

BYLAW NO. 2015-09
PARKLAND COUNTY

BEING A BYLAW OF PARKLAND COUNTY FOR THE PURPOSE OF REGULATING ANIMALS, TO PROMOTE RESPONSIBLE ANIMAL OWNERSHIP.

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 Household Pets 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) "Animal" means any animal as set out in section 10(4) of this Bylaw;
 - (b) "Bark Excessively" means a Dog that barks, howls or makes any other loud noise for a continuous period so as to unreasonably disturb the peace and tranquility of the neighbourhood;
 - (c) "Communicable Diseases" means diseases which can be passed from animal to animal, and animal to person;
 - (d) "Council" means the Council of Parkland County;
 - (e) "County" means the municipality of Parkland County;
 - (f) "Dog" means a canine animal over the age of six (6) months;
 - (g) "Fees and Charges Schedule" means the Enforcement Services Fees and Charges Schedule approved by Council as part of the budget approval process.
 - (h) "Household Pet " means a canine, feline or other domestic animal;
 - (i) "Justice" has the meaning as defined in the *Provincial Offences Procedure Act*, RSA 2000, c. P-34;
 - (j) "License" means a License granted by the County to an Owner for a specific Dog pursuant to this Bylaw for the purpose of regulating and tracking Dogs;
 - (k) "Manager of Community & Protective Services" means the Person who is the Manager of Community & Protective Services, or designate;
 - (l) "Municipal Government Act" means the *Municipal Government Act*, RSA 2000, c. M-26 as amended or replaced from time to time;

- (m) "Owner" means any person:
 - (i) Owning, possessing, having charge of or care and control over or harbouring any Animal, Dog or Household Pet,
 - (ii) Suffering or permitting any Dog to remain on or about the property owned or controlled by that person,
 - (iii) To whom a License was issued for a Dog,
 - (iv) As registered on the title at the Land Titles Office,
 - (v) Who is recorded as the Owner of the Property on the County's assessment roll,
 - (vi) Who is an Occupant of the property under lease, license, or permit;
- (n) "Peace Officer" has the same meaning as in the *Provincial Offences Procedure Act*;
- (o) "Person" includes a corporation, an individual, and the heirs, executors, administrators or other legal representatives of an individual;
- (p) "Provincial Court" means The Provincial Court of Alberta;
- (q) "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;
- (r) "Running at Large" means:
 - (i) 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 Dog. The leash or lead shall not be greater than three (3) metres in length;
 - (ii) Any Animal that is off the property of the Owner or harbourer.
- (s) "Swine" means any pig or swine including potbellied pigs that are of or are associated with the swine family;
- (t) "Trespasser" means one who intentionally and without consent or privilege enters another's property;
- (u) "Vicious Dog" means:
 - (i) Any Dog which, without provocation, has chased, injured, or bitten any other Animal, livestock or human;
 - (ii) Any Dog which, without provocation, has damaged or destroyed, any public or private property;
 - (iii) Any Dog which, without provocation, has threatened or created the reasonable apprehension of threat to another 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 Animals, livestock, or humans;
 - (iv) Any Dog which has been previously determined to be a Vicious Dog.

SECTION 2 – ORDERS

- 2(1) If a designated officer of the County finds that a Person is in contravention of this Bylaw, the designated officer may by written order, require the person responsible for the contravention to remedy it if the circumstances so require.

- 2(2) 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 Person fails to comply with this Bylaw;
 - (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 Person's property if such costs are not paid by a specified time;
- 2(3) An Order written pursuant to this Bylaw will be deemed to have been served on the Owner or Person when the Order has been:
- (a) Personally delivered to the Owner or Person;
 - (b) Left for the Owner or Person at his or her residence or 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 Person; 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 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 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*.
- 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 under 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 under the same provision of this Bylaw within a twenty-four (24) month period the penalty 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*, or from laying an information in lieu of a violation ticket.
- 3(7) The County is not required to enforce this Bylaw. 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 ANIMAL/ DOG OWNERS

- 4(1) The Owner of a Dog shall:
 - (a) Ensure the Dog is not Running at Large within the County;
 - (b) Ensure the Dog is on a leash in control at all times when off property;
 - (c) Ensure that the Dog does not enter into or remain in or on a school yard or cemetery within the County; and
 - (d) Ensure the Dog is Licensed in accordance to Section 9.
- 4(2) The Owner of a female Dog shall keep such Dog housed and confined during the whole period such Dog is in season.
- 4(3) No Dog that is suffering from a Communicable Disease is permitted to come in contact with other Animals, Dogs or humans. The Owner of said distressed Dog shall ensure the Dog is kept confined.
- 4(4) The Owner of an Animal shall ensure the Animal is not Running at Large.

SECTION 5 - INTERFERENCE WITH ANIMALS OR DOGS

- 5(1) No Person shall:
 - (a) Untie, loosen or otherwise free an Animal or Dog which has been tied or otherwise restrained; or
 - (b) Tease or torment an Animal or Dog or otherwise provoke an Animal or Dog to bark, bite, attempt to bite, chase or otherwise threaten any Person or Animal or Dog; or

- (c) Negligently or willfully open a gate, door or other opening in a fence or enclosure in which an Animal or Dog has been confined and thereby allow an Animal or Dog to run at large in the County.

SECTION 6 - NUISANCE

- 6(1) No person shall allow a Dog to:
 - (a) Howl or Bark excessively or in a manner to unreasonably interfere with the use and/or enjoyment of another Person's property;
 - (b) Bite, attempt to bite, bark at, chase, or otherwise attempt to threaten any Person, Household Pet, poultry, or livestock whether on the Owner's property or not;
 - (c) Bite, bark at, or chase any bicycle, motor vehicle;
 - (d) Upset any waste receptacles or scatter the contents thereof on any public property or on any private property not belonging to the Owner; or
 - (e) Do any other act which causes harm, damage, or injury to another Household Pet, 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:
 - (a) It attacks or bites a trespasser on the property of its Owner, or property controlled by him/her.
 - (b) It is kept as a livestock guardian Dog and if the attack is in defense of livestock of which the Dog is responsible on the property of the Owner.
- 7(3) When the declared Vicious 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 Household Pets, livestock, or Persons as well as preventing damage to public or private property;
 - (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(4) When the Vicious Dog is on the property of the Owner:
 - (a) The Dog shall be confined indoors;
 - (b) The Dog shall be kept as if the provisions of Sub-section 7(3) applied to such Dog while on the property of the Owner; or
 - (c) The Dog shall be confined in a secure enclosure which 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(5) An Owner shall not be required to leash or muzzle a Vicious Dog while it is being shown or displayed at a bona fide Dog show or while it is on duty in an enclosed area for which it is responsible to protect livestock, Persons or property.
- 7(6) Where a Dog is determined to be a Vicious Dog pursuant to the provisions of this Bylaw, the Owner shall:

- (a) Post signs conspicuously on his premises alerting the public that a Vicious Dog is located on the premises,
 - (b) Not breed or sell the Dog within Parkland County, and
 - (c) Immediately notify a Peace Officer should the Dog be Running 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 License within fifteen (15) days of such determination:
 - (a) Informing the Owner that his Dog has been determined to be a Vicious Dog;
 - (b) Requiring the Owner to keep the Vicious Dog in accordance with the provisions of Section 7 of this Bylaw; and
 - (c) Informing the Owner that if the Vicious Dog is not kept in accordance with Section 7 of this Bylaw, the Owner will be fined, or subject to enforcement action pursuant to Section 2 or Section 3 of this Bylaw.
- 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 a 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 for each Dog impounded. Any Dog not redeemed within the time specified herein may be sold, destroyed, adopted, or otherwise disposed of.
- 8(5) Impoundment fees shall be as per the Fees and Charges Schedule for each day of confinement.
- 8(6) No Dog shall be released until all fees incurred 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 as per this Bylaw.

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 the Fees and Charges Schedule. 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, unless the owner has an approved kennel facility.
- 9(3) The Owner of a Dog shall obtain a Licence for the Dog within fifteen (15) days of becoming Owner of the 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 Dog License 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 the License fee to the County who will issue a new License tag to the Owner for the fee set out in the Fees and Charges Schedule.
- 9(6) Dog Licenses and tags for the County are not required by persons temporarily in the County for a period not exceeding twenty-one (21) days. The period may be extended by receiving written permission from Parkland County Enforcement Services.
- 9(7) The County shall keep a record of each License in which the following shall be recorded:
 - (a) Name and address of the Owner;
 - (b) Breed, colour, sex and name of each Owner's Dog;
 - (c) Date of registration of each Owner's Dog;
 - (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 Licenses are transferable at the same cost as a replacement License tag as per the Fees and Charges Schedule.
- 9(10) A License and License 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.

SECTION 10 – ANIMAL/BIRD REGULATIONS

The following animal units are permitted:

- 10(1) On any residential parcel less than 0.81 ha (2.0 ac) in Size, no more than four (4) Household Pets shall be allowed.
- 10(2) On any residential parcel more than 0.81 ha (2.0 ac), 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 ac)	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 the following animals shall comprise of “one Animal/Bird unit”:
- (a) Two (2) horses, donkeys, mules, or asses, or
 - (b) Two (2) llamas, three (3) alpacas or guanaco, or
 - (c) One (1) cow, one (1) steer (over one year old), or one (1) swine, 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.

SECTION 11- ANIMAL/DOG CRUELTY

- 11(1) No Person or Owner shall cause or permit an Animal or Dog to be in distress.
- 11(2) A Person or Owner shall:
- (a) Ensure that the Animal or Dog has adequate food and water, and
 - (b) Provide the Animal or Dog with adequate care when the Animal or Dog is wounded or ill, and

- (c) Provide the Animal or Dog with reasonable protection from injurious heat or cold, and
- (d) Provide the Animal or Dog with adequate shelter, ventilation, and space

SECTION 12 - SEVERABILITY

- 12(1) 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.

SECTION 13 – TRANSITION

- 13(1) Upon coming into force of this Bylaw, Bylaw No. 28-2009 is repealed.
- 13(2) Schedule "A" forms part of this Bylaw.
- 13(3) This Bylaw shall come into force and effect upon the final passing and signing thereof.

READ a first time this 24th day of March, 2015.

READ a second time this 12th day of May, 2015.

READ a third time and finally passed this 12th day of May, 2015.



Mayor

Manager, Legislative & 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	Specified Penalty
2(4)	Fail to Comply with Order	\$250.00
4(1)(a)	Dog Running at Large	\$250.00
4(1)(b)	Dog Off-Leash	\$250.00
4(1)(c)	Dog in a school yard/cemetery	\$500.00
4(2)	Female Dog in season improperly housed	\$500.00
4(3)	Dog with communicable disease – Fail to confine or allow contact with person or other animal	\$1000.00
4(4)	Animal Running at Large	\$250.00
5(1)	Interference with Animals	\$100.00
6(1)(a)	Howl or bark excessively	\$500.00
6(1)(b)	Bite, attempt to bite, bark at, chase livestock or other domestic animal or person	\$1000.00
6(1)(c)	Bite, bark at or chase a vehicle	\$200.00
6(1)(d)	Upset waste receptacle, or scatter content thereof	\$250.00
6(1)(e)	Do any other act that causes harm or injury	\$500.00
	VICIOUS DOGS	
7(3)	Failure to properly confine Vicious Dog not on Owner's property	\$1500.00
7(4)(c)	Failure to properly confine a Vicious Dog on Owner's Property	\$1000.00
7(7)(a)	Failure to post Vicious Dog Sign	\$1500.00
7(7)(b)	Breed/Sell Vicious Dog	\$2500.00
7(7)(c)	Fail to Notify Peace Officer of Vicious Dog at Large	\$1000.00
8(7)	Obstruct a Peace Officer	\$2500.00
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
	ANIMAL/DOG CRUELTY	
11(1)	Cause/Permit an Animal or Dog to be in distress	\$500.00
11(2)(a)	Failure to provide adequate food/water	\$500.00
11(2)(c)	Failure to provide adequate shelter	\$500.00