

CYPRESS COUNTY

BYLAW 2009/14

A BYLAW OF CYPRESS COUNTY IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF RESTRAINING AND REGULATING DOGS.

WHEREAS it is deemed advisable to restrain and regulate the running at large of dogs within the municipal boundaries of Cypress County;

AND WHEREAS it is deemed advisable to provide for the impounding of dogs; the destruction, sale or other disposition of impounded dogs; the licensing of dogs and the prevention of cruelty to animals within the municipal boundaries of Cypress County;

NOW THEREFORE, the Council of Cypress County, in the Province of Alberta, duly assembled and pursuant to the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 2000 and amendments thereto, ENACTS AS FOLLOWS:

SECTION 1 - SHORT TITLE

1. This bylaw may be cited as the Cypress County “Dog Control Bylaw”.

SECTION 2 - DEFINITIONS

- 2.1 “Country Subdivision” shall mean an area of land identified in the County Land Use Bylaw as having the following Land Use Designations:

CR	- Country Residential
CR2	- Country Residential 2
SR	- Seasonal Residential
RRR	- Recreation Residential Resort
I	- Industrial
LI	- Light Industrial
HWY-C	- Highway Commercial
- 2.2 “County” shall mean Cypress County.
- 2.3 “Dog” shall mean either the male or female of any domesticated canine species.
- 2.4 “Dog Control Officer” shall mean such person or persons as the Council of the County may designate for the purposes of enforcement of this bylaw, and includes a member of the Royal Canadian Mounted Police and, when authorized, a Peace Officer.

- 2.5 “Dog Tag” shall mean a device bearing a distinctive serial number intended to be attached to the collar of a dog and issued by the County upon payment of a licensing fee as prescribed in this bylaw.
- 2.6 “Hamlet” shall mean any area designated as a Hamlet by the County.
- 2.7 “Household” shall mean a self-contained unit of residential accommodation and the persons living therein.
- 2.8 “Infectious Physical Condition” shall mean any abnormal physical condition which is liable to be passed on to other animals or humans by invasion of an organism emanating from the animal suffering from the abnormal physical condition.
- 2.9 “Livestock” shall mean horses, cattle, swine, donkeys, mules, oxen, Large Exotic Animals and Wildlife, sheep, goats, poultry, Medium Exotic Animals and Wildlife and fur bearing animals raised in captivity for pelts.
- 2.10 “Nuisance” shall mean any Dog injurious or obnoxious to an individual, property, or to the community at large by reason of:
- 2.10.1 accumulation of dog excreta;
  - 2.10.2 disposal of dog excreta;
  - 2.10.3 biting or chasing any motor vehicle or bicycle;
  - 2.10.4 behaving in such fashion as to annoy, disturb or alarm any person or to cause any person to fear for his physical safety.
  - 2.10.5 causing any damage whatsoever to any property or any injury whatsoever to any person or other animal;
  - 2.10.6 upsetting any waste receptacle or scattering the contents thereof.
  - 2.10.7 bites or chases a person or other animal.
  - 2.10.8 barks or howls in such a fashion that it disturbs any person.
- 2.11 “Owner” includes
- 2.11.1 the actual owner of a dog, whether a natural person or a body corporate, and

- 2.11.2 any person acting on behalf of the actual owner of a dog, where such person furnishes proof to the satisfaction of a Pound keeper or Dog Control Officer of his authority to deal with a Pound keeper or Dog Control Officer on behalf of the actual owner in respect of the dog.
- 2.12 “Pound keeper” shall mean any person, firm or body corporate employed or appointed by the County to manage and operate the Pound and to carry out such other duties as prescribed in this bylaw, and includes any person employed by the Pound keeper.
- 2.13 “Pound” shall mean any facility designated by the County for the impounding of animals.
- 2.14 “Running at Large” shall mean, when used to describe a dog, the state of being on or having been observed upon any land other than land on which the owner or any person having responsibility for or custody of the dog resides, while the dog is not under the immediate and effective control of such person.
- 2.15 “Vicious Dog” means a dog declared to be a Vicious Dog under Section 5 of this Bylaw.
- 2.16 “Violation Tag” shall mean a tag or similar document issued by the County pursuant to the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 2000, and amendments thereto.
- 2.17 “Violation Ticket” shall mean a ticket issued pursuant to the Provincial Offenses Procedure Act, being Chapter P-34 of the Revised Statutes of Alberta, 2000, and amendments thereto, and Regulations thereunder.

### SECTION 3 - EXEMPTIONS

- 3.1 This bylaw shall not apply to the following:
- 3.1.1 Dogs less than three (3) months of age.
- 3.1.2 Dogs of owners residing outside of a Hamlet or Country Subdivision providing said dogs are not in contravention of this Bylaw by being in a Hamlet or Country Subdivision.

SECTION 4 - REGULATION

- 4.1 Every owner of a dog and every person having responsibility for or custody of a dog, whether or not that person is the owner, shall ensure that such dog is not at any time running at large.
- 4.2 No person shall keep or harbour more than three (3) dogs aged three (3) months or more, but this subsection shall not apply to premises lawfully licensed or issued a permit for the care, maintenance or treatment of dogs operated by and in charge of a licensed veterinarian or permit issued for dog grooming or dog breeding business, nor to any premises duly authorized by the County which are temporarily used for the purposes of a dog show nor to a person in possession of a valid permit to operate a kennel within a Hamlet or Country Subdivision.
- 4.3 Any owner, and any persons having custody of or responsibility for a dog which is suffering from an infectious physical condition:
- 4.3.1 shall not permit such dog to be in any public place whether or not the dog is then running at large;
- 4.3.2 shall not keep or maintain such dog in contact with or in proximity to any other animal;
- 4.3.3 shall keep the dog at all times locked in a secure place; and
- 4.3.4 shall report the matter of the dog's infectious physical condition to a Pound keeper, Dog Control Officer or the County forthwith upon becoming aware of the situation;
- but no contravention of this section occurs by reason only of the fact that a person is found transporting a dog suffering from an infectious physical condition to a place where the dog may obtain veterinary treatment, and the provisions of this section do not apply to any person duly qualified and licensed to practice veterinary medicine.
- 4.4 No person shall do any thing or omit to do any thing where such act or omission has or may have the effect of causing or permitting the running at large of a dog.
- 4.5 No person shall do any thing or omit to do any thing where such act or omission has or may have the effect of teasing, tormenting or annoying a dog.

- 4.6 Every owner of a dog, or person having custody of or responsibility for a dog which defecates on property other than property on which the owner or the person having custody of or responsibility for the dog resides, shall forthwith remove from the said property and deposit in a proper waste receptacle.

#### SECTION 5 - NUISANCE

- 5.1 Every person who owns, or has custody of or responsibility for, a dog which constitutes a Nuisance is guilty of an offence and liable to penalty as set out in this bylaw.
- 5.2 Notwithstanding the provisions of Section 5.1, herein, nothing in this bylaw shall preclude the operation of the Stray Animals Act, being Chapter S-20 of the Revised Statutes of Alberta, 2000, and amendments thereto, or the operation of any other applicable Alberta legislation.
- 5.3 If a Peace Officer believes on reasonable and probably grounds that a dog has:
- 5.3.1 chased, injured or bitten a person or other animal;
  - 5.3.2 damaged or destroyed property;
  - 5.3.3 threatened or created the reasonable apprehension of a threat to a person or other animal; or
  - 5.3.4 been previously determined to be a Dangerous Dog under the Dangerous Dogs Act, being Chapter D-3 of the Revised Statutes of Alberta, 2000, and amendments thereto,

the Peace Officer may seize and impound the dog at the Society for the Prevention of Cruelty to Animals (S.P.C.A.) until a hearing can be held before a Judge to determine if the dog should be declared to be a Vicious Dog.

At least ten (10) days before the date of a hearing to determine if a dog should be declared to be a Vicious Dog, the Cypress County shall give notice of the hearing to the Owner.

- 5.4 On application to the Provincial Court, a Judge may take notice of a complaint that a dog has:

- 5.4.1 chased, injured or bitten a person or other animal;
- 5.4.2 damaged or destroyed property;
- 5.4.3 threatened or created the reasonable apprehension of a threat to a person or other animal; or
- 5.4.4 been previously determined to be a Dangerous Dog under the Dangerous Dogs Act R.S.A. 2000 c, D-3,

if it appears to the Judge that the dog should be declared to be a Vicious Dog, the Judge shall make an order in a summary way declaring the dog to be a Vicious Dog.

5.6 The Owner of a Vicious Dog shall at all times ensure that:

- 5.6.1 the Vicious Dog does not:
  - (i) threaten or create the reasonable apprehension of a threat to a person or other animal,
  - (ii) chase a person or other animal,
  - (iii) bite a person or other animal, or
  - (iv) otherwise injure a person or other animal;

5.6.2 the Vicious Dog does not damage or destroy any property;

5.6.3 when the Vicious Dog is on the Owner's Property, either

- (i) the Vicious Dog shall be confined indoors, in a manner that shall not allow the Vicious Dog to escape the residence or other indoor structure; or
- (ii) the Vicious Dog shall be confined outdoors in a controlled confinement that shall not allow the Vicious Dog within five (5) metres of a neighbouring residence and which shall provide the Vicious dog with shelter from the elements.

5.7 The Owner of a Vicious Dog shall at all times ensure that when the Vicious Dog is not on the Owner's Property the Vicious Dog is:

5.7.1 muzzled; and

5.7.2 secured on a leash not longer than one (1) metre, by a person at least eighteen (18) years of age, in a manner that prevents it from threatening, chasing, injuring or biting any person or other animal and from damaging or destroying any property.

- 5.8 The Owner of a Vicious Dog shall at all times ensure that the Vicious Dog is not running at large.

#### SECTION 6 - PENALTIES

- 6.1 Every person who contravenes any provision of this bylaw is guilty of an offence and is liable to penalty as set out in Schedule "C", herein.
- 6.2 Under no circumstances shall any person contravening any provision of this bylaw be subject to the penalty of imprisonment.

#### SECTION 7 - VIOLATION TAGS

- 7.1 A County Dog Control Officer is hereby authorized and empowered to issue a Violation Tag to any person who the County Dog Control Officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.
- 7.2 A Violation tag may be issued to such person:
- 7.2.1 either personally; or
  - 7.2.2 by mailing a copy to such person at his last known post office address.
- 7.3 The Violation Tag shall be in a form approved by the County and shall state:
- 7.3.1 the name and address of the person committing the offence;
  - 7.3.2 the offence of that person;
  - 7.3.3 the appropriate penalty for the offence as specified in Schedule "C" of this bylaw;
  - 7.3.4 that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag;
  - 7.3.5 any other information as may be required by the County.
- 7.4 Where a contravention of this bylaw is of a continuing nature, further Violation Tags may be issued by the County Dog Control Officer, provided that no more than one Violation Tag shall be issued to the owner for each dog for each day that a contravention of this bylaw continues.

- 7.5 Where a Violation Tag is issued pursuant to this bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Municipal Treasurer the penalty specified on the Violation Tag.
- 7.6 Nothing in this bylaw shall prevent a County Dog Control Officer from immediately issuing a Violation Ticket or Summons for the mandatory Court appearance of any person who contravenes any provision of this bylaw.

#### SECTION 8 - VIOLATION TICKET

- 8.1 If the penalty specified on a Violation Tag is not paid within the prescribed time period then a County Dog Control Officer is hereby authorized and empowered to issue a Violation Ticket, Summons, Information or Complaint for mandatory Court appearance.

#### SECTION 9 - LICENSE

- 9.1 Every owner of a dog shall apply for and obtain, from a Pound keeper, Dog Control Officer or from the County Administration Office, a dog tag for the dog in accordance with the provisions of this bylaw and shall pay an annual licensing fee as set out by the County in Schedule "A" herein.
- 9.2 Upon receipt of the proper licensing fee there shall be issued a receipt for payment of the licensing fee, and a dog tag, to the owner of the dog in respect of which the fee was paid.
- 9.3 A dog tag issued under the authority of this bylaw shall be proof that the dog in respect of which the dog tag was issued is duly licensed for the lifetime of that dog.
- 9.4 The provisions of this section of the bylaw shall not apply to any person holding a valid license to operate a retail pet sales business within the County.
- 9.5 Every owner of a dog shall:
  - 9.5.1 apply for and obtain a dog tag for such dog on the first day when either a Pound or the County Administration Office is open for business after the dog is acquired or becomes three (3) months of age, whichever date later occurs.
  - 9.5.2 provide the dog with a secure collar to which shall be securely affixed the dog tag obtained for such dog, and ensure that both the collar and the dog tag are worn by the dog at all times.

- 9.6 If a dog tag is lost or destroyed, a replacement dog tag may be issued by a Pound keeper or at the County Administration Office, upon presentation by the owner of a receipt showing payment of the licensing fee for the then current licensing year and upon payment of the sum set out for the issuance of a replacement dog tag.
- 9.7 No person shall affix or permit to be affixed to a dog's collar a dog tag which has been issued in respect of another dog.
- 9.8 No refund shall be made of any dog licensing fee for any reason whatsoever.

#### SECTION 10 - ENFORCEMENT

- 10.1 The County may maintain facilities of such size and design and in such locations as the County council may from time to time direct, for the purpose of impounding dogs pursuant to the provisions of this or any other bylaw of the County, and such facilities shall be designated as a Pound.
- 10.2 The County may designate Pound keepers, Dog Control Officers and such other officials in connection with the operation of a Pound and the carrying out and enforcement of the provisions of this bylaw as the County council considers necessary or expedient.
- 10.3 The Pound keeper shall be under the authority and supervision of the Manager of the County.
- 10.4 Pound keepers, Dog Control Officers or any person employed or otherwise designated by the County may capture and impound any dog:
- 10.4.1 in respect of which there are reasonable and probable grounds to believe that an offence under this bylaw is being committed or has been committed,
  - 10.4.2 which is required or permitted to be impounded pursuant to the provisions of any statute of Canada or of the Province of Alberta or any regulation made thereunder,
  - 10.4.3 kept within a Hamlet or Country Subdivision of the County that is not licensed or wearing a tag whether the dog is running at large or not,
  - 10.4.4 anywhere in the County if the dog was seen running at large within the boundaries of the County.

- 10.5 A Pound keeper, Dog Control Officer or any person employed or otherwise designated by the County may enter upon the land surrounding any building for the purpose of pursuing any dog which has been observed running at large.

A Pound keeper, Dog Control Officer or any person employed or otherwise designated by the County may obtain from a Provincial Judge a warrant to search within or upon any property, upon satisfying the Provincial Judge by Affidavit under oath that there are reasonable and probable grounds to believe that there has occurred or is occurring within or upon such property a contravention of the provisions of section 4.2 of this bylaw. If, upon conduction such search, it appears that a number of dogs in excess of the maximum number permitted under section 4.2 is being kept or harboured upon such property, then upon laying

a charge under this By-Law the person conducting the search may forthwith remove from the property and impound as evidence for trial any number of dogs in excess of the maximum number permitted under section 4.2.

- 10.6 The provisions of the Criminal Code of Canada respecting search warrants apply, with all necessary modifications, to this section.
- 10.7 No person shall do any thing or omit to do any thing where such act or omission has or may have the effect of obstructing, hindering or impeding a Pound keeper, Dog Control Officer or any person employed by the County from doing any thing in furtherance of the carrying out or enforcement of any provision of this bylaw.
- 10.8 In the absence or unavailability of a Dog Control Officer, any person may request the issuance of a Violation Tag or Violation Ticket by a Dog Control Officer pursuant to Sections 7 and 8 of this bylaw upon completion and presentation to a Dog Control Officer, a written complaint or statement.

#### SECTION 11 - IMPOUNDMENT

- 11.1 When a dog wearing a dog tag is impounded, a Dog Control Officer shall serve upon the owner to whom the dog tag was issued a notice of the form set out in Schedule "B" to this bylaw, either personally or by leaving the notice at or mailing it to the address of that person as indicated in the records of the County.
- 11.2 An owner to whom a notice is mailed pursuant to the provisions of sub-section 11.1 shall be conclusively deemed to have received such notice on the fourth day after the mailing thereof, Saturdays, Sundays and statutory holidays excepted.

- 11.3 An owner of an impounded dog may reclaim the dog upon payment to the County or Pound keeper of an amount equal to:
  - 11.3.1 the total of all impoundment fees, care and sustenance charges, and reasonable veterinary expenses incurred by the Pound keeper in respect of the dog during the period of impoundment; and
  - 11.3.2 any licensing fees payable under this bylaw at the time the dog is reclaimed; and
  - 11.3.3 any penalties for violations as set out in Schedule “C” to this bylaw.
- 11.4 A Pound keeper may require an owner who reclaims a dog from a Pound to provide a receipt for the delivery of the dog, which receipt shall set out the dog tag number, a brief description of the dog, and the name and address of the owner.
- 11.5 When a dog has been in the pound for seventy-two (72) hours or more and the owner of the dog has not reclaimed it in accordance with Section 11.3 of this Bylaw, a Pound keeper may:
  - 11.5.1 destroy the dog,
  - 11.5.2 offer the dog for sale, or
  - 11.5.3 retain the dog in the Pound for such further period of time as the Pound keeper may think advisable in the circumstances.
- 11.6 Where the owner of an impounded dog has advised a Pound keeper that he has no further interest in the dog, the Pound keeper may destroy the dog or offer the dog for sale to a person other than the owner, notwithstanding that the dog may then have been in the Pound less than seventy-two (72) hours.
- 11.7 Where the owner of a dog has advised a Dog Control Officer or Pound keeper that he has no further interest in the dog and requests the Dog Control Officer or Pound keeper to pick up the dog and take it to the Pound, a Dog Control Officer or Pound keeper shall comply with such request upon receipt from the owner of the fee for pick up charge as stipulated in Schedule “A” to this bylaw, as soon as practicable having regard to the human resources available and the space available for dogs in the Pound.
- 11.8 For the purpose of calculating the length of time a dog has been impounded, Saturdays, Sundays and statutory holidays shall not be included in the calculation.

- 11.9 The Pound keeper shall not sell any impounded dog:
- 11.9.1 to a resident of a Hamlet or Country Subdivision, unless at the time of purchasing the dog that person fulfils all licensing requirements under this bylaw including payment of the annual licensing fee; or
  - 11.9.2 to any other person, unless that person furnishes proof to the satisfaction of the Pound keeper that he is not a resident of a Hamlet or Country Subdivision and that the dog will be kept outside a Hamlet or Country Subdivision.
- 11.10 Upon any sale of a dog by a Pound keeper in accordance with the provisions of this bylaw, the person purchasing the dog shall be conclusively deemed the owner and all claims or rights of ownership of any other person are extinguished by and at the time of the sale.
- 11.11 Whenever a Pound keeper destroys a dog in accordance with the provisions of this bylaw the owner shall be liable to pay the fee for Destruction of Dog as stipulated in Schedule "A" to this bylaw, and in every case where the said fee has not been paid prior to the destruction of the dog, the Pound keeper may present the owner with a bill or invoice therefor which shall be paid in full by the owner within thirty (30) days of receipt of it.
- 11.12 Notwithstanding any other provision of this section, no dog impounded as evidence pursuant to sub-section 10.5 of this bylaw shall be sold or destroyed until the judicial proceedings associated therewith have been finally determined.

#### SECTION 12 - EXISTING RIGHTS AFFECTED

- 12.1 The terms and provisions of this bylaw shall apply with respect to any and all rights, interests and property, both real and personal, existing both prior and subsequent to the date of the enactment of this bylaw.

#### SECTION 13 - SEVERABILITY PROVISION

- 13.1 Should any provision of this bylaw be invalid, then such invalid provision shall be severed and the remaining bylaw shall be maintained.

SECTION 14 - EFFECTIVE DATE

14.1 This bylaw shall come into force upon third and final reading.

14.2 Bylaws 2004/10 and 2006/25 are hereby rescinded.

Read a first time this 19<sup>th</sup> day of May, 2009.

Read a second time this 19<sup>th</sup> day of May, 2009.

Read a third time and finally passed this 19<sup>th</sup> day of May, 2009.

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Reeve

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Designated Officer

CYPRESS COUNTY

BYLAW 2009/14

SCHEDULE "A"

FEES

1. Every owner of a dog shall pay a licensing fee for the lifetime of the dog in accordance with the following classifications of dogs:
  - (a) for a dog of either sex which has been spayed or neutered . . . . . N/C
  - (b) for a dog of either sex which has not been spayed or neutered . . . \$20.00
2. Fee payable for a replacement dog tag . . . . . \$10.00
3. Fee payable for destruction of a dog . . . . . \$30.00
4. Fee for pickup of a dog at request of owner . . . . . \$30.00

CYPRESS COUNTY

BYLAW 2009/14

SCHEDULE "B"

NOTICE OF IMPOUNDMENT

TO:

(insert name of owner and address of owner as shown on the records of the Pound keeper or County)

You are hereby notified that an animal bearing Dog Tag No. \_\_\_\_\_ for 20\_\_\_\_ registered under the above name and address, was impounded on \_\_\_\_\_, 20\_\_\_\_ pursuant to the provisions of Bylaw No. 2009/14 of Cypress County. Unless the said animal is reclaimed and all applicable charges are paid, on or before \_\_\_\_\_, 20\_\_\_\_, the said animal may be sold, destroyed or otherwise disposed of pursuant to the said bylaw without further notice to you.

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POUND KEEPER

CYPRESS COUNTY  
BYLAW 2009/14

SCHEDULE "C"

Penalty amounts which will be accepted by the County in lieu of prosecution:

<u>Nature of Violation</u>	<u>Penalty First Offence</u>	<u>Penalty Second Offence</u>	<u>Third and Subsequent Offences</u>
Allowing running at large of dog	\$100.00	\$200.00	##
Allowing a dog to constitute a nuisance	\$100.00	\$200.00	##
Bite a person or other animal	\$250.00	\$500.00	##
Cause a person to fear for their safety	\$250.00	\$500.00	##
Vicious Dog that bites or chases a person	\$1500.00	\$3000.00	##
Failure to keep Vicious dog in proper enclosure	\$1000.00	\$2000.00	##
Vicious dog running at large	\$1000.00	\$2000.00	##
Fail to keep Vicious Dog muzzled & properly secured on a leash	\$1000.00	\$2000.00	##
Prohibitions in Section 10	\$100.00	\$200.00	##
Fail to clean up defecated matter	\$100.00	\$200.00	##
Fail to comply with licensing requirements	\$100.00	\$200.00	##
Keep or harbour excessive number of dogs	\$100.00	\$200.00	##
Fail to provide dog with collar and dog tag	\$100.00*	\$200.00	##
Improper use of dog tag	\$100.00*	\$200.00	##
Obstruction of enforcing authorities	\$100.00	\$200.00	##
Act or omission causing or permitting the running at large of a dog	\$100.00	\$200.00	##
Teasing, tormenting or annoying a dog	\$100.00	\$200.00	##

## Penalties for Third and Subsequent Offences The penalty for a third offence shall be double the amount of the penalty for a second offence. The penalty for all subsequent offences shall be double the amount of the previous offence to a maximum of \$4,000.00 for each offence.

\* The cost of the applicable Licensing Fee shall be added to this offence. Upon payment, a dog tag may be issued by either a Pound or the County Administration Office.