

**BYLAW 09-020
OF
LAC LA BICHE COUNTY**

A BYLAW OF LAC LA BICHE COUNTY IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE LICENSING, REGULATION AND CONTROL OF DOMESTIC ANIMALS INCLUDING DANGEROUS OR AGGRESSIVE DOGS, AND THE RUNNING OF DOGS AT LARGE.

WHEREAS under the authority and pursuant to the Municipal Government Act, Chapter M 26, R.S.A. 2000, and amendments thereto the Council of a municipality may pass Bylaws for the safety, health and welfare of people and the protection of people and property, and may also pass Bylaws related to wild and domestic animals and activities in relation to them, including the restraining and destruction of Dogs, and the conditions governing the payment of costs and expenses for impoundment;

AND WHEREAS Lac La Biche County Council deems it desirable and in the best interest of the public to restrain and regulate Dangerous Dogs, the running of Dogs and the barking and howling of Dogs within the boundaries of Lac La Biche County;

NOW THEREFORE under the authority and pursuant to the provisions of the said Municipal Act, and by virtue of all other enabling power, the Council of Lac La Biche County, duly assemble, enacts as follows:

PART 1 - TITLE

1. This Bylaw may be cited as "The Animal Control Bylaw".

PART 2 - DEFINITIONS

2. In this Bylaw, unless the context otherwise requires:
 - (a) **"Animal Control Officer"** means any person appointed as an Animal Control Officer by Council to enforce the provisions of this Bylaw. A Peace Officer is ex-officio an Animal Control Officer;
 - (b) **"At Large"** when used in reference to a Dog, means a Dog, which is off the premises of the Owner or person in care and control of the Dog, and is not on a leash and/or under the control of a person able to control the Dog;
 - (c) **"Dog"** means either male or female canine, or similar animal;
 - (d) **"Dangerous Dog"** means any Dog, which in the opinion of a Peace Officer or Animal Control Officer:
 - (i) Without provocation, shows a propensity, or disposition or potential to attack or injure humans or animals;

- (ii) Without provocation attacks, bites, or injures any human or animal;
 - (iii) Is deemed to be dangerous by a Court; or
 - (iv) If, after investigation or inquiry, is deemed by an Animal Control Officer or Peace Officer to be a Dangerous Dog.
- (e) **"Domestic Animal"** means such animals that have been domesticated for agricultural use or pets including but not limited to pigs, horses, sheep, chickens, goats, pigeons etc., but, for the purpose of this Bylaw, does not include Dogs or cats;
 - (f) **"Impounded"** means taken into the custody of the Pound;
 - (g) **"Kennel"** means an establishment run by any person or corporation engaged in the business of breeding, buying, selling, training, or boarding of Dogs;
 - (h) **"Owner"** means and includes any person, group of persons, firm or corporation owning or possessing or having control over a Dog;
 - (i) **"Peace Officer"** means a member of the Royal Canadian Mounted Police, a Community Peace Officer, a Bylaw Enforcement Officer, or an Animal Control Officer;
 - (j) **"Pound"** means the premises designated by the Chief Administrative Officer or his or her designate for the purpose of impounding and caring for Dogs or other animals found within Lac La Biche County, or which are in violation of this Bylaw;
 - (k) **"County"** means Lac La Biche County;
 - (l) **"Chief Administrative Officer"** means a person appointed by Lac La Biche County Council as the Chief Administrative Officer.

PART 3 - LICENSING

3. No person shall own, keep or harbour any Dog within the County limits unless such Dog is licensed as provided herein.
4. Every Owner of a Dog over the age of six (6) months that resides within the limits of Lac La Biche County shall purchase a one-time Dog license from the County as prescribed by and subject to the payment of fees set out in Schedule "A" of this Bylaw attached hereto.
5. No person shall operate a Kennel within Lac La Biche County without first obtaining a development permit from Lac La Biche County. A Development Permit may contain conditions that regulate the operation of the Kennel and every Kennel and its operator(s) shall abide by any and all applicable conditions of the permit.

6. No person or persons, other than a person that has possession of a development permit to operate a Kennel, shall keep or harbour more than three (3) Dogs aged six (6) months or more at one time on a lot or property, or in any house, shelter, room or confined place, within any Hamlet or Residential Subdivision of Lac La Biche County.
7. Sections 3 and 4 of the Bylaw shall not apply to premises:
 - (a) authorized by a Peace Officer as a temporary foster home;
 - (b) the Pound, or premises lawfully used for the care and treatment of Dogs operated by a licensed veterinarian;
 - (c) premises which with the written permission of the County may be temporarily used for the purpose of a Dog show; or
 - (d) to any person in possession of a valid development permit to operate a Kennel, pet store or Dog grooming type business.
8. Dog Owners shall provide Lac La Biche County with the following information when purchasing a Dog license:
 - (a) Name and street address and telephone number of Owner;
 - (b) Name, sex and description of the Dog to be licensed;
 - (c) Proof of current rabies and immunizations;
 - (d) Proof of spaying or neutering if applicable;
 - (e) Such other information as may be required with respect to the Dog license.
9. Licenses issued under this Bylaw shall not be transferable from one Dog to another.
10. Upon payment of the required license fee the Owner will be supplied with a Dog tag.
11. Every Owner shall ensure that the Dog tag is securely fastened to a choke chain, collar or harness which must be worn by the Dog at all times.
12. The Owner of a Dog that has been licensed under this Bylaw may obtain a Dog tag to replace a tag that has been lost upon payment of the fee specified in Schedule "A" of this Bylaw.
13. License provision of this Bylaw shall not apply to a person temporarily in the County for a period not exceeding thirty (30) days.
14. Lac La Biche County shall keep a database or record that records the name, address and telephone number of each Owner, the breed, colour and sex of each Owner's Dog together with the date of registration of the Owner's Dog, the number stamped on the metallic tag issued to the

Owner, the date of last immunization of the Dog, confirmation of neutering or spaying if applicable as well as the license fee paid by the Owner.

PART 4 - RESPONSIBILITIES OF DOG OWNER

15. No Owner shall allow any Dog to be At Large within Lac La Biche County. When any Dog is found to be At Large, its Owner shall be deemed to have failed to comply with this section.
16.
 - (1) No Owner shall allow a Dog to defecate on any public property within Lac La Biche County or private property within Lac La Biche County which is not owned or occupied by the Owner.
 - (2) When a Dog defecates on any public or private property other than the property of its Owner, the Owner shall cause such defecation to be removed immediately. Guide Dogs utilized by a person who is legally blind are exempt from this sub-section of the Bylaw.
 - (3) When a Dog defecates on its Owner's property to the extent that excessive smell results, the Owner shall immediately remove the defecation on notice of a Peace Officer, Animal Control Officer or Health Authority having jurisdiction.
17.
 - (1) No person shall permit his or her Dog to bark or howl excessively or act in any other manner that disturbs the peace, quiet or repose of another person.
 - (2) When a Dog barks, howls or in any other manner disturbs the quiet of another person, the Owner shall be deemed to have failed or refused to comply with s. 17(1) of this Bylaw. After the 3rd offence if the animal is still barking, howling, or creating a disturbance the animal may be apprehended by Peace Officer and removed from the premises. Any Dog that is apprehended under this section becomes the property of Lac La Biche County, and may be destroyed or disposed of in accordance with s. 31 of this Bylaw.
 - (3) This s. 17 of the Bylaw applies only within the boundaries of a Hamlet or Residential Subdivision within the County.
18. No Owner shall permit his or her Dog to damage public or private property. When a Dog damages public or private property, its Owner shall be deemed to have failed, or refused to comply with this section.
19. No Dog shall be permitted to be a public nuisance by:
 - (a) Biting, attempting to bite or chasing people;
 - (b) Barking or chasing bicycles and automobiles; or
 - (c) Causing any harm or damage to any other Dog or animal.

PART 5 – DANGEROUS AND AGGRESSIVE DOGS

20. A Dog may be deemed to be a Dangerous Dog in accordance with s. 2(d) of this Bylaw.
21. Every Dangerous Dog must be:
 - (a) Confined indoors;
 - (b) Muzzled, leashed and under the effective control of a person over the age of 18 years; or
 - (c) Confined in a properly signed, secured and locked yard or enclosure sufficient to keep the Dog in and children out of the yard or enclosure.
22. The Owner of any Dog that bites a person shall promptly report the incident to a Peace Officer and the Dog may thereupon be quarantined for a period of 10 days at the discretion of a Peace Officer and shall not be released from such quarantine except by written permission of the Medical Officer of Health. At the discretion of a Peace Officer, such quarantine may be on the premises of the Owner or at the Pound. In the case of stray Dogs whose ownership is not known, such quarantine shall be at the Pound.
23. A Peace Officer may at any time destroy a Dangerous Dog which is not kept in compliance with s. 21 of this Bylaw.

PART 6 – GENERAL REGULATION

24. Unless otherwise specifically permitted by the Lac La Biche County Land Use Bylaw, no person shall keep a Domestic Animal in any Hamlet or Residential Subdivision within Lac La Biche County.
25. No person shall negligently or wilfully open any gate, door or other opening in a fence or enclosure in which a Dog or Domestic Animal has been confined or otherwise obstruct or interfere with the confinement of any Dog or Domestic Animal, thereby allowing said Dog or Domestic Animal to run At Large within the County.
26. No person shall tease, torment, annoy, harm, or wilfully neglect any Dog or Domestic Animal.

PART 7 - IMPOUNDMENT AND DISPOSITION

27. (1) A Peace Officer or Animal Control Officer may seize and capture any Dog found running At Large and impound the said Dog in the Pound.
 - (2) If a member of the public has a reasonable belief that a Dog is a stray Dog within Lac La Biche County, then that person is permitted to capture and/or secure the Dog and deliver the captured Dog to the Pound.

- (3) A member of the public is also permitted to keep in their possession a Dog that is captured under s. 27(1) of this Bylaw until the lawful Owner of the Dog is located or until a Peace Officer or Animal Control Officer can attend to take possession of the Dog.
28. A Peace Officer may destroy any Dog found running At Large within Lac La Biche County if other reasonable efforts to capture the Dog have been exhausted.
29. To assist in the seizure or capture of Dogs running At Large a Peace Officer or Animal Control Officer may utilize live traps.
30. A Dog that has been Impounded shall be kept in the County Pound for a period of at least seventy two (72) hours. Saturdays, Sundays, and statutory holidays and the day of impoundment shall not be included in the computation of this seventy two (72) hour period. During this period, any healthy Dog may be redeemed by its Owner, or agent of the Owner, upon proof of payment of the Pound fees as described in Schedule "A" of this Bylaw for every twenty-four (24) hour period or fraction thereof that the Dog has been Impounded and the appropriate specified penalty as described in Schedule "B" of this Bylaw, plus, where the Dog is not licensed, the appropriate license fee as described in Schedule "A" of this Bylaw.
31. At the expiration of the seventy two (72) hour period, any Dog not claimed may be destroyed, or sold or adopted to a person other than the Owner provided that such person shall be responsible for any or all payments listed in s. 30 of this Bylaw.
32. The Owner of a Dog which has been Impounded and which carries a current license tag, shall be notified, where possible, of the impoundment and such licensed Impounded Dog may be redeemed in accordance with section 30 of this Bylaw.
33. Notwithstanding anything else in the Bylaw, when in the judgment of a licensed Veterinarian or a Peace Officer a Dog should be destroyed for humane reasons, such Dog may not be redeemed.
34. No action shall be taken against any person acting under the authority of this Bylaw for damages related to the destruction or other disposal of any animal, or for any other action authorized by this Bylaw.
35. For the purpose of investigation or enforcement of this Bylaw a Peace Officer or Animal Control Officer is hereby authorized to enter any privately owned premises at any reasonable time, provided however that in this section the word "premises" does not include a building used as a dwelling house.
36. The Chief Administrative Officer or his or her designate will establish one or more Pounds for the keeping and impounding of Dogs or will enter into an agreement with another municipality or private business which will provide Animal Control or Pound keeping services.
37. No person shall without the consent of a Peace Officer or Animal Control Officer remove or attempt to remove any Dog from the possession of the County Pound until such time as all penalties and costs have been satisfied.

38. Any Owner may request that a Dog be surrendered to or destroyed by the County subject to a fee and approval by a Peace Officer as prescribed in Schedule "A" of this Bylaw.

PART 8 - RABIES CONTROL

39. On official report of an outbreak or a threatened outbreak of rabies, or any disease affecting animals that may be transmitted to human beings, the Chief Administrative Officer or his/her designate may order and direct that all animals be confined entirely to the Owner's premises.
40. When an animal under quarantine has been diagnosed as rabid, or suspected by a licensed veterinarian as being rabid, and dies while under such observation, a Peace Officer shall immediately send the head of such animal to the appropriate health department for pathological examination and shall notify the Medical Officer of Health for the County of reports of human contacts, and the diagnosis made of the suspected animal.
41. During such period of rabies quarantine as herein mentioned, every animal bitten by an animal adjudged to be rabid, shall be forthwith destroyed, or at the Owner's expense and option shall be treated for rabies infection by a licensed veterinarian or held under quarantine by the Owner in the same manner as other animals are quarantined.
42. Except as provided by authority of this Bylaw, no person shall kill, or cause to be killed, any rabid animal, any animal suspected of having been exposed to rabies, or any animal that has bitten a human, or remove the same from the County limits without permission from a Peace Officer.
43. The carcass of any dead animal exposed to rabies shall, upon demand, be surrendered to a Peace Officer.
44. A Peace Officer shall direct the disposition of any animal found to be infected with rabies.

PART 9 – PENALTIES AND ENFORCEMENT

45. Any Person who contravenes any provisions of this Bylaw is guilty of an offence and liable upon summary conviction:
- (a) to a specified penalty for a first offence as set out in Schedule "B" attached hereto and forming part of this Bylaw;
 - (b) to a specified penalty for a second/subsequent offence of double the original penalty as set out in Schedule "B" attached hereto and forming part of this Bylaw; or
 - (c) where no specific penalty is specified, a penalty to be imposed in the discretion of the Court having jurisdiction, having regard to s. 7(i) of the Municipal Government Act.
46. A Peace Officer or an Animal Control Officer is hereby authorized and empowered to issue a municipal violation tag to any person who they have reasonable and probable grounds to believe has contravened any provision of this Bylaw.

47. Where a municipal violation tag is issued pursuant to this Bylaw, the Person to whom the municipal violation tag is issued may, in lieu of being prosecuted for the offence, pay Lac La Biche County the penalty specified on the violation tag.
48. If the penalty specified on the municipal violation tag is not paid within the prescribed time period then a Peace Officer is hereby authorized and empowered to issue a violation ticket pursuant to the Provincial Offences Procedure Act.
49. Notwithstanding s. 48 of this Bylaw, a Peace Officer is hereby authorized and empowered to immediately issue a violation ticket pursuant to the Provincial Offences Procedures Act, as amended, to any person who the Peace Officer has reasonable grounds to believe has contravened any provisions of this Bylaw.
50. A Provincial Court Judge, in addition to the other penalties provided for in this Bylaw, may if he or she considers the offence sufficiently serious, direct or order the person that owns, keeps, maintains, or harbours a Dog, to prevent such Dog from doing mischief or causing a disturbance or a nuisance, or to order that the animal be removed from the County, or order that the animal be destroyed.
51. Nothing in this Bylaw shall prevent a Peace Officer from issuing a violation ticket for a mandatory court appearance to any person who contravened any provision of this Bylaw.
52. No person, whether or not he is the Owner of the Dog which is being or has been pursued, or captured, shall:
 - (a) Interfere with or attempt to obstruct a Peace Officer or Animal Control Officer who is attempting to capture, or who has captured, any Dog in accordance with the provision of 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 in control of a Dog in an attempt to establish that the Dog is not running At Large;
 - (d) Unlock or unlatch or otherwise open the truck or vehicle in which a captured Dog has been placed so as to allow or attempt to allow any Dog or Dogs to escape;
 - (e) Falsely represent themselves as being the Owner of a Dog in order to attempt to avoid a fine or obtain a lesser fine;
 - (f) Interfere with the issuance of an offense ticket or violation tag for a breach of any of the provisions of this Bylaw by the Animal Control Officer, or Peace Officer.

PART 10 – EFFECTIVE DATE

53. Lac La Biche County Bylaw # 08-003 shall be repealed upon passage of this Bylaw.

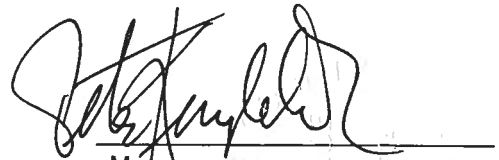
54 This Bylaw shall come into effect upon passing of the third reading.

MOTION BY COUNCILLOR COUTNEY THAT BYLAW 09-020 BE GIVEN FIRST READING THIS 27TH DAY OF OCTOBER, 2009.


MOTION BY COUNCILLOR QUIST THAT BYLAW 09-020 BE GIVEN SECOND READING THIS 27TH DAY OF OCTOBER, 2009.

MOTION BY COUNCILLOR LOZINSKI THAT BYLAW 09-020 BE SUBMITTED FOR THIRD AND FINAL READING THIS 27TH DAY OF OCTOBER, 2009

MOTION BY COUNCILLOR COLOSIMO THAT BYLAW 09-020 BE GIVEN THIRD READING THIS 27TH DAY OF OCTOBER, 2009.



Mayor



Chief Administrative Officer

SCHEDULE "A"
LICENCE AND SERVICE FEES
ANIMAL CONTROL BYLAW # 09-020

Male Dog	\$50.00
Female Dog	\$50.00
Spayed or Neutered Dog	\$25.00
Replacement of Lost Licence Tag	\$10.00
Owner Surrender or Request to destroy Dog	\$50.00
Impoundment Fee	\$20.00 per day per animal

SCHEDULE "B"
SPECIFIED PENELTIES
ANIMAL CONTROL BYLAW #09-020

SECTION	OFFENCE	PENALTY
3 or 4	Fail to obtain a Dog licence	\$100.00
5	Operate a Kennel without a permit	\$200.00
5	Fail to abide by Permit conditions	\$200.00
6	Have more than three Dogs in a premises	\$200.00
11	Fail to securely fasten licence to a Dog	\$100.00
15	Allow a Dog to run	\$100.00
16	Allow a Dog to defecate on public/private property	\$100.00
16(2)	Fail to immediately remove defecation from public/private property	\$100.00
16(3)	Fail to remove defecation from Owners property	\$100.00
17	Permit a Dog to bark or howl excessively	\$200.00
18	Permit a Dog to damage public or private property	\$200.00
19(a)	Permit a Dog to be a public nuisance – biting/attempting to bite/chase people	\$800.00
19(b)	Permit a Dog to be a public nuisance - chasing bicycles or automobiles	\$200.00
19(c)	Permit a Dog to be a public nuisance – harm or damage another animal	\$200.00
21	Fail to comply with a Dangerous Dog condition	\$800.00
22	Fail to report a Dog bite	\$400.00
24	Keep a Domestic Animal without a permit	\$200.00
25	Negligently allow a Dog or Domestic Animal to run	\$200.00
26	Tease, torment, annoy, harm or wilfully neglect a Dog or Domestic Animal	\$400.00
37	Remove/attempt to remove a Dog from the Pound without consent	\$800.00
52	Obstruct or attempt to obstruct a Peace Officer/Animal Control Officer	\$400.00