

**WOODLANDS COUNTY
BYLAW NO. 177/04**

PROVINCE OF ALBERTA

**A BYLAW BEING ENACTED TO REGULATE THE LICENCING, CONFINEMENT
AND CONTROL OF ANIMALS WITHIN SPECIFIED AREAS WITHIN
WOODLANDS COUNTY**

WHEREAS the Municipal Government Act, R.S.A. 2000, the Dangerous Dogs Act, R.S.A. 2000 and the Animal Protection Act, R.S.A. 2000 and any amendments made thereto, authorizes municipalities to pass bylaws for municipal purposes respecting wild and domestic animals.

AND WHEREAS the Provincial Offences Procedure Act and amendments made thereto provide authority for a Council of a municipality to by bylaw provide for the payment of violation tickets or summons out of Court,

AND WHEREAS the Council of Woodlands County deems it necessary and in the best interest of the public and residents of Woodlands County to regulate, the control of both domestic and wild animals within the boundaries of Woodlands County.

NOW THEREFORE The Council of Woodlands County, duly assembled, enacts as follows:

1.0 Definitions

- 1.1 "Animal" shall mean and include any domesticated animal, including but not limited to cattle, horses, fowl, sheep or goats;
- 1.2 "Council" shall mean the Council of Woodlands County;
- 1.3 "County" shall mean Woodlands County as established by Order in Council 780/93;
- 1.4 "Dangerous Dog" shall mean any dog which when either unmuzzled, unleashed or unattended by its owner, attempts to bite a person, a dog that has bitten, or a dog that approaches any person or animal in apparent attitude of attack or extreme aggression;
- 1.5 "Dog" shall mean any canine animal and shall include a bitch, spaded bitch, male or neutered male;
- 1.6 "Dog Catcher" shall mean any person appointed by Woodlands County to carry out the provisions of this Bylaw or any peace officer;

- 1.7 “Owner” shall mean and include any person or group of persons who own, possess or have custody, charge or control over a dog or dogs and who temporarily or permanently harbours or permits a dog or dogs to remain on or about his, her or their house or property;
- 1.8 “Running at Large or Run at Large” shall mean any dog that is off the property of its owner and is not on a leash or lead and under the control of its owner;
- 1.9 “Country Residential Land Use District” shall mean any parcel(s) of land designated as Country Residential Restricted District, Country Residential District and Country Residential One District pursuant to Woodlands Country Bylaw No. 041/96, as amended.
- 1.10 “Kennel” shall mean a premises in which four or more dogs over six (6) months in age are maintained, boarded, bred, trained or cared for in return for remuneration or kept for the purposes of sale.
- 1.11 “Violation Tag” shall mean a tag whereby the person alleged to have committed a breach of a provision of this bylaw is given the opportunity to pay a voluntary penalty to the County in lieu of prosecution of an offence.
- 1.12 “Violation Ticket” shall mean a ticket issued pursuant to Part 2 of the Provincial Offences Procedure Act.

2. Associated Fine

- 2.1 All fines relevant to those offences outlined in Section 3 of this bylaw shall be listed in Schedule “A” attached hereto and forming a part thereof.

3. OFFENCES

- 3.1 No owner of any animal shall permit such animal to run at large within the boundaries stated within this bylaw.
- 3.2 No owner shall permit an animal to bark or howl excessively or in any manner so as to disturb the peace and quiet of any person. Any person so aggrieved may appear before a Justice of the Peace and swear out an information charging the owner with a breach of this bylaw.
- 3.3 No owner of animal(s) shall permit such damage or cause damage to public or private property.
- 3.4 An owner of an animal is guilty of an offence if said animal:
- 3.4.1. bites, attacks, threatens, harasses, barks at, chases, kills, or injures any person including, but not limited to, when such person is on bicycle, horseback, or while walking or running;

- 3.4.2. bites, attacks, threatens, harasses, barks at, chases, kills, or injures any livestock, poultry, or pets belonging to other persons; or;
- 3.4.3. bites, barks at, or chases any vehicle.
- 3.5 No person shall:
 - 3.5.1 interfere with or attempt to obstruct an animal control officer or peace officer who is in the execution of his duties;
 - 3.5.2. tamper with, open or damage any vehicle, cage, trap or any other holding device used by the animal control officer to capture animals for impoundment;
 - 3.5.3. remove or attempt to remove any animal from the possession of the animal control officer who is in the execution of his duties according to this bylaw;
 - 3.5.4. induce any animal to enter a dwelling or any other place where it may be safe from impoundment or otherwise escape impoundment by an animal control officer;
 - 3.5.5. falsely represent himself as the owner or as a person in charge of an animal so as to establish that the animal is not in contravention of this bylaw.
- 3.6 The owner of a “bitch” shall keep the animal confined indoors or in a “controlled confinement” area in which other animals may not gain access to when the “bitch” is in heat.
- 3.7 No person shall tease, torment, annoy, abuse or injure any animal and any person who does so is guilty of an offence.
- 3.8 No person shall untie, loosen or otherwise free an animal which is not in distress unless such person has the authorization of the owner of said animal and any person acting contrary to this section is guilty of an offence.
- 3.9 Any person who contravenes this bylaw is guilty of an offense as listed on Schedule “A” attached hereto and forming a part thereof. In the event the accused neglects or refuses to pay the fine specified on any ticket issued for an offence by the date specified for payment on the ticket is guilty of an offence and is liable on summary conviction to a fine as specified in Schedule “A”.

- 3.10 Any person who contravenes this bylaw shall comply with any lawful order and/or instructions made or issued pursuant to this bylaw by an animal control officer or Woodlands County designate.
- 3.11 A notice or form commonly called a "Violation Ticket" may be issued by an animal control officer, peace officer or Woodlands County designate to any person alleged to have breached any provision of this bylaw and the said notice shall require the payment in the amount specified in this bylaw or the regulations pursuant to the Provincial Offences Procedures Act, as amended.
- A Violation Ticket shall be deemed to be sufficiently served if:
- 3.11.1 served personally upon the accused; or
- 3.11.2 mailed to the address of the owner.
- 3.12 No action shall be taken against any person acting under the authority of this bylaw for damages, for destruction or disposal of any animal.

4.0 Impoundment/Controlled Confinement

- 4.1 Council shall make provision for the keeping of impounded dogs captured for a violation of this Bylaw. The Chief Administrative Officer shall be at liberty to make such rules and regulations as the Chief Administrative Officer shall consider necessary for the operation of a pound or pounds for the impoundment of dogs captured for a violation of this Bylaw and may appoint such pound keepers and dog catchers and such other persons as Council deems are necessary for carrying out the provisions of this Bylaw.
- 4.2 Council may make arrangements or agreement with the Society for the Prevention of Cruelty to Animals or any other organization or persons for the purpose of capturing and impounding dogs unlawfully running at large.
- 4.3 Any person who has received a serious wound or the owner of any livestock, poultry or pets which have received a serious wound shall promptly report the animal to the animal control officer or Woodlands County designate who may thereupon place the animal under Controlled Confinement and the animal shall not be released from such confinement except by written permission of a registered veterinarian. At the discretion of the animal control officer or Woodlands County designate such controlled confinement may be on the premises of the owner or a registered veterinarian.

- 4.4 Upon demand made by the animal control officer or Woodlands County designate, the owner shall forthwith surrender for quarantine any animal which has inflicted a serious wound to any person or any animal which the animal control officer has reasonable and probable grounds to suspect of having been exposed to rabies. The animal may be reclaimed by the owner if:
- 4.4.1 adjudged free of rabies; and
 - 4.4.2 upon payment of any related confinement expenses.
- 4.5 It shall be the duty of the pound keeper and such other person or persons as may be authorized by Council to confine all dogs captured for violation of this Bylaw in the pound subject to the owner's right to redeem the dog within ten (10) days after the date on which the animal was delivered upon payment to the County of an amount or amounts as per Schedule "A".
- 4.6 Any dog not redeemed within the time specified herein may be sold or euthanized. No dog shall be released until all fees as per Schedule "A" are paid in full by cash or cheque.
- 4.7 The owner(s) shall be liable for any related costs incurred for the animal during the time spent at the pound.

5.0 Dangerous Dog

- 5.1 Council or the Chief Administrative Officer may, on reasonable grounds, declare a dog a "Dangerous Dog".
- 5.2 Notice that a dog has been declared a dangerous dog shall be in writing and shall be delivered to the owner in the same manner as specified under Section 3.11 of this bylaw.
- 5.3 Any owner who permits a dangerous dog to run at large is subject to a fine as specified in Schedule "A".
- 5.4 No person shall keep or maintain any dog which has been identified as a dangerous dog unless such dog is at all times kept in an enclosure. The only time that a dangerous dog shall be allowed out of its enclosure is:
- 5.4.1 If it is necessary for the owner to obtain veterinary care for the dangerous dog, or;
 - 5.4.2 To sell or give away the dangerous dog, or;

- 5.4.3 To comply with the order of a court of competent jurisdiction.
- 5.5 The owner of any dog that has been found to be a “Dangerous Dog” and that is not confined to an enclosure shall be liable to a fine as specified in Schedule “A” or be subject to charges as set out under the “Dangerous Dog Act”.
- 5.6 For a third offence, the owner shall be charged under the “The Dangerous Dog Act” and an application shall be made to the courts to have the dog destroyed.
- 5.7 Any owner or keeper of a dangerous dog who sells or gives away, or possesses with the intent to sell, any dangerous dog shall give written notice to the person who will be receiving the dangerous dog that the said dog has been found to be a dangerous dog.

6.0 Licensing Requirements

- 6.1 No person shall own, keep or harbour any dog within the boundaries of this Bylaw unless such dog is licensed.
- 6.2 Every dog over the age of six (6) months within the boundary area shall be licensed. Senior citizens over the age of 65 years, as well as, owners of certified seeing-eye dogs, hearing dogs, police dogs and assisted living dogs shall be exempt from all animal license fees. This shall be the only exemption for owners of such pets under this bylaw. All pet tags and associated license numbers are issued for the lifetime of the said animal while residing in Woodlands County.
- 6.3 Every person who becomes the owner of a dog over the age of six (6) months or takes up residence within the boundary areas of this bylaw and who is the owner of the dog which is over the age of six (6) months and which is not currently licensed in accordance with this bylaw shall license said animal and pay the license fee, within one (1) month after becoming owner of the said dog or taking up residence within the boundary area.
- 6.4 In the prosecution or proceedings for a contravention of this bylaw the burden of proof relating to the age of the dog shall be upon the owner and unless the contrary is proven, the dog shall be presume to have attained the minimum age of six (6) months at the time of the charge.
- 6.5 Licenses issued under this bylaw shall not be transferable from one dog to another or from one owner to another.
- 6.6 License Fees:

- 6.6.1 Upon payment of the required license fee, the owner of a dog license will be supplied with a dog license tag.
- 6.6.2 If said license tag is lost, a replacement tag can be purchased by the owner upon making payment of the fee set out in the current Licensing Fees Schedule.
- 6.6.3 No person shall be entitled to a license rebate under this bylaw.
- 6.7 Every owner shall provide a suitable collar or harness and ensure that the license tag is securely fastened to a collar or harness which must be worn by the dog at all times when it is off the premises of the owner.
- 6.8 Dog owners shall provide the County with the following information with each application for a dog license:
 - 6.8.1 name, land location, mailing address and telephone number of the owner;
 - 6.8.2 name and description of dog to be licensed;
 - 6.8.3 such other information as required with respect to the application.
- 6.9 Section 6 of this bylaw shall come into effect on October 1, 2004. After this date applicable fines will be levied for any person(s) found to be in contravention of this section.

7. Animal Control Ride Home Program

- 7.1 In the event that a dog is at large and is captured pursuant to the provisions of this bylaw a dog control officer, or designate of Woodlands County may return the dog to its owner in accordance with the Animal Control Ride Home Program Guidelines as set forth in subsections 7.11 to and including 7.14:
 - 7.1.1 The captured dog must have a valid license and must be wearing the license at the time of the capture;
 - 7.1.2 The captured dog's registered owner or representative must be at the dog's residence in order to take possession of the dog when it is delivered home, in the event that the owner or representative is not at home, the dog will be impounded.
 - 7.1.3 A dog at large violation tag and/or ticket will be issued pursuant to this bylaw.

7.1.4 A captured dog's owner can benefit only once from the Animal Control Ride Home Program. Subsequent offenses shall result in the immediate impoundment of the dog.

8. That Schedules "A", "B", "C" and "D" may be amended by resolution of Council from time to time.
9. That should any provision of this bylaw become invalid, that invalid provision shall be severed and the remaining provisions of the bylaw shall be maintained.
10. That Bylaw #143/02 and any amendments made thereto be and are hereby repealed.
11. This Bylaw shall come into force and have effect from and after the date of third and final reading thereof.

READ a first time this 20 day of July, A. D. 2004.

READ a second time this 20 day of July, A. D. 2004.

READ a third time this 17 day of August, A. D. 2004.

Reeve

Chief Administrative Officer

Schedule "A"

PENALTIES

Penalties to be applied for offences under Bylaw No. 177/04:

SECTION # 3 - Dog found running at large:

<u>1st Offence</u>	<u>2nd Offence</u>	<u>3rd & additional Offences</u>
\$50.00	\$150.00	\$300.00

SECTION #5 – Dangerous dog found running at large:

<u>1st Offence</u>	<u>2nd Offence</u>	<u>3rd & additional Offences</u>
\$400.00	\$400.00	\$400.00

SECTION #5 – Dangerous dog which is not confined to an enclosure:

<u>1st Offence</u>	<u>2nd Offence</u>	<u>3rd & additional Offences</u>
\$500.00	\$500.00	\$500.00

SECTION #6 - Licensing:

Harbouring an unlicensed dog

<u>1st Offence</u>	<u>2nd Offence</u>	<u>3rd & additional Offences</u>
\$25.00	\$50.00	\$50.00

SECTION #4 – Impoundment/Veterinarian Fees:

IMPOUNDMENT FEE per day:

A charge established by Woodlands County per day for the portion thereof that the dog has been impounded from and including the day in which it was captured.

VETERINARIAN FEE:

Any veterinarian fees incurred by Woodlands County while the dog has been impounded from and including the day in which it was captured.

Contravention of any provision of Bylaw 177/04 for which a penalty is not specified:

A fine of not less than **ONE HUNDRED AND FIFTY (\$150.00) DOLLARS** for the first and each subsequent offense.

Schedule “B”

BOUNDARY AREAS

Bylaw No. 177/04 shall be in full force and effect within the following areas of Woodlands County:

A1 District	Agricultural (One) District – areas south of the Athabasca River
A2 District	Agricultural (Two) District – areas south of the Athabasca River
CR District	Country Residential District
CRR District	Country Residential Restricted District
CR1 District	Country Residential (One) District
RR District	Rural Recreational District
RMHP District	Rural Mobile Home Park District

Hamlets of:

- Blue Ridge
- Fort Assiniboine
- Goose Lake

Schedule "C"

WOODLANDS COUNTY



Main Office
Box 60
#1 Woodlands Lane
Whitecourt, Alberta
Canada T7S 1N3
Telephone (780) 778-8400
Fax (780) 778-8402

Sub-Office
P.O. Box 33
Fort Assiniboine,
Alberta
Canada T0G 1A0

Telephone (780) 584-3866
Fax (780) 584-3988

BYLAW VIOLATION TAG

No.

Name: _____

Address: _____

Date: _____ Time: _____ AM/PM

Location: _____

In Contravention of Bylaw No.: _____

Section: _____

Particulars: _____

PENALTY

FINES	\$25.00	\$50.00	\$150.00	\$300.00	\$400.00	\$500.00
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Fines as circled above shall be paid to the County office at either of the above addresses and to be accepted in lieu of prosecution for the offence as specified above. Payment shall be payable by cash or cheque within _____ days as specified in Bylaw No. _____.

Bylaw Enforcement Officer

Date

Schedule “D”

Licensing Fees For Dogs

	<u>Per Tag</u>	<u>Replacement Tag</u>
Male Dog (Neutered)	\$5.00	\$2.50
Male Dog (Intact)	\$15.00	\$2.50
Female Dog (Spayed)	\$5.00	\$2.50
Female Dog (Intact)	\$15.00	\$2.50
Guide Dog/Seeing Eye Dog	No Charge	No Charge
Hearing Ear Dog	No Charge	No Charge
Wheelchair Assist Dog	No Charge	No Charge
Trained Police Dog	No Charge	No Charge