



## **BYLAW NO. 1714**

### **ANIMAL CONTROL BYLAW**

**A BYLAW OF KNEEHILL COUNTY, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE LICENSING, REGULATING, AND CONFINEMENT OF ANIMALS IN THE HAMLETS OF HUXLEY, SWALWELL, TORRINGTON, and WIMBORNE.**

**WHEREAS** pursuant to the Municipal Government Act, R.S.A. 2000, and amendments thereto, authorizes Council to pass bylaws that regulate wild and domestic animals and activities in relation to them;

**WHEREAS** pursuant to the Municipal Government Act, R.S.A. 2000, and amendments thereto, authorizes Council to pass bylaws for the safety, health and welfare of people and the protection of people and property;

**NOW THEREFORE**, the Council of Kneehill County, duly assembled, enacts as follows:

#### **PART ONE INTRODUCTION**

**1. Title**

This Bylaw shall be known as the "Animal Control Bylaw".

**2. Scope of Bylaw**

This Bylaw is applicable to the residents of Hamlets of Huxley, Swalwell, Torrington and Wimborne in the Municipality of Kneehill County who are Owners of Dogs and Animals.

**3. Provincial Legislation**

This Animal Control Bylaw is reinforced by Provincial legislation applicable to the care and maintenance of animals, and should be made use of in the enforcement of this Bylaw. The applicable legislation includes the following, but not limited to:

- (1) Animal Protection Act, and amendments thereto
- (2) Dangerous Dogs Act, and amendments thereto

**4. Definitions**

In this Bylaw the following words and phrases mean:

(1) "Animal" means cat, livestock, fowl, any mammal, or the young thereof, bees, any poisonous animals, reptiles, or any species, including any of the foregoing, deemed dangerous or objectionable in the opinion of an Animal Control Officer, Peace Officer, Bylaw Officer, or any other duly authorized person.

(2) "Animal Control Officer" means any Peace-Officer, Enforcement Officer, RCMP Officer, Bylaw Officer, or person authorized by Council to enforce the provisions of this Bylaw.

- (3) "At Large" means:
- (a) A Dog or an Animal that is not under the control of the Owner and not on a Permitted Leash held by the Owner and is actually upon property other than the property in respect of which the Owner of the Dog or Animal has the right of occupation, or upon any highway, street, laneway, boulevard, sidewalk, park, playground, public walking path, school ground, or other public place; or
  - (b) A Dog or Animal which is ostensibly under the control of the Owner and which yet causes damage to property or other Dogs or Animals.
- (4) "Commercial Kennel" means a use which might include outdoor runs, pens or enclosures to conduct a commercial business involving the buying, selling, breeding for sale, letting for hire, boarding or training of Dogs, permitted under Kneehill County's current Land Use Bylaw.
- (5) "Controlled Confinement" means the confinement of a Dog or Animal in a pen, cage, or building, or securely tethered in a manner that will not allow the Dog or Animal to bite, harm, or harass and person or Animal.
- (6) "Damage to Property" means any Damage to Property other than the Owner's property, with the damage being valued at more than ten (10) dollars.
- (7) "Day" means a continuous period of twenty-four (24) hours.
- (8) "Dangerous Dog" means a Dog deemed to be a Dangerous Dog pursuant to the *Dangerous Dogs Act*.
- (9) "Dog" means either the male or female of the canine species.
- (10) "Former Owner" means the person who at the time of impoundment was the Owner of a Dog or Animal which subsequently has been sold or destroyed.
- (11) "Fowl" means barnyard or domestic birds.
- (12) "Hamlet" in this Bylaw means within the boundaries of Huxley, Swalwell, Torrington and Wimborne.
- (13) "Impoundment Services" means the establishment for the impounding of Dogs and Animals as set out in this Bylaw, and for services as set out in any agreement between Kneehill County and an agency or contractor of animal impoundment services.
- (14) "License" means a Dog License issued by the Municipality of Kneehill County in accordance with the provisions of this Bylaw.
- (15) "License Fee" means the applicable annual fee payable in respect of a License for a Dog as set out in the Master Rates Bylaw of Kneehill County.
- (16) "License Tag" means the identification tag issued by the Municipality of Kneehill County showing the License number for a specific Dog.

- (17) "Livestock" means any Animal classified as Livestock as per the County's current Land Use Bylaw.
- (18) "Owner" means:
- (a) A person who has the care, charge, custody, possession, or control of a Dog or Animal;
  - (b) A person who owns or who claims any proprietary interest in a Dog or Animal;
  - (c) A person who owns, suffers, or permits a Dog or Animal to be present on any property owner, occupied, or leased by him, or which is otherwise under his control;
  - (d) A person who claims and received a Dog or Animal from the custody of the Pound or an Animal Control Officer;
  - (e) A person to whom a License Tag was issued for a Dog in accordance with this Bylaw.
  - (f) A person who habitually (on a regular basis) feeds or waters a Dog or Animal to enable it to survive, and for the purposes of this Bylaw, a Dog or Animal may have more than one (1) Owner.
- (19) "Owner's Property" means any property in which the Owner of an Animal has a legal or equitable interest or over which the Owner of an Animal has been given the control or use of, by the legal or equitable Owner of the property, and which property shall include, without limiting the generality of the foregoing, land, buildings, and vehicles.
- (20) "Permitted Leash" means a leash used to restrain or control a Dog.
- (21) "Permitted Property" means private property upon which the Owner of a Dog has the express permission of the Owner of that property to allow the Owner's Dog to be At Large thereon.
- (22) "Pound" means the Pound established for the impounding of Dogs and Animals as set out in this Bylaw.
- (23) "Provincial Offences Procedure Act (POPA)" means the *Provincial Offences Procedure Act, R.S.A. 2000*, Chapter P-34, and the regulations thereof, as amended or replaced from time to time.
- (24) "Unlicensed Dog" means either the male or the female of the canine species which is not the holder of a valid License issued by Kneehill County.

## **PART TWO RESPONSIBILITIES OF DOG AND ANIMAL OWNERS**

### **5. The Owner of a Dog or Animal:**

- (1) Shall ensure the Dog or Animal is not running At Large, and;

- (2) Shall be deemed to have failed or refused to comply with the requirement of this Bylaw unless proved that the Owner had taken all reasonable precautions either:
  - (a) To secure the Dog or Animal to ensure that it would not be able to leave the premises of the Owner's Property, or
  - (b) To ensure that the Dog or Animal was under the constant supervision of a person competent to control the Dog or Animal at all times, by way of a Permitted Leash at all times when the Dog or Animal was off the premises of the Owner.
- (3) Ensure all Dogs are licensed after the age of three (3) months.
- (4) No person shall keep or harbor more than a combination total of four (4) Animals and/or Dogs, aged three months or more.
- (5) No Livestock or Fowl shall be kept within the boundaries of a Hamlet defined in this Bylaw, unless permitted and approved under the County's current Land Use Bylaw.

### **PART THREE COMMUNICABLE DISEASES**

6. The Owner of a Dog or Animal suffering from a communicable disease:
  - (1) Shall not permit the Dog or Animal to be in any public place.
  - (2) Shall not keep the Dog or Animal in contact with or in proximity to any other Dog or Animal.
  - (3) Shall keep the Dog or Animal secured.

### **PART FOUR LICENSING**

7. Every person living in a Hamlet of Kneehill County defined in this Bylaw who:
  - (1) On or after January 1<sup>st</sup> in any given year, is the Owner of a Dog that is three (3) months of age or older, shall apply for and obtain a License for that Dog by submitting an application to Kneehill County and paying the applicable License Fee as set in the current Master Rates Bylaw.
  - (2) Becomes the Owner of a Dog or becomes a resident of a Hamlet or Country Residential District of Kneehill County and is the Owner of a Dog after January 1<sup>st</sup> in any given year, shall obtain a License for that Dog, by submitting an application to Kneehill County and paying the applicable License Fee.
  - (3) A License issued under this Bylaw shall not be transferable from one Dog to another (nor from one Owner to another).
  - (4) Upon payment of the required License fee and providing the information set out in the license application, the Owner will be supplied with a License Tag that shall have a number registered to that Dog expiring on the 31<sup>st</sup> day of December in the calendar year the tag was issued.
  - (5) The Owner shall ensure the License Tag is worn by the Dog at all times the Dog is on other than the Owner's Property and shall be guilty of an offence if the Dog is not wearing the proper License Tag when on property other than the Owner's property.
  - (6) An Owner of a Dog that has been duly licensed may obtain a replacement License Tag for one that has been lost upon payment of a replacement tag fee.

- (7) The provisions of this Bylaw shall not apply to persons temporarily visiting the Hamlets in Kneehill County for a period not exceeding two (2) weeks, nor will it apply to a person who holds a valid identification card proving ownership of a Guide Dog for their use.
- (8) It is the responsibility of the Dog Owner to notify the Animal Control Officer if the Owner's Dog has gone missing. It is not the responsibility of the Animal Control Officer to find the Owner of any Dog who is not wearing a current affixed license tag.
- (9) Kneehill County shall keep a record of the name and address of each Owner, the breed, color and sex of each owner's Dog, together with the date of registration of the Owner's Dog, the number stamped on the metal tag issued to the owner and the amount paid.

## **PART FIVE NUISANCE**

8. The Owner of a Dog or Animal which is a nuisance in the opinion of the Animal Control Officer is guilty of an offence.
  - (1) An Owner whose Dog or Animal habitually barks, howls or otherwise creates a disturbance by such noise, or a combination of noises, thereby disturbing the quiet and repose of any person is guilty of an offence.
  - (2) An Owner whose Dog or Animal has caused Damage to Property within the Hamlet is guilty of an offence.
  - (3) An Owner shall not permit the Dog or Animal to be or become a public nuisance by:
    - (a) biting a person or Dog or Animal;
    - (b) chasing a person or Dog or Animal;
    - (c) biting at or chasing stock, bicycles, automobiles, or other vehicles;
    - (d) allowing their Dog or Animal to upset any waste receptacles or scattering the contents thereof.
  - (4) An Owner shall not allow defecation matter to become a nuisance or unsightly on the Owner's Property or public property or private property.
  - (5) No person shall tease, torment, annoy, abuse or injure any Dog, and any person who does so is guilty of an offence.
  - (6) Kneehill County may post signs indicating those public property areas within the County where Dogs are not permitted.
  - (7) No person shall:
    - (a) Interfere with, hinder or obstruct an Animal Control Officer, or any person authorized by this Bylaw, who is attempting to capture, or who has captured a Dog which is subject to being impounded pursuant to the provisions of this Bylaw.
    - (b) Induce a Dog or Animal to enter a house or other place where it may be safe from capture or otherwise assist the Dog or Animal to escape capture.
    - (c) Falsely make representation as being in charge or control of a Dog or Animal so as to establish that the Dog and/or animal is not running at large, or

- (d) Untie, loosen or otherwise free a Dog or Animal in which has been tied or otherwise restrained, or
  - (e) Negligently or willfully open a gate, door or other opening in a fence or enclosure, such as a vehicle, in which a Dog or Animal has been confined and thereby allow a Dog or Animal to run at large.
- (8) An Animal Control Officer may make an application for a Court Order pursuant to the provisions of the Dangerous Dogs Act to declare a Dog dangerous and request:
- (a) The said Dog be declared a Dangerous Dog under the Dangerous Dogs Act; and
  - (b) The said Dog be kept by the Owner in a proper way; or
  - (c) The said Dog be destroyed; or
  - (d) Any other conditions the Court declares for the Animal and Owner to abide by.
- (9) Should a Court deem a Dog as a Dangerous Dog, Schedule C shall apply.
- (10) No person shall lead, ride or drive any cattle or horses within the Hamlets with the exception of community sanctioned events such as parades or rodeos.

## **PART SIX      POWERS OF ANIMAL CONTROL OFFICER**

### **9. The Powers of an Animal Control Officer will be as follows:**

- (1) An Animal Control Officer is authorized to take such reasonable measures as are necessary to subdue any Dog or Animal which:
  - (a) is At Large, subject to the provisions of this Bylaw;
  - (b) is a Nuisance under Part 6 of this Bylaw.
- (2) A Dog or Animal may be captured and impounded by the Animal Control Officer if there are reasonable grounds to believe an offense under this Bylaw has been or is being committed;
- (3) A Dog or Animal may be captured and impounded by the Animal Control Officer if it is required under the provisions of any statute of Canada, or of the Province of Alberta, or any regulation made under those statutes.
- (4) An Animal Control Officer may enter into the land surrounding any building in pursuit of any Dog or Animal which has been observed, contravening any section of this Bylaw.
- (5) The Animal Control Officer may use any humane method to capture a Dog or Animal and should the Dog or Animal be hurt during capture or attempted capture neither the County, Council, nor the Animal Control Officer shall be held liable for such injury.

**PART SEVEN IMPOUNDING, SALE AND/OR DESTRUCTION OF DOGS or ANIMALS****10. Impounding, sale and/or destruction of Dogs or Animals will be as follows:**

- (1) If the Animal Control Officer knows or can ascertain the name of the Owner of the impounded Dog, he shall serve the Owner with notification by leaving or mailing (registered mail) to the last known address of the Owner; and
- (2) An Owner of a Dog or Animal to whom notice is mailed under the provisions of this section is deemed to have received a Notice within five (5) days of the time it was delivered.
- (3) The Owner of any impounded Dog or Animal may reclaim the Dog or Animal by paying Impoundment Services.
- (4) Impoundment Services shall not sell or destroy an impounded Dog or Animal until the following conditions are met:
  - (a) The Dog or Animal has been retained in the pound for three (3) days after the Owner has received notice as per this Section;
  - (b) The Owner of the Dog or Animal cannot be located or identified within seven (7) days of being impounded.
- (5) Should the unclaimed Dog or Animal be purchased, the purchaser shall obtain full right and title to it and the former ownership of the Dog or Animal shall cease at the time of the sale. The purchaser shall pay impoundment fees but not the penalty fees.
- (6) If the Owner of a Dog or Animal that is caught At Large requests his dog to be destroyed, the Owner shall put the request in writing, stating that he is the Owner and the County is relieved of any liability for having carried out his request. The Animal Control Officer, when the Owner has signed the appropriate written request, may have the dog destroyed or disposed of or sold. The Owner shall pay the euthanasia fee, as set by the licensed veterinarian assigned to the task.

**PART EIGHT PENALTIES AND FEES****11. Penalties and Fees for this Bylaw will be as follows:**

- (1) Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable to a penalty as set out in Schedule "B" – Penalties of this Bylaw.
- (2) Fees for impounding and feeding the Dog or Animal shall be charged to the Owner of the Dog or Animal at the rates set out in Schedule "A" – Fees of this Bylaw.
- (3) Where an Animal Control Officer believes that a person has contravened any provision of this Bylaw, he may commence proceedings by issuing a summons by means of a violation ticket in accordance with Part 2 of the *Provincial Offences Protection Act*.

- (4) Where an Animal Control Officer issues a violation ticket in accordance with this Bylaw, they may either;
  - (a) Allow the Owner to pay the specified penalty as provided for in Schedule "B" – Penalties of this Bylaw by indicating such specified penalty on the violation ticket; or
  - (b) Require a court appearance of the Owner where an Animal Control Officer reasonably believes that such appearance is in the public interest, pursuant to the provisions of Part 2 of the *Provincial Offences Procedures Act*.
- (5) Where any person contravenes the same provision of this Bylaw twice within one twelve month period, the specified penalty payable in respect of the second contravention is double the amount shown in Schedule "B" of this Bylaw in respect of that provision; and
- (6) Where any person contravenes the same provision of this Bylaw three or more times within one twelve month period, the specified penalty payable in respect of the third or subsequent contravention is triple the amount shown in Schedule "B" of this Bylaw in respect of that provision.
- (7) The levying and payment of any fine for the imprisonment for any period provided in this Bylaw shall not relieve a person from the necessity of paying any fees, charges, or costs under the provisions of this Bylaw.
- (8) A Provincial Court Judge, in addition to the penalties provided in Schedule B may, if the offence is sufficiently serious, direct or order the person that owns, keeps, maintains, or harbors a Dog or Animal to stop the Dog or Animal from doing mischief, causing a disturbance or nuisance complained of, or to have the Dog or Animal removed from the Hamlet or Country Residential area or to have the Dog or Animal destroyed or otherwise disposed of.
- (9) Any person that violates any provision of this Bylaw is guilty of an offence and is liable upon conviction to a maximum fine of TEN THOUSAND DOLLARS (\$10,000.00) or in default of payment of the fine to imprisonment for a period not exceeding one (1) year, or to both fine and imprisonment in such amounts.

## **PART NINE TRANSITION**

### **12. Severability**

If a portion of this Bylaw is found by a Court of competent jurisdiction to be invalid, the invalid portion will be voided, and the rest of the Bylaw remains valid and effective.

### **13. Effective Date**

This Bylaw comes into effect upon third reading of this bylaw.



14. Bylaw Repeal

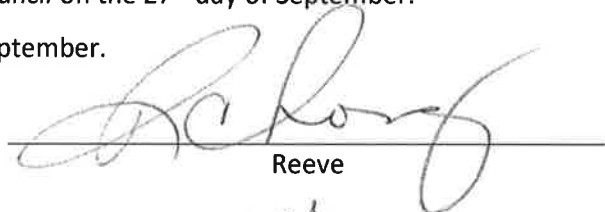
Bylaw No. 12, 819, 1467 & 1518 are hereby repealed.

**READ** a first time on this 27<sup>th</sup> day of September.

**READ** a second time on this 27<sup>th</sup> day of September.

**UNANIMIOUS** permission for third reading given in Council on the 27<sup>th</sup> day of September.

**READ** a third time and final time of this 27<sup>th</sup> day of September.



A handwritten signature in cursive script, appearing to read 'R. L. Long', is written over a horizontal line.

Reeve

R. L. (Bob) Long



A handwritten signature in cursive script, appearing to read 'Al Hoggan', is written over a horizontal line.

Chief Administrative Officer

Al Hoggan

**SCHEDULE "A"**  
**FEES**

Annual License Fee – Unaltered or Altered Dog	As per the Master Rates Bylaw
Replacement Tag	As per the Master Rates Bylaw
Impound Fee	Cost
Impound Fee for Dangerous Dog	Cost plus \$250.00
Veterinarian Fee	Cost

**SCHEDULE "B"****PENALTIES**

PART 2 & 4	Unlicensed Dog	\$150.00
	Licensed Dog not wearing tag whilst off Owner's property	\$100.00
	Licensed Dog At Large	1 <sup>st</sup> Offence: \$100.00 2 <sup>nd</sup> Offence: \$200.00 3 <sup>rd</sup> and subsequent offences: \$300.00
	Unlicensed Dog At Large	1 <sup>st</sup> Offence: \$250.00 2 <sup>nd</sup> Offence: \$500.00 3 <sup>rd</sup> and subsequent offences: \$750.00
	Livestock in Hamlet	\$50 per Animal Unit as defined in the Land Use Bylaw
PART 5	Barking or howling repeatedly on a regular basis	1 <sup>st</sup> Offence: \$200.00 2 <sup>nd</sup> Offence: \$400.00 3 <sup>rd</sup> and subsequent offences: \$600.00
	Causes damage to property	\$100.00
	Bites, Attacks, or causes Severe Injury to any person or animal	\$250 *(if deemed a Dangerous Dog pursuant to the <i>Dangerous Dogs Act</i> , see Schedule "C")
	Failure of Owner to remove defecation from property that is not the Owner's property	\$250.00
	Teasing, tormenting, annoying, abusing or injuring any Dog	\$250.00
	Interfering, hindering or impeding an Animal Control Officer from enforcing Bylaw	\$250.00
	Offence not specifically listed	\$100.00 minimum

\*All penalties subject to increases by the Animal Control Officer's discretion if convicted for the same offence more than once.

**SCHEDULE "C"****DANGEROUS DOGS – MINIMUM PENALTIES**

Chasing, injuring, or biting a person or animal	\$1,500.00
Damaging or destroying public or private property	\$1,000.00
Failure to keep under control of an adult person	\$1,000.00
Failure to keep confined	\$1,000.00
Failure to keep properly muzzled, harnessed or leashed	\$1,000.00
Improper pen or other structure	\$1,000.00
Running At Large	\$1,000.00
Failure to notify Animal Control Officer if Dog is gifted, sold, transferred, or deceased	\$250.00
Failure to tattoo or implant Dog with electronic identification microchip	\$1,000.00

\*All Dangerous Dog penalties subject to increases by the Animal Control Officer's discretion if convicted for the same offence more than once.

**SCHEDULE "D"**

You are hereby notified that the Dog bearing the License No. \_\_\_\_\_ for

\_\_\_\_\_  
\_\_\_\_\_  
registered under the above name and address, was impounded on \_\_\_\_\_  
pursuant to the provision of the Kneehill County Dog Control Bylaw and that, unless Dog is claimed and  
all impoundment fees and charges are paid on or before \_\_\_\_\_, the said  
Dog will be sold, destroyed, or otherwise disposed of pursuant to the said Bylaw.