

**BRAZEAU COUNTY**

**BYLAW NO: 878-15**

**BEING A BYLAW OF BRAZEAU COUNTY, IN THE PROVINCE OF ALBERTA, TO AMEND THE ANIMAL CONTROL BYLAW NO. 656-08, AS AMENDED**

**WHEREAS**, Council of Brazeau County deems it expedient and proper, under the authority of and in accordance with the *Municipal Government Act*, RSA 2000, Chapter M-26 and amendments thereto, to pass bylaws respecting the safety, health and welfare of people and governing domestic animals and activities in relation to them;

**AND WHEREAS**, the public participation requirements of Section 692 of the *Municipal Government Act*, RSA 2000, Chapter M-26, have been complied with;

**NOW THEREFORE**, the Council of Brazeau County, duly assembled, enacts as follows:

1. This Bylaw shall be cited as the "Brazeau County Animal Control Bylaw".

**DEFINITIONS**

2. In this Bylaw:

- a) "*Animal Control Officer*" means such person or persons as County Council may appoint to do any act or perform any duties under this Bylaw and includes a member of either the Royal Canadian Mounted Police or the Community Peace Officer.
- b) "*Animal Service Facility*" means a facility housing five (5) dogs or more used primarily for the purposes of breeding, boarding, grooming and/or training of dogs for monetary gain or commercial enterprise and may also include other small animal breeding and boarding. This may also include such uses as animal shelters, veterinary clinics, or impounding and quarantining facilities.
- c) "*Animal*" means a dog, bitch, spayed bitch, male or neutered mail of the canine family.
- d) "*Confined Structure*" means a structure that significantly reduces any howling or barking dog noise.
- e) "*Controlled Confinement*" means when an animal is confined in a pen, cage or building securely tethered in a manner that will not allow the animal to bite or harm any person or animal.
- f) "*Communicable or Contagious Disease*" means rabies, distemper, hepatitis, parvovirus and coronavirus.
- g) "*Day*" means any calendar day but does not include a statutory holiday or the day of impoundment

- h) *"Manufactured Home Park"* means any parcel of land where four or more manufactured home units are located regardless of whether a rental or lease fee is paid. This does not include industrial and construction camps of a temporary nature.
- i) *"County"* means Brazeau County.
- j) *"Owner"* means a person or body corporate, which has the care, charge, custody, possession or control of an animal.
- k) *"Permitted Leash"* means a leash adequate to control the attached animal
- l) *"Possession"* means having physical or effective control of an animal.
- m) *"Pound"* means a place for the impoundment of animals designated by the County to carry out provisions of this Bylaw and includes the owner, management, employees or other personnel of the organization or business providing the place of impoundment.
- n) *"Running at Large"* means where an animal is at any place other than the property of the owner and is not being carried by any person or is not otherwise restrained by a permitted leash held by a person and such permitted leash is attached to a choke chain, collar or harness securely holding that animal.
- o) *"Applicable Fees"* means all incurred costs, i.e. mileage, dog catchers per diem, violation tag fees and fines as outlined in Schedules "A" and "C".

### **RESPONSIBILITY OF OWNERS**

- 3. An owner whose animal is running at large is guilty of an offence and subject to a penalty as outlined in the attached Schedule "C".
- 4.
  - a) An owner of an animal is guilty of an offence and subject to a penalty as outlined in the attached Schedule "C" if such animal:
    - i) bites, barks at, or chases any vehicle;
    - ii) barks at, chases, bites, attacks, threatens, harasses or injures any person including, but not limited to, when such person is on bicycle, horseback or while walking or running.
    - iii) causes damage to private property or public property;
    - iv) defecates on property other than that of its owner where the owner fails to ensure that any defecated material is removed; or
    - v) barks, howls or otherwise disturbs persons.
  - b) The owner of a female animal is guilty of an offence subject to a penalty as outlined in the attached Schedule "C", if the owner of the animal does not keep it housed and confined in a building or kennel during the entire period that the female animal is in estrus, except that the female animal may be released for a period of 10 minutes (per release) to allow the animal to relieve itself of its bodily functions.

Failure to comply with these conditions will result in an offence subject to a penalty as outline in the attached Schedule "C".

- c) An owner of an animal is guilty of an offence and subject to a penalty as provided for by this Bylaw, if such animal enters any area (water body) provided for the use of the public for swimming, wading or bathing.
- d) An owner of an animal is guilty of an offence and subject to a penalty as outlined in the attached Schedule "C" if such animal upsets waste receptacles or scatters the contents thereof on or about any private property, public property or highway.
- e) An owner of an animal is guilty of an offence and subject to a penalty as provided for by this bylaw if such animal causes injury or death to another animal.

**5. An owner of an animal which is suffering from a communicable disease:**

- a) shall not permit the animal to be on any property other than that of its owner;
- b) shall not permit or keep the animal in contact with or in proximity to any other animal free of such diseases;
- c) shall keep the animal in controlled confinement; and
- d) shall immediately report the matter to a registered veterinarian

Failure to comply with these conditions will result in an offence subject to a penalty as outline in the attached Schedule "C".

**6. All dog owners residing within a manufactured home park must also comply with the following additional conditions:**

- a) All dogs must be secured in a confined structure or placed inside the owner's residence from the hours of 11:01 p.m. to 7:00 a.m. the following day.
- b) A dog can be released during this time period (11:01 p.m. to 7:00 a.m.) for a period of 10 minutes (per release) to allow the animal to relieve itself of its bodily functions. The dog must still be confined to the owner's property during the 10 minute time period.

Failure to comply with these conditions will result in an offence subject to a penalty as outline in the attached Schedule "C".

7. No fur bearing animals, fowl or livestock, other than household pets and no more than four (4) dogs shall be permitted on each individual lot within designated hamlets, or lands districted Birchwood Village Greens Condominium, Country Residential Suburban Estates, and Rural Recreational.

#### **KEEPING OF DOGS**

- 8.
- a) This section shall apply to parcels in all Land Use Districts.
  - b) Dogs being kept as companions and not as part of an Animal Service Facility must be allowed in accordance with the following:
    - (i) parcels within Hamlet boundaries may keep up to a maximum of four (4) dogs;
    - (ii) parcels 1 acre or less in size may keep up to a maximum of four (4) dogs;
    - (iii) dogs less than six (6) months in age are not regulated by this section.
  - c) Dogs being kept as part of an Animal Service Facility shall require a permit for the operation of the facility.
  - d) An Animal Service Facility must be located a minimum of 100 meters from a residence on an adjacent parcel.

#### **MUNICIPAL PRACTICES**

9. County Council will select a pound as may be required.
10. An Animal Control Officer may capture and impound any animal:
- a) in respect of which he believes or has reasonable grounds to believe an offence under this bylaw is being or has been committed.
11. County Council will authorize an Animal Control Officer to use, operate or handle a tranquillizer gun in their performance of their duties pursuant to this bylaw.

#### **INTERFERENCE WITH DOGS**

12. No person, whether or not he 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 Control Officer who is attempting to capture or has captured an animal pursuant to the provisions of this bylaw;

- 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 themselves as being in charge or control of animal so as to establish that the animal is not running at large; or
- d) unlock or unlatch or otherwise open the vehicle in which animals kept for impoundment have been placed so as to allow or attempt to allow any animal to escape.

Failure to comply with these conditions will result in an offence subject to a penalty as outlined in the attached Schedule "C".

**13. No person shall**

- a) untie, loosen or otherwise free an animal which has been tied or otherwise restrained or;
- b) Open a gate, door or other opening in a fence or enclosure in which an animal has been confined allowing an animal to run at large.

Failure to comply with these conditions will result in an offence subject to a penalty as provided for in this bylaw.

**14. No person shall tease, torment or annoy an animal. Failure to comply with this condition will result in an offence subject to a penalty as provided for in this bylaw.**

**NOTIFICATION OF CAPTURE AND IMPOUNDMENT**

**15. When an Animal Control Officer or a Peace Officer knows the name of the owner of an impounded animal, he will telephone the owner and record the telephone call in an effort to contact the owner and notify him of the impoundment.**

- 16. a)** The owner of an impounded animal may reclaim the animal from the pound upon payment to the Animal Control Officer of all applicable fees in cash attached to and forming part of this bylaw;
- b)** The Animal Control Officer shall make or cause to be made a monthly report to the County setting forth all monies collected in accordance with this section and shall deliver said monies to the County.

**17. The Animal Control Officer may order euthanized, or offer for adoption, all unclaimed animals which have been in the pound:**

- a)** at least five (5) days if the name of the owner is not known; or

- b) at least five (5) days if the name of the owner is known; or
- c) at any time if in the opinion of a registered Veterinarian, or in the absence of a Veterinarian, a Peace Officer, the animal is suffering;  
or
- d) has made a reasonable effort to locate the owner, through animal Identification (tattoos, computer chips) or advertising through a local website giving notice of a captured animal, including the apprehension site.  
or
- e) has made a reasonable effort to get all unclaimed animals adopted.
- f) at any time where the owner has consented to the sale or destruction of the animal, the owner is liable for the applicable fees set out in Schedule "A". The owner is also liable for the specified penalty under Schedule "C", if the owner has contravened any section of this bylaw.

**18. The purchaser of an animal sold pursuant to Section 15:**

- a) shall be entitled to a veterinary check of the animal as outlined in Schedule "B" at the expense of the County;
- b) may return the animal for a refund as outlined in Schedule "B" or exchange it for another animal if the animal is found to be unhealthy or unsuitable within 14 days of being purchased.

**ENFORCEMENT**

- 19.**
- a) A Peace Officer will issue a Violation Tag to any person, who the Peace Officer has reasonable and probable grounds to believe has contravened any provision in this bylaw.
  - b) A Violation Tag may be issued to such person:
    - i) either personally;
    - ii) by mailing a copy to such person at his last known post office address, or
    - iii) upon retrieval of such person's animal from the pound.
  - c) The Violation Tag shall be in a form approved by County Council and shall state:
    - i) the name of the owner;

- ii) the offence;
  - iii) the appropriate penalty for the offence as specified in Schedule "C" of this bylaw;
  - iv) that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag;
  - v) any other information as may be required by the County.
- d) Where a contravention of this bylaw is of a continuing nature, further Violation Tags may be issued by the Peace Officer, provided however, five (5) days time has been given for the owner to comply with this bylaw.
- e) Where a Violation Tag is issued pursuant to Section 18, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the County the penalty specified on the Violation Tag.
- 20.
  - a) In those cases where a Violation Tag has been issued and if the penalty specified on a Violation Tag has not been paid within the prescribed time, then an Peace Officer will issue a Violation Ticket pursuant to Part II or Part III of the *Provincial Offences Procedure Act*, R.S.A., 2000, c. P-34, as amended.
  - b) Despite Section 19 or any other provision of this bylaw, a Peace Officer may immediately issue a Violation Ticket pursuant to part II or Part III of the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, as amended, to any person who the Peace Officer has reasonable grounds to believe has contravened any provision of this bylaw and the Peace Officer need not first issue a Violation Tag for a contravention of any provision of this bylaw.
  - c) In those cases where no specified penalty is provided for an offence pursuant to this bylaw, a Peace Officer will issue a Violation Ticket pursuant to Part II or Part III of the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, as amended, and anyone found guilty of such an offence shall be liable to pay a minimum fine of \$200.00 and a maximum fine of \$600.00.
- 21. The payment of any fine pursuant to this bylaw does not relieve the person from paying any fees or costs for which he is liable under the provisions of this bylaw.
- 22. This bylaw shall replace Bylaw 656-08 and the said bylaw is hereby repealed.
- 23. Should any provision of this bylaw be invalid, then such invalid provision shall be severed and the remaining bylaw shall be maintained.

24. This bylaw shall come into force after the third and final reading.

Read a first time this 16 day of June, 2015.

Read a second time this 16 day of June, 2015.

Read a third time and finally passed this 16 day of June, 2015.

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



**SCHEDULE "A"**

**BYLAW 878-15**

Amount payable to Brazeau County by the owner of an animal in order to claim or euthanize an animal at the pound:

- |    |                     |                        |
|----|---------------------|------------------------|
| a) | Impoundment Fees    | \$50.00 per animal     |
| b) | Euthanize an Animal | \$50.00 per animal     |
| c) | Veterinary Fees     | Actual amount incurred |

**SCHEDULE "B"**

**BYLAW 878-15**

Regulations pertaining to the purchasing of eligible animals from the pound:

- a) Amount to be paid to purchase an animal will be any veterinary fees as incurred.
- b) Services to be provided by the veterinary firm during check-up:
  - i) Provision of the following vaccinations:  
Distemper, Parvo, Hepatitis, Parainfluenza, Rabies
  - ii) Complete physical examination including:  
Eyes, ears, teeth, coat, heart, lungs, limbs

**SCHEDULE "C"**

**BYLAW 878-15**

- a) The general description of the specified penalties offences provided for by this Bylaw, together with the specified penalties to be imposed in regard to those offences, are as follows. In lieu of prosecution, Brazeau County will accept voluntary payments of such specified penalties.

<b>Sec. No</b>	<b>Offence</b>	<b>1<sup>st</sup> Offence</b>	<b>2<sup>nd</sup> Offence</b>	<b>3<sup>rd</sup> Offence</b>
3	Running at Large	\$100.00	\$200.00	\$300.00
4(a)(b) (c)(d)(e)	Public Disturbance	\$100.00	\$200.00	\$300.00
5(a)	Communicable or Contagious Disease	\$100.00	\$200.00	\$300.00
6	MHP Violation	\$100.00	\$200.00	\$300.00
12(a)	Obstruction	\$100.00	\$200.00	\$300.00
(b)(c)	Save from capture	\$100.00	\$200.00	\$300.00
(d)	Permit Escape	\$100.00	\$200.00	\$300.00