

**COUNTY OF VERMILION RIVER
PROVINCE OF ALBERTA
BY-LAW NO. 13-12**

A BY-LAW of the County of Vermilion River, in the Province of Alberta, for the purpose of regulating and controlling dogs.

WHEREAS Pursuant to the provisions of the Municipal Government Act, being Revised Statutes of Alberta 2000 Chapter M-26, as amended or repealed and replaced from time to time, authorizes the County to regulate and control by bylaw, wild and domestic Dogs and activities in relation to them by bylaw:

AND WHEREAS The Council of the County of Vermilion River deems it advisable to adopt such a bylaw;

NOW THEREFORE The Municipal Council of the County of Vermilion River duly assembled, enacts as follows:

1. **TITLE** This By-Law may be cited as the "Dog Control By-Law".

2. **DEFINITIONS:**

2.1 "At Large" means any Dog that is present at any place other than the property of its Owner and which is not being carried by any person, or which is not otherwise restrained or under the physical control of a person by means of some form of Restraining Device securely holding that Dog;

2.2 "Bylaw Enforcement Officer" means a Bylaw Enforcement Officer appointed by Municipal Council and includes a Dog Control Officer, a member of the Royal Canadian Mounted Police and, when authorized, a Community Peace Officer;

2.3 "County" means the County of Vermilion River, in the Province of Alberta;

2.4 "County Manager" means the Chief Administrative Officer for the County of Vermilion River, regardless of the specific title that may be conferred on that Officer by Municipal Council from time to time;

2.5 "Dog" means any member of the species *Canis lupus familiaris*;

2.6 "Dog Pound" means the facility or facilities designated by the County from time to time as the location for the impoundment and care of Dogs subject to this Bylaw;

2.7 "Kennel" means a kennel as defined by the Land Use Bylaw;

2.8 "Land Use Bylaw" means the County's Land Use Bylaw No. 07-13, as amended or repealed and replaced from time to time;

2.9 "Licence Officer" means any person designated by the County Manager with the responsibility of issuing a licence;

2.10 "Licence Tag" means identification tag of metal or other material issued by the County showing the license number for a specific Dog

2.11 "Motor Vehicle" means a Motor Vehicle as defined in the Traffic Safety Act;

2.12 "Municipal Council" means the Municipal Council of the County of Vermilion River in the Province of Alberta;

2.13 "Muzzle" means any humane device, which prevents a Dog from biting or otherwise injuring with its mouth any person, animal or property

2.14 "Owner" means a person:

2.14.1 who has the care, charge, custody, Possession or control of the Dog;

2.14.2 who owns or claims a proprietary interest in the Dog;

- 2.14.3 who harbours, suffers, or permits a Dog to be present on any property owned or under his control;
- 2.14.4 who claims and receives a Dog from the custody of the Dog Pound or a Bylaw Enforcement Officer; or
- 2.14.5 to whom a License Tag was issued for a Dog in accordance with this Bylaw.
- 2.15 "Possession" means a person who:
- 2.15.1 has physical or effective control of a Dog,
- 2.15.2 has transferred physical or effective control of a Dog to another person for the purpose of allowing that person to exercise control over that Dog for a period of time; or
- 2.15.3 where one or two or more persons, with the knowledge and consent of the other or others, has physical or effective control of a Dog, it shall be deemed to be in control of each and all of them.
- 2.16 "Property Owner" means a person having a legal or equitable interest in any land, building or structure within the County, including any resident, tenant or occupier of such land or building;
- 2.17 "Private Property" means all property within the County other than property constituting Public Property;
- 2.18 "Public Property" means property owned by or under the control and management of the Government of Canada, the Government of Alberta or the County, contained within the boundaries of the County;
- 2.19 "Registered Veterinarian" means a Registered Veterinarian as defined in the Veterinary Profession Act;
- 2.20 "Restraining Device" means any leash or other restraining system capable of allowing the Owner to maintain adequate control of the attached Dog, or if located on the property of the Owner, capable of retaining the Dog within the boundaries of the Owner's property;
- 2.21 "Secure Enclosure" means a building, cage, fenced area or other enclosure for the retaining of an Dog and which prohibits the Dog from jumping, climbing, digging or using any other means to exit the enclosure, and which is capable of prohibiting the entry of young children into the enclosure; the structure shall have secure sides and a secure top, and it is has to bottom secured to the sides, the sides must be embedded in the ground to a minimum depth of one (1) foot;
- 2.22 "Serious Wound" means an injury resulting from a Dog attack which causes a breaking of the skin or the flesh to be torn;
- 2.23 "Unattended" means to leave a Dog within a yard during the absence of its Owner for a period greater than 24 hours;
- 2.24 "Vicious Dog" means:
- 2.24.1 any Dog that has been declared Vicious by virtue of their breed or any part or any Dog of mixed breeding, which can be identified through its physical characteristics as a dog partially of the mentioned breeds or kinds by a veterinarian licensed to practice in Alberta
- 2.24.2 any Dog that has been declared Vicious by means of the procedure outlined in this bylaw
- 2.25 "Violation Tag" means a tag or similar document issued by the County pursuant to the provisions of the Municipal Government Act;
- 2.26 "Violation Ticket" means a ticket issued pursuant to Part 2 of the Provincial Offences Procedure Act, and any Regulations thereunder;
- 2.27 A Reference to a Provincial Statute within this Bylaw is a reference to the R.S.A. 2000 version, as amended or repealed and replaced from time to time;

3. LICENSING PROVISIONS

- 3.1 Every person who resides in the County and who is the Owner of a Dog that is over the age of three (3) months shall apply for a licence as set out within this Section, by paying the applicable fee as set out in Schedule "A" to this Bylaw, and providing such information as may be required on the application form prepared by the County Office.
- 3.2 Every person who resides in the County and who becomes an Owner of a Dog that is over the age of three (3) months or who takes up residence within the County and who is the Owner of a Dog that is over the age of three (3) months, shall apply for a license as set out in this Section, and pay the applicable fee as set out in Schedule "A" to this Bylaw, within thirty (30) days of becoming the Owner of such a Dog, or of taking up residence in the County.
- 3.3 A Dog Owner shall provide the following information with each application for a license:
 - 3.3.1 name, telephone number and street and rural address of the Owner;
 - 3.3.2 name and description of the Dog to be licensed;
 - 3.3.3 the breed or breeds of the Dog; and
 - 3.3.4 such other relevant and necessary information as may be required by the County Manager in respect of the application.
- 3.4 An Owner of an unlicensed Dog is guilty of an offence.
- 3.5 Licenses issued under this Bylaw shall not be transferable from one Dog to another, nor from one Owner to another.
- 3.6 Upon payment of the required license fee, and providing the information set out in Section 3(3) herein, the Owner will be supplied with a License Tag having a number which will remain registered to that Dog, year to year.
- 3.7 Every Owner shall ensure that the License Tag is securely fastened to a choke chain, collar or harness worn by the Dog at all times whenever the Dog is on property other than the property of its Owner or property controlled by him.
- 3.8 An Owner of a licensed Dog is guilty of an offence if, while the Dog is on property other than the Owner's property or property controlled by him, the Dog is not wearing the License Tag issued for that Dog.
- 3.9 The Owner of a Dog that has been duly licensed under this Bylaw may obtain a replacement License Tag for one that has been lost, upon payment of the replacement License Tag fee as set out in Schedule "A" to this Bylaw.
- 3.10 No person is entitled to a refund or a rebate for any Licence Tag fee.
- 3.11 The County shall keep a record of the name, address and phone number of each Owner, and the name, description, breed, color and sex of each licensed Dog, as applicable, together with the date of registration of the Dog, the number on the License Tag and the amount of the fee paid.

4. NUMBER OF DOGS

- 4.1 No more than two (2) Dogs shall be harboured, suffered or permitted to remain upon or in any land, house, shelter, room or place, building structure, or premises located within the specified areas of the County as set out in Schedule "C" to this Bylaw.
- 4.2 No more than four (4) Dogs shall be harboured, suffered or permitted to remain upon or in any land, house, shelter, room or place, building structure, or premises located within the areas of the County other than those as set out in Schedule "C" to this Bylaw.
- 4.3 The provisions of Sections 4.1 and 4.2 shall not apply to situations where:

- 4.3.1 the premises are lawfully used for the care and treatment of animals, operated by or under the charge of a Registered Veterinarian;
- 4.3.2 the Owner is the holder of a valid and subsisting permit to operate a Kennel, animal hospital or other animal operation as authorized by the Land Use Bylaw;
- 4.3.3 the Dogs in excess of the limit are under three months of age, and the offspring of a licenced Dog residing at the same location; and
- 4.3.4 the Owner is a not-for-profit association or government organization engaged in the provision of specialized Dog services, including but not limited to guide Dogs, police Dogs, and search and rescue Dogs.

5. GENERAL OFFENCES

- 5.1 An Owner whose Dog is At Large is guilty of an offence.
- 5.2 The Owner of a Dog that barks, howls or otherwise makes such noise so as to, in the opinion of a Bylaw Enforcement Officer, disturb the quiet or repose of any person is guilty of an offence.
- 5.3 The Owner of a Dog that bites, attacks, threatens or injures any person is guilty of an offence.
- 5.4 The Owner of a Dog that chases a Motor Vehicle, bicycle, person on horseback or person walking or running, is guilty of an offence.
- 5.5 The Owner of a Dog that kills, attacks, harasses, injures or otherwise harasses livestock, poultry, or other Dogs owned by another person, is guilty of an offence.
- 5.6 The Owner of a Dog that causes damage to Public or Private Property within the County is guilty of an offence.
- 5.7 Where a dog has defecated on any Public or Private Property within the County other than the property of the Dog's Owner, the Owner shall be required to remove such defecation immediately, and failure to do so shall constitute an offence.
- 5.8 The Owner of a Dog that allows any defecated matter to remain on the Owner's property or to accumulate to such an extent as to, in the opinion of a Bylaw Enforcement Officer, constitute a nuisance by way of odour, unsightliness or detrimental impact on the use, enjoyment or value of adjacent property, is guilty of an offence.
- 5.9 Any Owner that permits a Dog to enter or remain in any public bathing, swimming or wading pool is guilty of an offence.
- 5.10 An Owner of a female Dog in estrus or "heat" is guilty of an offence if the Owner of that female Dog does not keep the Dog contained or restrained, both on and off the Owner's property, in a manner sufficient to avoid attracting other Dogs.
- 5.11 Any person who, without the knowledge or consent of the Owner, unties, loosens or otherwise frees an Dog that was tied or otherwise restrained, or negligently or willfully opens a gate, door or other opening in a fence or enclosure in which an Dog has been confined and thereby allows the Dog to run At Large is guilty of an offence.
- 5.12 Any person who interferes with, prohibits, or otherwise impedes a Bylaw Enforcement Officer in the performance of the Officer's duties under this Bylaw is guilty of an offence.
- 5.13 The Owner of a Dog that has been left Unattended is guilty of an offence.

6. VICIOUS DOGS

- 6.1 The County hereby declares any Dog which is of a breed, as set out on Schedule D of this bylaw, or any dog of mixed breeding, which can be identified through its physical characteristics as a dog partially of the mentioned breeds or kinds, as set out on Schedule D of this bylaw, by a veterinarian licensed to practice in Alberta, to be a Vicious Dog.
- 6.2 The County Manager, or his or her Designate, may declare a Dog of any breed to be a Vicious Dog, where he or she has reasonable grounds to believe that, either through personal observation or based upon past behaviour, or on the basis on facts determined after an investigation of a complaint, the Dog:
- 6.2.1 has a known propensity, tendency or disposition to attack, chase or bite without provocation, other domesticated Dogs or humans;
- 6.2.2 has inflicted a Serious Wound upon another Dog or a human, without provocation; or
- 6.2.3 has been the subject of an order or direction of a Justice, pursuant to the Dangerous Dogs Act, R.S.A. 2000, c. D-3, as amended or repealed and replaced from time to time.
- 6.3 Where the County Manager determines that a Dog is a Vicious Dog he or she shall:
- 6.3.1 serve the Owner with a written notice that the Dog has been declared to be a Vicious Dog;
- 6.3.2 direct the Owner to keep the Vicious Dog in accordance with the provisions of Section 6.5 of this Bylaw, and provide the Owner with a time limit for constructing the required Secure Enclosure; and
- 6.3.3 inform the Owner that, if the Vicious Dog is not kept in accordance with Section 6.5 of this Bylaw, the Owner may be fined, or subjected to enforcement action pursuant to this Bylaw.
- 6.4 A Notice under Section 6.3 above shall include a summary of the applicable Bylaw provisions governing Vicious Dogs.
- 6.5 An Owner of a Vicious Dog shall:
- 6.5.1 while that Vicious Dog is on any property other than the property of its Owner, ensure the Dog is wearing a Muzzle and have secure and control of the Vicious Dog by means of a Restraining Device under the physical control of the Owner or a person over the age of eighteen (18) years, in possession of the Dog with the Owner's consent;
- 6.5.2 while on the Owner's property, confine the Vicious Dog within a Secure Enclosure, or within the residence of the Owner, under the supervision and control of a person over the age of eighteen (18) years.
- 6.6 An Owner of a Vicious Dog shall licence the Dog as a Vicious Dog and follow the provisions set out in Part 3 of this Bylaw.
- 6.7 Notwithstanding any other provisions of this Bylaw, no person shall be the Owner of more than one (1) Vicious Dog.
- 6.8 An Owner of a Vicious Dog shall maintain in force a policy of liability insurance in a form satisfactory to the Dog Control Officer providing third party liability coverage in a minimum amount of five hundred thousand (\$500,000.00) dollars for injuries caused by the Owner's Vicious Dog.
- 6.9 An Owner of a Vicious Dog must immediately notify the County should the policy expire, be cancelled or terminated, and upon cancellation, expiry or termination of the liability policy, the Vicious Dog licence shall be null and void, unless the County receives written proof that a new insurance policy has been secured, meeting the requirements of Section 6.8 within 15 days of the cancellation of the original policy.

- 6.10 The County Manager may, at his discretion, require the Owner of a Vicious Dog to post a sign at all entrances to his property stating "Vicious Dog", and where so directed, the Owner of Vicious Dog who fails to do so is guilty of an offence.
- 6.11 An Owner of a Dog that has been deemed to be a Vicious Dog pursuant to this bylaw and who fails to comply with the provisions of this Bylaw is guilty of an offence.

7. ENFORCEMENT AND IMPOUNDMENT

- 7.1 A Bylaw Enforcement Officer is a designated officer of the County for the purposes of inspections, investigations and enforcement of this Bylaw and, in addition to any other powers or authority granted under this Bylaw or other enactment, is authorize to:
- 7.1.1 capture and impound in an authorized Dog Pound any Dog that is At Large.
 - 7.1.2 to take any reasonable measures necessary to subdue any Dog At Large, including the use of tranquilizer equipment and materials as well as trap equipment and materials.
 - 7.1.3 to enter onto lands surrounding any building in pursuit of a Dog while that Dog At Large; and
 - 7.1.4 if a Dog is in distress, whether or not as a result of enforcement actions taken pursuant to this Bylaw, to take the Dog to a Register Veterinarian for treatment and, once treated, to transfer the Dog to the Dog Pound.
- 7.2 Dogs impounded in the Dog Pound shall be kept for a period of seventy-two (72) hours. In the calculation of the 72 hour period, Saturdays, Sundays, statutory holidays and days that the Dog Pound is not open shall not be included.
- 7.3 Where a Dog that has been impounded bears obvious identification tattoos, brands, marks, tags or licenses, the Dog must be kept by the Dog Pound a minimum of 30 days from the date the Dog was impounded and all reasonable steps are taken by the Bylaw Enforcement Officer to locate the Owner during that time.
- 7.4 During this period established in Section 7.2 or 7.3 above, the Dog may be redeemed by its Owner, except as otherwise provided in the Bylaw, upon payment to the County or its authorized agent of:
- 7.4.1 the impoundment fee as set out in Schedule "A" of this Bylaw;
 - 7.4.2 in the case of an unlicensed Dog, the appropriate license fee and
 - 7.4.3 the cost of any veterinary treatment provided in respect of the Dog pursuant to this Bylaw, or the *Dog Protection Act*.
- 7.5 At the expiration of the time period established at Section 7.2 or 7.3 above, the County Manager or his designate is authorized to:
- 7.5.1 offer the Dog for sale or adoption;
 - 7.5.2 destroy the Dog in a humane manner;
 - 7.5.3 allow the Dog to be redeemed by its Owner in accordance with the provisions of Section 7.4 above; or
 - 7.5.4 continue to impound the Dog for an indefinite period of time or for such further period of time as the County Manager or his designate, in his or her discretion, may decide.
- 7.6 Proceeds of the sale of a Dog may be distributed in accordance with the priorities set by Section 7 of the Dog Protection Act.
- 7.7 No action shall be taken against any person, including a Bylaw Enforcement Officer, or employee, agent or volunteer of a Dog Pound acting under the authority of this Bylaw for damages for destruction or other disposal of any Dog.

- 7.8 Where a Bylaw Enforcement Officer determines that an Dog is Unattended, and is, in the determination of the Bylaw Enforcement Officer, in distress, at risk of harm, deprived of adequate food, water, shelter or companionship, or causing a nuisance, the Bylaw Enforcement Officer may enter onto a yard, including a cage or pen located within a yard, and take the Dog into the possession of the County.
- 7.9 When a Bylaw Enforcement Officer exercises his or her authority under Section 7.8, he or she shall leave a written notice at the location from which the Dog was removed advising of the reason the Dog was taken into possession, the location at which the Dog can be reclaimed, and the process for reclaiming the Dog. The Bylaw Enforcement Officer shall also make all reasonable effort to contact the Owner of the Dog, if known, to advise of the removal of the Dog and the process for recovering it.
- 7.10 Where a Dog is taken into possession by the County under Section 7.8, the Bylaw Enforcement Officer may rely upon the provisions of Sections 7.1 and 7.2 of this Bylaw.
- 7.11 The provisions of Sections 7.3-7.7 shall not apply to a Dog taken into the possession of the County under Section 7.8. The Dog shall be delivered to a Dog Pound and shall be retained in the possession of the Dog Pound for a period of at least fourteen (14) days. In the event that the Dog is not reclaimed by its Owner or a person authorized in writing to act as agent of the Owner within fourteen (14) days of the Dog coming into the possession of the County, the County may proceed to seek a Court Order.

8. PENALTIES

- 8.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on a summary conviction to a penalty as set out in Schedule "B" herein.
- 8.2 Notwithstanding Section 8.1 of this Bylaw, any person who commits a second or subsequent offence under this Bylaw within one (1) year of committing a first offence under this Bylaw, may be liable to an increased fine as set out in Schedule "B" of this Bylaw.
- 8.3 Under no circumstances shall no person contravening any provision of this Bylaw be subject to the penalty of imprisonment.

9. VIOLATION TAGS

- 9.1 A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 9.2 A Violation Tag may be issued to such person:
- 9.2.1 either personally;
 - 9.2.2 by mailing a copy to such person at his last known post office address; or
 - 9.2.3 in case of a corporation, by serving an employee or officer of the corporation or by mailing a copy to the corporation's registered office address.
- 9.3 The Violation Tag shall be in a form approved by the County Manager and shall state:
- 9.3.1 the name of the Owner;
 - 9.3.2 the offence;
 - 9.3.3 the appropriate penalty of the offence as specified in Schedule "B" of this Bylaw;
 - 9.3.4 that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag to avoid prosecution; and
 - 9.3.5 any other information as may be required.

- 9.4 Where a Violation Tag is issued pursuant to Part 9 of this Bylaw, 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.
- 9.5 Nothing in this Bylaw shall prevent a Bylaw Enforcement Officer from immediately issuing a Violation Ticket.

10. VIOLATION TICKETS

- 10.1 In those cases where a Violation Tag has been issued and the penalty specified on a Violation Tag has not been paid within the prescribed time, a Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part 2 of the Provincial Offences Procedure Act.
- 10.2 Notwithstanding Section 10.1, where a Bylaw Enforcement Officer has reasonable grounds to believe that a provision of this Bylaw has been contravened, the Bylaw Enforcement Officer is authorized and empowered to immediately issue a Violation Ticket pursuant to Part 2 of the Provincial Offences Procedure Act, to any person who the Bylaw Enforcement Officer has reasonable grounds to believe is responsible for the contravention.
- 10.3 Where a Violation Ticket has been issued to a person pursuant to this Bylaw, that person may plead guilty to the offence by submitting to a Clerk of the Provincial Court, the specified penalty set out on the Violation Ticket at any time prior to the appearance date indicated on the Violation Ticket.
- 10.4 Where a Clerk of the Court records in the court records the receipt of a voluntary payment pursuant to this Bylaw and the Provincial Offences Procedure Act, the act of recording constitutes acceptance of the guilty plea and also constitutes a conviction and imposition of a fine in the amount of the specified penalty.

11. SEVERABILITY

- 11.1 Should any provision of this Bylaw be determined invalid, then the invalid provision shall be severed and the remaining Bylaw shall be maintained.

12. REPEAL

- 12.1 Bylaw No. 09-12 is hereby repealed.

13. EFFECTIVE DATE

- 13.1 This Bylaw shall come into effect on September 10, 2013.

READ a First Time in Council this 10 day of September, 2013.

READ a Second Time in Council this 10 day September, 2013.

READ a Third Time in Council this 10 day September, 2013.

SEVERED

Reeve

SEVERED

County Administrator

SCHEDULE A – FEES

Item	Fee
Licence	\$50.00
Replacement Licence Tag	\$5.00
Impoundment Fee	Set by Dog Pound
Care and Sustenance	Set by Dog Pound
Veterinary Fee	Amount Expended

SCHEDULE B – PENALTIES

	Dog	Vicious Dog
1 st Offence	\$100.00	\$500.00
2 nd Offence	\$200.00	\$1000.00
3 rd or Subsequent Offence	\$400.00	\$2000.00

SCHEDULE C -- SPECIFIED AREAS

Specified areas of the County as identified in the County of Vermilion River Land Use Bylaw 07-13:

County Residential (CR1) District
County Residential (CR2) District
Hamlet of Blackfoot
Hamlet of Clandonald
Hamlet of Islay
Hamlet of McLaughlin
Hamlet of Rivercourse
Hamlet of Streamstown
Hamlet of Tulliby Lake

SCHEDULE D – VICIOUS DOG BREEDS

1. Pit Bull Terrier
2. American Pit Bull Terrier
3. Pit Bull
4. Rottweiler
5. Akita