

BIG LAKES COUNTY

BYLAW NO. 12-2017

Being a bylaw of Big Lakes County, in the Province of Alberta, for the purpose of regulating animals within the municipal boundaries of Big Lakes County.

WHEREAS the *Municipal Government Act*, RSA 2000, Chapter M-26, Part 2, Section 7 (a) and 7 (h) and amendments thereto, empowers a council to pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property, and wild and domestic animals and activities in relation to them;

AND WHEREAS the Council of Big Lakes County deems it expedient and in the public interest to pass this Bylaw;

NOW THEREFORE, the Council of Big Lakes County, duly assembled, enacts as follows:

1. TITLE

1.0 This bylaw may be cited as Big Lakes County Animal Control Bylaw.

2. DEFINITIONS

2.1 "Animal" shall mean and include any domesticated animal, including but not limited to cattle, horses, fowl, sheep or goats;

2.2 "Animal Control Officer" means the person or persons appointed as such from time to time by the Chief Administrative Officer, to do any act or perform any duties under this Bylaw and includes a Bylaw Enforcement Officer, Peace Officer and member of the Royal Canadian Mounted Police;

2.3 "Chief Administrative Officer" shall mean the person appointed by Council as the administrator of Big Lakes County;

2.4 "Coop" means a fully enclosed weather proof structure and attached Outdoor Enclosure used for the keeping of Hens and Ducks;

2.5 "Council" shall mean the Council of Big Lakes County;

2.6 "County" shall mean the municipal corporation of Big Lakes County;

2.7 "Damage to Public or Private Property" shall include any damage or nuisance done to public or private property;

2.8 "Dog" shall mean any animal of the Canidae family, regardless of the gender or age of such animal;

- 2.9 “Dog in Distress” shall mean a dog that is:
- (a) deprived of adequate shelter, ventilation, space, food, water, veterinary care or reasonable protection from injurious heat or cold,
 - (b) injured, sick, in pain or suffering, or
 - (c) abused or subjected to undue hardship, privation or neglect.
- 2.10 “Duck” shall mean a domesticated female aquatic bird of the Anatidae family, but does not include swans and geese for the purposes of this bylaw;
- 2.11 “Bark Excessively” shall mean howling, barking or yelping excessively or in a manner to interfere with the use and/or enjoyment of one’s property;
- 2.12 “Feral Dog” shall mean a dog that has never been socialized with humans or has transitioned from a domesticated animal to being wild or untamed and lives apart from humans;
- 2.13 “Hamlet” shall mean and include all lands located within the boundaries of the Hamlets in the County being the Hamlets of Enilda, Faust, Grouard, Jousard and Kinuso;
- 2.14 “Hen” shall mean a domesticated female chicken;
- 2.15 “Kennel” shall mean any premises on which dogs are boarded, bred, or otherwise cared for in return for remuneration or kept for the purposes of sale, as described in Big Lakes County Land Use Bylaw;
- 2.16 “Outdoor Enclosure” means a securely enclosed, roofed outdoor area attached to and forming part of a Coop having a bare earth or vegetated floor for Hens to roam;
- 2.17 “Owner” means and includes any person owning, possessing, having the charge or control over, harboring, suffering or permitting any Animal to remain about his house or property;
- 2.18 “Residential Lot” shall mean a lot in a Hamlet that has a Land Use District designation of Hamlet Residential, Hamlet Residential Estate, or Hamlet Mixed Use District within the Big Lakes County Land Use Bylaw.
- 2.19 “Rooster” shall mean a domesticated male chicken;
- 2.20 “Running at Large” means a Dog that is not on or within the premises of the Owner, and is not on a leash or under the immediate, continuous and effective control of its Owner or some other person;
- 2.21 “Shelter” means the premises designated by the County for the purpose of impounding and caring for all Dogs taken into the County’s custody under this Bylaw;

- 2.22 "Shelter Officer" means the person or firm appointed by the County to maintain, manage and control the Shelter and shall also include such assistant or assistants as may be engaged by the County;
- 2.23 "Stray Dog" shall mean a Dog that while previously socialized to live with humans has been lost or abandoned;
- 2.24 "Vicious Dog" shall mean:
- (a) Any Dog which, has without provocation, chased, injured, or bitten any person, domestic animal, or livestock;
 - (b) Any dog which, has without provocation, damaged or destroyed, any public or private property;
 - (c) Any dog which has a propensity, tendency or disposition to attack, without provocation, persons, domestic animals, or livestock; or
 - (d) Any Dog which has been previously declared to be a Vicious Dog;
- 2.25 "Violation Letter" means a Violation Letter issued under the authority of the County which complies with Section 10 hereof;
- 2.26 "Violation Ticket" means a Violation Ticket issued pursuant to the provisions of the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34 ("POPA"), or the regulations thereunder.
- 2.27 "Working Dog" is a dog of suitable breed or training used to assist people in their daily work, such as a guard dog, service dog, rescue dog, herding dog, sled dog, tracking dog, or police dog.

3. DOG LICENSING

- 3.1 No person shall keep a Dog in the County unless such Dog has been licensed with the County in accordance with Section 3.
- 3.2 The Owner of every Dog shall, within one month of the time he or she becomes the Owner of a Dog, obtain a license from the County and at that time leave with the County their name and mailing address, telephone number and the description of the Dog including: sex, age, breed and any other relevant information that may be requested.
- 3.3 Upon obtaining a license for a Dog, the Owner shall be given a metallic plate having raised, stamped or cast thereon the words "Dog Tag of Big Lakes County" and a number corresponding with the number under which the Dog is licensed, and the metallic plate shall be attached to a collar and be worn around the neck of the Dog at all times whenever the Dog is on any place other than the property of the Owner.

- 3.4 No charge will be levied for the initial licensing of a Dog. Licenses issued under this Bylaw shall not be transferable from one Dog to another.
- 3.5 A license issued to a Dog under Section 3 shall expire when the Dog:
- (a) Dies,
 - (b) Leaves the County, or
 - (c) Changes ownership.

4. REGULATIONS FOR DOGS

- 4.1 An individual, group of persons or a corporation operating a Kennel will be confined to operating on agricultural properties and requiring a development permit to operate a business as per the Land Use Bylaw 16-2010, Section 7.35.
- 4.2 No Owner shall cause, allow or permit his Dog to be on any property not his own unless:
- (a) a leash of sufficient strength to restrain the Dog is securely attached to the Dog, and
 - (b) the leash is being held by a person able to restrain the Dog, or
 - (c) the leash is securely tied to a stationery object that cannot be moved by the Dog, and
 - (d) the Dog cannot interfere with normal human traffic.
- 4.3 No Owner shall cause, allow or permit, his Dog while on property not his own, to:
- (a) Bark Excessively,
 - (b) chase any person or vehicle,
 - (c) attack any person,
 - (d) chase, challenge or attack any Animal owned or being kept by another person, or
 - (e) cause any other damage or nuisance thereon.
- 4.4 No Owner shall cause, allow or permit his Dog to Bark Excessively.
- 4.5 Every person shall immediately take all reasonable steps to quiet a Dog in his care and control that is Barking Excessively, each and every time the Dog barks.
- 4.6 No person shall in any way allow a Dog to become or remain a Dog in Distress and shall take all such reasonable steps to revile and address the circumstances which have resulted in the Dog becoming a Dog in Distress.

- 4.7 Provisions in this Bylaw which apply to Vicious Dogs shall not apply to a Working Dog solely by reason of any events or actions which occur while the dogs are engaged in work.

5. ENFORCEMENT

- 5.1 Any Dog, whether licensed or not, which:
- (a) is found Running at Large;
 - (b) bites, attacks, runs at, or attempts to bite, attack or run at any person, domestic animal, or livestock;
 - (c) causes injury or death to another domestic animal;
 - (d) appears to be infected with rabies, or any other contagious disease or infection and is not under a veterinarian's care;
 - (e) causes damage to private or public property within the County; or
 - (f) whether under leash, immediate and effective control or not,
 - i. is named or described or otherwise designated in a complaint made under the provisions of the Dangerous Dogs Act or Stray Animals Act, or
 - ii. is the subject of a complaint located within the boundaries of a Hamlet as creating a nuisance by barking, howling or otherwise disturbing the peace, or
 - iii. who has been injured or is vicious and endangering personnel in the carrying out of their duties,
- may be captured by an Animal Control Officer, after which it shall be dealt with in a manner as directed by the Officer.
- 5.2 An Animal Control Officer is authorized to capture and impound in the Shelter, all Dogs found in contravention of this Bylaw. He or she is further authorized to take such reasonable measures as necessary to subdue such Dogs, including use of tranquilizer equipment and materials. If any such Dog is seriously injured, it shall be taken to a veterinarian for treatment to relieve pain or bleeding, then immediately to the Shelter.
- 5.3 No person shall:
- (a) interfere with or attempt to obstruct an Animal Control Officer who is attempting to capture or who has captured any Dog in accordance with this Bylaw;
 - (b) induce any Dog to enter a house or other place where it may be safe from capture, or otherwise assist the Dog to escape capture;
 - (c) falsely represent themselves as being in charge or control of a Dog so as to establish that the Dog is not Running at Large;
 - (d) unlock or unlatch or otherwise open the cage, trap or vehicle in which a Dog has been trapped or placed, so as to allow or attempt to allow a Dog

- or Dogs to escape;
 - (e) unlawfully remove a Dog from the possession of the Shelter Officer; or
 - (f) leave, drop off or otherwise turn loose any Dog, regardless of who the owner is, in any location of the County, with the intent of abandonment towards the Dog.
- 5.4 An Animal Control Officer may use any means necessary to capture and seize a Dog at large, provided that:
- (a) no Dog shall be seized on private property without the permission of the Owner of said property, except in case of fresh pursuit; and
 - (b) every reasonable precaution is taken to avoid causing any bodily injury or harm to such Dog.
- 5.5 Every Dog seized under this Bylaw shall, as soon as practical, be taken to the Shelter and confined therein.
- 5.6 No person shall in any way interfere with, or obstruct an Animal Control Officer who has seized or is attempting to seize a Dog Running at Large.

6. IMPOUNDMENT

- 6.1 An Animal Control Officer shall:
- (a) receive and impound any Dog seized under the provisions of this Bylaw;
 - (b) keep a record of such Dog on the Municipal Enforcement register;
 - (c) ensure that any Dog so impounded is provided with sufficient food and water to maintain the health and comfort of the Dog;
 - (d) provide the services of a veterinarian, as soon as practical, for any Dog which appears to be ill or injured: and
 - (e) ensure that no Dog, while impounded, is mistreated .
- 6.2 It shall be the duty of the Animal Control Officer and such other person or persons as may be authorized by Council to confine all Dogs captured for violation of this Bylaw in the Shelter subject to the Owner's right to redeem the Dog within seventy two (72) hours from the time of impounding upon payment to the County of an amount or amount to be determined by Council from time to time, which may include impounding fees and veterinary fees. Any Dog not redeemed within the time specified herein may be surrendered to an animal rescue organization or euthanized if in the opinion of the Animal Control Officer and a veterinarian, the Dog is unfit for adoption due to its behavior or health status as described in Sections 6.4 and 6.5.
- 6.3 An Owner may redeem an impounded Dog upon payment to the Big Lakes County of all costs associated with impoundment and veterinary services incurred

by a Shelter provided that, if such Dog is not licensed, such Owner shall first obtain a license, as hereinbefore provided, before such Dog is released. The Dog may be released to the Owner during normal business hours of the Shelter.

- 6.4 In any case, where a Dog is found to be ill or has been injured and it has been determined by a veterinarian or an Animal Control Officer that the dog should be euthanized to prevent needless suffering, the dog shall be euthanized as soon as practical.
- 6.5 In any case, where a Dog is found to be Feral, aggressive, or in any other capacity is a threat to humans, livestock, or other domestic animals and it has been determined by the Animal Control Officer that the dog should be euthanized to prevent harm to humans or other animals, the dog may be euthanized as soon as practical.
- 6.6 An Animal Control Officer shall, if the Dog being impounded is wearing a dog tag or any other identification, make a conscientious effort to notify the Owner that the Dog has been impounded and give said Owner a reasonable period of time to claim the Dog before disposing of same.

7. VICIOUS DOG REGULATION

- 7.1 The Chief Administrative Officer may declare any Dog to be a Vicious Dog if the Dog meets the definition of Vicious Dog.
- 7.2 For offences where a Dog, while not on the Owner's property and whether or not the Dog is on a leash, attacks a person or another animal or chases or challenges a person, the fine under the Bylaw shall double and the Dog shall be declared a Vicious Dog for bylaw enforcement purposes.
- 7.3 Notwithstanding section 7.2, Big Lakes County will inform the Owner of a Dog in writing if said Dog has been declared a Vicious Dog for bylaw enforcement purposes.
- 7.4 An Animal Control Officer may use any means legally at his or her disposal to capture and restrain a Vicious Dog. If, in the opinion of the Animal Control Officer the Dog cannot be safely captured or restrained, the Animal Control Officer may tranquilize or destroy the a Vicious Dog by using a firearm to protect himself, the public, or domestic animals.
- 7.5 At all times while a Vicious Dog is on the premises of its Owner, the Owner shall either keep such Dog confined indoors or in a securely enclosed and locked enclosure. Such enclosure shall have secure sides and a secure top, and if it has no bottom secured to the sides, the sides shall be embedded into the ground to a

minimum depth of thirty (30) centimeters to prevent the escape of the Dog and the entry of children. The Owner shall post, on the perimeter of the fence, warning signs of the presence of a Vicious Dog.

- 7.6 When any Vicious Dog is off the premises of the Owner, the Owner shall either:
 - (a) keep such dog contained as set out in section 7.5, or
 - (b) securely muzzle such Dog, and either harness it or leash it securely to effectively prevent it from attacking or biting a person or other animal.
- 7.7 The Owner of a Dog, which the Owner knows to be a Vicious Dog as per section 2.13 or a Vicious Dog by nature of its temperament or history, shall keep such Dog in accordance with the provisions of Section 7.5 of this Bylaw.
- 7.8 The Owner of a Vicious Dog shall take all necessary steps to ensure that such Dog does not bite, chase or attack any person or other animal, whether the person or animal is on the property of the Owner or not.
- 7.9 Vicious Dogs shall not be kept on any residential property other than on residential property upon which the Owner resides.

8. HEN & DUCK REGULATIONS

- 8.1 In a Hamlet, a person may keep up to a maximum of four (4) Hens on a residential lot.
- 8.2 No person shall keep a Rooster within a Hamlet.
- 8.3 No person shall slaughter a Hen or Duck on a residential lot.
- 8.4 In a Hamlet, a person may keep up to a maximum of four (4) Ducks on a residential lot.
- 8.5 A person who keeps Hens and/or Ducks on a residential lot in a Hamlet must:
 - (a) provide each Hen and/or Duck with at least 0.37m^2 (3.9ft^2) of interior floor area and at least 0.93m^2 (10.0ft^2) of outdoor enclosure, within the Coop;
 - (b) provide and maintain in the Coop sufficient perch locations, have adequate ventilation, and be weather and predator proof;
 - (c) adhere to good management and husbandry practices;
 - (d) maintain Hens and/or Ducks in such a condition so as to prevent distress, disease, and welfare issues;
 - (e) keep each Hen and/or Duck in the Coop at all times;
 - (f) maintain the Coop in good repair and sanitary condition and free from vermin and noxious or offensive smells and substances;
 - (g) provide appropriate food, liquid (unfrozen) water, shelter, light, warmth, ventilation, veterinary care and opportunities for essential behaviours such as scratching, pecking, dust-bathing, and roosting, in order for the Hens

- and/or Ducks to be comfortable and healthy;
- (h) keep the Coop secured from sunset to sunrise;
- (i) remove leftover feed, trash, and manure in a timely manner;
- (j) remove, discard, and/or properly compost all manure;
- (k) follow biosecurity procedures recommended by the Canadian Food Inspection Agency to reduce the potential for disease outbreak; and
- (l) keep hens/ducks for personal use only;
- (m) immediately notify an Animal Control Officer of any disease or welfare issues that arise that may affect the public and the steps taken to rectify the situation.

- 8.6 No person who keeps Hens and/or Ducks in a Hamlet shall:
- (a) sell eggs, manure, meat, or other products derived from the Hens and/or Ducks;
 - (b) slaughter a Hen and/or Duck on the property;
 - (c) dispose of a Hen and/or Duck except by delivering it to a farm, abattoir, veterinarian, or other operation that is lawfully permitted to dispose of Hens and/or Ducks; and
 - (d) keep a Hen and/or Duck in a cage, kennel, or any shelter other than a Coop.

- 8.7 An Owner must comply with all Provincial regulations around the keeping of Hens and/or Ducks. The Province of Alberta requires all owners of poultry (including small urban flocks) to register their flocks into the provincial data base and obtain a Premise Identification Program (PID) Number.

9. ORDER FOR COMPLIANCE

- 9.1 An Animal Control Officer determines the provisions of this Bylaw have been breached, he or she may issue an Order for Compliance. Every Order for Compliance issued with respect to this Bylaw must:
- (a) indicate the person to whom it is directed;
 - (b) identify the person to who the Order relates by Municipal address or legal description;
 - (c) identify the date it was issued;
 - (d) identify how the Property fails to comply with this or other bylaws;
 - (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 necessary to remedy the contravention; and
 - (i) indicate expenses and costs of any action or measures taken by the County under this section and an amount owing to the County by the person to whom the Order is directed.

- 9.2 Every Order written in respect to provisions of another Bylaw must contain the

same information as set out in Section 9.1, modified as necessary in the context of that Bylaw.

- 9.3 An Order for Compliance issued pursuant to this Bylaw will be deemed to have been served on the Owner or Occupant when the Order has been:
- (a) Personally delivered to the Owner or Occupant;
 - (b) Left for the Owner or Occupant at his or her residence with a person on the premises who appears to be at least eighteen (18) years of age;
 - (c) Sent via registered mail addressed to the last known postal address of the Owner or Occupant; or
 - (d) Posted in a conspicuous place on the property referred to on the Order, when the Animal Control Officer has reason to believe:
 - i) that the Owner or Occupant is avoiding service;
 - ii) or no other means of service is available;
 - (e) If an order is sent via registered mail as referred to in Section 9.3(c) then it is deemed to be received by the Owner or Occupant five (5) days after the Order was mailed.
- 9.4 A person who fails to comply with an Order for Compliance under Section 9 of this Bylaw is guilty of an offence and is liable, on summary conviction before a Provincial Court Judge, to fines as listed in Schedule “A” of this Bylaw.

10. OFFENCES AND PENALTIES

- 10.1 Any person who contravenes any provision of this Bylaw is guilty of an offense and is liable, on summary conviction before a Provincial Court Judge, to fines as listed in Schedule “A” of this Bylaw. Schedule “ A “ may be amended from time to time by a resolution of Council and any such amendment shall form part of this Bylaw.
- 10.2 A Provincial Judge, in addition to the penalties provided in this Bylaw, may direct or order an Owner:
- (a) to prevent such Animal from doing mischief, or causing a disturbance, or a nuisance complained of;
 - (b) to have the Animal euthanized or removed from Big Lakes County; or
 - (c) to comply with any other provisions of this Bylaw.
- 10.3 Notwithstanding sections 10.1 and 10.2 of this Bylaw, an Animal Control Officer may issue a Violation Letter to any person who the Animal Control Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw:
- (a) specifying a voluntary payment as described in Schedule “A” of this Bylaw, and
 - (b) the person to whom the Violation Letter is issued may, in lieu of being

prosecuted for the offence, pay to Big Lakes County the penalty specified within the time period indicated on the Violation Letter.

- 10.4 A Violation Letter shall be deemed to have been sufficiently served if:
- (a) served personally on the offender, or
 - (b) mailed to the address of the registered owner or the person occupying the property where a violation occurred;
 - (c) secured to the vehicle or property in respect of which the offence is alleged to have been committed.
- 10.5 When a Violation Letter has been issued and the penalty specified on the Violation Letter has not been paid within the prescribed time, then an Animal Control Officer may issue a follow up letter advising an additional period of time to pay the penalty voluntarily.
- 10.6 If the outstanding penalties have not been voluntarily paid the County will then have the option of moving to out of office collection action.
- 10.7 The levying and payment of any fines shall not relieve a person from the necessity of:
- (a) immediately remedying the situation that created the violation, or
 - (b) paying any fees, charges or costs for which he is liable under the provisions of this Bylaw.
- 10.8 For offences where a Dog, while not on the Owner's property and whether or not the Dog is on a leash, attacks a person or another animal or chases or challenges a person, the fine shall double and the Dog shall be defined as a Vicious Dog for Bylaw enforcement purposes.
- 10.9 If the fine specified on a Violation Letter is not paid within the prescribed time period, then an Animal Control Officer is hereby authorized and empowered to lay a complaint and issue a Summons by means of a Violation Ticket.
- 10.10 Nothing in this Bylaw shall prevent an Animal Control Officer from immediately issuing a Violation Ticket.

11. SURRENDER OF DOG

- 11.1 An Owner of a Dog may give up ownership of the Dog by surrendering the Dog to the County. By surrendering the Dog to the County, the owner is deemed to have relinquished all rights of ownership and possession of the Dog.
- 11.2 A Dog that has been surrendered to the County becomes the property of the County and may be kept or disposed of as the County deems appropriate, including:

- (a) surrendered to an animal rescue organization; or
- (b) euthanasia in the case where it has been determined by a veterinarian or Animal Control Officer that the dog is not suitable for adoption or is found to be ill or has been injured and should be euthanized to prevent needless suffering, in which case the dog may be euthanized as soon as practical.

12. EXERCISE OF DISCRETION

Big Lakes County has the discretion to enforce this Bylaw and is not liable for any outcomes should an Animal Control Officer decide not to enforce this Bylaw if acting in good faith.

13. SEVERABILITY PROVISION

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

14. ATTACHMENTS

Schedule "A" may be amended by resolution of Council.

15. APPLICATION

The provisions of this Bylaw shall apply to all lands within the boundaries of Big Lakes County.

16. REPEAL AND COMING INTO FORCE

16.1 Upon final passing of this Bylaw #12-2017, Bylaw No. 05-2015, as amended, is hereby repealed.

16.2 This bylaw shall come into full force and effect upon final signature.

Read a first time this 10th day of May, 2017

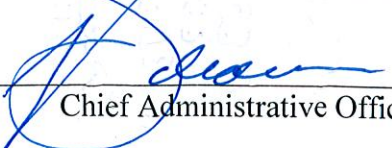
Read a second time this 10th day of May, 2017

Approved unanimously this 10th day of May, 2017 to be presented for third reading at this meeting.

Read a third and final time this 10th day of May, 2017



Reeve



Chief Administrative Officer

May 16, 2017

Date of Final Signature

Schedule "A"

1. In lieu of being prosecuted, a person who has contravened any provision of Section 10.1 of this Bylaw may elect to voluntarily pay a fine in respect to the contravention, in which case the fine shall be:
 - (a) One Hundred Dollars (\$100.00) for the first offence;
 - (b) Two Hundred Dollars (\$200.00) for the second and subsequent offenses.
2. Should the person wish the benefit of a Court Appearance to contest the allegation of contravening this Bylaw, an Enforcement Officer shall issue a Violation Ticket as proscribed by the *Provincial Offences Procedure Act*. The Animal may be kept under seizure until all matters dealing with the charge are resolved.
3. Any Dog which is reasonably believed to have attacked or attempted to attack a person or another domestic animal, and/or is believed to be infected with rabies or another contagious disease shall be seized and held under quarantine for a minimum of ten (10) days to determine if the Dog is ill or poses a threat to the community. In the event the Dog is found to be dangerous, whether by illness or aggressive behavior, the dog shall be euthanized. In this case the fine shall be:
 - (a) Two Hundred and Fifty Dollars (\$250.00) for the first offence;
 - (b) Five Hundred Dollars (\$500.00) for the second offence;
 - (c) One Thousand Dollars (\$1000.00) for the third and subsequent offenses: