

BYLAW NO. 02-2012
PARKLAND COUNTY

**BEING A BYLAW OF PARKLAND COUNTY FOR THE PURPOSE OF REGULATING
ANIMALS.**

WHEREAS the *Municipal Government Act*, R.S.A. 2000, c. M-26, authorizes a municipality to pass bylaws respecting the safety, health and welfare of people and the protection of people and property and respecting wild and domestic animals and activities relating to them; and

WHEREAS the Municipal Government Act; RSA 2000 c. M26, authorizes a municipality to pass Bylaws regarding the remedying of contraventions of Bylaws;

WHEREAS it is desirable and in the best interest of the public to pass a bylaw to regulate and control household pets, animals and birds;

NOW THEREFORE, the Council of Parkland County duly assembled and under the authority of the Municipal Government Act, as amended, hereafter enacts the following:

1. SECTION 1 - DEFINITIONS

1(1) This Bylaw may be cited as the "Parkland County Animal Control Bylaw".

1(2) For the purposes of this Bylaw the following definitions shall apply:

- (a) "Communicable Diseases" means diseases which can be passed from animal to animal and zootomic diseases "Council" means the Council of Parkland County;
- (b) "Council" means the Council of Parkland County;
- (c) "County" means the municipality of Parkland County;
- (d) "Dog" means a canine animal over the age of six (6) months, female or spayed female, or male or neutered male;
- (e) "Household Pet " means a canine or feline;
- (f) "Justice" has the meaning as defined in the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34;
- (g) "Manager, Community & Protective Services" means the Person who is the Manager of Community & Protective Services, or designate;
- (h) "Municipal Government Act" means the *Municipal Government Act, RSA, c. M-26* as amended or replaced from time to time;
- (i) "OHV" means Off Highway Vehicles as defined by the *Traffic Safety Act*, R.S.A. 2000, c. T-6;
- (j) "Owner" means any person
 - (i) The Person owning, possessing, having charge of or control over or harbouring any dog;
 - (ii) Suffering or permitting any dog to remain on or about the property owned or controlled by that person;
 - (iii) A Person to whom a license was issued for a dog;
 - (iv) A Person as registered on the title at the Land Titles Office;
 - (v) A Person who is recorded as the Owner of the Property on the County's assessment roll;
 - (vi) A Person controlling the Property under construction or
 - (vii) A Person who is the Occupant of the Property under lease, license, or permit;
- (k) "Peace Officer" has the same meaning as in the *Provincial Offences Procedure Act*;;

- (l) "Person" includes a corporation, an individual, and the heirs, executors, administrators or other legal representatives of an individual;
- (m) "Provincial Court" means The Provincial Court of Alberta;
- (n) "Provincial Offences Procedures Act" mean the Provincial Offences Procedures Act, RSA 2000, c. P34 and the regulation thereof, as amended or replaced from time to time;
- (o) "Running at large" means any dog that is off the property of the owner or harbourer and is not on a leash or lead and under the control of a responsible or competent person capable of controlling the animal. The leash or lead shall not be greater than three (3) metres in length;
- (p) "Trespasser" means one who intentionally and without consent or privilege enters another's property
- (q) "Vicious Dog" means:
 - (i) Any dog which, has without provocation, chased, injured, or bitten any other domestic animal, livestock or human; or
 - (ii) Any dog which, has without provocation, damaged or destroyed, any public or private property; or
 - (iii) Any dog which, has without provocation, threatened or created the reasonable apprehension of threat to another domestic animal, livestock, or human; and which in the opinion of the Manager of Community and Protective Services presents a threat of serious harm to other domestic animals, livestock, or humans; or
 - (iv) Any dog which has been previously determined to be a Vicious Dog.

SECTION 2 – ORDERS

- 2(1) Every Order written with respect to this Bylaw must:
 - (a) Indicate the Person to whom it is directed;
 - (b) Identify the Person to which the Order relates by municipal address or legal description;
 - (c) Identify the date it was issued;
 - (d) Identify how the Property fails to comply with this or other Bylaws;
 - (e) Identify the specific provisions of the Bylaw the Person contravenes;
 - (f) Identify the nature of the action required to be taken to be compliant;
 - (g) Identify the time within which the action must be completed;
 - (h) Indicate that if the required action is not completed within the time specified, the County may take whatever action or measures are necessary to remedy the contravention;
 - (i) Indicate expenses and costs of any action or measures taken by the County under this section are an amount owing to the County by the Person to whom the Order is directed;
 - (j) Indicate the expenses and costs referred to in this section may be attached to the tax roll of the Property if such costs are not paid by a specified time;
- 2(2) Every Order written in respect to provisions of another Bylaw must contain the same information as set out in Section 2(1), modified as necessary in the context of that Bylaw;
- 2(3) An Order written pursuant to this Bylaw will be deemed to have been served on the Owner or Occupant when the Order has been:
 - (a) Personally delivered to the Owner or Occupant;
 - (b) Left for the Owner or Occupant at his or her residence with a Person on the premises who appear to be at least eighteen years of age;
 - (c) Sent via registered mail addressed to the last known postal address of the Owner or Occupant; or

- (d) Posted in a conspicuous place on the Property referred to on the Order, when the Peace Officer has reason to believe:
 - (i) That the Owner or Occupant to whom the Order is addressed is evading service; or
 - (ii) No other means of service is available.
 - (e) If an Order is sent via registered mail as referred to in Section 2(3)(c) then it is deemed to be received by the Owner or Occupant five (5) days after the Order was mailed.
- 2(4) Every Person who fails to comply with an Order issued pursuant to this Bylaw within the time set out in the Order commits an offence.

SECTION 3 – ENFORCEMENT

General Penalty Provision

- 3(1) A Person who contravenes this Bylaw by:
 - (a) Doing any act or thing which the Person is prohibited from doing; or
 - (b) Failing to do any act or thing the Person is required to do;
 is guilty of an offence.
- 3(2) Any Person who is convicted of an offence pursuant to this Bylaw is liable on summary conviction to a fine not exceeding ten thousand dollars (\$10,000.00) and in default of payment of any fine imposed to a period of imprisonment not exceeding six (6) months.

Violation Tickets and Penalties

- 3(3) Where a Peace Officer believes that a Person has contravened any provision of this Bylaw, the Peace Officer may commence proceedings against the Person by issuing a violation ticket pursuant to the *Provincial Offences Procedures Act RSA 2000, c P-24*.
- 3(4) Where there is a specified penalty listed for an offence in Schedule “A” to this Bylaw, that amount is the specified penalty for the offence.
- 3(5) Notwithstanding specified penalties set out in Schedule “A” to this Bylaw:
 - (a) If a Person is convicted twice of the same provision of this Bylaw within a twenty four (24) month period, the specified penalty for the second conviction shall be twice the amount of the specified penalty for a first offence; and
 - (b) If a Person is convicted three or more times of the same provision of this Bylaw within a twenty four (24) month period for the third and subsequent convictions shall be triple the amount of the specified penalty for a first offence.
- 3(6) This section does not prevent any Peace Officer from issuing a violation ticket requiring a Court appearance of the defendant, pursuant to the provisions of the *Provincial Offences Procedures Act, RSA 2000 c. P-24* or from laying an information in lieu of a violation ticket.
- 3(7) The levying and payment of any fine or the imprisonment of any period provided in this Bylaw shall not relieve a Person from the necessity of paying any fees, charges or costs from which that Person is liable under the provisions of this Bylaw or any other Bylaw.
- 3(8) The County is not required to enforce this Bylaw;
 - (a) In deciding whether to enforce this Bylaw, the County may take into account any practical concerns including available municipal budget and Personnel resources.

SECTION 4 – RESPONSIBILITIES OF DOG OWNERS

- 4(1) The owner of a dog shall ensure the dog is not running at large within the County.
- 4(2) The occupant of any house or premises in or about which any female dog is kept or allowed to remain shall keep such female housed and confined during the whole period such female is in season.

- 4(3) No dog that is suffering from a communicable disease is permitted to come in contact with other animals or humans. The owner of said distressed dog shall ensure the animal is kept confined.

SECTION 5 - INTERFERENCE WITH DOGS

- 5(1) No person shall:
- (a) Untie, loosen or otherwise free an animal which has been tied or otherwise restrained; or
 - (b) Tease or torment a dog or otherwise provoke a dog to bark, bite, attempt to bite, chase or otherwise threaten any person or domestic animal; or
 - (c) Negligently or wilfully 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 in the County.

SECTION 6 - NUISANCE

- 6(1) No person shall permit a dog to:
- (a) Howl or bark excessively or in a manner to unreasonably interfere with the use and/or enjoyment of one's property; or
 - (b) Bite, attempt to bite, chase, or otherwise threaten any person, domestic animal, poultry, or livestock whether on the owner's property or not; or
 - (c) Upset any waste receptacles or scatter the contents thereof on any public property or on any private property not belonging to the owner; or
 - (d) Do any other act which causes harm, damage, or injury to another dog, domestic animal, person, livestock, or property.

SECTION 7 - VICIOUS DOGS

- 7(1) The Manager of Community & Protective Services may declare a dog to be a vicious dog.
- 7(2) A dog shall not be declared vicious if it attacks or bites a trespasser on the property of its owner, or property controlled by him/her.
- 7(3) A dog that is kept as a livestock guardian dog shall not be declared a vicious dog if the attack is in defense of livestock of which the dog is responsible on the property of the owner or land controlled by him/her.
- 7(4) When such dog is not on the property of the owner:
- (a) The dog shall be harnessed or on a leash which length shall not exceed one (1) meter and in a manner that prevents it from chasing, injuring or biting other domestic animals, livestock, or humans as well as preventing damage to public or private property; and
 - (b) The dog shall be under the control of a person who is eighteen (18) years of age or older; and
 - (c) The dog shall be muzzled.
- 7(5) When such dog is on the property of the owner:
- (a) The dog shall be confined indoors; or
 - (b) The dog shall be kept as if the provisions of Sub-section 7(4) applied to such dog while on the property of the owner or
 - (c) The dog shall be confined in a secure enclosure and such enclosure means a locked building, cage or fenced area of such construction that will not allow the confined dog or dogs to jump, climb, dig or force their way out, or allow the entry of any person not in control of the dog.
- 7(6) The Manager of Community & Protective Services may require the owner of a vicious dog to post a sign at the entrance to the owner's property stating "VICIOUS DOG".

Where a dog is determined to be a vicious dog pursuant to the provisions of this Bylaw, the owner, possessor, or harbourer of such dog shall:

- (a) Post signs on his premises alerting the public to said fact that a vicious dog is located on the said premises, and
 - (b) Not breed or sell such dog within Parkland County, and
 - (c) Immediately notify Parkland County should the dog be at large.
- 7(7) If the Manager of Community & Protective Services determines a dog to be a vicious dog, the Manager of Community & Protective Services shall give the owner written notice by mail to the address indicated on the dog license within fifteen (15) days of such determination:
- (a) Informing the owner that his dog has been determined to be a vicious dog; and
 - (b) Requiring the owner to keep such dog in accordance with the provisions of Section 7(4) or 7(5) as applicable of this Bylaw; and
 - (c) Informing the owner that if the vicious dog is not kept in accordance with Section 7(4) or 7(5) of this Bylaw, the owner will be fined, or subject to enforcement action pursuant to Section 2 of this Bylaw.
- 7(8) If the Manager of Community & Protective Services determines a dog to be vicious, the owner of the vicious dog has thirty (30) days to comply with the imposed conditions of the declaration.
- 7(8) An owner of a dog determined to be a vicious dog by the Manager of Community & Protective Services may appeal such determination to the Council within thirty (30) days of receiving notice of such determination.
- 7(9) Council shall as soon as is practicable cause the matter to be reviewed and make final determination, which determination shall be final and binding and not subject to further appeal under this Bylaw.

SECTION 8 – IMPOUNDMENT

- 8(1) A Peace Officer may capture or impound any dog that is found running at large or which is required to be impounded pursuant to any provincial or federal law.
- 8(2) Council shall establish one or more pounds for the keeping of impounded dogs captured for violations of this Bylaw. Council is hereby empowered and authorized to make such rules and regulations as they consider necessary for the operation of the said pound or pounds and shall appoint pound keepers and Peace Officers and such other persons as are necessary for carrying out the provisions of this Bylaw.
- 8(3) Council may make arrangements or agreements with the Society for the Prevention of Cruelty to Animals or any other organization or persons for the purpose of capturing and impounding of dogs unlawfully running at large.
- 8(4) It shall be the duty of the pound keeper and other such persons authorized by Council to confine all dogs captured for violation of this Bylaw in the pound subject to the owner's right to redeem that dog within seventy-two (72) hours from the time of impounding upon paying the pound keeper the amounts set out in policy "Fees and Charges", for each dog impounded. Any dog not redeemed within the time specified herein may be sold, destroyed, adopted, or otherwise disposed of in accordance with policy as established by Council.
- 8(5) Impoundment fees shall be as per policy "Fees and Charges" for each day of confinement.
- 8(6) No dog shall be released until all fees incurred, excluding fines related to a not guilty plea, are paid in full by cash, debit, or credit card.
- 8(7) No person shall interfere with or attempt to obstruct a Peace Officer who is attempting to capture, or who has captured a dog which is subject to impoundment.

SECTION 9 – LICENSING

- 9(1) The owner of a dog that is over the age of six (6) months shall obtain a license for such dog and shall pay the fee as set out in policy “Fees and Charges”. Every owner, when requested by a Peace Officer, shall submit to the Peace Officer acceptable documentation establishing the dog’s age or such other information as the Peace Officer may require in order to determine the license payable by that owner.
- 9(2) No owner shall keep or harbour more than four (4) dogs of whatever sex and aged six (6) months or more.
- 9(3) Subject to Sub-section 8.1, the owner of a dog shall obtain a licence for such dog within fifteen (15) days of becoming owner of such dog.
- 9(4) The owner shall ensure that the license tag issued for that dog shall be attached to a collar worn by the dog at all times when the dog is off the owner’s property.
- 9(5) If a dog is not wearing a collar with a valid license tag, the owner shall be deemed not to have a license for the dog unless the owner can produce, to the satisfaction of the Peace Officer, the license tag or receipt for the said dog within twenty-four (24) hours of notice to the owner. No refund or rebate shall be made on any paid license fee. Upon losing a dog license tag an owner of a dog shall present the receipt for payment of the license fee to the County who will issue a new tag to the owner for the fee set out in policy “Fees and Charges”.
- 9(6) Dog licenses and tags for Parkland County are not required by persons temporarily in the County for a period not exceeding twenty-one (21) days. The said period may be extended by receiving written permission from Parkland County Enforcement Services.
- 9(7) The license issuer for the County shall keep a record in which the following shall be recorded:
- (a) Name and address of owner;
 - (b) Breed, colour, sex and name of each owner’s dog;
 - (c) Date of registration of the owner’s dog or dogs;
 - (d) The number stamped on each license tag issued to the owner;
 - (e) The amount of license fee paid by the owner; and
 - (f) In the case of a purebred or registered dog, the tattoo number and location of the tattoo on the dog’s body or nose print. The owner must provide a certificate of registration.
- 9(8) The Owner of a dog shall immediately report to Parkland County Enforcement Services any change in the information contained in Section 9(7).
- 9(9) All dog licenses are transferable at the same cost as a replacement tag as per policy “Fees and Charges”.
- 9(10) A license and licence tag shall be issued free of charge to:
- (a) Seeing eye dogs for the legally blind;
 - (b) Hearing ear dogs for the legally deaf;
 - (c) Wheelchair assist dogs to those confined to a wheelchair;
 - (d) Trained search dogs whose owners are members of a recognized search dog association. Such recognition shall be at the discretion of Council and recorded as a Council resolution.

PART 10 – ANIMAL/BIRD REGULATIONS

- 10(1) On any residential parcel less than 0.81 ha (2.0 ac) in Size, no more than four (4) household pets (dogs or cats) shall be allowed.
- 10(2) On any residential parcel more than 0.81 ha (2.0 ac), or agricultural or non-residential parcel no more than four (4) dogs shall be allowed.
- 10(3) On any residential or agricultural parcels between 0.81 ha (2.0 ac) and 16.1 ha (39.9 ac) in size, additional animal/bird units shall be allowed in accordance with the following:

<u>Residential parcel Size</u>	<u>Allowable Number of Animal/Bird Units:</u>
0.81 ha – 1.21 ha (2.0 – 2.99 ac)	1
1.22 ha – 1.61 ha (3.0 – 3.99 ac)	2
1.62 ha – 2.02 ha (4.0 – 4.99 ac)	3
2.03 ha – 2.42 ha (5.0 – 5.99 ac)	4
2.43 ha – 4.04 ha (6.0 – 9.99 acv)	5
4.05 ha or greater (10.0 ac plus	5*
• Plus – the number of animal/bird units permitted for that portion of the parcel in excess of 4.05 ha (10.0 ac). Example: 5.26 ha (13.0 ac) = 5 + 2 = 7 total animal/bird units.	

- 10(4) For the purposes of this section “one animal/bird unit” equals the following:
- (a) Two (2) horses, donkeys, mules, or asses or
 - (b) Two (2) llamas, three (3) alpacas or guanaco, or
 - (c) One (1) cow or steer (over one year old) or
 - (d) Two (2) calves up to one year old, or
 - (e) Fifteen (15) chickens, or
 - (f) Ten (10) ducks, turkeys, pheasants, geese, or other similar fowl, or
 - (g) Three (3) sheep, or goats, or
 - (h) Twenty (20) rabbits or other similar rodents, or
 - (i) Two (2) ostriches, emus or other ratites.
- 10(5) Pursuant to Subsection 10(4)(i), the keeping of ostriches, emus, or other ratites on a residential parcel must be contained on the property by the construction of a minimum 1.8 m (6.0 ft) high perimeter fence comprised of tight lock game fencing or chain link fencing with steel or wooden posts around the fenced pen area.

PART 11 – EXERCISE OF DISCRETION

Parkland County has the discretion to enforce this bylaw, and is not liable of any outcomes should an Officer decide not to enforce this bylaw if acting in good faith.

PART 12 – SEVERABILITY

If any provision of this Bylaw is held to be invalid by a decision of a court of competent jurisdiction, that decision will not affect the validity of the remaining portions.

PART 13 – TRANSITION

- 13(1) Upon coming into force of this Bylaw, Bylaw 28-2009 is repealed.
- 13(2) This Bylaw shall come into force and effect upon the final passing and signing, thereof

READ a first time this ____ day of _____, A.D._____.

READ a second time this ____ day of _____, A.D._____.

READ a third time and finally passed this ____ day of _____, A.D._____.

Mayor

Manager, Legislative and Administrative Services

SCHEDULE “A”
FINE SCHEDULE

WHEREAS under the provisions of Section 44 of the Provincial Offences Procedure Act, being the Revised Statutes of Alberta and amendments thereto and under the provisions of Section 7 of the Municipal Government Act, R.S.A. 2000, c. M-26, and amendments thereto, the Council of a municipality may by bylaw provide for the payment fines for offences, or summons out of Court.

WHEREAS a violation ticket may be issued by a Peace Officer to any person charged with a breach of any of the provisions of this Bylaw.

Bylaw Section	Offence	Fine
2(4)	Fail to Comply with Order	\$250.00
4(1)(a)	Running at large	\$250.00
4(2)	Female Dog in season improperly housed	\$500.00
4(3)	Dog with communicable disease – Fail to confine or permit contact with person or other animal	\$1,000.00
5(1)	Interference with Dogs	\$100.00
6(1)(a)	Howl or bark excessively	\$500.00
6(1)(b)	Bite, attempt to bite, chase, or otherwise threaten livestock or other domestic animal or person	\$1,000.00
6(1)(c)	Upset waste receptacle, or scatter content thereof	\$250.00
6(1)(d)	Do any other act that causes harm or injury	\$500.00
	VICIOUS DOGS	
7(4)	Failure to properly confine Vicious Dog not on owner's property	\$1,500.00
7(5)	Failure to properly confine a Vicious Dog on owner's property	\$1,000.00
7(6)(a)	Failure to post Vicious Dog Sign	\$1,500.00
7(6)(b)	Breed/Sell Vicious Dog	\$2,500.00
7(6)(c)	Fail to Notify Parkland County of Vicious Dog at Large	\$1,000.00
8(7)	Obstruct a Peace Officer	\$2,500.00
9(1)	Failure to obtain a dog license	\$250.00
9(4)	Failure to attach license to collar	\$100.00
9(8)	Failure to notify Parkland County of change	\$250.00