

COUNTY OF THORHILD NO. 7  
BY-LAW 1024-2002

A BY-LAW OF THE COUNTY OF THORHILD IN THE PROVINCE OF  
ALBERTA, TO PROVIDE FOR THE REGULATION, CONTROL AND  
CONFINEMENT OF ANIMALS (DOGS) WITHIN THE COUNTY OF  
THORHILD NO. 7

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WHEREAS

Under authority and subject to the provisions of the Municipal Government Act, Chapter M-26.1, Statutes of Alberta, 1994, as amended, the Council of the County of

Thorhild duly assembled, enacts as follows:

1. TITLE

This By-Law may be cited as "The Animal Control By-Law".

2. INTERPRETATION AND APPLICATION

In this By-Law unless the context otherwise requires:

- a) Animal (Dog) Control Officer – means a person appointed by the County of Thorhild and duly sworn pursuant to the Oaths of Office Act whose duties entail carrying out the provisions of the By-Law. A person so appointed shall be a By-Law Enforcement Officer pursuant to Section 556 of the Municipal Government Act.
- b) Animal – shall mean either a male or female of the canine family and such other animal as County Council prescribes by resolution.
- c) County – means the municipal corporation of the County of Thorhild or the area contained within the boundary thereof as the context requires.
- d) Day – means a continuous period of twenty four (24) hours.
- e) Owner – means a person or body corporate who has legal title to the animal, and includes any person who has possession or custody of the animal, either temporarily or permanently, or harbors the animal, or suffers the animal to remain on his premises.
- f) Former Owner – means the person who at the time of impoundment was the owner of an animal, which subsequently has been sold or destroyed.
- g) Kennel – means a facility intended for the rearing, breeding and/or over-night keeping of animals (including pups) other than those animals required for business or home security, personal protection/guiding, livestock herding/protection or other farming operations.
- h) Running at large – shall mean any dog that is off the property of the owner or harbored and is not on a leash or under the control of a responsible person.
- i) Pound – means the Pound established for the impounding of animals as set out in this By-Law.
- j) Vicious Dog – means a dog of any age which, when on or off the property of its owner:
  - i) shows a propensity disposition or potential to attack or injure, without provocation, other animals or humans;
  - ii) is a continuing threat of serious harm to other animals or humans; or
  - iii) without provocation, has attacked persons or other animals.
- k) Communicable Diseases – shall be such diseases that can be passed from dog to domestic animal, from domestic animal to dog, or from domestic animal to human being.
- l) 12 Month Period – shall mean a period commencing January 1<sup>st</sup> and ending on the next succeeding December 31<sup>st</sup> or any part thereof.

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3. RESPONSIBILITIES OF ANIMAL OWNERS

The owner of an animal –

- a) shall ensure that their animal is not running at large; and
- b) shall be deemed to have failed or refused to comply with the requirements of the previous subsection unless the owner establishes to the satisfaction of the Court trying the case, that he/she had taken all reasonable precautions either:
  - i) to secure the animal so that it would not be able to leave the premises of the owner, or
  - ii) to ensure himself/herself that the animal was under the constant supervision of a person competent to control it at all times when it was off the premises of the owner.
- c) In addition, the owner of a dog determined to be vicious under Section 4 of this By-Law shall take the following precautions:
  - i) at all times while a vicious dog is on the premises of its owner, the owner shall either keep such dog confined under the effective control of a person over the age of sixteen (16) years, or confined in a securely enclosed and locked pen, or other structure, constructed to prevent the escape of the vicious dog, and capable of preventing the entry of person(s) unauthorized by the owner.
  - ii) When any vicious dog is off the premises of the owner, the owner shall securely muzzle the dog, and either harness it or leash it securely to effectively prevent it from attacking a person or other animal.
  - iii) Subsection (ii) shall not apply when the vicious dog is in a pen meeting the requirements of Subsection (i), or when the vicious dog is in a building or enclosure in attendance of a bona fide dog show.
  - iv) The owner of a vicious dog shall take all necessary steps to ensure that such dog does not bite, chase or attack any person or other animal, whether the person or animal is on the property of the owner or not.
  - v) The owner of a vicious dog shall not permit such dog to run at large.

4. DETERMINING AN ANIMAL TO BE VICIOUS

- a) The owner of a dog, which the owner has reason to believe to be a vicious dog, shall keep such dog in accordance with the provisions of Section 3 (b) of this By-Law.
- b) If an R.C.M.P. Police Officer, or a Peace Officer, By-Law Enforcement Officer or Animal Control Officer determines that a dog is a vicious dog, either through personal observation or after an investigation initiated by a complaint, he or she may in writing:
  - i) inform the owner that his dog has been determined to be a vicious dog, and
  - ii) require the owner to keep such dog in accordance with the provisions of Section 3 of this By-Law, and
  - iii) inform the owner that if the vicious dog is not kept in accordance with Section 3 of this By-Law, the owner will be fined, or subject to enforcement action pursuant to Schedule "A" of this By-Law.



5. NUISANCE

- a) The owner of an animal shall not permit the animal to be or become a public nuisance by,
- i) biting or chasing a person,
  - ii) biting, barking at, or chasing livestock or other domesticated animals or birds, bicycles, automobiles, or other vehicles,
  - iii) barking, howling or otherwise disturbing the quiet of any person or persons,
  - iv) causing damage to property or injury to other animals or birds, or
  - v) not keeping a female animal while such animal is in heat housed and confined in an enclosure or tethered so as to prevent any escape of such dog from the owners premises during the period in which the said dog is in heat.
- b) An owner of an animal who permits the animal to defecate on any property shall remove forthwith any defecated matter deposited and dispose thereof as solid waste material.
- c) An owner of an animal which is found upsetting waste receptacles, or scattering the contents thereof, either in or about a street, lane, or other public property or in or about premises not belonging to or in the possession of the owner of the animal is guilty of an offense separate and apart from the offense provided in Section 3, and upon summary conviction thereof shall, in addition to any penalty imposed upon him, be civilly liable to the County for any expenses directly or indirectly by it in connection with the receptacle being upset or the waste scattered abroad.

6. COMMUNICABLE DISEASES

- An owner of an animal which is suffering from a communicable disease:
- a) shall not permit the animal to be in any public place;
  - b) shall not keep the animal in contact with or in proximity to any other animal free of such disease;
  - c) shall keep the animal locked or tied up;
  - d) shall immediately report the matter to the Animal Control Officer, to the Animal Health Inspection Branch of Agriculture Canada, and the R.C.M.P.

7. OBSTRUCTION

- No person whether or not he/she is the owner of an animal which is being or has been pursued or captured, shall:
- a) interfere with or attempt to obstruct an Animal Officer who is attempting to capture or who has captured an animal which is subject to being impounded pursuant to the provisions of this By-Law;
  - b) induce the animal to enter a house or other place where it may be safe from capture or otherwise assist the animal to escape capture;
  - c) 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;
  - d) unlock or unlatch or otherwise open the Pound vehicle in which animals kept for impoundment have been placed so as to allow or attempt to allow any animal to escape therefrom.

8. KENNELS

- a) no person or persons shall operate a kennel on any parcel of land unless a kennel is a permitted or discretionary use in the Land Use by-Law of the County of Thorhild and for which development permit is also obtained.

 

9. NEGLIGENCE

No person shall:

- a) untie, loosen or otherwise free 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 and thereby allow an animal to run at large.

11. TORMENT

No person shall tease, torment, or annoy any animal.

12. NOTIFICATION

When an Animal Control Officer knows the name of the owner of an impounded animal, the officer shall make a reasonable effort to contact the owner by personal delivery of a notice or by phone, but as a last resort by mail and notify the owners of the impoundment.

13. RECLAIMING

- a) the owner of any impounded animal may reclaim the animal from the Pound by paying the fees as set out in Schedule "A" of this By-Law as amended from time to time.
- b) Penalties – pay the fee or fees as provided for under Schedule "A".  
The Poundkeeper shall report any apparent illness, communicable disease, injury or unhealthy condition of any dog to a veterinarian and act upon his recommendations. Notwithstanding Subsection (a) the owner, if known, shall be held responsible for all charges resulting.

14. DISPOSAL

The Poundkeeper shall not sell, destroy or otherwise dispose an impounded animal until the following conditions are met:

- a) After a dog is restrained in the Pound for:
  - i) Seventy Two (72) hours (excluding Sundays and Statutory holidays) after the owner has received notice that the dog is in the Pound, when the name and address of the owner are known, or
  - ii) Ninety Six (96) hours (excluding Sundays and Statutory holidays) if the name and address of the owner are not known, or unless a person having the authority orders the retention or the disposal of the dog, or unless the owner of the dog makes arrangements with the Animal Control Officer may cause the dog to be sold, destroyed or otherwise disposed of.
- b) the Animal Control Officer may retain a dog for a longer period if in his opinion the circumstances warrant the expense.
- c) The purchaser of a dog from the Pound pursuant to the provisions of this Subsection shall obtain full right and title to it and the right and title of the former owner of the dog shall cease thereupon.



15. PENALTIES – VOLUNTARY PAYMENT TICKETS

- a) Where an Animal Control Officer believes that a person has contravened any provision of this By-Law, he may serve upon such person a ticket provided by this Section either personally or by mailing or leaving the same at this last known address and such service shall be adequate for the purpose of this By-Law.
- b) A ticket shall be in such form as determined by the County and shall state the Section of the By-Law which has contravened and the amount which is provided in Schedule "A" that will be accepted by the County in lieu of prosecution.
- c) Upon production of a ticket issued pursuant to this Section within ten (10) days from the issue thereof together with the payment to the Animal Control Officer of the fee as provided in Schedule "A", the person to whom the ticket was issued shall not be liable for prosecution for the contravention in respect of which the ticket was issued.
- d) Notwithstanding the provision of this Section, a person to whom a ticket has been issued pursuant to this Section may exercise his right to defend any charge of committing a contravention of any of the provisions of this By-Law.

16. SUMMARY CONVICTION

- a) A person who by an act of action or inaction contravenes a provision of this By-Law is guilty of an offense and liable upon summary conviction to a fine of not less than Twenty Five (\$25.00) Dollars or more than Twenty Five Hundred Dollars (\$2,500.00) for any offense under this By-Law.
- b) The levying and payment of any fine in this By-Law shall not relieve a person from the necessity of paying any fees, charges or costs for which he/she is liable under the provisions of this By-Law.
- c) A Provincial Judge, in addition to the penalties provided in this Section may, if he/she considers the offense sufficiently serious, direct or order the person that owns, keeps, maintains or harbors an animal to stop the animal from doing mischief or causing the disturbance or a nuisance complained of, or to have the animal removed from the County or to have the animal destroyed, or otherwise disposed.
- d) Each day an offence continues or each time an offense is found will constitute a separate offense.

AS AS

COUNTY OF THORHILD NO. 7  
BY-LAW 1024-2002

17. REPEAL BY-LAW NO.

This repeal shall replace By-Law No. 4 of the County of Thorhild No. 7 and the said By-Law is hereby repealed.

This By-Law and the schedules shall come into force and effect on the date of the third reading.

READ A FIRST TIME IN COUNCIL THIS <sup>28th</sup> DAY OF <sup>May</sup>, 2002.

READ A SECOND TIME IN COUNCIL THIS <sup>28th</sup> DAY OF <sup>May</sup>, 2002.

UNANIMOUSLY AGREED THAT BY-LAW 1024-2002 BE GIVEN THIRD READING.

READ A THIRD TIME IN COUNCIL AND FINALLY PASSED THIS <sup>28th</sup> DAY OF <sup>May</sup>, 2002.

COUNTY OF THORHILD NO. 7  
COUNTY COUNCIL

  
REEVE

  
COUNTY MANAGER

COUNTY OF THORHILD NO. 7  
BY-LAW 1024-2002

SCHEDULE 'A'

IMPOUND FEE: \$10.00 per day

OFFENSES, PENALTIES, FINES AND TICKETS

Permitting a dog to run at large	\$25.00 - first offense
Permitting a vicious dog to run at large	\$200.00 - first offense
Failure to confine a vicious dog when on the premises of the owner in accordance with this bylaw	\$100.00 - first offense
Failure to muzzle or otherwise secure a vicious dog when off the premises of the owner	\$100.00 - first offense
When a vicious dog attacks or bites causing injury to any human or animal	\$500.00 - first offense
Any other contravention where a vicious dog is involved	\$100.00 - first offense
All other contraventions of this bylaw	\$25.00 - first offense

**SECOND OR SUBSEQUENT OFFENSE** Double the amount  
Indicated above

The owner of a vicious dog, in lieu of paying the fines indicated above, may choose to have their dog destroyed.

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