BYLAW NO. 1166-20

BEING A BYLAW OF
MACKENZIE COUNTY
IN THE PROVINCE OF ALBERTA

TO LICENSE, REGULATE, AND CONTROL THE KEEPING OF DOGS
WITHIN MACKENZIE COUNTY JURISDICTION

WHEREAS, the Municipal Government Act, R.S.A. 2000 c. M-26 and amendments thereto, authorizes a Council to pass bylaws; and

WHEREAS, Mackenzie County Council deems necessary to pass a bylaw for the purpose of regulating and controlling dogs in the municipality; and

WHEREAS, Mackenzie County Council deems it appropriate to mandate the licensing of dogs within the Hamlets of Fort Vermilion, La Crete, Zama, and other areas specified in this Bylaw and make a voluntary licensing option available to the rural areas of Mackenzie County; and

WHEREAS, the *Stray Animals Act*, RSA 2000 Chapter S. 20 applies in all rural areas of Mackenzie County.

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

1. Where there is a conflict between this bylaw and any other bylaw of Mackenzie County the provisions of this bylaw shall apply.

PART 1 TITLE AND DEFINITIONS

2. This Bylaw may be cited as "Dog Control Bylaw".

3. In this Bylaw, unless the content otherwise requires, the word, term, or expression

    a. **"Airport"** shall mean any airport under the jurisdiction of, and within the boundaries of Mackenzie County;

    b. **"At large"** shall mean a dog which is off the premises of its owner and is not in immediate continuous control of a competent person;

    c. **"Business License"** shall mean a license issued by Mackenzie County for the operation of a business within the County;

d. **"Bylaw Enforcement Officer"** shall mean any person(s) duly authorized by the Chief Administrative Officer to enforce the provisions of this Bylaw;

e. **"C.A.O."** shall mean the Chief Administrative Officer for Mackenzie County;

f. **"Council"** shall mean the Council of Mackenzie County;

g. **"Dangerous dogs"** shall mean any dog(s), regardless of age whether on public or private property, which has:

   i. without provocation chased, injured, or bitten any other domestic animal or human; or

   ii. without provocation damaged or destroyed any public or private property; or

   iii. without provocation threatened or created reasonable apprehension or threat to other domestic animals or humans; and which, in the opinion of a Justice, presents a threat of serious harm to other domestic animals or humans; or

   iv. been previously determined to be a dangerous dog under this Bylaw;

h. **"Development Officer"** means a person appointed under Section 624 pursuant to the *Municipal Government Act*, RSA 2000, Chapter M-26;

i. **"Development Permit"** shall mean a permit issued in accordance with the Mackenzie County Land Use Bylaw;

j. **"Dog"** shall mean either a male or female of the canine family regardless of age;

k. **"Hamlets"** shall mean any hamlet governed by and within the boundaries of Mackenzie County;

l. **"Handicapped"** shall mean any person who has a severe physical impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment and such impairment can be verified by a medical doctor;

m. **"Justice"** shall be as defined in the *Provincial Offences Procedure Act* RSA 2000, Chapter P-34 as amended or replaced from time to Time;

n. **"Kennel"** as defined in the Mackenzie County Land Use Bylaw;

o. **"Leash"** shall mean a chain or other material capable of restraining the dog on which it is being used;

p. **"License"** shall mean a tag that is attached to the collar worn by the dog and issued by Mackenzie County;

q. **"Owner"** shall mean a person or corporate body who has legal title to the dog and includes any person who has the possession or custody of the dog, either temporarily or permanently, or harbors the dog or suffers the dog to remain on their premises;

r. **"Peace Officer"** means a, Community Peace Officer and R.C.M.P. Officer.

PART 2 LICENSING

4. No person shall keep a dog(s) within the areas specified in this Part unless they have a license for the keeping of such dog(s) in accordance with the provisions of this Bylaw:

    a. The Hamlets of Fort Vermilion, La Crete, and Zama;

    b. All portions of Mackenzie County within 300 meters of any school operated by the Fort Vermilion School Division No. 52 where the school is not contained within a Hamlet of Mackenzie County;

    c. Within 300 meters of airport boundaries that are under Mackenzie County jurisdiction;

    d. For the purpose of dogs' identifications, the voluntary licensing option as specified in this bylaw shall be applicable to all other areas of Mackenzie County not identified in 4. (a), (b), (c).

5. The owner of a dog shall:

    a. Obtain a license within one month from the time he or she becomes the owner of the dog.

    b. The license application shall be made in writing at any Mackenzie County office and shall contain the following information:

        i. The name, address and telephone number(s) of the owner.

        ii. A description of the dog(s) including sex, age, breed and color.

iii. Any such relevant information that Mackenzie County may require.

6. Where a completed application has been received, Mackenzie County may issue a license upon payment by the applicant in accordance with the Mackenzie County Fee Schedule Bylaw.

7. A License shall be valid until the day the Licensed dog dies or ownership is transferred.

8. At the time of the issuance of a License Mackenzie County shall issue to the owner of the dog(s) an aluminum tag displaying the words: "Mackenzie County", tag number, and year in which the tag was issued. The tag number shall correspond with the number of the License application.

9. In the event that the tag is misplaced, stolen or destroyed, a replacement tag shall be issued by Mackenzie County upon payment, in accordance with the Mackenzie County Fee Schedule Bylaw.

10. Dog licenses are not transferable from one dog to another or one owner to another and no refund shall be made on any license fee.

11. No fee for a license shall be charged to an applicant who is:

    a. registered as blind and is the owner of a trained guide dog, or

    b. handicapped and is the owner of a trained dog used to assist such handicapped person.

12. Every dog owner shall provide their dog(s) with a collar and shall ensure that the collar and tag are worn by their dog(s) at any time the dog(s) is outside the owner's home within the areas listed in Part 2 Section 4.

PART 3 NUMBER OF DOGS

13. No more than five (5) dogs over the age of six (6) months of age shall be allowed to remain upon or in any land, house, shelter, room, place, building, structure, or premises within the County unless:

    a. the Owner is the holder of a valid and subsisting Development Permit and Business License for a Kennel within the County as per Part 4; or

    b. the Owner is the holder of a valid and subsisting Development Permit and Business License for a Veterinary Clinic, or Dog Grooming service.

14. Any person(s) who keeps or harbors any dog not in compliance with this Bylaw is in contravention of this Part and is guilty of an offence and shall pay a fine as per the Fee Schedule Bylaw.

PART 4 KENNELS

15. Notwithstanding Part 3, the Development Officer may issue a Development Permit and Business License for a Kennel when it appears either as a permitted or discretionary use in accordance with the current Land Use Bylaw and to the following:

    a. Any person wishing to obtain a Development Permit and Business License must complete a Development Permit and Business License application for a Kennel and must provide a full disclosure of any previous Kennel operated by the owner(s) whether within the County or another location.

    b. Upon receipt of a Development Permit application form, the Development Officer shall consider the submissions from the adjacent landowners and the application form to:

        i. Grant a Development Permit for a Kennel with terms and conditions that include five (5) dogs or more, but must state the maximum number of dogs to be allowed.

    c. Development Permit and Business License for a Kennel shall not be transferable and a new Development Permit and Business License application is required any time there is a change in ownership or change in operation including the maximum number of dogs.

    d. All Kennels shall be subject to the Kennel Regulations as written in the Land Use Bylaw;

    e. Failure to obtain an approval of a Development Permit and/or Business License for a Kennel may be subject to an offense and will be fined as per Mackenzie County's Fee Schedule Bylaw.

PART 5 NUISANCE

16. No owner of any dog(s) shall allow the dog(s), whether licensed or not, to run at large within the areas specified in Part 2 of this bylaw.

17. The owner of a dog(s) must ensure that such dog(s) shall <u>not:</u>

    a. bite a person(s) whether on the property of the owner or not;

b. do any other act to injure a person(s) whether on the property of the owner or not;

c. chase or otherwise threaten a person(s) whether on the property of the owner or not, unless the person chased or threatened is a trespasser on the property of the owner;

d. bite, bark at or chase livestock, bicycles, wheel chairs, or vehicles;

e. bark, howl or otherwise disturb any person(s);

f. worry or annoy any other animal;

g. cause damage to public or private property other than the owner's property;

h. upset any waste receptacles or scatter the contents thereof in any areas specified in Part 2 Section 4;

i. be left unattended in any motor vehicle unless the dog(s) is restricted so as to prevent access to person(s) and such restraint provides suitable ventilation;

j. be without sufficient good and wholesome food and water, proper shelter and protection from the atmospheric elements, proper veterinary care when needed to prevent suffering, proper human care and treatment and ensure that the said dog(s) are not in any form of distress.

18. The owner of such dog(s) shall not beat, tease, wound, annoy, torment, overload or otherwise abuse the dog(s) and no owner shall abandon his or her dog(s);

19. Council may designate park facilities and other areas where the dog(s) are prohibited by authorizing the placement of signs in those areas.

COMMUNICABLE DISEASES

20. The owner of such dog(s) or dangerous dog(s) suspected of having a communicable disease, shall:

a. immediately report the matter to Agriculture Canada and to the Bylaw Enforcement Officer;

b. confine or isolate the dog(s) in such a manner as prescribed so as to prevent further spread of the disease; and

c. keep the dog(s) confined for no less than ten (10) days at the cost of the owner.

DANGEROUS DOGS

21. When a person has a dog(s) that has been classified as dangerous, the owner of the dog(s) shall ensure that:

    a. either such dog(s) is confined indoors and under the control of a person over the age of eighteen (18) years, or

    b. when such dog(s) is outdoors the dog shall be kept in a locked pen or other structure that:

        i. is constructed to prevent the escape of the dangerous dog(s) and capable of preventing the entry of any person(s) not in control of the dog(s), or

        ii. shall have secure sides and top, and if it has no bottom secured to the sides, the sides must be embedded in the ground to a minimum depth of thirty (30) centimeters;

        iii. shall provide the dangerous dog with shelter from the elements and be of a minimum dimension of one and one-half (1.5) meters by three (3) meters and be a minimum one and one-half (1.5) meters in height.

    c. at no time shall any person give false testimony when applying for a license.

22. The owner of a dangerous dog(s) shall comply with all aspects of Part 5 Section 18.

23. At all times, when off the property of the owner, the dangerous dog(s) shall be securely:

    a. Muzzled; and

    b. harnessed or leashed on a lead which length shall not exceed one (1) meter in a manner that prevents it from chasing injuring or biting other domestic animals or humans as well as preventing damage to public or private property; and

    c. under the control of a person over the age of eighteen (18) years.

PART 6 OTHER CONTRAVENTION

24. No person whether or not he or she is the owner of a dog(s), which is being or has been pursued or captured shall:

    a. interfere with or attempt to obstruct or threaten the Bylaw Enforcement Officer who is attempting to capture or who has captured any dog(s) 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(s) to escape capture;

    c. falsely represent him/herself as being in charge or control of a dog(s) so as to establish that the dog is not running at large as defined in this Bylaw;

    d. untie, unlock, unlatch, loosen or otherwise damage or open the vehicle, cage, or live trap in which the dog(s) captured for impoundment or have been placed as to allow or attempt to allow the dog(s) to escape; or

    e. remove or attempt to remove any dog(s) from the possession of the Bylaw Enforcement Officer.

DOG IN HEAT

25. A female dog(s) in heat shall be confined during the entire time she is in heat.

DEFECATION

26. No dog shall defecate on any public or private property within the area stated in Part 2 of this bylaw excluding the property of the owner.

27. The said owner shall remove such defecation immediately. A blind person or handicapped person unable to remove the defecation is not subject to this section.

AUTHORIZATION

28. A Bylaw Enforcement Officer or any Peace Officer is hereby authorized to use a live trap, or any other similar means to effect the capture of the dog(s). Mackenzie County and its employees or agents, shall not be held liable for the death or injury of any dog(s) as a result of being tranquilized or from any method utilized to effect capture of a dog or dogs.

29. A Bylaw Enforcement Officer employed by Mackenzie County may seize and impound any dog(s), to administer and enforce this Bylaw.

30. A Bylaw Enforcement Officer or any other Peace Officer is authorized to enter onto the land surrounding any building in pursuit of a dog running at large.

31. A Bylaw Enforcement Officer is hereby authorized to enter any lands or premises (excluding dwelling houses) within Mackenzie County to inspect for conditions which may contravene any provision of this Bylaw and to impound any dog in accordance with this Bylaw.

PART 7 RECLAIMING/ADOPTION

32. Mackenzie County shall keep all impounded dogs for a period of at least three (3) days excluding the day of impoundment. Saturday, Sunday, and Statutory holidays shall not be included in the computation of the three (3) day period. During this period, any dog may be redeemed by its owner, or agent of the owner, upon payment to Mackenzie County in accordance with the Mackenzie County Fee Schedule Bylaw, including licensing fees if required whether the name of the owner is known or not.

33. Any dog(s) not reclaimed by its owner within the three (3) day period as per Part 7, Section 35 shall become the property of Mackenzie County and may be placed for adoption in a suitable home or humanely euthanized.

34. Any person who adopts a dog(s) shall obtain full rights and title to the dog(s) and the right and title of the former owner shall cease forthwith.

PART 8 SUMMARY CONVICTIONS

35. Any person who contravenes, disobeys, refuses or neglects to obey any provisions of this Bylaw is guilty of an offense and is liable on summary conviction to a fine as specified in the Mackenzie County Fee Schedule Bylaw.

36. A Peace Officer may commence a summons or offence notice in the form of a violation ticket or long information for any contravention of this Bylaw. A Peace Officer may serve upon such a person a violation ticket allowing payment of a specified penalty in the amount prescribed in the Mackenzie County Fee Schedule Bylaw in lieu of prosecution for the offence.

37. Nothing in Part 8 shall:

    a. Prevent any person from defending a charge of committing a breach of this Bylaw; or

    b. Prevent any Peace Officer or Bylaw Enforcement Officer from laying an information and a complaint against any other person for a breach of any of the provisions of this Bylaw.

38. Where a Violation Ticket is issued, it shall be issued in accordance with the Provincial Offences Procedure Act.

39. In any prosecution or proceeding for contravention of this Bylaw, the burden of proof of the age of the dog and that the dog is not the property of the person shall rest upon the said person.

40. No action shall be taken against any person acting under authority of this Bylaw for damages for destruction or other disposal of any Dog.

41. It is the intention of the Council of Mackenzie County that each provision of this Bylaw shall be deemed independent of all other provisions and it is further the intention of the Council of Mackenzie County that if any provision of this Bylaw be declared invalid, all the other provisions shall remain valid and enforceable.

PART 9 EFFECTIVE DATE AND REPEAL OF BYLAW

42. This Bylaw repeals Bylaw 835-11 for the regulation and control of dogs.

43. This bylaw shall come into effect upon third reading thereof.

READ a first time this 29th day of January, 2020.

READ a second time this 29th day of January, 2020.

READ a third time and finally passed this 29th day of January, 2020.

(original signed)
Joshua Knelsen
Reeve

(original signed)
Lenard Racher
Chief Administrative Officer