



VULCAN COUNTY

Vulcan - Alberta

BYLAW 2022-032

Being a bylaw of Vulcan County in the Province of Alberta to enhance the welfare of residents and dogs within the County by enforcing a standard for dog behavior and living conditions.

WHEREAS pursuant to Section 7 of the *Municipal Government Act*, the council of a municipality may pass bylaws for municipal purposes respecting the safety, health, and welfare of people and the protection of people and property; wild and domestic animals and activities in relation to them; and the enforcement of bylaws made under the *Municipal Government Act* or any other enactment;

AND WHEREAS the Council of Vulcan County deems it to be in the public interest to pass a bylaw to establish and enforce minimum standards relating to the care of dogs and to regulate, control, and to abate potential nuisances and dangers presented by dogs in Vulcan County;

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

1. This Bylaw may be cited as the "Dog Control Bylaw".

2. Definitions

2.1. In this Bylaw, unless the context otherwise requires:

a. "Abandoned Dog" means a Dog that:

- i. Is left for more than 24 hours without adequate food, water, or shelter,
- ii. Is left for five days or more from the expected retrieval time from a registered veterinarian or from a Person who for money consideration or its equivalent stables, boards, or cares for the Dog, or

- iii. Is found on premises which were but are no longer the Owner's Property;
- b. "Animal" means a species normally kept for domestic purposes, including but not limited to Dogs, cats, exotic animals, and domestic birds;
- c. "Animal Control Officer" means Vulcan County's Director of Protective Services, any Vulcan County Community Peace Officer, or any member of the Royal Canadian Mounted Police;
- d. "Attack" means an assault, including a bite, resulting in bleeding, bone breakage, sprains, bruising, sprains, or any combination thereof;
- e. "CAO" means the individual appointed as Vulcan County's Chief Administrative Officer in accordance with the MGA;
- f. "Council" means the Council of Vulcan County;
- g. "County" means the municipal corporation of Vulcan County and the area within its jurisdictional boundaries, as the context requires;
- h. "Court" means the Provincial Court of Alberta and/or the Alberta Court of Queen's Bench;
- i. "Distress", when used in the context of a Dog, means a Dog that is:
 - i. Deprived of adequate shelter, ventilation, space, food, water, or veterinary care or reasonable protection from injurious heat or cold,
 - ii. Injured, sick, in pain or suffering, or
 - iii. Abused or subject to undue hardship, privation, or neglect;
- j. "Dog" means a male or female of any domesticated canine species;
- k. "Humane Society" means an organization which has been approved pursuant to Section 9 of the *Animal Protection Act*, R.S.A. 2000, Chapter A-41, as amended or repealed and replaced from time to time;
- l. "MGA" means the *Municipal Government Act*, R.S.A. 2000 c.M-26, as amended or replaced from time to time;

- m. "Owner" means any Person who:
 - i. Has legal title to an animal,
 - ii. Has possession, care, charge, custody, or control of a Dog, either temporarily or permanently,
 - iii. Harbours a Dog,
 - iv. Permits or allows a Dog to be present or remain on the Owner's Property, or
 - v. Claims or receives a Dog from the custody of an Officer or Pound;
- n. "Owner's Property" means any premises to which the Owner is the registered owner or is an occupant of pursuant to a lease, rental, or license to occupy agreement;
- o. "Person" means any individual, firm, partnership, association, corporation, company, society, or other legally constituted organization;
- p. "Pound" means any premises designated by the County for the impounding of Dogs under this Bylaw;
- q. "Registered Veterinarian" has the same meaning as defined in the *Veterinary Profession Act*, R.S.A. 2000, Chapter V-2, as amended or repealed and replaced from time to time;
- r. "Remedial Order" means an order written pursuant to Section 545 of the *Municipal Government Act*, RSA 2000, c. M-26, as amended or repealed and replaced from time to time; requiring the person responsible for the contravention to remedy it if the circumstances so require;
- s. "Running at Large" means a Dog which is off the Owner's property and is not under the control of a competent and responsible Person;
- t. "Secure Enclosure" means a building, pen, or fenced area which is secured and constructed in such a manner that it will not allow a Dog to jump, climb, dig, or otherwise escape, nor will it allow the entry of unauthorized Persons into the enclosure unless the Person forces their way into the enclosure;

- u. "Serious Injury" means:
 - i. An injury to an individual, with the exception of a Trespasser, or other Animal resulting from a Bite or Attack which results in broken bone or bones, disfiguring lacerations, Injuries requiring sutures, cosmetic surgery, scars, death, and any other injury as determined to be serious by a Justice after hearing the evidence at a Hearing;
 - ii. A Level 3 or higher on the Dr. Ian Dunbar Aggression Scale, as set out in Schedule "C" of this Bylaw.
- v. "Threatening Behaviour" means the following behaviours, without provocation:
 - i. Barking, growling, snapping at, lunging at, chasing, stalking, or Attacking another Animal, bicycle, automobile, or other vehicle, unless the Dog is a Working Stock Dog and is engaged in the performance of such work, or
 - ii. Barking, growling, snapping at, lunging at, chasing, stalking, or Attacking an individual, unless the individual is a Trespasser;
 - iii. Notwithstanding the above, a Dog shall not be deemed to be exhibiting Threatening Behaviour if the Dog is safely and securely confined and there is no risk of the Dog making physical contact with a Person or Animal;
 - iv. A Peace Officer investigating a complaint involving the threatening behavior of an Animal shall classify the behavior by means of reference to the Dr. Ian Dunbar's Aggression Scale, as set out in Schedule "C" of this Bylaw.
- w. "Trespasser" means any Person who is on the Owner's Property without the Owner's consent;
- x. "Vicious Dog" means any Dog which has:
 - i. Been declared a Vicious Dog by the Chief Administrative Officer pursuant to this Bylaw, or

- ii. Been declared a Vicious Dog by a Justice, pursuant to the *Dangerous Dogs Act*, R.S.A. 2000, Chapter D-3, as amended or repealed and replaced from time to time;
- y. "Violation Ticket" means a ticket issued pursuant to Part 2 of the *Provincial Offences Procedure Act*, as amended, or repealed and replaced from time to time;
- z. "Working Stock Dog" means a Dog who has been trained or is being trained, and performs duties to assist with livestock production and husbandry, including but not limited to herding Dogs and guardian Dogs, and which Dog is kept at a premises used for agricultural purposes.

3. General Provisions

3.1. No Person shall cause or permit a Dog of which the person is the owner or the person in charge to be or to continue to be in Distress.

- a. This section does not apply if the distress results from an activity carried on in accordance with the regulations within the Animal Protection Act or in accordance with reasonable and generally accepted practices of animal care, management, husbandry, hunting, fishing, trapping, pest control or slaughter.

3.2. The Owner of a Dog shall:

- a. Ensure the Dog has adequate food and water,
- b. Provide the Dog with adequate care when the animal is wounded or ill,
- c. Provide the Dog with reasonable protection from injurious heat or cold,
- d. Provide the Dog with adequate shelter, ventilation, and space,

3.3. No Person shall:

- a. Untie, loosen or otherwise free a Dog which has been tied or otherwise restrained; or

- b. Tease or torment a Dog or otherwise provoke a Dog to bark, bite, attempt to bite, chase, or otherwise threaten any Person, Animal or Dog; or
- c. 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.

4. RESPONSIBILITY OF DOG OWNERS

- 4.1. The Owner of a Dog shall ensure that such Dog shall not:
 - a. Bite or Attack any individual,
 - b. Bite or Attack other Animals,
 - c. Bite or Attack any individual, animal causing serious injury
 - d. Exhibit Threatening Behaviour, whether the Dog is on the Owner's Property or other private or public property,
 - e. Bark, howl or otherwise behave in a manner that is reasonably likely to disturb the peace of others,
 - f. Cause damage to or destroy any public or private property, or
 - g. Upset any garbage containers or scatter the contents thereof on any Premises other than the Owner's Property.
- 4.2. The Owner of a female Dog which is in season shall not take nor permit that Dog to be at any publicly accessible location where the Dog may be a source of attraction for other Dogs.
- 4.3. The Owner of a Dog shall forthwith remove any defecation left by the Dog on any Premises other than the Owner's Property.
- 4.4. The Owner of a Dog shall, at all times when the Dog is off the Owner's Property, ensure that the Dog is under the direct, effective, and constant control of a competent individual.
- 4.5. The Owner of a Dog shall ensure that the Dog is not Running at Large.
- 4.6. Notwithstanding Section 4.5, an Owner is not guilty of an offence if the Owner has taken all reasonable precautions:

- a. To secure the Dog so that the Dog is not able to escape the Owner's Property, vehicle, or other method of confinement, and
- b. To ensure that the Dog is under the direct, effective, and constant control of a competent Person at all times when off the Owner's property.

5. LIMIT ON NUMBER OF DOGS

5.1. No more than four (4) Dogs over the age of 6 months shall be owned and kept at or in any one Dwelling Unit and no more than one (1) of the Dogs present at any one Dwelling Unit may be a Vicious Dog at any time.

- a. The onus of proving the age of an Animal is on the owner of the Animal.

5.2. Notwithstanding Section 5.1, a Person may keep or own more than four (4) Dogs in the following circumstances:

- a. Where the Premises are used for a Veterinary Clinic, Kennel, Breeding Operation or Pound having the appropriate permits and authorizations issued pursuant to County bylaws; or
- b. The Dogs are Working Stock Dogs and the Owner of the Dogs has submitted a letter to the Chief Administrative Officer which identifies these Dogs as being Working Stock Dogs utilized on Premises within an agricultural district to the Chief Administrative Officer's reasonable satisfaction.

6. VICIOUS DOGS

6.1. All provisions of this Bylaw apply to Vicious Dogs. However, where the Bylaw provides for more stringent regulations in relation to Vicious Dogs than other sections of this Bylaw, the more stringent regulations shall prevail in relation to a Vicious Dog.

6.2. Upon demand by an Officer, an Owner of a Dog alleged to be a Vicious Dog shall surrender the Dog to the Officer whereupon the Officer shall deliver the Dog to the Pound where the Dog shall be held pending the outcome of the Declaration, Dangerous Dog Hearing, and any appeals.

6.3. The Chief Administrative Officer may allow the Owner to keep possession and control of a Dog alleged to be a Vicious Dog pending the outcome of

the Declaration, Dangerous Dog Hearing, and any appeals on conditions which, in the opinion of the Chief Administrative Officer, ensures the safety of the public.

Vicious Dog Declaration by the Chief Administrative Officer

- 6.4. Where the Chief Administrative Officer has reason to believe that a Dog has inflicted a Serious Injury or exhibited Threatening Behaviour, the Chief Administrative Officer, one Director or Manager, and one member of Council, will conduct an investigation with respect to whether or not the Dog should be declared a Vicious Dog.
- 6.5. Where the Chief Administrative Officer decides to proceed with an investigation, the Chief Administrative Officer shall provide not less than ten (10) business days' written notice to the Owner of the Dog and the Person making the complaint that the Dog may be declared a Vicious Dog including the reasons for such declaration and the date upon which evidence and written submissions may be made to the Chief Administrative Officer in support of or in opposition to such declaration being made.
- 6.6. The Chief Administrative Officer may declare the Dog to be a Vicious Dog after:
 - a. Receiving and considering all relevant evidence from the Officer who investigated the incident or complaint, the Owner of the Dog, the Person making the complaint, and any witnesses,
 - b. Considering submissions in written form from the Officer who investigated the incident or complaint, the Owner of the Dog, the Person making the complaint and any witnesses, and
 - c. Being satisfied that the Dog has inflicted a Serious Injury or exhibited Threatening Behaviour taking into account the following factors:
 - i. Whether the Dog has caused Severe Injury to an individual, or Animal,
 - ii. Whether the Dog has chased any individual, or Animal,
 - iii. Whether the Dog has attempted to Bite, or has Bitten any individual, or Animal,
 - iv. Whether the Dog has Attacked any individual, or Animal,

- v. Whether the Dog has shown a tendency to exhibit Threatening Behaviour, and
 - vi. The circumstances surrounding any incidents involving any Severe Injury or Threatening Behaviour, including if the Dog:
 - A. Attacked or Bit a Trespasser, or
 - B. Attacked or Bit in defense of Livestock on the Owner's Property, where the Dog is a Working Stock Dog and is a guardian of the Livestock.
- 6.7. Where the Serious Injury or Threatening Behaviour involved circumstances described in Section 6.6(c)(vi)(A)(B), the Dog shall not be declared a Vicious Dog.
- 6.8. The Chief Administrative Officer shall issue his/her decision in writing, together with reasons, not more than fifteen (15) days after considering the evidence and submissions received in accordance with Section 6.6 to the Owner of the Dog and the Person making the complaint.
- 6.9. Where the Chief Administrative Officer has declared a Dog to be a Vicious Dog, he/she may direct that the Dog be kept and managed by the Owner of the Dog in a specific way. The Chief Administrative Officer may not order a Dog to be destroyed.
- 6.10. The Owner of the Dog or the Person making the complaint may appeal the Chief Administrative Officer decision to Council by filing a written notice of appeal, together with reasons for the appeal, to Council within thirty (30) days after receipt of the Chief Administrative Officer written decision.
- 6.11. Council shall conduct a hearing of the appeal within thirty (30) days after receiving notice of the appeal.
- 6.12. Council shall issue its decision in writing, together with reasons, within thirty (30) days after closing the appeal hearing. Council's decision shall be final and binding on all parties.

Dangerous Dog Hearings and Orders by a Justice

- 6.13. The County may refer any matter involving an allegation that a Dog is a Vicious Dog to a Justice for a Dangerous Dog Hearing.

6.14. The Owner of a Dog alleged to be a Vicious Dog shall be provided notice of the Dangerous Dog Hearing not less than ten (10) clear business Days before the scheduled date of the Dangerous Dog Hearing.

6.15. Upon hearing the evidence at a Dangerous Dog Hearing, the Justice shall make an order in a summary way declaring the Dog as a Vicious Dog if in the opinion of the Justice:

- a. The Dog has caused a Serious Injury, or
- b. The Dog has exhibited Threatening Behaviour.

6.16. Upon hearing the evidence at the Dangerous Dog Hearing, the Justice may make an order declaring the Dog as a Vicious Dog and directing that the Dog be kept and managed by the Owner in a specific way or ordering the Dog destroyed, if in the opinion of the Justice, the Dog is likely to cause a Serious Injury to any individual or other Animals in the future, taking into account the following factors:

- a. Whether the Dog has caused Severe Injury to an individual, or Animal,
- b. Whether the Dog has chased any individual, or Animal,
- c. Whether the Dog has attempted to Bite, or has Bitten any individual, or Animal,
- d. Whether the Dog has Attacked any individual, or Animal,
- e. Whether the Dog has shown a tendency to exhibit Threatening Behaviour, and
- f. The circumstances surrounding any incidents involving any Severe Injury or Threatening Behaviour, including if the Dog:
 - i. Attacked or Bit a Trespasser, or
 - ii. Attacked or Bit in defense of Livestock on the Owner's Property, where the Dog is a Working Stock Dog and is a guardian of the Livestock.

General Vicious Dog Requirements

- 6.17. Within ten (10) days after the Dog being declared or ordered a Vicious Dog, the Owner of the Dog shall provide evidence satisfactory to the Chief Administrative Officer that the Owner has completed the following in respect of the Vicious Dog:
- a. A Registered Veterinarian has tattooed or implanted an electronic identification microchip in or on the Vicious Dog identifying the Dog with a unique identifier and the information contained on the tattoo or in the microchip is provided in writing to the Chief Administrative Officer; and
 - b. If the Vicious Dog is not already spayed or neutered, the Vicious Dog must be spayed or neutered with a spay/neuter certificate for the Dog endorsed by a Registered Veterinarian being provided to the Chief Administrative Officer.
- 6.18. Within three (3) Days of the Dog being declared or ordered a Vicious Dog, the Owner of the Dog is required to display a clear and visible Vicious Dog Warning Sign, to the satisfaction of the Chief Administrative Officer, at each entrance to the Owner's Property and on each entrance to any Secured Enclosure.
- 6.19. The Owner of a Vicious Dog shall not sell, transfer, or gift the Dog to another Person within the County.
- 6.20. The Owner of a Vicious Dog shall not breed nor permit the breeding of the Vicious Dog.
- 6.21. The Owner of a Vicious Dog shall immediately notify Vulcan County Administration in writing if the Dog dies or if the Dog is sold, transferred, or gifted.
- 6.22. The Owner of a Vicious Dog shall contact an Officer directly in person or by a phone call, but not by leaving a message, if the Vicious Dog is Running at Large. In the event that the Owner is unable to contact an Officer as set out in this Section, the Owner shall immediately notify the RCMP of the Vicious Dog Running at Large.
- 6.23. The Owner of a Vicious Dog shall ensure that the Dog is:
- a. Confined indoors; or

b. When such Dog is outdoors, the Owner of a Vicious Dog shall ensure that:

- i. The Dog is locked in a Secured Enclosure; or
- ii. Securely muzzled and under the control of a physically and mentally competent Person who is at least the age of eighteen (18) years by means of a Leash not exceeding one (1) meter in length and in a manner that prevents the Dog from chasing, injuring, Attacking or Biting individuals or other Animals, or Livestock as well as preventing damage to public or private property.

6.24. Notwithstanding any other provision of this Bylaw, an Owner shall not be required to leash or muzzle a Vicious Dog while the Dog is being shown or displayed at an officially recognized Dog show or performance or working trial sanctioned by the Canadian Kennel Club, Alberta Stock Dog Association, Canadian Stock Dog Association or similar organization, or while a Working Stock Dog is on duty in an enclosed area on the Owner's Property.

6.25. Vicious Dogs are not allowed in public parks or at public events.

6.26. The Owner of a Vicious Dog is guilty of an offence if, whether on or off the Owner's Property, the Vicious Dog exhibits Threatening Behaviour.

6.27. The Owner of a Vicious Dog shall have liability insurance specifically covering any damages for personal injury caused by the Vicious Dog in an amount not less than One Million (\$1,000,000.00) Dollars. The Owner shall provide proof of such insurance to the reasonable satisfaction of the Chief Administrative Officer within ten (10) days of the Dog being declared a Vicious Dog.

6.28. Where the Owner of a Vicious Dog is guilty of an offence under this Bylaw related to the Vicious Dog, the minimum penalties for Vicious Dogs set out in Schedule "B" shall apply.

6.29. Nothing contained within this Bylaw shall prevent the County from taking any and all steps with respect to the seizure, impoundment, control, or destruction of a Dog as may be available to the County at law.

7. OFFICER AUTHORITY

- 7.1. An Officer is a designated officer for the purposes of Section 542 of the Municipal Government Act.
- 7.2. Where an Officer has reasonable grounds to believe that any provision of this Bylaw has been contravened, an Officer is authorized to:
 - a. Enter upon any Premises between the hours of 8 am – 8 pm Monday-Friday, in accordance with Section 542 of the Municipal Government Act for the purpose of inspecting, remedying, or enforcing the provisions of this Bylaw including but not limited to enforcing the terms of a Remedial Order and carrying out the actions authorized within this Section 63 after providing not less than 48 hours' prior notice to the owner or occupant of the Premises;
 - b. Notwithstanding Section 7.2(a), in the event of an Emergency, the Officer is not required to give notice to the owner or occupant of the Premises prior to entering upon the Premises and is not required to enter the Premises at a reasonable time;
 - c. Capture, seize, impound and deliver to the Pound, any Animal which is Running At Large, or which has caused or is alleged to have caused a Severe Injury or exhibited Threatening Behaviour;
 - d. Arrange for a Behaviour Assessment to be conducted in relation to any Dog which has been seized, captured, impounded, or surrendered pursuant to this Bylaw;
 - e. To take reasonable measures as necessary to subdue and control the Animal without injuring or causing undue distress to the Animal in the process of capturing, seizing and impounding the Animal including but not limited to the use of tranquilizer equipment and other capture devices;
 - f. Where an Animal is injured or ill, deliver the Animal to a Registered Veterinarian for treatment prior to delivering the Animal to the Pound,
 - g. Issue a Remedial Order to an Owner of any Animal which has exhibited Threatening Behaviour, caused, or is alleged to have caused a Severe Injury, or has otherwise contravened any section of this Bylaw. The Remedial Order may:

- i. Direct the Owner to stop doing something or to change the way in which the Owner is doing it,
- ii. Direct the Owner to take any action or measures necessary to remedy the contravention of this Bylaw including but not limited to:
 - A. Submitting the Dog for a Behaviour Assessment,
 - B. Complying with any recommendations made by the Person who conducted the Behaviour Assessment, and
 - C. Attending training sessions with the Dog conducted by a qualified Dog trainer,
- iii. State a time within which the Owner must comply with the Officer's directions and provide proof of compliance to the Officer, and
- iv. State that if the Owner does not comply with the directions within a specified time, the County may take the action or measure at the expense of the Owner.

7.3. Any Person who receives a Remedial Order may request a review of the Remedial Order by Council in accordance with Section 547 of the Municipal Government Act by filing a written request for review of the Remedial Order together with the Remedial Order Review Fee as set out in Schedule "B" to this Bylaw with the Chief Administrative Officer within 14 days of receipt of the Remedial Order. The request for review shall set out the grounds for the request.

7.4. Within thirty (30) days after receipt of the request for review, Council shall review the Remedial Order and may confirm, vary, substitute, or cancel the Remedial Order and shall issue a written decision, including reasons for the decision, to the Person who requested the review.

7.5. Any Person affected by the decision of Council may appeal the decision to the Court of Queen's Bench in accordance with Section 548 of the Municipal Government Act.

8. NOTIFICATION

- 8.1. If the Officer knows or can ascertain the name of the Owner of any impounded Animal, the Officer shall serve the Owner with a written notice, either personally or by mailing it to the last known address of the Owner.
- 8.2. An Owner of an Animal to whom a notice is mailed is deemed to have received the notice three (3) business Days after the Day it is mailed.
- 8.3. If the Owner of any impounded Animal is unknown, the Officer shall post notices in County social media and web page with a description of the Animal and information on how the Owner may reclaim the Animal.

9. IMPOUNDMENT OF DOGS

- 9.1. An Officer or pound may only sell, gift, or humanely euthanize an impounded Dog after the longer of the following applicable time periods have expired:
 - a. If the identity of the Owner of the Dog is unknown, three (3) business Days after the Officer has posted notices in accordance with Section 69, or
 - b. Three (3) business Days after the Owner of the Dog has received notice that the Dog is impounded, or
 - c. Notwithstanding Sections 10.1(a) and (b), if the Dog appears to be a purebred Dog or if it bears an obvious identification device, tattoo, brand, mark, tag, or license, ten (10) Days after the Day the Dog was delivered to the Pound, or
 - d. Such other date:
 - i. As may be ordered or directed by a Court having authority; or
 - ii. As may be agreed between the County and the Owner of the Dog; or
 - iii. As may be determined by the Chief Administrative Officer, in his/her sole discretion.
- 9.2. The Officer or pound may offer for sale, adoption, or may humanely euthanize, any unclaimed Dogs after the expiration of the period of impoundment as outlined in Section 10.1.

- 9.3. Notwithstanding anything in this Bylaw, nothing shall prevent a Dog from being humanely euthanized at any time and in exigent circumstances due to physical illness or injury upon the Officer's assessment or recommendation of a Registered Veterinarian.
- 9.4. No Person shall obstruct, interfere with, hinder, or impede an Animal Control Officer in the performance of their duties by:
- a. Interfering or attempting to interfere with an Animal Control Officer who is attempting to capture or has captured a Dog in accordance with the provisions of this Bylaw,
 - b. Inducing a Dog to enter a house or other place where it may be safe from capture, or otherwise assisting the Dog to escape capture,
 - c. Falsely representing that they are in charge or control of a Dog so as to establish that the Dog is not Running at Large,
 - d. Unlocking, unlatching, or otherwise opening the vehicle in which a captured Dog has been placed so as to allow or attempt to allow the Dog to escape, or
 - e. Interfering or attempting to obstruct an Animal Control Officer from exercising their powers as prescribed in Section 7 of this Bylaw;

10. RECLAIMING OF DOGS

- 10.1. The Owner of an impounded Animal may reclaim the Animal by paying to the County the fees and penalties applicable to such Animal as set out in Schedules "A" and "B" to this Bylaw.

11. PENALTY PROVISIONS AND VIOLATION TICKETS

- 11.1. Any Person who contravenes any provision of this bylaw is guilty of an offence and is liable upon summary conviction to a fine of not less than Two Hundred and Fifty Dollars (\$250.00) and a maximum fine of Ten Thousand Dollars (\$10,000.00).
- 11.2. Under no circumstances shall any Person contravening any provision of this Bylaw be subject to the penalty of imprisonment.
- 11.3. The minimum fine for a contravention of any provision of this Bylaw not listed in Schedule "B" shall be \$250.00.

- 11.4. The levying and payment of any fine shall not relieve a Person from the necessity of paying any fees, charges, or costs for which the Person is liable pursuant to the provisions of this Bylaw.
- 11.5. Where an Animal Control Officer believes that a Person has contravened any provision of this Bylaw, the Peace Officer may commence proceedings against the Person by issuing a violation ticket pursuant to the Provincial Offences Procedures Act.
- 11.6. Where there is a specified penalty listed for an offence in Schedule "B" to this Bylaw, that amount is the specified penalty for the offence.
- 11.7. Notwithstanding specified penalties set out in Schedule "B" to this Bylaw:
- a. If a Person is convicted twice under the same provision of this Bylaw within a twenty-four (24) month period, the specified penalty for the second conviction shall be twice the amount of the specified penalty for a first offence; and
 - b. If a Person is convicted three or more times under the same provision of this Bylaw within a twenty-four (24) month period, the penalty for the third and subsequent convictions shall be triple the amount of the specified penalty for a first offence.
- 11.8. Where a contravention of this Bylaw is of a continuing nature, a contravention shall constitute a separate offence in respect of each Day, or part of a Day, on which that offence continues.
- 11.9. This section does not prevent any Animal Control Officer from issuing a violation ticket requiring a Court appearance of the defendant, pursuant to the provisions of the Provincial Offences Procedures Act, or from laying an information in lieu of a violation ticket.
- 11.10. A Justice, after convicting an Owner of an offence under this Bylaw, may, if the Justice considers the offence sufficiently serious, direct, order or declare any one or more of the following:
- a. That the Owner prevent the Animal from doing mischief or causing the disturbance or nuisance complained of;
 - b. That the Owner pay restitution for any expenses or costs incurred by any Person including but not limited to the County as a result of the Owner's offence;

- c. That the Dog is a Vicious Dog;
- d. That the Dog be destroyed; or
- e. That the Owner be prohibited from owning any Dog or other Animal for a specified period.

11.11.Recovery of Enforcement Costs

- a. The expenses and costs of any action or measures taken by the County under this Bylaw are an amount owing to the County by the Person in contravention of this Bylaw;
- b. Where any contravention of this Bylaw occurred on property to which the Owner is the registered owner, any unpaid expenses or costs may be added to the tax roll of that property in accordance with the Municipal Government Act; and
- c. The costs and expenses incurred by the County in the enforcement of this Bylaw may be collected as a civil debt.

12. MISCELLANEOUS

12.1.It is the intention of Council that all offences created under this Bylaw be interpreted to be strict liability offences.

12.2.Each provision of this Bylaw is independent of all other provisions. If any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

12.3.Nothing in this Bylaw relieves a Person from complying with any federal, provincial law or other regulation or County bylaw or any requirements of any lawful permit, order, consent, or other direction.

12.4.A copy of a record of the County, certified as a true copy of the original, shall be admitted in evidence as prima facie proof of the facts states in the record without proof of the appointment or signature of the Person signing it.

12.5.Nothing in this Bylaw limits the right of any Person to prosecute a claim for damage by reason of injuries to a Person or property resulting from any action of an Owner or any Animal.

- 13.** Bylaw 2021-019 is hereby rescinded.
- 14.** This Bylaw shall come into force and take effect upon third reading.

READ a first time on this 5th day of October, 2022

READ a second time on this 5th day of October, 2022

READ a third time on this 5th day of October, 2022

[original signed]

Jason Schneider, Reeve

[original signed]

Nels Petersen, CAO

Schedule "A"

Impoundment Fee	Amount Expended
Vicious Dog Impoundment Fee	Amount Expended
Care and Sustenance Fees	Amount Expended
Veterinary Fees	Amount Expended
Behavior Assessment Fee	Amount Expended
Destruction of Animal	Amount Expended

The amounts to be paid to the County by the Owner of an Animal in order to reclaim the Animal shall be the actual amounts incurred by the County in providing care to the Animal including but not limited to the Impoundment Fee, Care and Sustenance Fees calculated on a per day or portion thereof basis, Veterinary Fees, Assessment Fees, and any costs of destroying the Animal.

Remedial Order Review Fee	\$100.00
---------------------------	----------

Schedule "B"

Bylaw Section	Offence	Specified Penalty
3.1	Cause/Permit an animal to be in distress	\$500.00
3.3(a)	Failure to provide adequate food/water	\$500.00
3.3(b)	Failure to provide adequate care	\$500.00
3.3(c)	Failure to provide protection from injurious heat/cold	\$500.00
3.3(d)	Failure to provide adequate shelter	\$500.00
3.4	Interference with Animals	\$100.00
4.1(a)	Allow dog to bite or attack any individual	\$500.00
4.1(b)	Allow dog to bite or attack any animal	\$300.00
4.1(c)	Allow dog to bite or attack any individual, or animal causing serious injury	\$1000.00
4.1(d)	Allow dog to exhibit threatening behavior	\$300.00
4.1(e)	Allow dog to bark/howl or disturb the peace	\$300.00
4.1(f)	Allow dog to damage or destroy property	\$300.00
4.1(g)	Allow dog to upset or scatter garbage containers	\$250.00
4.2	Allow dog in season in public place	\$250.00
4.3	Fail to remove defecation immediately	\$250.00
4.4	Fail to maintain Care and Control of dog	\$250.00
4.5	Allow Dog to run at large	\$250.00
5.1	Own or keep more than prescribed number of Dogs	\$250.00
10.4	Obstruct or interfere a Peace Officer	\$1000.00
	VICIOUS DOGS	
4.1(a)	Allow dog to bite or attack any individual	\$1000.00
4.1(b)	Allow dog to bite or attack any animal	\$600.00
4.1(c)	Allow dog to bite or attack any individual, or animal causing serious injury	\$1500.00
4.1(d)	Allow animal to exhibit threatening behavior	\$600.00
4.5	Allow Dog to run at large	\$1000.00
6.18(a)	Fail to have dog marked with identifier as prescribed	\$500.00

6.18(b)	Fail to have dog spayed/neutered as prescribed	\$500.00
6.19	Fail to post Vicious Dog sign	\$1000.00
6.20	Sell transfer or gift a Vicious Dog	\$1500.00
6.21	Breed or permit breeding of a Vicious Dog	\$1500.00
6.22	Fail to notify of change in Vicious Dog's status	\$250.00
6.23	Fail to notify of Vicious Dog running at large as prescribed	\$1000.00
6.24	Fail to properly confine a Vicious Dog as prescribed	\$1000.00
6.26	Have a Vicious Dog at Public Park or Public Event	\$1000.00
6.28	Fail to have Vicious Dog insured	\$500.00

Schedule "C"

DR. IAN DUNBAR'S AGGRESSION SCALE

ASSESSMENT OF THE SEVERITY OF BITING PROBLEMS BASED ON AN OBJECTIVE EVALUATION OF WOUND PATHOLOGY	
Level 1	Dog growls, lunges, snarls – no teeth touching skin. Mostly intimidation and/or threatening behavior.
Level 2	Teeth touch skin but no puncture. May have red mark and/or minor bruise from dog's head or snout, may have minor scratches from paws and/or nails. Minor surface abrasions or lacerations.
Level 3	Punctures one (1) to three (3) holes, single bite. No tearing or slashes. Victim not shaken side to side. Bruising.
Level 3.5	Multiple Level 3 bites.
Level 4	Two (2) to four (4) holes from a single Bite, typically contact and/or punctures from more than canines, considerable bruising. Black bruising, tears, and/or slashing wounds. Dog clamped down and held and/or shook head from side to side.
Level 5	Multiple bites at Level 4 or above. A concerted, repeated Attack causing severe injury.
Level 6	Any bite resulting in death of an Animal.
Dr. Ian Dunbar PhD developed this scale. B VetMed, MRCVS, of Berkeley California. From his studies Dr. Dunbar has been able to separate and classify bites into a generalized six-level assessment protocol. This Scale is used as a standard throughout the world in canine aggression investigations and behavior assessment.	