

THE COUNTY OF VERMILION RIVER

BYLAW 24-02

AGGRESSIVE DOG BYLAW

**BEING A BYLAW OF THE COUNTY OF VERMILION RIVER IN THE PROVINCE OF ALBERTA,
FOR THE PURPOSE OF REGULATING AND CONTROLLING AGGRESSIVE DOGS**

A BYLAW To provide for the proper regulation and control of dogs deemed to be aggressive in nature.

WHEREAS The Council of the County of Vermilion River is empowered under the *Municipal Government Act* to create rules and regulations as it pertains to the control of aggressive dogs within its jurisdiction.

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

Part 1 – Purpose and Definitions

Short Title

1. This Bylaw may be called the "Aggressive Dog Bylaw"

Purpose

2. The purpose of this Bylaw is to regulate aggressive dogs within the County of Vermilion River.

Definitions

3. "Aggressive Dog" means any Dog that:
 - a. is a domesticated canine;

- b. has been designated an aggressive dog by a Peace Officer, the Director of Protective Services, Chief Administrative Officer, and/or Council;
 - c. has been made the subject of an order under the *Dangerous Dog Act*;
 - d. bit, attacked, or did any act that resulted in an injury to a person or animal;
 - e. exhibited threatening behaviour to a person or domestic animal; or
 - f. caused significant damage to property.
4. "Chief Administrative Officer", also referred to as the CAO, is the executive who manages the daily operational and administrative functions of the County of Vermilion River and may include a designate acting in their stead.
 5. "Council" are the elected officials of the County of Vermilion River as defined in the *Municipal Government Act*.
 6. "County of Vermilion River" is the municipal district government as defined in the *Municipal Government Act*.
 7. "Director of Protective Services" is the person occupying the position that oversees community safety within the County of Vermilion River and may include a designate acting in their stead.
 8. "Kennel" means the facilities attached to Border Paws (SPCA) or another facility employed by the County of Vermilion River for the housing of dogs.
 9. "Minor Injury" means any physical injury to another domestic animal or a person, caused by a dog, that results in bleeding, bruising, tearing of skin or any other injury that is not deemed life threatening, disfiguring, or debilitating.
 10. "Peace Officer" means any law enforcement officer tasked with the enforcement of this Bylaw, and may include: a Community Peace Officer, a Bylaw Enforcement Officer, a Regular Member of the Royal Canadian Mounted Police, or a contract animal control officer appointed to this Bylaw by the Director of Protective Services.

11. "Owner" means the owner of a dog and includes any person or persons:
- a. in possession or control of, or having charge of the aggressive dog, excluding any person who has found said aggressive dog and has taken control of it for the purposes of locating its owner, or turning it over to a Peace Officer.
 - b. in possession or control of the property where an aggressive dog appears to reside, either temporarily or permanently; and
 - c. for the purposes of this Bylaw, a dog can have more than one owner, any or all who may be charged with offences under this Bylaw.
12. "Running at Large" means any dog that is not within the sight, and under the control, of the owner.
- a. In determining what constitutes whether a dog is under the control of its owner, consideration may be given, but is not limited to, whether the dog:
 - i. was at such a distance from its owner, that it could not respond to voice, sound, or sight commands of the owner.
 - ii. responded to voice, sound, or sight commands from the owner.
13. "Service Dog" means a domesticated dog that is certified to perform specific tasks in a working capacity, such as a Police Dog.
14. "Severe Injury" means any physical injury to another domestic animal, or a person caused by an aggressive dog that results in broken bones or lacerations requiring sutures or surgery.
15. "Threatening Behaviour" means behaviour that creates a reasonable apprehension of a threat of physical injury and may include growling, lunging, snarling, or chasing in a menacing fashion.

Part 2 – Threatening Behaviour, Injuries, and Death

Threatening Behaviour

16. The owner of any dog that acts according to this Bylaw shall be referred to as an "Aggressive Dog".

17. An Aggressive Dog is immediately deemed as such when the dog:
- a. exhibits threatening behaviour toward another domestic animal, a bicycle or motor vehicle that is being operated; or
 - b. exhibits threatening behaviour toward a person.
18. Threatening Behaviour does not apply to any dog that is legally confined within a building or securely fenced area on any land in which it is said that the dog is acting in a capacity to guide livestock or a residence.

Minor Injury

19. The owner of an aggressive dog is guilty of an offence if the aggressive dog:
- a. bites, attacks, or causes minor injury to another domestic animal; or
 - b. bites, attacks, or causes minor injury to a person.

Severe Injury and Death

20. The owner of a dog is guilty of an offence if the dog:
- a. causes severe injury to another domestic animal; or
 - b. causes severe injury to a person.
21. The owner of an aggressive dog is guilty of an offence if the aggressive dog:
- a. causes severe injury to another domestic animal; or
 - b. causes severe injury to a person.
22. The owner of a dog is guilty of an offence if the dog:
- a. causes death to another domestic animal; or
 - b. causes death to a person.
23. The owner of an aggressive dog is guilty of an offence if the aggressive dog:
- a. causes death to another domestic animal; or
 - b. causes death to a person.

Part 3 – Aggressive Dogs Designation

Process to Designate a Dog “Aggressive”

24. A Peace Officer must submit a report to the Director of Protective Services alleging that a dog is an aggressive dog.

25. The report shall include the following information:

- a. The full names, addresses and telephone numbers of the following people:
 - i. the complainant;
 - ii. the owner of the alleged aggressive dog; and
 - iii. any witnesses to the incident that prompted the report, investigation, or aggressive dog allegation, that are willing to testify to said incident.
- b. A detailed description of the incident that prompted the report, investigation, or aggressive dog allegation;
- c. The severity of the incident that prompted the report, investigation, or aggressive dog allegation;
- d. The written dispositions of any witnesses, or related persons that may assist in the case (such as a nurse, doctor, veterinarian, etc.); and
- e. Any previous incidents of a similar or related nature involving the alleged aggressive dog.

26. After evaluating the report submitted by the Peace Officer, the Director of Protective Services may recommend to the Chief Administrative Officer that a dog can be designated an aggressive dog if they determine that the dog has, or is likely to, intimidate, cause damage, injury or death to another domestic animal or a person.

27. A designated aggressive dog may either be:

- a. returned to its owners with conditions;
- b. transferred to the provisions of the *Dangerous Dog Act* if the threshold is met; or

- c. be recommended to an order to be euthanized, depending on the severity of the incident.
28. Conditions that may be applied to an aggressive dog include any or all of the following:
- a. must be confined inside the residence of its owner;
 - b. must be muzzled or leashed when out in the public;
 - c. remain in a secured structure;
 - d. any reasonable condition a Peace Officer may deem necessary to keep the public safe; or
 - e. complete obedience or behavioural training from a certified dog training person/institution.
29. An aggressive dog designation continues to apply if the aggressive dog is sold, gifted, or transferred.

Order to Euthanize an Aggressive Dog

30. The Chief Administrative Officer may order that an aggressive dog be euthanized, provided they are satisfied that the aggressive dog constitutes a continuing danger to persons or domestic animals and cannot be rehabilitated.
31. A Peace Officer shall forthwith notify the owner of the aggressive dog that an order to euthanize has been issued.
32. No aggressive dog may be euthanized until 10 days after the date of delivery of notice to the owner or, where an appeal has been filed, until that appeal has been resolved.
33. This section does not apply to any dog in respect of which an order under the *Dangerous Dogs Act* is in effect or under active consideration.
34. The aggressive dog must be euthanized in a method that is humane and causes the least amount of suffering for the animal, in the safest manner possible given the circumstances of the incident.

Appeal

35. When a dog has been designated as an aggressive dog, or where an order has been issued to euthanize an aggressive dog, the owner may appeal the designation or order to the Council of the County of Vermilion River.
36. On hearing the appeal, the Council may revoke or confirm the designation or order.

Reclassification of an Aggressive Dog

37. An owner may apply to the Director of Protective Services for a revocation of an Aggressive Dog designation if the owner of the aggressive dog has not been convicted of any offences under this Bylaw for a continuous period of three years.

Licensing Requirements for Aggressive Dogs

38. The Owner of an Aggressive Dog shall apply for a dog tag for an aggressive dog:
 - a. immediately upon becoming the owner of the aggressive dog or within seven days after a dog has been designated as aggressive, whichever occurs first; and
 - b. prior to January 1 of each year.
39. An aggressive dog tag shall be issued to the owner of an aggressive dog provided that the owner has:
 - a. completed a dog tag application in a form specified by the Director of Protective Services;
 - b. paid the specified annual fee; and
 - c. supplied proof that he or she has:
 - i. homeowner's liability insurance covering damage and personal injury caused by the aggressive dog, in an amount not less than \$500,000.00; and

- ii. had the aggressive dog tattooed or implanted with an identification microchip to the reasonable satisfaction of a Peace Officer.

40. If a dog tag is lost or destroyed, the owner shall apply for a replacement, which shall be issued upon payment of the specified fee.

41. A dog tag is valid for the life of that aggressive dog within the County.

42. A dog tag is not transferable, and no refund will be made for any issued dog tag.

Fees

43. Fees payable under this Bylaw shall be as specified by resolution of Council from time to time.

Part 4 – Enforcement, Penalties and Exemptions

General Enforcement Provisions Applicable to Aggressive Dogs

44. Any Peace Officer may seize and impound:

- a. any dog that has caused or is alleged to have caused a minor injury or severe injury, pending consideration of designation as an aggressive dog.

45. Is authorized to enter any privately owned premises, other than a dwelling house, at any reasonable time for the purposes of enforcing the provisions of this Bylaw.

46. A Peace Officer may use force, including lethal force, on an aggressive dog, while executing this Bylaw, if the Peace Officer believes, within reasonable doubt, that the aggressive dog is in the act of attacking another person, domesticated animal, or in situations where the Peace Officer fears death or grievous bodily harm to themselves.

47. Any person is guilty of an offence if the person:

- a. interferes with or obstructs, attempts to interfere with or obstruct, any Peace Officer who is attempting to capture or has captured any Aggressive Dog;

- b. unlocks, unlatches, or otherwise opens or enters without permission any pen or vehicle in which aggressive dogs captured for impoundment have been placed;
 - c. removes or attempts to remove any aggressive dog from the possession of any Peace Officer;
 - d. provides false or misleading information to any Peace Officer;
 - e. if the Peace Officer has reasonable grounds to believe, and does believe, that the aggressive dog is a continuing danger to people, other animals, or property; and
 - f. if the Peace Officer has made a request to the Director of Protective Services to designate the dog as an aggressive dog or an order has been made that the aggressive dog be euthanized.
48. Notwithstanding anything in this Bylaw, if an order has been issued to euthanize the dog, it shall not be returned to its owner unless an appeal of that order has resulted in the order being set aside.
49. The Peace Officer shall report any apparent illness, communicable disease, injury, or unhealthy condition of any dog to a veterinarian and act upon his recommendation, after consulting with the owner if possible.
50. The owner of the dog shall be responsible for all resulting costs and charges.

Fines and Penalties

51. Where a Peace Officer has reasonable grounds to believe that a person has contravened any provision of this Bylaw, they may serve upon the person an offence tag allowing payment of the specified penalty as set out in the applicable schedule of this Bylaw, which will allow payment to be accepted by the County in lieu of prosecution for the offence, or they may issue a violation ticket in accordance with the *Provincial Offences Procedure Act*, allowing a voluntary payment or requiring a person to appear in court without the alternative of making a voluntary payment.
52. Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable, on summary conviction, to the specified penalty.
53. For an offence that is of a continuing nature, a contravention constitutes

a separate offence in respect of each day or part of a day on which it continues. Any person guilty of such an offence is liable to a fine in the amount not less than that established by this Bylaw for each day the offense has occurred.

Exemption for Service Dogs

54. This Bylaw does not apply to a certified "Service Dog" while working.

Part 5 - Offences

Owner Offences

55. The owner of an aggressive dog is guilty of an offense if the aggressive dog;

- a. destroys or damages any private or public property;
- b. fails to confine the aggressive dog in the owner's residence except for allowing the aggressive dog outside of the purpose of urinating/defecating or exercising while supervised on the property of the owner;
- c. he or she allows the aggressive dog to be outside the passenger cab of a motor vehicle on a highway without ensuring the dog is secured, whether the vehicle is parked or not.
- d. leaves the aggressive dog unattended on any public or private property to which the public has express or implied access to;
- e. the aggressive dog is not muzzled, under control, and on a leash held by a person who is able to control the aggressive dog when the aggressive dog is off the owner's property;
- f. the aggressive dog is on the owner's property and is:
 - i. not indoors; or
 - ii. if outdoors, not in a locked pen or other structure capable of preventing the escape of the aggressive dog and preventing the entry of any person not in control of the aggressive dog.

- g. he or she fails to display, within 10 days after the dog has been designated aggressive, clear and visible warning signs, as presence of an aggressive dog on the owner's property at each entrance to the property and on the locked pen or structure in which the aggressive dog is confined;
- h. fails to immediately notify the peace officer if the aggressive dog is off the owner's property and is not muzzled, under control and on leash held by a person who is able to control the aggressive dog.
- i. fails to have the aggressive dog successfully complete behavioural training to the satisfaction of a Peace Officer, and provide proof of same, within six months of the day the dog has been designated aggressive.
- j. fails to purchase or maintain homeowner's liability insurance covering damage and personal injury caused by the aggressive dog, in an amount not less than \$500,000.00

Licensing Offences for Aggressive Dogs

56. The owner of an aggressive dog is guilty of an offence if he or she:

- a. fails to obtain a dog tag for an aggressive dog;
- b. provides false or misleading information on an application for a dog tag for an aggressive dog;
- c. fails to notify a Peace Officer, in writing, when the Aggressive Dog is transferred to another person;
- d. fails to ensure that the aggressive dog wears a collar and dog tag for an aggressive dog when the aggressive dog is off the owner's premises.

SHOULD any provision of this Bylaw be determined to be invalid, then such provisions shall be severed, and the remaining Bylaw shall be maintained.

THIS Bylaw shall come into force and effect upon receiving Third and Final Reading and having been signed by the Reeve and Chief Administrative

Officer.

Read this First time this 27th day of February, 2024

Read this Second time this 27th day of February, 2024

Introduced for Third and Final time this 27th day of February, 2024

Read a Third and Final time and finally passed, this 27th day of February, 2024

SIGNED by the Reeve and Chief Administrative Officer this 2nd day of April, 2024.



REEVE



CHIEF ADMINISTRATIVE OFFICER