and includes any resident, tenant, or occupier of such land or building;
- 15) "Public Property Area" shall mean property owned by or under the control and management of the County within the borders of the County;
- 16) "Restricted Dog" shall mean any dog included in "Schedule C" of this By-Law;

- 17) "Secure Enclosure" shall mean a building, cage, or fenced area of such construction that will not allow the confined dog or dogs to escape from that enclosure;
- 18) "Vicious Dog" shall mean:
 - i) any Dog with a know propensity, tendency, or disposition to attack, without provocation, any person or animal;
 - ii) any dog which has been deemed to be dangerous by a Justice, under the provisions of the Dangerous Dogs Act of Alberta, as amended;
- 19) "County Dog Shelter" shall mean premises designated by the County for the impoundment and care of dogs.

Section 3 - Dog Control Provisions

- 3.1 An owner whose dog is at large is guilty of an offence;
- 3.2 An owner of a dog of the female sex is guilty of an offence if the dog is not housed and confined in a building during the whole period such dog is in heat, except that the dog may be allowed outside the said building for a reasonable period for the sole purpose of eliminating on the property of the owner;
- 3.3 An owner whose dog barks or howls so as to disturb the quiet or repose of any person is guilty of an offence;
- 3.4 An owner of any dog which has damaged any public property area or private property within the municipal boundaries of the County is guilty of an offence;
- 3.5 The County may post signs indicating those public property areas where dogs are not permitted, and an owner whose dog is in an area where a sign prohibits the presence of dogs, whether at large or under the control of such owner, is guilty of an offence;
- 3.6 Any person who harbours, boards, permits or shelters more than (2) dogs over the age of six (6) months on any property within the municipal boundaries of the County, is guilty of an offence;
- 3.7 Section 3.6 herein shall not apply if:
 - a) The County has issued a valid development permit pursuant to the County Land Use By-Law to allow the lands in question to be used as a kennel or a veterinary clinic;
 - b) The property is being used for the purpose of a dog show;

- c) The property consists of a single residence on a parcel not smaller than 80 acres.
- 3.8 An owner of a dog is guilty of an offence if such dog:
- 3.8.1 Threatens, attacks, or harasses any person;
 - 3.8.2 Chases any person while such person is walking, running,
on bicycle or horseback;
 - 3.8.3 Attacks, harasses, injures, or kills any animal belonging to any person.
- 3.9 An owner of a vicious or restricted dog is guilty of an offence if such dog is not at all times while on property of which the owner is the property owner confined within a secure enclosure, unless such dog is on a permitted leash held and controlled by the owner;
- 3.10 An owner shall not be required to have a restricted dog on a permitted leash while that restricted dog is being shown or displayed at a dog show, or is in attendance at a dog training school.
- 3.11 Any person interfering with, hindering, or impeding a Dog Control Officer in the performance of any duty authorized by this By-Law is guilty of an offence.

Section 4 - Powers of a Dog Control Officer

- 4.1 The dog control officer is authorized to capture and impound in the County Dog Shelter any dog which is at large. The dog control officer is further authorized to take such reasonable measures as necessary to subdue such dogs, including the use of tranquilizer equipment and materials. If any such dog is injured, it may be taken to a veterinarian for treatment to relieve pain or bleeding, then to the County Dog Shelter.
- 4.2 All impounded dogs may be kept in the County dog shelter for a period of seventy-two (72) hours. Sundays and Statutory holidays shall not be included in the computation of the seventy-two (72) hour period. During this period, any dog may be redeemed by its owner, except as otherwise provided in this By-Law, upon payment to the County or its authorized agent of:
- 4.2.1 The appropriate impoundment fee as set out in Schedule "B" of this By-Law;
 - 4.2.2 The cost of any veterinary treatment of any dog that is found to be injured when picked up or injured in the process of capture.

Section 5 - Penalty Provisions

5.1 Any person who contravenes any provision of this By-Law is guilty of an offence and is liable on summary conviction to a fine as set out under the heading "First Offence Penalty" in Schedule "A" of this By-Law.

5.2 Notwithstanding Section 5.1 of this By-Law, any person who commits a second or subsequent offence under this By-Law within one (1) year of committing another offence under this By-Law; and who was:

5.2.1 found liable on summary conviction for that earlier offence; and

5.2.2 who was issued a Violation Tag pursuant to Section 6 herein and paid the amount specified in the Violation tag within 30 days;

may be liable on summary conviction to a fine as set out under the heading "Second Offence" in Schedule "A" of this By-Law.

Section 6 - Violation Tags

6.1 A Dog Control Officer is hereby authorized and empowered to issue a Violation Tag to any person, whom the Dog Control Officer has reasonable and probable grounds to believe has contravened any provision in this By-Law;

6.2 A Violation Tag may be issued to such persons:

6.2.1 either personally;

6.2.2 by mailing a copy to such person at his last know post office address, or

6.2.3 upon retrieval of such person's dog from the County Dog Shelter.

6.3 The Violation Tag shall be in a form approved by the County and shall state:

6.3.1 the name of the Owner;

6.3.2 the offence;

6.3.3 the appropriate penalty for the offence as set out under the heading "Violation Tag Penalty" in Schedule "A" of this By-Law;

6.3.4 that the penalty shall be paid within 30 days of the issuance of the Violation Tag;

6.3.5 any other information that may be required by the County.

6.4 Where a contravention of this By-Law is of a continuing nature, further Violation Tags may be issued by the Dog Control Officer, provided however, that no more than one Violation

Tag shall be issued for each day that the contravention continues.

- 6.5 Where a Violation Tag is issued pursuant to this Section, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the County the penalty specified on the Violation Tag.
- 6.6 Nothing in this By-Law shall prevent a Dog Control Officer from immediately issuing a Violation Ticket.

Section 7 - Violation Ticket

- 7.1 If the penalty specified on a Violation Tag is not paid within the prescribed time period, then a Dog Control Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, S.A. 1988, c. P-21.5.
- 7.2 Notwithstanding Section 7.1, a Dog Control Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, S.A. 1988, c. P-21.5, without first issuing a violation tag.

Coming Into Effect

This By-Law shall come into effect upon third and final reading thereof.

MOVED BY COUNCIL - That By-Law No. 8-2000 be given first reading this 14th day of June, 2000 - Carried

MOVED BY COUNCIL - That By-Law No. 8-2000 be given second reading this 14th day of June, 2000 - Carried

MOVED BY COUNCIL - That By-Law No. 8-2000 be given third and final reading and finally passed this 14th day of June, 2000 - Carried

REEVE

COUNTY ADMINISTRATOR