

# BYLAW 2020-17

## WHEATLAND COUNTY

Being a bylaw of Wheatland County in the Province of Alberta, to provide for the licensing, regulation and control of dogs and other animals within Wheatland County.

**WHEREAS** Wheatland County Council deems it necessary to pass a bylaw to regulate, license and control dogs and other animals within Wheatland County;

**AND WHEREAS** Sections 7 and 8 of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26 authorizes Wheatland County Council to pass bylaws for the purpose of licensing, regulating and controlling dogs and other animals and activities in relation to them;

**NOW THEREFORE**, the Council of Wheatland County in the Province of Alberta, duly assembled, enacts as follows:

### TITLE

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

### DEFINITIONS

2. In this Bylaw, unless the context otherwise requires:
  - a) "**Animal**" means a species normally kept for domestic purposes and includes Dogs, cats, exotic Animals, and domestic birds and Emotional Support Animals;
  - b) "**Attack**" means an assault resulting in bleeding, bone breakage, sprains, bruising, or multiple injuries;
  - c) "**Behaviour Assessment**" means an assessment of a Dog's temperament performed by a Person holding a Certified Behaviour Consultant, Knowledge Assessed (CBCC-KA) certification or such other certification as the Chief Administrative Officer may approve;
  - d) "**Bite**" means an Injury to the skin causing it to bruise, puncture, or break;
  - e) "**Bylaw Enforcement Officer**" means a Person appointed by the County pursuant to County Bylaw No. 2013-42, as amended or replaced from time to time, to enforce the provisions of this Bylaw and other County bylaws;
  - f) "**Communicable Disease**" means any disease or illness that may be transferred from one Animal to another Animal or too a human through direct or indirect contact;
  - g) "**Council**" means the Council of Wheatland County;
  - h) "**County**" means the municipal corporation of Wheatland County together with the area within its jurisdictional boundaries, as the context of the Bylaw requires;
  - i) "**Chief Administrative Officer**" or (CAO) means the Person appointed by Council to the position Chief Administrative Officer, or his/her designate;
  - j) "**Dangerous Dog Hearing**" means a hearing held pursuant to the *Dangerous Dogs Act*, R.S.A. 2000, Chapter D-3, as amended;
  - k) "**Day**" means a continuous period of twenty four (24) hours;
  - l) "**Dog**" means the female or male of any domesticated canine species actually or apparently 90 days of age or older and includes a Vicious Dog;
  - m) "**Dwelling Unit**" has the same meaning as "Dwelling Unit" defined in the Land Use Bylaw. As amended from time to time;

## BYLAW 2020-17 WHEATLAND COUNTY

- n) **"Emergency"** means a situation where there is imminent danger to public safety or of serious harm to individuals, Animals, wildlife or property and includes but is not limited to any situation in which a Dog has caused or is alleged to have caused a Severe Injury to an individual, Animal or wildlife or where a Dog is Running At Large;
- o) **"Emotional Support Animal"** means An Animal kept for a domestic purpose that is determined by a Mental Health Professional to provide therapeutic benefit to an individual suffering from a psychiatric, mental or emotional disability.
- p) **"Hamlet"** FOR THE PURPOSES OF THIS BYLAW ONLY Means an unincorporated community or area of the County designated as a "hamlet" by Council in accordance with the Act and includes:
  - i. Eagle Lake Restricted Residential district;
  - ii. Speargrass Low Density Residential District;
  - iii. Speargrass Special Medium Density Residential District;
  - iv. Speargrass Medium Density Residential District;
  - v. Direct Control District (DC-1); and
  - vi. Direct Control District (DC-2)
- q) **"Kennel"** has the same meaning as "kennel" defined in the County's Land Use Bylaw, as amended or replaced from time to time;
- r) **"Leash"** means a chain or other material capable of restraining the Dog upon which it is being used;
- s) **"License"** means a license issued for a Dog under this Bylaw and includes a Vicious Dog License;
- t) **"License Fee"** means those fees established in Schedule "A" of this Bylaw;
- u) **"License Tag"** means a permanent metal tag issued to the Owner of a dog upon the issuance of a License under this Bylaw;
- v) **"Livestock"** means animals kept for non-domestic purposes and includes cattle, swine, small fur-bearing animals, poultry, sheep, goats, horses, game and similar animals
- w) **"Justice"** has the same meaning as defined in the *Provincial Offences Procedure Act* R.S.A. 2000 Chapter P-34 and amendments thereto;
- x) **"Mental Health Professional"** means A psychiatrist registered with the College of Physicians and Surgeons in Alberta, a general practitioner and family physician registered with the College of Physicians and Surgeons in Alberta, or a psychologist registered with the College of Alberta Psychologists.
- y) **"Municipal Government Act"** means the *Municipal Government Act*, R.S.A. 2000 Chapter M-26, as amended, together with regulations passed thereunder;
- z) **"Officer"** means a Person appointed by the County to carry out and enforce the provisions of this Bylaw and includes a Bylaw Enforcement Officer, Peace Officer and a member of the Royal Canadian Mounted Police;

## BYLAW 2020-17 WHEATLAND COUNTY

- aa) **"Owner"** means any Person who:
  - i. has legal title to an Animal,
  - ii. has possession, care, charge, custody or control of an Animal, either temporarily or permanently,
  - iii. harbours an Animal,
  - iv. permits or allows an Animal to be present or remain on Premises which the Person owns or occupies,
  - v. claims or receives a Dog from the custody of an Officer or Pound; or
  - vi. is the Person to whom a License Tag was issued for a Dog in accordance with this Bylaw;
- bb) **"Owner's Property"** means any Premises to which the Owner is the registered owner or is an occupant of pursuant to a lease, rental or license to occupy agreement;
- cc) **"Peace Officer"** means a Person appointed pursuant to the *Peace Officer Act*, S.A. 2006 Chapter P-3.5, as amended;
- dd) **"Person"** means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative;
- ee) **"Pound"** means any Premises designated by the County for the impounding of Animals under this Bylaw;
- ff) **"Premises"** means any land or building or any portion thereof and includes without restricting the generality of the foregoing, any dwelling unit, house, residence, room, office or place of business;
- gg) **"Registered Veterinarian"** has the same meaning as defined in the *Veterinary Profession Act*, R.S.A. 2000, Chapter V-2;
- hh) **"Remedial Order"** means an order issued pursuant to Section 545 of the *Municipal Government Act* and Section 63 of this Bylaw;
- ii) **"Running at Large"** means:
  - i. an Animal which is off the Owner's Property and which is not under the control of a competent and responsible Person, or
  - ii. an Animal which is under the control of a competent and responsible Person and which causes damage to individuals, other Animals or private or public property;
- jj) **"Secure Enclosure"** means a building, pen or fenced area which is secured and constructed in such a manner that it will not allow the Dog to jump, climb, dig or otherwise escape nor will it allow the entry of unauthorized Persons into the enclosure unless the unauthorized Person forces his/her way into the enclosure, and which conforms with the following minimum requirements:
  - i. The Secure Enclosure shall have secure sides and a secure top. If the Secure Enclosure has no bottom secured to the sides, the sides of the Secure Enclosure must be embedded into the ground to a minimum depth of thirty (30) centimetres;

**BYLAW 2020-17**  
**WHEATLAND COUNTY**

- ii. The Secure Enclosure must provide the Dog with adequate shelter from the elements including heat, cold, sun, rain and wind;
  - iii. The Secure Enclosure must be located not less than one (1.0) metre away from the property line of the Owner's Property and not less than five (5) metres away from a residence located on any adjacent property; and
  - iv. The Secure Enclosure must be of adequate size for the Dog, permitting the Dog to stand, sit, lie down, and turn around comfortably;
- kk) "**Service Dog**" means a dog trained as a guide for a disabled person and having the qualifications prescribed by the Service Dog regulations. ";
- ll) "**Serious Injury**" means an injury to an individual, with the exception of a Trespasser, other Animal, or wildlife resulting from a Bite or Attack which results in broken bone or bones, disfiguring lacerations, Injuries requiring sutures, cosmetic surgery, scars, death and any other injury as determined to be serious by a Justice after hearing the evidence at a Hearing;
- mm) "**Threatening Behaviour**" means the following behaviours exhibited by a Dog, without provocation:
- i. barking, growling, snapping at, lunging at, chasing, stalking, Attacking or Biting another Animal or wildlife, or a bicycle, automobile or other vehicle being operated, unless the Dog is a Working Stock Dog and is engaged in the performance of such work, or
  - ii. barking, growling, snapping at, lunging at, chasing, stalking, Attacking or Biting an individual unless the individual is a Trespasser;
- Notwithstanding the above, a Dog shall not be deemed to exhibit Threatening Behaviour if the Dog is safely and securely confined within a building, vehicle, crate or behind a securely fenced area on any land and there is no risk of the Dog making physical contact with the individual, other Animal, or wildlife;
- nn) "**Trespasser**" means any Person who is on the Owner's Property without the Owner's consent;
- oo) "**Veterinary Clinic**" Means the use of land and buildings for the medical care and treatment of animals."
- pp) "**Vicious Dog**" means any Dog, whatever its age, whether on public or private property including the Owner's Property, which has:
- i. been declared a Vicious Dog by the Chief Administrative Officer pursuant to this Bylaw; or
  - ii. been declared a Vicious Dog by a Justice, pursuant to the ***Dangerous Dogs Act***, R.S.A. 2000, Chapter D-3, as amended.
- qq) "**Vicious Dog License**" means a License issued to the Owner of a Vicious Dog under this Bylaw;
- rr) "**Vicious Dog Warning Sign**" means a sign having a white background with the following dimensions and particulars:

## **BYLAW 2020-17 WHEATLAND COUNTY**

- i. the total sign area is not less than thirty (30) centimetres tall,
- ii. the total sign area is not less than twenty (20) centimetres wide, and
- iii. having red block lettering not less than three (3) centimetres tall stating:

### **WARNING!**

#### **VICIOUS DOG ON PREMISES**

- ss) **"Violation Tag"** means a tag or similar document issued by the County pursuant to the *Municipal Government Act*;
- tt) **"Violation Ticket"** means a ticket issued pursuant to Part 2 of the *Provincial Offences Procedures Act*, R.S.A. 2000 Chapter P-34 and any amendments;
- uu) **"Voluntary Payment"** means the penalty specified on a Violation Tag that may be paid in lieu of prosecution in accordance with Section 86 of this Bylaw;
- vv) **"Working Stock Dog"** means a Dog that has been trained or is being trained, and performs duties to assist with Livestock production and husbandry, including but not limited to herding Dogs and guardian Dogs, and which Dog is kept at a Premises used for agricultural purposes and not within the boundaries of a Hamlet.

#### **RESPONSIBILITY OF ANIMAL OWNERS**

- 3. The Owner of an Animal shall:
  - a) ensure that the Animal is not Running at Large, and
  - b) be deemed to have failed or refused to comply with Section 3(a) unless the Owner has taken all reasonable precautions:
    - i. to secure the Animal so that the Animal is not be able to escape the Owner's Property, vehicle or other method of confinement, and
    - ii. to ensure that the Animal is under the direct, effective and constant control of a competent Person at all times when off the Owner's Property.
- 4. The Owner of an Animal shall ensure that such Animal shall not:
  - a) Bite or Attack any individual,
  - b) Bite or Attack other Animals or wildlife,
  - c) exhibit Threatening Behaviour, whether the Dog is on the Owner's Property or other private or public property,
  - d) bark, howl or otherwise behave in a manner that is reasonably likely to disturb the peace of others,
  - e) cause damage to or destroy any public or private property, or
  - f) upset any garbage containers or scatter the contents thereof on any Premises other than the Owner's Property.
- 5. The Owner of a female Dog which is in season shall not take nor permit that Dog to be at any publicly accessible location where the Dog may be a source of attraction for other Dogs.
- 6. The Owner of an Animal shall forthwith remove any defecation left by the Animal on any Premises other than the Owner's Property.

## **BYLAW 2020-17 WHEATLAND COUNTY**

7. The Owner of a Dog shall, at all times when the Dog is off the Owner's Property, ensure that the Dog is:
  - (a) under the direct, effective and constant control of a competent individual, and
  - (b) restrained by a Leash not exceeding two (2) meters in length if the dog is within the boundaries of any Hamlet or Named Community.

### **LIMIT ON NUMBER OF DOGS**

8. No more than three (3) Dogs shall be owned and kept at or in any one Dwelling Unit and no more than one (1) of the Dogs present at any one Dwelling Unit may be a Vicious Dog at any time.
9. Notwithstanding Section 10, a Person may keep or own more than three (3) Dogs in the following circumstances:
  - a) where the Premises are used for a Veterinary Clinic, Kennel, or Pound having the appropriate permits and authorizations issued pursuant to County bylaws; or
  - b) the Dogs are Working Stock Dogs and the Owner of the Dogs has submitted a letter to the Chief Administrative Officer which identifies these Dogs as being Working Stock Dogs utilized on Premises within an agricultural district to the Chief Administrative Officer's reasonable satisfaction.

### **EMOTIONAL SUPPORT ANIMALS WITHIN HAMLETS**

10. Upon receiving the written recommendation or advice of a Mental Health Professional, an individual may apply to the County to obtain a permit to keep an Emotional Support Animal within a Hamlet. The application shall be submitted to the Chief Administrative Officer, and shall include the following information:
  - a) a copy of the letter of the Mental Health Professional recommending the companionship of an Emotional Support Animal, and providing an explanation as to why the specific species is appropriate and necessary;
  - b) a description of the proposed Emotional Support Animal, including the species, approximate size, and sex of the Animal; and
  - c) a legal description of the lands where the Emotional Support Animal will be kept.
11. The Chief Administrative Officer, upon being satisfied that an individual requires the assistance of an Emotional Support Animal within a Hamlet, may grant a permit allowing the individual to keep the Animal within the described Hamlet
12. The Chief Administrative Officer must charge a fee for licence of an Emotional Support Animal pursuant to Schedule "B" of this Bylaw.

### **LICENCING OF DOGS**

13. No Person shall keep or own a Dog within the County unless the Dog has a valid License as provided for in this Bylaw.
14. A License issued under this Bylaw is valid for a period of time commencing upon the earlier of January 1<sup>st</sup> or the date of issuance and ending on December 31<sup>st</sup> of that same calendar year.

**BYLAW 2020-17  
WHEATLAND COUNTY**

15. The Owner of a Dog shall:
  - a) Apply for a License within one (1) business Day of the earlier of:
    - i. becoming an Owner of a Dog, or
    - ii. becoming a resident in the County; and
  - b) Pay the License Fee annually on or before the first business Day after New Year's Day for the renewal of the License for the Dog.
16. The Owner of a Vicious Dog shall:
  - a) Apply for a Vicious Dog License within seven (7) business Day of the earlier of:
    - i. becoming an Owner of a Vicious Dog,
    - ii. becoming a resident in the County, or
    - iii. having the Dog declared as a Vicious Dog; and
  - b) Pay the License Fee annually on or before the first business Day after New Year's Day for the renewal of the Vicious Dog License for the Dog.
17. The Owner of a Vicious Dog shall be required to provide proof of compliance with the Vicious Dog provisions of this Bylaw prior to the County issuing or renewing the Vicious Dog License.
18. The Owner of a Dog shall ensure that the Dog wears the valid License Tag issued for that Dog at all times when the Dog is off the Owner's Property. If a collar cannot be worn by the Dog for medical or otherwise justifiable reasons, an Officer may accept a Registered Veterinarian tattoo or implant of an electronic identification microchip in or on the Dog identifying the Dog with a unique identifier, subject to the Owner of the Dog providing the information contained on the tattoo or in the microchip to the Officer.
19. Before the issue or renewal of a License, the Owner must submit to the Chief Administrative Officer the License Fee as established by Schedule "A" to this Bylaw together with the following information:
  - a) a description of the Dog including breed, name, gender, age, tattoo, and microchip number,
  - b) the name, address and telephone number of the Owner,
  - c) if the Owner of the Dog is a body corporate, the name, address and telephone number of the individual responsible for the Dog,
  - d) information establishing:
    - i. the Dog's age,
    - ii. that the Dog is, as applicable:
      - A. spayed or neutered,
      - B. a Service Dog or a Working Stock Dog.

## **BYLAW 2020-17 WHEATLAND COUNTY**

- iii. where the Dog is a Vicious Dog, compliance with any order or direction of a Justice or the Chief Administrative Officer and the requirements of this Bylaw, and
  - e) Any other information as the Chief Administrative Officer may require.
20. Upon the request of the Chief Administrative Officer or an Officer, a Person shall provide a statutory declaration or other documentation acceptable to the Chief Administrative Officer or Officer establishing the information set out in Section 16.
21. No Person shall give false information when applying for the issue or renewal of a License.
22. The Owner of a Dog shall forthwith notify the Chief Administrative Officer of any change in the information provided when applying for the issue or renewal of a License.
23. The Chief Administrative Officer may not issue or renew a License unless he/she is satisfied that:
- a) All applicable License Fees have been paid, and
  - b) All required information has been provided.
24. Upon the issuance of a License, the County shall issue a License Tag for the Dog to the Owner.
25. Upon losing a License Tag, the Owner shall advise the Chief Administrative Officer and, upon the Owner presenting a receipt of payment of the current year's License Fees, the Chief Administrative Officer shall issue a new License Tag without charge.
26. A License issued under this Bylaw is not transferable.
27. No Person is entitled to a rebate of License Fees paid under this Bylaw.
28. Notwithstanding any other provision herein:
- a) Where a License Fee has been paid by the tender of a cheque, the License is issued subject to the cheque being honoured and where the cheque is not honoured, the License is automatically and immediately revoked;
  - b) There shall be no License Fee applicable for the issue of a License for a Service Dog; and
  - c) This Bylaw shall not apply to a Royal Canadian Mounted Police Dog while the Dog is in active service.

### **COMMUNICABLE DISEASES**

29. The Owner of an Animal who knows or suspects that the Animal has a Communicable Disease must:
- a) Immediately report the Communicable Disease to the Chief Administrative Officer,
  - b) Immediately seek the assistance of a Registered Veterinarian,
  - c) Confine and isolate the Animal away from the public, individuals and other Animals who are free of such disease, in a manner that will prevent further spread of the disease and in the manner prescribed by law,
  - d) Follow the direction of the Registered Veterinarian and any government officials with authority to issue related orders and directions.



# **BYLAW 2020-17 WHEATLAND COUNTY**

## **GENERAL PROHIBITIONS**

30. No Person shall tease, torment or annoy an Animal.
31. No Person shall cause an Animal to be Running at Large in the County by:
  - a) Untying, loosening or otherwise freeing an Animal which has been tied or otherwise restrained, or
  - b) Negligently or willfully open a gate, door or other opening in a fence or enclosure in which an Animal has been confined.
32. No Person whether or not he/she is the Owner of an Animal which is being or has been pursued or captured by an Officer shall:
  - a) Induce the Animal to enter a house or other place where the Animal may be safe from capture or otherwise assist the Animal to escape capture,
  - b) Falsely represent himself/herself as being in charge or control of an Animal so as to establish that the Animal is not Running at Large, or
  - c) Unlock or unlatch or otherwise open the vehicle used in controlling or transporting the said Animal so as to allow or attempt to allow any Animal to escape therefrom.
33. No Person shall provide false or misleading information to an Officer or the Chief Administrative Officer.
34. No Person shall interfere with or attempt to obstruct an Officer in the exercise of his or her powers, including but not limited to, an Officer inspecting, remedying, or enforcing the provisions of this Bylaw or enforcing the terms of a Remedial Order or carrying out the actions authorized in Section 63.

## **VICIOUS DOGS**

35. All provisions of this Bylaw apply to Vicious Dogs. However, where the Bylaw provides for more stringent regulations in relation to Vicious Dogs than other sections of this Bylaw, the more stringent regulations shall prevail in relation to a Vicious Dog.
36. Upon demand by an Officer, an Owner of a Dog alleged to be a Vicious Dog shall surrender the Dog to the Officer whereupon the Officer shall deliver the Dog to the Pound where the Dog shall be held pending the outcome of the hearing, Dangerous Dog Hearing and any appeals.
37. The Chief Administrative Officer may allow the Owner to keep possession and control of a Dog alleged to be a Vicious Dog pending the outcome of the hearing, Dangerous Dog Hearing and any appeals on conditions which, in the opinion of the Chief Administrative Officer, ensures the safety of the public.

### **Vicious Dog Declaration by the Chief Administrative Officer**

38. Where the Chief Administrative Officer has reason to believe that a Dog has inflicted a Serious Injury or exhibited Threatening Behaviour, the Chief Administrative Officer may conduct a hearing with respect to whether or not the Dog should be declared a Vicious Dog.
39. Where the Chief Administrative Officer decides to proceed with a hearing, the Chief Administrative Officer shall provide not less than ten (10) business days' written notice to the Owner of the Dog and the Person making the complaint that the Dog may be declared a Vicious Dog including the reasons for such declaration and the date upon which evidence and oral or written submissions may be made to the Chief Administrative Officer in support of or in opposition to such declaration being made.

## **BYLAW 2020-17 WHEATLAND COUNTY**

40. The Chief Administrative Officer may declare the Dog to be a Vicious Dog after:
- a) receiving and considering all relevant evidence from the Officer who investigated the incident or complaint, the Owner of the Dog, the Person making the complaint, and any witnesses,
  - b) considering submissions in oral or written form from the Officer who investigated the incident or complaint, the Owner of the Dog, the Person making the complaint and any witnesses, and
  - c) being satisfied that the Dog has inflicted a Serious Injury or exhibited Threatening Behaviour taking into account the following factors:
    - i. whether the Dog has caused Severe Injury to an individual, Animal, or wildlife,
    - ii. whether the Dog has chased any individual, Animal, or wildlife,
    - iii. whether the Dog has attempted to Bite, or has Bitten any individual, Animal, or wildlife,
    - iv. whether the Dog has Attacked any individual, Animal, or wildlife,
    - v. whether the Dog has shown a tendency to exhibit Threatening Behaviour, and
    - vi. the circumstances surrounding any incidents involving any Severe Injury or Threatening Behaviour, including if the Dog:
      - A. Attacked or Bit a Trespasser, or
      - B. Attacked or Bit in defense of Livestock on the Owner's Property, where the Dog is a Working Stock Dog and is a guardian of the Livestock.
41. Where the Serious Injury or Threatening Behaviour involved circumstances described in Section 37(c)(vi)(A)(B), the Dog shall not be declared a Vicious Dog.
42. The Chief Administrative Officer shall issue his/her decision in writing, together with reasons, not more than fifteen (15) days after considering the evidence and submissions received in accordance with Section 36 to the Owner of the Dog and the Person making the complaint.
43. Where the Chief Administrative Officer has declared a Dog to be a Vicious Dog, he/she may direct that the Dog be kept and managed by the Owner of the Dog in a specific way. The Chief Administrative Officer may not order a Dog to be destroyed.
44. The Owner of the Dog or the Person making the complaint may appeal the Chief Administrative Officer decision to Council by filing a written notice of appeal, together with reasons for the appeal, to Council within thirty (30) days after receipt of the Chief Administrative Officer written decision.
45. Council shall conduct a hearing of the appeal within thirty (30) days after receiving notice of the appeal.
46. Council shall issue its decision in writing, together with reasons, within thirty (30) days after closing the appeal hearing. Council's decision shall be final and binding on all parties.

## **BYLAW 2020-17 WHEATLAND COUNTY**

### **Dangerous Dog Hearings and Orders by a Justice**

47. The County may refer any matter involving an allegation that a Dog is a Vicious Dog to a Justice for a Dangerous Dog Hearing.
48. The Owner of a Dog alleged to be a Vicious Dog shall be provided notice of the Dangerous Dog Hearing not less than ten (10) clear business Days before the scheduled date of the Dangerous Dog Hearing.
49. Upon hearing the evidence at a Dangerous Dog Hearing, the Justice shall make an order in a summary way declaring the Dog as a Vicious Dog if in the opinion of the Justice:
  - a) the Dog has caused a Serious Injury, or
  - b) the Dog has exhibited Threatening Behaviour.
50. Upon hearing the evidence at the Dangerous Dog Hearing, the Justice may make an order declaring the Dog as a Vicious Dog and directing that the Dog be kept and managed by the Owner in a specific way or ordering the Dog destroyed, if in the opinion of the Justice, the Dog is likely to cause a Serious Injury to any individual or other Animals, or wildlife in the future, taking into account the following factors:
  - a) whether the Dog has caused Severe Injury to an individual, Animal, or Wildlife,
  - b) whether the Dog has chased any individual, Animal, or wildlife,
  - c) whether the Dog has attempted to Bite, or has Bitten any individual, Animal, or wildlife,
  - d) whether the Dog has Attacked any individual, Animal, or wildlife,
  - e) whether the Dog has shown a tendency to exhibit Threatening Behaviour, and
  - f) the circumstances surrounding any incidents involving any Severe Injury or Threatening Behaviour, including if the Dog:
    - i. Attacked or Bit a Trespasser, or
    - ii. Attacked or Bit in defense of Livestock on the Owner's Property, where the Dog is a Working Stock Dog and is a guardian of the Livestock.

### **General Vicious Dog Requirements**

51. A Vicious Dog declaration or order issued or made pursuant to this Bylaw continues to apply if the Dog is sold, given or transferred to a new Owner within the County.
52. Within ten (10) days after the Dog being declared or ordered a Vicious Dog, the Owner of the Dog shall provide evidence satisfactory to the Chief Administrative Officer that the Owner has completed the following in respect of the Vicious Dog:
  - a) a Registered Veterinarian has tattooed or implanted an electronic identification microchip in or on the Vicious Dog identifying the Dog with a unique identifier and the information contained on the tattoo or in the microchip is provided in writing to the Chief Administrative Officer; and

## **BYLAW 2020-17 WHEATLAND COUNTY**

- b) if the Vicious Dog is not already spayed or neutered, the Vicious Dog is spayed or neutered with a spay/neuter certificate for the Dog endorsed by a Registered Veterinarian being provided to the Chief Administrative Officer.
53. Within three (3) Days of the Dog being declared or ordered a Vicious Dog, the Owner of the Dog is required to display a clear and visible Vicious Dog Warning Sign, to the satisfaction of the Chief Administrative Officer, at each entrance to the Owner's Property and on each entrance to any Secured Enclosure.
54. The Owner of a Vicious Dog shall not sell, transfer, or gift the Dog to another Person within the County.
55. The Owner of a Vicious Dog shall not breed nor permit the breeding of the Vicious Dog.
56. The Owner of a Vicious Dog shall immediately notify the Chief Administrative Officer in writing if the Dog dies or if the Dog is sold, transferred or gifted.
57. The Owner of a Vicious Dog shall contact an Officer directly in person or by a phone call, but not by leaving a message, if the Vicious Dog is Running at Large. In the event that the Owner is unable to contact an Officer as set out in this Section, the Owner shall immediately notify the RCMP of the Vicious Dog Running at Large.
58. The Owner of a Vicious Dog shall ensure that the Dog is:
- a) confined indoors; or
  - b) when such Dog is outdoors, the Owner of a Vicious Dog shall ensure that:
    - (i) the Dog is locked in a Secured Enclosure; or
    - (ii) securely muzzled and under the control of a physically and mentally competent Person who is at least the age of eighteen (18) years by means of a Leash not exceeding one (1) meter in length and in a manner that prevents the Dog from chasing, injuring, Attacking or Biting individuals or other Animals, Livestock or wildlife as well as preventing damage to public or private property.
59. Notwithstanding any other provision of this Bylaw, an Owner shall not be required to leash or muzzle a Vicious Dog while the Dog is being shown or displayed at an officially recognized Dog show or performance or working trial sanctioned by the Canadian Kennel Club, Alberta Stock Dog Association, Canadian Stock Dog Association or similar organization, or while a Working Stock Dog is on duty in an enclosed area on the Owner's Property.
60. Vicious Dogs are not allowed in public parks or at public events.
61. The Owner of a Vicious Dog is guilty of an offence if, whether on or off the Owner's Property, the Vicious Dog exhibits Threatening Behaviour.
62. The Owner of a Vicious Dog shall have liability insurance specifically covering any damages for personal injury caused by the Vicious Dog in an amount not less than One Million (\$1,000,000.00) Dollars. The Owner shall provide proof of such insurance to the reasonable satisfaction of the Chief Administrative Officer within ten (10) days of the Dog being declared a Vicious Dog.
63. Where the Owner of a Vicious Dog is guilty of an offence under this Bylaw related to the Vicious Dog, the minimum penalties for Vicious Dogs set out in Schedule "C" shall apply.

## **BYLAW 2020-17 WHEATLAND COUNTY**

64. Nothing contained within this Bylaw shall prevent the County from taking any and all steps with respect to the seizure, impoundment, control or destruction of a Dog as may be available to the County at law.

### **OFFICER AUTHORITY**

65. An Officer is a designated officer for the purposes of Section 542 of the ***Municipal Government Act***.
66. Where an Officer has reasonable grounds to believe that any provision of this Bylaw has been contravened, an Officer is authorized to:
- a) enter upon any Premises between the hours of 8 am – 8 pm Monday-Friday, in accordance with Section 542 of the ***Municipal Government Act*** for the purpose of inspecting, remedying, or enforcing the provisions of this Bylaw including but not limited to enforcing the terms of a Remedial Order and carrying out the actions authorized within this Section 63 after providing not less than 48 hours' prior notice to the owner or occupant of the Premises;
  - b) notwithstanding Section 63(a), in the event of an Emergency, the Officer is not required to give notice to the owner or occupant of the Premises prior to entering upon the Premises and is not required to enter the Premises at a reasonable time;
  - c) capture, seize, impound and deliver to the Pound, any Animal which is Running At Large, or which has caused or is alleged to have caused a Severe Injury or exhibited Threatening Behaviour;
  - d) arrange for a Behaviour Assessment to be conducted in relation to any Dog which has been seized, captured, impounded or surrendered pursuant to this Bylaw;
  - e) to take reasonable measures as necessary to subdue and control the Animal without injuring or causing undue distress to the Animal in the process of capturing, seizing and impounding the Animal including but not limited to the use of tranquilizer equipment and other capture devices;
  - f) where an Animal is injured or ill, deliver the Animal to a Registered Veterinarian for treatment prior to delivering the Animal to the Pound,
  - g) issue a Remedial Order to an Owner of any Animal which has exhibited Threatening Behaviour, caused or is alleged to have caused a Severe Injury, or has otherwise contravened any section of this Bylaw. The Remedial Order may:
    - i. direct the Owner to stop doing something or to change the way in which the Owner is doing it,
    - ii. direct the Owner to take any action or measures necessary to remedy the contravention of this Bylaw including but not limited to:
      - A. submitting the Dog for a Behaviour Assessment,
      - B. complying with any recommendations made by the Person who conducted the Behaviour Assessment, and
      - C. attending training sessions with the Dog conducted by a qualified Dog trainer,
    - iii. state a time within which the Owner must comply with the Officer's directions and provide proof of compliance to the Officer, and

## **BYLAW 2020-17 WHEATLAND COUNTY**

- iv. state that if the Owner does not comply with the directions within a specified time, the County may take the action or measure at the expense of the Owner.
67. Any Person who receives a Remedial Order may request a review of the Remedial Order by Council in accordance with Section 547 of the ***Municipal Government Act*** by filing a written request for review of the Remedial Order together with the Remedial Order Review Fee as set out in Schedule "B" to this Bylaw with the Chief Administrative Officer within 14 days of receipt of the Remedial Order. The request for review shall set out the grounds for the request.
68. Within thirty (30) days after receipt of the request for review, Council shall review the Remedial Order and may confirm, vary, substitute or cancel the Remedial Order and shall issue a written decision, including reasons for the decision, to the Person who requested the review.
69. Any Person affected by the decision of Council may appeal the decision to the Court of Queen's Bench in accordance with Section 548 of the ***Municipal Government Act***.

### **NOTIFICATION**

70. If the Officer knows or can ascertain the name of the Owner of any impounded Animal, the Officer shall serve the Owner with a written notice, either personally or by mailing it to the last known address of the Owner.
71. An Owner of an Animal to whom a notice is mailed is deemed to have received the notice three (3) business Days after the Day it is mailed.
72. If the Owner of any impounded Animal is unknown, the Officer shall post notices in County social media and web page with a description of the Animal and information on how the Owner may reclaim the Animal.

### **RECLAIMING**

73. The Owner of an impounded Animal may reclaim the Animal by paying to the County the fees and penalties applicable to such Animal as set out in Schedules "A", "B" and "C" to this Bylaw and, if a Dog, by obtaining a License if applicable.

### **IMPOUNDMENT OF ANIMALS**

74. An Officer or pound may only sell, gift or humanely euthanize an impounded Animal after the longer of the following applicable time periods have expired:
- a) If the identity of the Owner of the Animal is unknown, three (3) business Days after the Officer has posted notices in accordance with Section 69, or
  - b) Three (3) business Days after the Owner of the Animal has received notice that the Animal is impounded, or
  - c) Notwithstanding Sections 71(a) and (b), if the Animal appears to be a purebred Animal or if it bears an obvious identification device, tattoo, brand, mark, tag or license, ten (10) Days after the Day the Animal was delivered to the Pound, or
  - d) Such other date:
    - i. as may be ordered or directed by a Court having authority; or
    - ii. as may be agreed between the County and the Owner of the Animal; or
    - iii. as may be determined by the Chief Administrative Officer, in his/her sole discretion.

## **BYLAW 2020-17 WHEATLAND COUNTY**

75. The Officer or pound may offer for sale, adoption, or may humanely euthanize, any unclaimed Animals after the expiration of the period of impoundment as outlined in Section 71.
76. Notwithstanding anything in this Bylaw, nothing shall prevent an Animal from being humanely euthanized at any time and in exigent circumstances due to physical illness or injury upon the Officer's assessment or recommendation of a Registered Veterinarian.

### **PENALTY PROVISIONS**

77. Any Person who contravenes any provision of this bylaw is guilty of an offence and is liable upon summary conviction to a fine of not less than One Hundred Dollars (\$100.00) and a maximum fine of Ten Thousand Dollars (\$10,000.00).
78. Under no circumstances shall any Person contravening any provision of this Bylaw be subject to the penalty of imprisonment.
79. The specified fines and Voluntary Payments for an offence committed pursuant to this Bylaw are set out in Schedule "C".
80. The Voluntary Payment for a contravention of any provision of this Bylaw not listed in Schedule "C" to this Bylaw shall be \$250.00. The minimum fine for a contravention of any provision of this Bylaw not listed in Schedule "C" shall be \$350.00.
81. Notwithstanding Sections 76 and 77, where any Person commits the same offence under this Bylaw twice a twenty-four month (24) period, the fine and voluntary payment payable in respect of the second offence will be double the first offence penalty shown in Schedule "C" to this Bylaw.
82. Notwithstanding Sections 76 and 77, where any Person commits the same offence under this Bylaw three or more times within one twenty-four (24) month period, the fine and Voluntary Payment payable in respect of the third and subsequent offences will be triple the first offence penalty shown in Schedule "C" to this Bylaw.
83. The levying and payment of any voluntary payment or fine shall not relieve a Person from the necessity of paying any fees, charges or costs for which the Person is liable pursuant to the provisions of this Bylaw
84. A Justice, after convicting an Owner of an offence under this Bylaw, may, if the Justice considers the offence sufficiently serious, direct, order or declare any one or more of the following:
  - a) That the Owner prevent the Animal from doing mischief or causing the disturbance or nuisance complained of;
  - b) That the Owner pay restitution for any expenses or costs incurred by any Person including but not limited to the County as a result of the Owner's offence;
  - c) That the Dog is a Vicious Dog;
  - d) That the Dog be destroyed; or
  - e) That the Owner be prohibited from owning any Dog or other Animal for a specified period of time.

## **BYLAW 2020-17 WHEATLAND COUNTY**

85. Recovery of Enforcement Costs
- a) The expenses and costs of any action or measures taken by the County under this Bylaw are an amount owing to the County by the Person in contravention of this Bylaw;
  - b) Where any contravention of this Bylaw occurred on property to which the Owner is the registered owner, any unpaid expenses or costs may be added to the tax roll of that property in accordance with the ***Municipal Government Act***, and
  - c) The costs and expenses incurred by the County in the enforcement of this Bylaw may be collected as a civil debt.

### **VIOLATION TAG**

86. An Officer is hereby authorized and empowered to issue a Violation Tag to any Person whom the Officer has reasonable and probable ground to believe has contravened any provision of this Bylaw.
- a) A Violation Tag may be served on such Person who is an individual, either:
    - i. By delivering it personally to such Person, or
    - ii. By leaving a copy for such Person at his/her last known Premises with an individual at the Premises who appears to be at least 18 years of age,and such service shall be adequate for the purposes of this Bylaw.
  - b) A Violation Tag may be served on a Person which is a corporation, either:
    - i. by sending it by registered mail to the registered office of the corporation, or
    - ii. By delivering it personally to the manager, secretary or other executive officer of the corporation or the person apparently in charge of a branch office of the corporation at an address held out by the corporation to be its address,and such service shall be adequate for the purposes of this Bylaw.
87. The Violation Tag shall be in a form approved by the Chief Administrative Officer and shall state:
- a) The Person's name,
  - b) The offence,
  - c) The appropriate Voluntary Payment for the offence as specified in Schedule "C" of this Bylaw,
  - d) That the Voluntary Payment shall be paid within (10) days of issuance of the Violation Tag in order to avoid further prosecution; and
  - e) Any other information as may be required by the Chief Administrative Officer.
88. Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by the Officer provided, however, that no more than one Violation Tag shall be issued for each Day that the contravention continues.



## **BYLAW 2020-17 WHEATLAND COUNTY**

89. Where a Violation Tag has been issued in accordance with this Bylaw, the Person to whom the Violation Tag has been issued may, in lieu of being prosecuted for the offence, pay to the County cashier the Voluntary Payment within the time frame specified in the Violation Tag.
90. Nothing in this Bylaw shall prevent an Officer from immediately issuing a Violation Ticket.

### **VIOLATION TICKET**

91. An Officer is hereby authorized and empowered to issue a Violation Ticket to any Person whom the Officer has reasonable and probable grounds to believe a Person has contravened any provision of this Bylaw.
- a) A Violation Ticket may be served on such Person who is an individual, either:
- i. By delivering it personally to such Person, or
  - ii. By leaving a copy for such Person at his/her last known Premises with an individual at the Premises who appears to be at least 18 years of age,
- and such service shall be adequate for the purposes of this Bylaw.
- b) A Violation Ticket may be served on a Person which is a corporation, either:
- i. by sending it by registered mail to the registered office of the corporation, or
  - ii. By delivering it personally to the manager, secretary or other executive officer of the corporation or the person apparently in charge of a branch office of the corporation at an address held out by the corporation to be its address,
- and such service shall be adequate for the purposes of this Bylaw.
92. Where a contravention of this Bylaw is of a continuing nature, a contravention shall constitute a separate offence in respect of each Day, or part of a Day, on which that offence continues.

### **MISCELLANEOUS**

93. It is the intention of Council that all offences created under this Bylaw be interpreted to be strict liability offences.
94. Each provision of this Bylaw is independent of all other provisions. If any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
95. Nothing in this Bylaw relieves a Person from complying with any federal, provincial law or other regulation or County bylaw or any requirements of any lawful permit, order, consent or other direction.
96. The onus of proving a Person has a valid and subsisting License is on the Person alleging the existence of the License on a balance of probabilities.

**BYLAW 2020-17  
WHEATLAND COUNTY**

- 97. A copy of a record of the County, certified as a true copy of the original, shall be admitted in evidence as prima facie proof of the facts states in the record without proof of the appointment or signature of the Person signing it.
- 98. Nothing in this Bylaw limits the right of any Person to prosecute a claim for damage by reason of injuries to a Person or property resulting from any action of an Owner or any Animal.

**REPEAL**

- 99. Bylaw 2016-02 is hereby rescinded upon the passing and signing of this Bylaw 2020-17.

**EFFECTIVE DATE**

- 100. This Bylaw shall take effect as and from the third and final reading.

KOESTER Moved First Reading of Bylaw 2020-17 on May 5, 2020; this being a bylaw of Wheatland County, cited as the 'Animal Control Bylaw', to provide for the licensing, regulation and control of dogs and other animals within Wheatland County.

Carried.

WILSON Moved Second Reading of Bylaw 2020-17 on May 5, 2020, and it was

Carried.

BIGGAR Moved that permission be granted to hold Third and Final Reading of Bylaw 2020-17.

Carried.

IKERT Moved Third and Final Reading of Bylaw 2020-17 on May 5, 2020, and it was

Carried.

\_\_\_\_\_  
Reeve

\_\_\_\_\_  
Chief Administrative Officer

**BYLAW 2020-17  
WHEATLAND COUNTY**

**SCHEDULE "A"**

**LICENCE FEES**

Spayed or Neutered Dog	\$20.00
Intact Dog	\$50.00
Vicious Dog	\$100.00
Emotional Support Animal within Hamlet	\$50.00

**BYLAW 2020-17  
WHEATLAND COUNTY**

**SCHEDULE "B"**

Impoundment Fee	Amount Expended
Vicious Dog Impoundment Fee	Amount Expended
Care and Sustenance Fees	Amount Expended
Veterinary Fees	Amount Expended
Behaviour Assessment Fee	Amount Expended
Destruction of Animal	Amount Expended

The amounts to be paid to the County by the Owner of an Animal in order to reclaim the Animal shall be the actual amounts incurred by the County in providing care to the Animal including but not limited to the Impoundment Fee, Care and Sustenance Fees calculated on a per day or portion thereof basis, Veterinary Fees, Assessment Fees, and any costs of destroying the Animal.

Remedial Order Review Fee	\$100.00
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**BYLAW 2020-17  
WHEATLAND COUNTY**

**SCHEDULE "C"**

**VOLUNTARY PAYMENTS AND FINES**

<u>Bylaw Section</u>	<u>Voluntary Payment</u>	<u>Fine (1<sup>st</sup> Offence)</u>
3	\$150.00	\$250.00
4(a)	\$450.00	\$600.00
4(b)	\$200.00	\$300.00
4(c)	\$200.00	\$300.00
4(d)	\$150.00	\$250.00
4(e)	\$200.00	\$300.00
4(f)	\$50.00	\$100.00
5	\$50.00	\$100.00
6	\$50.00	\$100.00
7	\$150.00	\$250.00
8	\$150.00	\$250.00
10	\$100.00	\$200.00
15	\$100.00	\$200.00
26	\$100.00	\$200.00
27	\$350.00	\$500.00
28	\$350.00	\$500.00
30	\$150.00	\$250.00
31	\$350.00	\$500.00

**VICIOUS DOG VOLUNTARY PAYMENTS AND FINES**

<u>Bylaw Section</u>	<u>Voluntary Payment</u>	<u>Fine (1<sup>st</sup> offence)</u>
3	\$350.00	\$500.00
4(a)	\$1000.00	\$1200.00
4(b)	\$450.00	\$600.00
4(c)	\$450.00	\$600.00
10	\$300.00	\$400.00
15	\$300.00	\$400.00
26	\$800.00	\$1000.00
28	\$800.00	\$1000.00

**BYLAW 2020-17  
WHEATLAND COUNTY**

**VICIOUS DOG VOLUNTARY PAYMENTS AND FINES (Con't)**

<u>Bylaw Section</u>	<u>Voluntary Payment</u>	<u>Fine (1<sup>st</sup> offence)</u>
50	\$600.00	\$800.00
51	\$600.00	\$800.00
52	\$600.00	\$800.00
53	\$200.00	\$400.00
54	\$600.00	\$800.00
55	\$800.00	\$1000.00
57	\$800.00	\$1000.00

# **BYLAW 2020-17 WHEATLAND COUNTY**

## **SCHEDULE "D"**

The Emotional Support Animal (ESA) permit is issued only with respect to lands identified by the legal land description included on the permit. If an applicant wishes to move the ESA to a new location within Wheatland County, a new permit must be obtained from the County.

If an applicant would like to replace an ESA with another Animal, the applicant is required to apply for a new permit in accordance with this Bylaw.

An ESA is not a "service animal" and therefore the issuance of this permit does not guarantee any other rights with regards to the animal. It is the responsibility of the applicant to ensure the ESA is allowed in a proposed location. Examples include but are not limited to: a landlord or condominium corporation to permit an ESA in a unit; similarly, an ESA permit does not require a business, public mode of transportation, or public or private property owner to permit entry to an ESA.