

**MOUNTAIN VIEW COUNTY
BYLAW NO. 33/04**

A bylaw to provide for the regulation and control of dogs within the corporate limits of Mountain View County in accordance with the *Municipal Government Act*, M26, R.S.A. 2000, as amended

WHEREAS, Sections 7 and 8 of the Municipal Government Act, S.A., 2000, M-26, as amended, provide the Council with the authority to pass a bylaw for the regulating and controlling of dogs in Mountain View County (the “County”);

WHEREAS the Council wishes to provide for the regulation and control of dogs within the County and to restrain and regulate the running at large of dogs within the County;

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

1. This Bylaw may be referred to as the “Dog Control Bylaw”.
2. In this Bylaw:
 - (a) “Animal Control Officer” shall mean a person authorized by the County to carry out the provisions of this Bylaw.
 - (b) “Dog” shall mean a Domestic Animal of the Canidae family.
 - (c) “Keeper or Keeps” shall mean to own, possess, harbor, maintain or have control or custody of a Domestic Animal or other animal.
 - (d) “Kennel” means a premises where six (6) or more dogs, being over six (6) months of age, are kept, boarded, maintained, bred, trained, or cared for.
 - (e) “Owner” means a natural person or corporate body who has legal title to the dog, and includes any person who Keeps the dog, either temporarily or otherwise allows the dog to remain on his premises.
 - (f) “Peace Officer” means a County Special Constable as appointed under the authority of the Police Act R.S.A. 2002. c. P-17, Sec. 42 and employed as such by Mountain View County, or a member of the Royal Canadian Mounted Police.
 - (g) “Physical Control” shall mean:
 - (i) A. restrained or adequately controlled by the owner;
B. restrained by a leash; or
 - (ii) kept in:
 - A. a container;
 - B. an enclosure; or
 - C. a motor vehicle.
 - (h) “Pound” shall mean such a place as may, from time to time, be established for the impounding and keeping of Dogs in accordance with the provisions of this Bylaw.
 - (i) “Pound keeper” shall mean any person or persons duly authorized to operate a pound and may include an Animal Control Officer.

- (j) “Restricted Dog” shall mean any Dog, whatever its age, of the following breeds or kinds:
 - (i) Pit Bull Terrier
 - (ii) American Pit Bull Terrier; or
 - (iii) Pit Bull

or any Dog of mixed breeding which can be identified through its physical characteristics as a Dog partially of the above-mentioned breeds or kinds by a veterinarian licensed to practice in Alberta.
- (k) “Running at Large” shall mean any Dog not under the Physical Control of a responsible and competent person and off the property of the Owner or Keeper.
- (l) “Unauthorized Person” shall mean any person who is told to stay off a property, or is directed by way of a sign or notice to stay off a property or a person who enters a property in contravention of posted No Trespassing signs; but does not mean a person who is invited on to the property either directly or indirectly by the Owner.
- (m) “Vicious Dog” shall mean a Dog of any age or breed which when on or off the property of its Owner:
 - (i) shows a propensity, disposition or potential to attack or injure, other animals or humans; or
 - (ii) chases persons or other animals; or
 - (iii) is a continuing threat of serious harm to other animals or humans; or
 - (iv) has attacked persons or other animals; and which
 - (v) in the opinion of a Justice, presents a threat of serious harm to other animals or humans.

Control of Dogs

- 3. The keeping of Dogs is permitted.
- 4. No Kennel shall be permitted without a development permit.
- 5.
 - (a) No person who is the Owner or Keeper of any dog shall permit such dog to run at large within the corporate limits of the County.
 - (b) Dogs used for the purposes of herding or protection of livestock or hunting, if off the property performing these functions, shall not be considered to be running at large.
- 6. No person who is the Owner or Keeper of any dog shall allow such dog to:
 - (a) bite a person or persons whether on the property of the owner or not, unless the person bitten is an unauthorized person on the property of the owner;
 - (b) do any other act that causes injury to a person or persons whether on the property of the owner or not, unless the person injured is an unauthorized person on the property of the owner;
 - (c) chase or otherwise threaten a person or persons whether on the property of the owner or not, unless the person chased or threatened is an unauthorized person on the property of the owner;
 - (d) bite, bark at, or chase stock or other animals, bicycles, automobiles, or other vehicles;
 - (e) cause damage to property or other animals; or
 - (f) bark or howl excessively or otherwise disturb any person.

Special Provisions for Vicious or Restricted Dogs

7. The Owner or Keeper of a dog alleged to be vicious shall be provided notice of a hearing for the determination by the Provincial Court ten (10) clear days before the date of the hearing.
8. Upon application, if it appears to the Justice that the dog should be declared to be a vicious dog, he shall make an order in a summary way declaring the dog as a vicious dog.
9. The Owner or Keeper of a vicious or restricted dog shall ensure that:
 - (a) such dog does not:
 - (i) chase a person;
 - (ii) injure a person;
 - (iii) bite a person;
 - (iv) chase other animals;
 - (v) injure other animals; or
 - (vi) bite other animals.
 - (b) such dog does not damage or destroy public or private property.
 - (c) when such dog is on the property of the owner
 - (i) such dog is confined indoors and under the control of a person over the age of eighteen (18) years, or
 - (ii) such dog is, when outdoors, contained in a locked pen or other structure, constructed to prevent the escape of the vicious or restricted dog and capable of preventing the entry of any person not in control of the dog, or
 - (iii) such dog is kept in accordance with the provisions of Section 9(e) even while on the property of the owner.
 - (d)
 - (i) the locked pen or other structure shall have secure sides and a secure 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,
 - (ii) the locked pen or other structure shall provide the vicious or restricted dog with shelter from the elements and be of the minimum dimensions 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, and
 - (iii) the locked pen or other structure shall not be within one (1) meter of the property line or within five (5) meters of the neighboring dwelling unit.
 - (e) at all times, when off the property of the owner, such dog is securely
 - (i) muzzled, and
 - (ii) 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
 - (iii) under the control of a person over the age of eighteen (18) years.
 - (f) such dog is not running at large.

Animal Control Operation - Authority

10. Complaints raised in relation to a contravention of this Bylaw shall be made to the County Patrol Department or Senior Administration. A County Constable or Senior Administration, following review of the complaint and having made the determination that there is a contravention of the Bylaw, shall have the authority to direct the appointed Animal Control Officer to take the appropriate action.
11. Animal control officers as appointed by the County are authorized to capture and impound all Dogs:
 - (a) found running at large and all Dogs found wounded, distressed, abandoned or diseased; or
 - (b) which are required to be impounded pursuant to the provisions of any statute of Canada or of the Province of Alberta, or any regulation made hereunder.
12. The County may arrange for the establishment of one or more Pounds for keeping impounded Dogs at a place or places approved by the County Commissioner and the County shall make all rules and regulations not inconsistent with this Bylaw pertaining to the conduct of the Pound keeper and the administration of the approved Pound or Pounds including the specification of impoundment fees.
13.
 - (a) The Pound keeper shall keep all Dogs impounded for a period of at least seventy-two (72) hours including the day of impounding. Sundays and statutory holidays shall not be included in the computation of the seventy-two (72) hour period. During this period, any healthy Dog may be redeemed by its Owner, or authorized designate, upon the Owner, or authorized designate, paying the applicable fees for the impoundment and maintenance of the Dog.
 - (a) If at the expiration of seventy-two (72) hours, any impounded Dog has not been redeemed, such Dog may be sold or destroyed.
 - (b) Any Dog, which after impoundment, requires and receives Veterinarian care, as deemed necessary by a Veterinarian, may not be redeemed except upon payment of the cost of such care.
 - (c) Any impounded Dog that appears to be suffering from any disease shall be held subject to the jurisdiction of the Health of Animals Branch of the Department of Agriculture for an appropriate action under the Health of Animals Act.
 - (d) Reasonable effort shall be made to locate the owner of a dog if it is tattooed or has a microchip placed in its ear for identification purposes.
14. No person, whether or not he is the owner of a dog or a Restricted or Vicious dog which is being or has been pursued or captured shall interfere with or attempt to obstruct an Animal Control Officer or Peace Officer who is attempting to capture or who has captured a dog which is subject to impoundment.
15. No person, other than the owner of a dog or a person so authorized by the owner shall:
 - (a) untie, loosen or otherwise free a dog 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 a dog has been confined and thereby allow a dog to run at large in the County.

16. No person, other than the owner of a dog or a person so authorized by the owner shall falsely represent themselves as being in charge or control of a dog so as to establish that the dog is not running at large.
17. No person shall remove or attempt to remove any Dog from the possession of the Pound keeper without payment of all required fees.

Penalties

18. (a) Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine of not more than TWO THOUSAND FIVE HUNDRED (\$2,500.00) DOLLARS and not less than SEVENTY-FIVE (\$75.00) DOLLARS and in default of payment is liable to imprisonment for a term not exceeding six (6) months.
(b) Notwithstanding sub-section (a) of this section, the minimum fines on summary conviction in respect to a contravention of this Bylaw in relation to a Restricted or Vicious Dog shall be TWO HUNDRED (\$200.00) DOLLARS.
19. (a) Where an Animal Control Officer or a Peace Officer believes that a person has contravened any provision of this Bylaw, he may serve upon such person a Violation Ticket in accordance with Part 2 of the Provincial Offences Procedure Act, R.S.A. 2002 Chapter P-34.
(b) The specified penalty payable in respect of a contravention of a provision of this Bylaw is the amount shown in Schedule "A" of this Bylaw in respect of that provision.
20. (a) Where any person contravenes the same section of this Bylaw twice within one TWELVE (12) month period, the specified penalty payable in respect of the second contravention shall double in the amount as shown in accordance with Schedule "A".
(b) Where any person contravenes the same section of this Bylaw three or more times within one TWELVE (12) month period, the specified penalty payable in respect of the third or subsequent contravention shall be triple the amount as shown in accordance with Schedule "A".
21. (a) A notice or form commonly called a Bylaw Tag having printed wording approved by the County Commissioner, may be issued by an Animal Control Officer or a Peace Officer to any person alleged to have contravened any provision of this Bylaw or its regulations.
(b) The penalty in lieu of prosecution applicable to any contravention of this Bylaw, to be used when issuing a Bylaw Tag shall be the same as the specified penalty shown in Schedule "A".
(c) A person who has been served with a Bylaw Tag in relation to an alleged contravention of this Bylaw, and who has paid the penalty provided within the time allowed shall not be liable to prosecution for the subject offence.
22. A Bylaw Tag shall be deemed to be sufficiently served:
 - (a) if served personally on the accused; or
 - (b) if mailed by regular mail to the address of the owner or person accused.
23. A Provincial Court Judge or Justice, in addition to the penalties provided in this Bylaw, may, if they consider the offence sufficiently serious, direct or order the person that owns keeps, maintains or harbors a dog to:

- (a) stop the dog from doing mischief or causing the disturbance or nuisance complained of;
- (b) have the dog removed from Mountain View County; or
- (c) have the dog humanely destroyed; or
- (d) declare, without further hearing, the subject dog to be a vicious dog as defined by this Bylaw.

General

- 24. No action shall be taken against any person acting under the authority of this Bylaw for damages for destruction or other disposal of any animal.
- 25. Each section of this Bylaw shall be read and construed as being separate and severable from each other section. Furthermore, should any section or part of this Bylaw be found to have been improperly enacted, for any reason, then such section or part shall be regarded as being severable from the rest of this Bylaw and the by-law remaining after such severance shall be effective and enforceable.
- 26. It is the intention of Council that all offences created pursuant to this Bylaw be construed and considered as being Strict Liability Offences.
- 27. Schedule "A" to this Bylaw may be amended, from time to time, by resolution of Council and any such amendment shall form part of this Bylaw.

Transition

- 28. This Bylaw shall come into effect upon the Bylaw receiving third reading.
- 29. Bylaw No. 09/03 approved on May 28, 2003 is hereby repealed upon this Bylaw coming into effect.

Bylaw 33/04, passed by Council July 26, 2004

SCHEDULE "A"

Mountain View County's Specified Penalties

Offence Under Section	Offence	Penalty
5(a)	Dog Running at Large	\$75.00
6(a)	Biting a person(s)	\$350.00
6(b)	Injure a person(s)	\$250.00
6(c)	Chasing a person(s)	\$175.00
6(d)	Bite, bark at, chase stock/animals, bicycles, automobiles or other vehicles	\$100.00
6(e)	Damage to property or other animal	\$200.00
6(f)	Bark or howl excessively or otherwise disturb any person	\$100.00
9(a)(i)	Vicious/Restricted dog chase a person(s)	\$600.00
9(a)(ii)	Vicious/Restricted dog injure a person(s)	\$750.00
9(a)(iii)	Vicious/Restricted dog bite a person(s)	\$1000.00
9(a)(iv)	Vicious/Restricted dog chase other animal(s)	\$200.00
9(a)(v)	Vicious/Restricted dog injure other animal(s)	\$400.00
9(a)(vi)	Vicious/Restricted bite other animal(s)	\$300.00
9(b)	Vicious/Restricted dog damage/destroy public/private property	\$500.00
9(c)	Vicious/Restricted not properly constrained/contained	\$250.00
9(e)	Vicious/Restricted dog not properly muzzled/harnessed/leashed/controlled	\$250.00
9(f)	Vicious/Restricted dog running at large	\$500.00
14	Obstruct Animal Control Officer or Peace Officer	\$250.00
15(a)	Untie or otherwise free a restrained Dog	\$100.00
15(b)	Negligently open door or gate and allow dog to run at large	\$150.00
16	Falsely represent as being in charge of dog running at large	\$150.00
17	Remove/Attempt to remove dog from Pound keeper without payment of all fines and fees	\$500.00