

FOOTHILLS COUNTY

BYLAW 15/2019

Being a bylaw of Foothills County, in the Province of Alberta, to authorize the regulation and control of dogs, for the purpose of promoting responsible dog ownership and ensuring the maintenance of public safety throughout the municipality.

WHEREAS: Pursuant to the provisions of the Municipal Government Act, Statutes of Alberta, RSA 2000, C. M-26 and amendments thereto, Council may pass a Bylaw for the purpose of regulating and controlling dogs and activities in relation to them;

WHEREAS: Council deems it necessary to provide for the regulation and control of dogs within the limits of the Municipality;

WHEREAS: Council deems it necessary to replace the existing Dog Bylaw #86/2010

NOW THEREFORE, THE COUNCIL OF FOOTHILLS COUNTY, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

TITLE

1. This Bylaw may be cited as the "Responsible Dog Ownership Bylaw".

DEFINITIONS

2. In this Bylaw, the following words shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the past and future; words in the plural, include the singular; words in the singular include the plural; words in the masculine gender, include feminine and neuter genders; words in the feminine and neuter genders, include the masculine gender. The word "shall" is always mandatory, and not merely directory.

- (a) "Animal" means any domestic dog;
- (b) "Animal Services Centre" means a facility determined by the Municipality for the safekeeping and holding of impounded or seized animals and collecting fees as set out within this Bylaw;
- (c) "Attack" means an assault by an animal upon a person or other animal consisting of more than one bite and which causes injury to that person or other animal;
- (d) "Bite" means an application of force by an animal by means of its mouth and teeth upon a person or other animal which results in pain or injury of any nature being inflicted upon that person or other animal;
- (e) "Court" means a Court of competent jurisdiction in the Province of Alberta;
- (f) "Former Owner" means the person who at the time of impoundment or seizure of an animal was the owner of an animal which has subsequently been sold, destroyed, or otherwise disposed of;
- (g) "Highway" has the meaning as defined in the Traffic Safety Act, R.S.A. 2000, C. T-6, as amended or replaced from time to time;
- (h) "Justice" has the meaning as defined in the Provincial Offences Procedure Act, R.S.A. 2000, C. P-34, as amended or replaced from time to time;
- (i) "Leash" means a chain or other material capable of restraining the animal on which it is being used;
- (j) "Licence Tag" means an identification tag issued by the municipality showing the licence number of a dog that has been declared a vicious animal under this Bylaw;
- (k) "Livestock" includes, but is not limited to:

- (i) horse, mule, ass, swine, emu, ostrich, llama, alpaca, sheep or goat;
 - (ii) domestically reared or kept deer, reindeer, moose, elk, or bison;
 - (iii) farm-bred, fur-bearing animals including foxes and mink;
 - (iv) animals of the bovine species;
 - (v) animals of the avian species including chickens, turkeys, ducks, geese or pheasants; and
 - (vi) all other animals that are kept for agricultural purposes, but does not include cats, dogs or other domesticated household pets;
- (l) "Motor vehicle" has the same meaning as found in the Traffic Safety Act, RSA 2000, Chapter T-6 and the regulations thereunder, as amended or replaced from time to time;
- (m) "Municipality" means the municipal corporation of Foothills County within the boundary thereof as the context requires;
- (n) "Muzzle" means a humane device of sufficient strength placed over an animal's mouth to prevent it from biting;
- (o) "Nuisance Animal" means an animal declared to be a Nuisance Animal by the Protective Services Coordinator in accordance with Section 25 of this Bylaw;
- (p) "Owner" means any natural person or body corporate:
- (i) who has legal title to the animal; or
 - (ii) who has possession or custody, or care and control of the animal, either temporarily or permanently; or

- (iii) who claims and receives an animal from the custody of the animal services centre; or
 - (iv) to whom a licence tag was issued for an animal in accordance with this Bylaw; or
 - (v) who harbours the animal, or allows the animal to remain on his premises; or
 - (iv) who is the registered owner of a motor vehicle in which the animal is found or any motor vehicle that is transporting an animal in or on.
- (q) "Peace Officer" means a person engaged by the Municipality as a Community Peace Officer, a Bylaw Enforcement Officer, a Designated Officer or a member of the Royal Canadian Mounted Police to carry out the provisions of this Bylaw;
- (r) "Protective Services Coordinator" means the person appointed as the Protective Services Coordinator and includes that person's designate;
- (s) "Provincial Court" means the Provincial Court of Alberta;
- (t) "Running at Large" means:
- (i) an animal which is not under the control of a person responsible by means of a leash and is actually upon property other than the property in respect of which the owner of the animal has the right of occupation,
 - (ii) an animal which is under the control of a person responsible by means of a leash and which causes damage to persons, property or other animals;
- (u) "Severe Injury" means any injury that requires medical attention excepting wound cleaning and basic first aid and includes: wounds requiring sutures or

surgery, disfiguring or scarring lacerations, broken bones, severe sprains or any other similar serious injury;

- (v) "Trespasser" has the same meaning as found in the Trespass to Premises Act, Chapter T-7, RSA 2000 as amended or replaced from time to time;
- (w) "Unaltered Dog" means a dog that has not been spayed or neutered;
- (x) "Vicious Animal" means any animal which has been declared to be a vicious animal pursuant to the provisions of this Bylaw, pursuant to the provisions of a Bylaw of another municipality, or any animal that has been the subject of an order issued by a Justice pursuant to the Dangerous Dogs Act, R.S.A. 2000, c. D-3, as amended or replaced from time to time;
- (y) "Working Dog" means any dog kept for the purposes of working, herding or guarding livestock that is actively working with a livestock operation in this regard.

INTERPRETATION

- 3. (1) Nothing in this Bylaw relieves a person from complying with any requirement of any lawful permit, order or licence.
- (2) Any heading or sub-headings in this Bylaw are included for guidance purposes and convenience only, and shall not form part of this Bylaw.
- (3) Where this Bylaw refers to another Act, Bylaw, Regulation or Agency, it includes reference to any Act, Bylaw, Regulation or Agency that may amend or be substituted therefore.
- (4) All the Schedules attached to this Bylaw shall form a part of this Bylaw.

VICIOUS ANIMAL LICENSING

4. (1) No person shall own or keep any vicious animal within the municipality unless such vicious animal is licenced as provided in this Bylaw.
- (2) The holder of a licence for a vicious animal must be eighteen (18) years of age or older.
- (3) The owner of a vicious animal shall ensure that the vicious animal wears a current licence purchased for that vicious animal, when the vicious animal is off the property of the owner.
- (4) The owner of a vicious animal shall obtain an annual licence for such vicious animal at such times and in the manner as specified in Subsection 19 and shall pay an annual fee as set out in Schedule 'A' of this Bylaw.
- (5) The owner of a vicious animal shall:
 - (a) obtain a licence for such vicious animal on the first day on which the municipal office is open for business after the animal has been declared vicious;
 - (b) obtain a licence on the first day on which the municipal office is open for business after he becomes the owner of the vicious animal;
 - (c) obtain a licence for the vicious animal on the day specified by the Protective Services Coordinator each year.

VICIOUS ANIMAL LICENCING INFORMATION

5. (1) When applying for a vicious animal licence under this Bylaw, the owner shall provide the following:

- (a) a description of the vicious animal including breed, name, gender and age;
 - (b) the name, address and telephone number of the owner;
 - (c) if the owner is a body corporate, the name, address and telephone number of the natural person responsible for the vicious animal;
 - (d) information establishing that the vicious animal is spayed or neutered;
 - (e) any other information which the Protective Services Coordinator may require; and
 - (f) the annual licence fee for the vicious animal, as set out in Schedule 'A' of this Bylaw.
- (2) No person shall give false information when applying for a vicious animal licence pursuant to this Bylaw.
- (3) An owner shall forthwith notify a peace officer, employed by the municipality, of any change with respect to any information provided in an application for a licence under this Bylaw.

REPLACEMENT OF LOST VICIOUS ANIMAL LICENCE

6. Upon losing a vicious animal licence, an owner of a vicious animal may obtain a licence replacement for a fee as set out in Schedule 'A' of this Bylaw.

NON-TRANSFERABLE

7. A vicious animal licence issued pursuant to this Bylaw is not transferable.

NO REBATE

8. No owner shall be entitled to a licence rebate under this Bylaw.

UNCERTIFIED CHEQUES

9. Where a vicious animal licence required pursuant to this Bylaw has been paid for by the tender of an uncertified cheque, the licence:
 - (1) is issued subject to the cheque being accepted and cashed by the bank without any mention of this condition being made on the licence; and
 - (2) is automatically revoked if the cheque is not accepted and cashed by the bank on which it is issued.

RESPONSIBILITIES OF OWNERS

RUNNING AT LARGE

10. The owner of an animal shall ensure that such animal is not running at large.

UNATTENDED ANIMALS

11.
 - (1) The owner of an animal shall ensure that such animal shall not be left unattended while tethered or tied on premises where the public has access, whether the access is expressed or implied, in a manner that allows the animal to interfere with the free movement of people accessing the premises.
 - (2) The owner of an animal left unattended in or on a motor vehicle shall ensure:
 - (a) the animal is restrained in a manner that prevents contact between the animal and any member of the public; and
 - (b) the animal has suitable ventilation and is not subjected to injurious heat or cold conditions when left unattended in that motor vehicle.

COMMUNICABLE DISEASES

12. The owner of an animal which is suffering from a communicable disease shall:
- (a) not permit the animal to be in any public place;
 - (b) not keep the animal in contact with or in proximity to any other animal;
 - (c) keep the animal locked or tied up; and
 - (d) immediately report the matter to the Office of the Chief Provincial Veterinarian (Alberta Animal Health and Assurance Branch) and the Protective Services Coordinator.

NUISANCES

REMOVING EXCREMENT

13. (1) If an animal defecates on any public or private property other than the property of its owner, the owner shall remove such feces immediately.
- (2) If an animal is on any public or private property other than the property of its owner, the owner shall have in his possession a suitable means of facilitating the removal of the animal's feces.
- (3) The owner of an animal shall ensure that feces left by it on the property of the owner does not accumulate to such an extent that it seriously interferes with other property owners reasonable enjoyment of their property, due to excessive odor and/or unsightliness.

NOISE

14. (1) The owner of an animal shall ensure that such animal shall not excessively bark, howl or otherwise make or cause excessive noise which disturbs any person and unreasonably interferes with that person's peaceful enjoyment of his property.
- (2) Whether or not any such barking, howling or other such noise is excessive and unreasonably interferes with a person's peaceful enjoyment of his property is a question of fact to be determined by a Court hearing a prosecution pursuant to this Section of the Bylaw.

SCATTERING GARBAGE

15. (1) The owner of an animal shall ensure that such animal shall not upset any waste receptacle or scatter the contents thereof either in or about a street, lane or other public property or in or about any premises not belonging to or in the possession of the owner of the animal.
- (2) The owner of an animal shall immediately return any such upset waste receptacle to an upright position, and remove any contents that may have been scattered in or about a street, lane, or other public property or in or about any premises not belonging to or in the possession of the owner of the animal, or contact the owner or occupant of premises where garbage has been upset and scattered, so as not to further trespass upon such property.

THREATENING BEHAVIOURS

16. (1) The owner of an animal shall ensure that such animal shall not:
- (a) bark at, or chase other animals, livestock, or other domesticated household pets, in a threatening manner;

- (b) bark at, or chase bicycles, motor vehicles, or other vehicles;
 - (c) growl, lunge, snarl, chase or otherwise threaten a person or persons, 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 or cause damage to property, animals, livestock or other domesticated household pets, whether on the property of the owner or not;
 - (e) do any act other than biting or attacking, that injures a person or persons whether on the property of the owner or not, unless the person injured is a trespasser on the property of the owner;
 - (f) bite a person or persons, whether on the property of the owner or not, unless the person bitten is a trespasser on the property of the owner;
 - (g) attack a person or persons, whether on the property of the owner or not, unless the person attacked is a trespasser on the property of the owner;
 - (h) bite or attack a person or persons, whether on the property of the owner or not, causing severe injury, unless the person bitten or attacked is a trespasser on the property of the owner;
 - (i) cause severe injury to an animal, livestock or other domesticated household pets;
 - (j) cause death to another animal, livestock or other domesticated household pets.
- (2) No owner shall use or direct an animal to attack, chase, harass or threaten a person, animal, livestock or other domesticated household pets.

- (3) Notwithstanding subsections 16(1)(a), 16(1)(d) and 16(2), a working dog that is actively working with a livestock operation, following generally accepted practices of livestock management, is exempted.

HEARINGS AND ORDERS

VICIOUS ANIMALS

17.
 - (1) The owner of an animal alleged to be a vicious animal, shall be provided notice of a hearing for determination by the Provincial Court not less than ten (10) days before the date of the hearing.
 - (2) The Protective Services Coordinator may order the owner of an animal alleged to be a vicious animal to surrender the animal to a Peace Officer and the animal shall be taken and held in an animal services centre, for the purposes of completing a behavioural assessment, at the owner's cost, pending the outcome of the hearing and any appeals.
 - (3) The Protective Services Coordinator may allow the owner to keep possession of an animal alleged to be a vicious animal, pending the outcome and disposition of the hearing in Provincial Court and any related appeals, by issuing interim contain and control conditions, which in the opinion of the Protective Services Coordinator, ensures the safety of the public.
 - (4) The owner of an alleged vicious animal shall comply with a surrender order made by the Protective Services Coordinator, or any interim contain and control conditions prescribed by the Protective Services Coordinator pursuant to this section.
18.
 - (1) Upon hearing the evidence, the Justice shall make an order in a summary way declaring the animal as a vicious animal if the Justice finds as a fact that the animal has caused severe injury to a person, whether on public or private property.

- (2) Upon hearing the evidence, the Justice may make an order declaring the animal a vicious animal or order the animal destroyed, or both, if in the opinion of the Justice, the animal poses an unreasonable risk to public safety due to the animal's potential to cause serious damage or injury to persons, property or other animals, livestock or other domesticated household pets, taking into account the following factors:
- (a) whether the animal, when unprovoked, has shown a tendency to pursue, chase or approach in a menacing fashion any person or persons or other animal, livestock or other domesticated household pets upon the street, sidewalk or on any public or private property;
 - (b) whether the animal has attempted to bite, or has bitten any person or animal, livestock or other domesticated household pets;
 - (c) whether the animal has injured, attacked or caused severe injury to any person or animal, livestock or other domesticated household pets;
 - (d) the aggression scale classification made by a Peace Officer pursuant to Section 27, as found in Schedule 'D'. (Dunbar Scale)
 - (e) the circumstances surrounding any previous biting, attacking, or injuring incidents;
 - (f) whether the animal has caused death to another animal, livestock or other domesticated household pet.
- (3) The order of a Justice declaring an animal vicious shall embody all of the requirements in Sections 19, 20, 21, 22, 23 and 24.

- (4) A vicious animal order pursuant to this Bylaw continues to apply if the animal is sold, given or transferred to a new owner.
- (5) The owner of a vicious or dangerous dog must immediately notify the Protective Services Coordinator upon relocating within or to the municipality. The Protective Services Coordinator may take cognizance of an order issued in another jurisdiction and direct that the order applies within the municipality.

REGULATIONS

19. (1) Prior to a licence tag being issued, the owner of a vicious animal shall within ten (10) days after the animal has been declared vicious:
 - (a) have a licenced veterinarian tattoo or implant an electronic identification microchip in or on the vicious animal identifying the animal with a unique identifier to the animal;
 - (b) provide the information contained on the tattoo or in the microchip to a Peace Officer; and
 - (c) if the vicious animal is not spayed or neutered, have the vicious animal spayed or neutered.
20. (1) The owner of a vicious animal shall:
 - (a) forthwith notify a Peace Officer, employed by the municipality, should the vicious animal be sold, gifted, or transferred to another person or die; and
 - (b) remain liable for the actions of the vicious animal until formal notification of the sale, gift or transfer is given to a Peace Officer pursuant to subsection 20(1)(a).

21.
 - (1) The owner of a vicious animal shall ensure that such vicious animal does not engage in any threatening behaviours prohibited by Section 16 of this Bylaw.
 - (2) The owner of a vicious animal shall ensure that such vicious animal does not damage or destroy public or private property.
 - (3) The owner of a vicious animal shall ensure that such vicious animal is not running at large.
 - (4) The owner of a vicious animal shall forthwith notify a Peace Officer of the vicious animal running at large.

22.
 - (1) The owner of a vicious animal shall ensure that when such vicious animal is on the property of the owner such vicious animal is:
 - (a) confined indoors and under the control of a person eighteen (18) years of age or older; or
 - (b) when such vicious animal is outdoors, such vicious animal is:
 - (i) in a locked pen or other structure, constructed pursuant to Section 23 in order to prevent the escape of the vicious animal, and capable of preventing the entry of any person not in control of the vicious animal; or
 - (ii) securely muzzled, and under the control of a person eighteen (18) years of age or older by means of a leash not exceeding one (1) meter in length in a manner that prevents it from being in contravention of Section 16 of this Bylaw.
 - (2) The owner of a vicious animal shall ensure that at all times, when off the property of the owner, such vicious animal is 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 being in contravention of Section 16 of this Bylaw, as well as preventing damage to public or private property; and
 - (c) under the control of a person eighteen (18) years of age or older.

- 23. (1) The owner of a vicious animal shall ensure that the locked pen or other structure:
 - (a) 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;
 - (b) shall provide the vicious animal with shelter from the elements;
 - (c) shall 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;
 - (d) is located on the property of the owner in a manner that complies with the provisions of the municipality's Land Use Bylaw, as amended or replaced from time to time.

- 24. (1) The owner of a vicious animal shall, within ten (10) days of the date of the order declaring the animal to be vicious, display a sign on his premises warning of the presence of the vicious animal in the form illustrated in Schedule 'F'.

- (2) A sign required by Subsection 24(1) shall be placed at each entrance to the premises where the vicious animal is kept and on the pen or other structure in which the vicious animal is confined.

- (3) A sign required by Subsection 24(1) shall be posted to be clearly visible and capable of being seen by any person accessing the premises.

NUISANCE ANIMALS

25. (1) The Protective Services Coordinator may declare an animal to be a nuisance animal;
 - (a) in declaring an animal to be a nuisance animal, the Protective Services Coordinator shall have regard to Sections 10, 14, 15, and 16 of this Bylaw and any other matter which in the opinion of the Protective Services Coordinator is relevant including whether the animal's behaviour or actions have resulted in contraventions of this bylaw more than once.
- (2) The Protective Services Coordinator may apply such conditions on the owner and animal as deemed appropriate to eliminate the nuisance.
- (3) The declaration of an animal as a nuisance animal shall be reviewed annually by the Protective Services Coordinator, taking into account Subsection 25(1) and may be continued, with or without conditions, or revoked.
- (4) The owner of an animal shall comply with all conditions set out in a nuisance animal declaration made by the Protective Services Coordinator pursuant to this section.

ANIMAL CONTROL OPERATIONS

NOTICE TO CONTAIN AND CONTROL

26. (1) The Protective Services Coordinator may allow an owner to keep possession of an animal alleged to have been engaged in any threatening behaviour as

set out in Section 16 of this Bylaw by serving a notice with contain and control conditions which, in the opinion of the Protective Services Coordinator, ensures the safety of the public.

- (2) The contain and control conditions shall be reviewed annually by the Protective Services Coordinator, taking into account any further contraventions of this Bylaw and may be continued, revised or revoked.
- (3) The owner of an animal shall comply with all contain and control conditions set out in a notice issued by the Protective Services Coordinator pursuant to this section.

AGGRESSION SCALE CLASSIFICATION

27. A Peace Officer investigating a complaint involving the threatening behaviour of an animal shall classify the behaviour by means of reference to the Dr. Ian Dunbar's Aggression Scale, which is set out in Schedule 'D' of this Bylaw.

SEIZURE

28. (1) A Peace Officer may seize, retain and take to an animal services centre any animal, nuisance animal or vicious animal:
 - (a) which is found running at large; or
 - (b) which is alleged to have engaged in any threatening behaviours set out in Section 16 of this Bylaw; or
 - (c) pending the outcome of a behavioural assessment and/or an application to declare the animal to be a vicious animal or to destroy the animal; or
 - (d) which is alleged to have contravened a provision of a contain and control notice or an interim contain and control notice; or

- (e) which is required to be impounded pursuant to the provisions of any Statute of Canada or of the Province of Alberta, or any Regulation made thereunder.
- (2) A Peace Officer may enter onto any property surrounding any building, whether or not such property is enclosed by a fence or other such enclosure, and seize any animal which has been observed running at large and is alleged to have been exhibiting threatening behaviour as set out in Section 16 of this Bylaw and to take such reasonable measures necessary to subdue any such animal, including the use of tranquilizer equipment and other capture devices, and take such animal to an animal services centre.

OBSTRUCTION AND INTERFERENCE

29. (1) No person, whether or not that person is the owner of an animal, nuisance animal, or vicious animal, which is being pursued or has been pursued or seized by a peace officer shall:
- (a) interfere with or attempt to obstruct a Peace Officer who is attempting to seize or who has seized an animal which is subject to seizure;
 - (b) open any vehicle in which a seized animal has been placed; or
 - (c) remove, or attempt to remove, from the animal services centre and/or the possession of a Peace Officer, any animal which has been seized.
- (2) No person shall:
- (a) untie, loosen or otherwise free an animal which has been tied or otherwise restrained;
 - (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 the animal to run at large in the municipality;

- (c) entice an animal to run at large;
- (d) tease an animal caught or confined in an enclosed space;
- (e) throw or poke any object into an enclosed space when an animal is caught or confined therein;
- (f) provide false information to or obstruct a Peace Officer.

30. Section 29 shall not apply to a Peace Officer who is attempting to seize or who has seized an animal which is subject to seizure pursuant to this Bylaw.

NOTIFICATIONS

31. (1) If a Peace Officer knows or can ascertain the name of the owner of any seized animal, he shall serve the owner with a copy of the Notice in Schedule 'E' of this Bylaw, either personally or by leaving it with any adult person at, or by mailing it to or by leaving it at, the last known address of the owner.
- (2) An owner of an animal to whom a Notice is mailed pursuant to Subsection 31(1) is deemed to have received a Notice within seven (7) days from the date it is mailed. A Notice served personally on the owner or any adult person at the last known address of the owner shall be deemed to be served on the day of service.

RECLAIMING

32. (1) Subject to the provisions of subsection 35, the owner of any seized animal, nuisance animal or vicious animal may reclaim the animal, nuisance animal or vicious animal by:

- (a) paying to the municipality the costs of any behavioural assessments, impoundment, any care, subsistence or veterinary charges incurred as set out in Schedule 'A' of this Bylaw;
- (b) where a licence is required under this Bylaw, obtaining the licence for such animal, nuisance animal or vicious animal;
- (c) complying with any and all provisions which may be imposed in accordance with this Bylaw.

INSPECTIONS

33. Subject to the entry notice provisions of the Municipal Government Act, R.S.A. 2000, c. M-26, a Peace Officer of the municipality, who has been appointed as a Designated Officer, bearing proper identification, may enter a premises to conduct an inspection in order to determine whether or not this Bylaw or an order issued pursuant to this Bylaw is being complied with and, where it is determined that this Bylaw or an order has been contravened, may seize and remove from the premises an animal and take the animal to an animal services centre.
34. No person shall interfere with or attempt to obstruct a Peace Officer, who is attempting to conduct an inspection or seizure of an animal pursuant to section 33.

AUTHORITY OF THE PROTECTIVE SERVICES COORDINATOR

35. (1) The Protective Services Coordinator may:
- (a) receive animals into protective care at an animal services centre arising from an emergency due to fire, flood or other reasons;
 - (b) retain animals temporarily at an animal services centre;

- (c) charge the owner fees, pursuant to Schedule 'A', costs of behavioural assessments, impoundment, any care, subsistence or veterinary charges incurred as set out in Schedule 'A' of this Bylaw;
 - (d) at the end of the protective care period, if no other arrangements are made between the owner and the Protective Services Coordinator or the owner cannot be ascertained, treat such animals as seized animals;
 - (e) offer for sale, euthanize or otherwise dispose of all unclaimed animals which have been seized or deemed to be seized.
- (2) The Protective Services Coordinator shall not sell, euthanize, or otherwise dispose of a seized animal until an animal is retained in the animal services centre for:
- (a) seven (7) days after the owner has received notice or is deemed by Subsection 31 to have received notice that the animal has been seized; or
 - (b) seventy-two (72) hours, if the name and address of the owner is not known.
- (3) The Protective Services Coordinator, may retain a seized animal for a longer period if in his opinion, the circumstances warrant the expense or there are reasonable grounds to believe that the seized animal is a continued danger to a person, animal, livestock or other domesticated household pets or property.

EUTHANIZING DUE TO INJURY

36. Any veterinarian, being properly and fully qualified as required by the Province of Alberta, may destroy any animal delivered to the veterinarian after injury to the animal, providing the injury is determined by the veterinarian to be of such serious nature, based upon his professional opinion, that the animal must be destroyed immediately and such costs of destruction may be billed to the municipality and the municipality is at

liberty to take all steps considered necessary to recover such costs from the owner of the animal.

REQUIRE SPAY / NEUTER

37. The Protective Services Coordinator may, before selling an unclaimed seized animal, require that the animal be spayed or neutered.

FEE FOR EUTHANIZING

38. When the Protective Services Coordinator decides to euthanize a seized animal pursuant to this Bylaw, the owner shall pay to the municipality a fee as set out in Schedule 'A' of this Bylaw.

FULL RIGHT AND TITLE

39. The purchaser of a seized animal pursuant to the provisions of this Bylaw shall obtain full right and title to the animal and the right and title of the former owner of the animal shall cease thereupon.

GENERAL PENALTY PROVISIONS

40. (1) Every owner of an animal who contravenes any of the provisions of this Bylaw by:
- (a) doing any act or thing which the person is prohibited from doing; or
 - (b) failing to do any act or thing the person is required to do,
- is guilty of an offence.
- (2) Any person who is convicted of an offence pursuant to this Bylaw is liable on summary conviction to a fine not exceeding ten thousand dollars (\$10,000.00) and in default of payment of any fine imposed, to imprisonment for not more than one (1) year.

VIOLATION TICKETS AND PENALTIES

41. (1) Where a Peace Officer believes that a person has contravened any provision of this Bylaw, he may commence proceedings by issuing a violation ticket in accordance with the Provincial Offences Procedure Act, R.S.A. 2000, c.P-34, as amended or replaced from time to time.
- (2) The specified penalty payable in respect of a contravention of any provision of this Bylaw is the amount shown in Schedule 'B' of this Bylaw in respect of that provision.
- (3) The minimum penalty payable in respect of a contravention of a provision of this Bylaw is the amount shown in Schedule 'B' of this Bylaw in respect of that provision.
- (4) Notwithstanding subsection 41(2):
- (a) where any person has been in contravention of the same provision of this Bylaw twice within one (1) twelve (12) month period the specified penalty payable in respect of the second offence is double the amount shown in Schedule 'B' of this Bylaw in respect of that provision; and
 - (b) where any person has been in contravention of the same provision of this Bylaw three (3) or more times within one (1) twelve (12) month period, the specified penalty payable in respect of the third or subsequent offence is triple the amount shown in Schedule 'B' of this Bylaw in respect of that provision.
- (5) Notwithstanding subsection 41(3):
- (a) where any person has been in contravention of the same provision of this Bylaw twice within one (1) twelve (12) month period, the minimum penalty payable in respect of the second offence is double the amount shown in Schedule 'B' of this Bylaw in respect of that provision; and

- (b) where any person has been in contravention of the same provision of this Bylaw three (3) or more times within one (1) twelve (12) month period, the minimum penalty payable in respect of the third or subsequent offence is triple the amount shown in Schedule 'B' of this Bylaw in respect of that provision.
- (6) Notwithstanding subsections 41(2) and 41(4), if an animal has been declared to be a nuisance animal, and where, subsequent to the declaration, any person is in contravention of any provision of this Bylaw in respect of that animal, the specified penalty payable in respect of the offence is double the amount shown in Schedule 'B' of this Bylaw in respect of that provision.
- (7) Notwithstanding subsections 41(3) and 41(5), if an animal has been declared to be a nuisance animal, and where, subsequent to the declaration any person is in contravention of any provision of this Bylaw in respect of that animal, the minimum penalty payable in respect of the offence is double the amount shown in Schedule 'B' of this Bylaw in respect of that provision.

VICIOUS ANIMAL FINES

- 42. (1) Subsections 41(2) (3) (4) (5) (6) and (7) do not apply to vicious animals.
- (2) The specified penalty on summary conviction in respect to a contravention of this Bylaw with respect to vicious animals shall be the amounts as shown in Schedule 'C' of this Bylaw regarding vicious animals.
- (3) The minimum fines on summary conviction in respect to a contravention of this Bylaw with respect to vicious animals shall be the amounts s shown in Schedule 'C' of this Bylaw regarding vicious animals.

- (4) Notwithstanding subsection 42(2):
- (a) where any person has been in contravention of the same provision of this Bylaw twice within one (1) twelve (12) month period, the specified penalty payable in respect of the second offence is double the amount shown in Schedule 'C' of this Bylaw in respect of that provision; and
 - (b) where any person has been in contravention of the same provision of this Bylaw three (3) or more times within one (1) twelve (12) month period, the specified penalty payable in respect of the third or subsequent offence is triple the amount shown in Schedule 'C' of this Bylaw in respect of that provision.
- (5) Notwithstanding subsection 42(3):
- (a) where any person has been in contravention of the same provision of this Bylaw twice within one (1) twelve (12) month period, the minimum penalty payable in respect of the second offence is double the amount shown in Schedule 'C' of this Bylaw in respect of that provision; and
 - (b) where any person has been in contravention of the same provision of this Bylaw three (3) or more times within one (1) twelve (12) month period, the minimum penalty payable in respect of the third or subsequent offence is triple the amount shown in Schedule 'C' of this Bylaw in respect of that provision.

CONTINUING OFFENCES

43. In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which the offence continues.

MANDATORY COURT OR INFORMATION

44. No provision of this Bylaw shall prevent any Peace Officer from issuing a violation ticket requiring the court appearance of the defendant, pursuant to the provisions of the Provincial Offences Procedure Act, R.S.A. 2000, c.P-34, as amended or replaced from time to time, or from laying an information instead of issuing a violation ticket.

LIABILITY FOR FEES

45. The levying and payment of any fine or the imprisonment for any period provided in this Bylaw shall not relieve a person from the necessity of paying any fees, charges or costs from which he is liable under the provisions of this Bylaw.

ORDERS BY A JUSTICE

46. (1) A Justice, after convicting an owner of an offence under this Bylaw may, in addition to the penalties provided in this Bylaw, if the Justice considers the offence sufficiently serious, direct, order or declare 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 have the animal removed from the municipality;
 - (c) that the animal is a vicious animal;
 - (d) that the animal be humanely destroyed;
 - (e) that the owner be prohibited from owning any animal for a specified period of time; or

- (f) make such other order, direction or declaration that in the opinion of the Justice, is necessary to protect the public, animals, livestock or other domesticated household pets from the animal.
- (2) When a Justice considers making a direction, order or declaration pursuant to this section, the Justice shall take into account the factors set out in Section 18 of this Bylaw.

PROOF OF LICENCE

- 47. The onus of proving a person has a valid and subsisting licence is on the person alleging the licence.

CERTIFIED COPY OF RECORDS

- 48. A copy of a record of the municipality, certified by the person duly appointed as the Designated Officer for the same as a true copy of the original, shall be admitted in evidence as prima facie proof of the facts stated in the record without proof of the appointment or signature of the person signing it.

GENERAL

- 49. Schedules 'A', 'B', 'C', 'D', 'E' and 'F' as attached, form a part of this Bylaw.
- 50. Any owner who has been informed that:
 - (a) any licence issued under this Bylaw has been revoked or cancelled; or
 - (b) the animal has been determined to be a nuisance animal

may appeal the determination to the Protective Services Coordinator, in writing, within fourteen (14) days of being notified that the licence has been revoked or cancelled, or that the animal has been determined to be a nuisance animal.

51. Within thirty (30) days of receiving a notice of appeal by an owner pursuant to section 50, the Protective Services Coordinator shall review the revocation or declaration and receive such information as in the opinion of the Protective Services Coordinator, is relevant and determine whether there are just and reasonable grounds to revoke or cancel a licence or confirm or revoke the nuisance animal declaration and the decision of the Protective Services Coordinator shall be final.
52. No action for damages shall be taken against the municipality or any person acting under the authority of this Bylaw in respect of the destruction, sale or other disposal of any animal seized pursuant to this Bylaw.
53. It is the intention of the Council of the municipality that each section of this Bylaw should be considered as being separate and severable from all other sections. Should any section or part be found invalid by a court of competent jurisdiction, it is intended that the invalid section or part shall be severable, and the remainder of the Bylaw will remain in effect.
54. It is the intention of the Council of the municipality that all offences created pursuant to this Bylaw be construed and considered as being Strict Liability Offences.
55. This Bylaw shall come into full force and effect upon the date of the third and final reading and bylaw #86/2010 is hereby repealed upon this Bylaw coming into effect.

Read a first time: February 27, 2019

Read a second time March 13, 2019

Read a third time March 13, 2019

SCHEDULE 'A'
FEES

First impoundment –per animal	\$80.00
Second impoundment – per animal (within twelve (12) months)	\$100.00
Third impoundment – per animal (within twelve (12) months)	\$150.00
Fourth and subsequent impoundment – per animal (within twelve (12) months)	\$250.00
Care and subsistence each full day of impoundment (not including intake or release day)	Market daily rate as set by Animal Services Centre
Vicious animal licence fee (annual)	\$250.00
Replacement vicious animal tag	\$10.00
Veterinary services	Amount expended
Destruction of dog	Amount expended
Behavioural Assessment	Amount expended

Amount(s) to be paid to Foothills County or the Animal Services Centre, by the owner of the animal in order to reclaim an animal

SCHEDULE 'B'
OFFENCE PENALTIES

SECTION	OFFENCE	MINIMUM PENALTY	SPECIFIED PENALTY
10	Animal Running at Large	\$250.00	\$300.00
11(1)	Leave animal unattended that interferes with public access to premises	\$200.00	\$250.00
11(2)(a)	Unattended animal improperly restrained in / on motor vehicle	\$200.00	\$250.00
11(2)(b)	Unattended animal subjected to injurious heat / cold in motor vehicle	\$300.00	\$500.00
12(d)	Fail to report suspected case of communicable disease	\$200.00	\$250.00
13(1)	Fail to remove animal feces	\$200.00	\$300.00
13(2)	No suitable means to remove feces	\$100.00	\$150.00
13(3)	Excessive accumulation of feces on property of owner	\$300.00	\$500.00
14(1)	Animal make / cause excessive noise	\$250.00	\$300.00
15(1)	Animal scatter garbage	\$150.00	\$200.00
16(1)(a)	Animal bark at / chase animals, livestock, other domesticated household pets	\$200.00	\$300.00
16(1)(b)	Animal bark at / chase bicycles, motor vehicles, other vehicles	\$300.00	\$400.00
16(1)(c)	Animal growl / lunge / snarl / chase / threaten a person	\$350.00	\$450.00

SECTION	OFFENCE	MINIMUM PENALTY	SPECIFIED PENALTY
16(1)(d)	Animal bite / cause damage to property, animals, livestock, domesticated pets	\$400.00	\$500.00
16(1)(e)	Animal injure a person	\$500.00	\$600.00
16(1)(f)	Animal bite a person	\$600.00	\$700.00
16(1)(g)	Animal attack a person	\$1000.00	\$1500.00
16(1)(h)	Animal bite / attack a person causing severe injury	\$1500.00	\$2000.00
16(1)(i)	Animal cause severe injury to animal, livestock or domesticated household pet	\$500.00	\$800.00
16(1)(j)	Animal cause death to animal, livestock, domesticated household pet	\$900.00	\$1200.00
16(2)	Direct animal to attack / chase / harass / threaten a person, animal, livestock, domesticated household pet	\$500.00	\$800.00
25(4)	Fail to obey nuisance animal conditions	\$400.00	\$650.00
26(3)	Fail to obey contain and control conditions	\$600.00	\$850.00
29(1)(a)	Obstruct or interfere with peace officer - seizure	\$800.00	\$1000.00
29(1)(b)	Open vehicle in which seized animals have been placed	\$600.00	\$850.00
29(1)(c)	Remove or attempt to remove seized animal	\$600.00	\$850.00
29(2)(a)	Untie / loosen / free restrained animal	\$250.00	\$500.00

SECTION	OFFENCE	MINIMUM PENALTY	SPECIFIED PENALTY
29(2)(b)	Open gate / door / opening in fence or enclosure allowing animal to run at large	\$250.00	\$500.00
29(2)(c)	Entice an animal to run at large	\$250.00	\$500.00
29(2)(d)	Tease an animal in an enclosure	\$250.00	\$500.00
29(2)(e)	Throw / poke object at animal in an enclosure	\$250.00	\$500.00
29(2)(f)	Provide false information / obstruct peace officer	\$800.00	\$1000.00
34	Interfere with / obstruct a designated officer / peace officer	\$800.00	\$1000.00

SCHEDULE 'C'
VICIOUS ANIMAL OFFENCE PENALTIES

SECTION	OFFENCE	MINIMUM PENALTY	SPECIFIED PENALTY
4(1)	Unlicensed vicious animal	\$1000.00	\$1500.00
4(3)	Vicious animal not wear licence tag	\$500.00	\$650.00
5(2)	Provide false information on vicious dog licence application	\$500.00	\$650.00
17(4)	Fail to comply with surrender order / interim contain and control conditions – alleged vicious animal	\$1000.00	\$1500.00
18(5)	Owner fail to notify Protective Services Coordinator of relocation	\$500.00	\$650.00
19(1)(a)	Fail to tattoo / implant microchip on / in vicious animal	\$500.00	\$650.00
19(1)(b)	Fail to provide tattoo / microchip information to peace officer	\$500.00	\$650.00
19(1)(c)	Fail to have vicious animal spayed / neutered	\$500.00	\$650.00
20(1)(a)	Fail to notify peace officer of sale gift/transfer death vicious animal	\$250.00	\$500.00
21(1)	Vicious animal conduct threatening behaviour	\$2000.00	\$3000.00
21(2)	Vicious animal damage/destroy property	\$1000.00	\$1500.00
21(3)	Vicious animal running at large	\$1000.00	\$1500.00
21(4)	Fail to notify peace officer of vicious animal running at large	\$600.00	\$800.00
22(1)(a)	Fail to keep vicious animal confined indoors and under control by person 18 yrs of age or older	\$1000.00	\$1500.00

SECTION	OFFENCE	MINIMUM PENALTY	SPECIFIED PENALTY
22(1)(b)(i)	Fail to keep vicious animal confined on property of owner	\$1000.00	\$1500.00
22(1)(b)(ii)	Fail to keep vicious animal muzzled on property of owner	\$1000.00	\$1500.00
22(2)(a)	Fail to keep vicious animal muzzled when off property of owner	\$1000.00	\$1500.00
22(2)(b)	Fail to keep vicious animal harnessed / leashed properly when off property of owner	\$1000.00	\$1500.00
22(2)(c)	Vicious animal not under control of a person at least 18 yrs old when off property of owner	\$1000.00	\$1500.00
23	Improper locked pen or structure for vicious animal	\$1000.00	\$1500.00
24	Fail to post / properly post vicious animal sign	\$1000.00	\$1500.00

SCHEDULE 'D'
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 touch skin. Mostly intimidation and / or threatening behaviour.
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

This scale was developed by Dr. Ian Dunbar, PHD. 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 behaviour assessment.

SCHEDULE 'E
NOTICE OF SEIZURE

NOTICE OF SEIZURE / IMPOUNDMENT

DATE: _____ TIME: _____

TO: _____
(Name)

(Address)

DESCRIPTION OF DOG

Breed: _____ Colour: _____ Sex: _____ Tag #: _____

You are hereby notified that a dog registered under the above address, or a dog bearing no identification, but is believed to belong to you, has been seized / impounded pursuant to the provisions of Foothills County Responsible Dog Ownership Bylaw # 15/2019.

Unless the said dog is claimed and all fees / charges are paid on or before _____, 20____, the said dog will be sold, destroyed or otherwise disposed of pursuant to the said Bylaw.

Officer Name
And Contact Information

SCHEDULE 'F'
VICIOUS ANIMAL SIGN

WARNING!

VICIOUS DOG ON PREMISES



Foothills County

Responsible Dog
Ownership Bylaw
15/2019

