

**BEAVER COUNTY  
BYLAW 15-1033  
ANIMAL CONTROL BYLAW**

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**WHEREAS** the *Municipal Government Act*, R.S.A. 2000, c. M-26, authorizes a municipality to pass bylaws respecting the safety, health and welfare of people and the protection of people and property and respecting wild and Household Pets and activities relating to them; and

**WHEREAS** the *Municipal Government Act*, RSA 2000 c. M26, authorizes a municipality to pass Bylaws regarding the remedying of contraventions of Bylaws;

**WHEREAS** it is desirable and in the best interest of the public to pass a bylaw to regulate and control household pets, animals and birds;

**NOW THEREFORE**, the Council of Beaver County duly assembled and under the authority of the *Municipal Government Act*, as amended, hereafter enacts the following:

**1. SECTION 1 - DEFINITIONS**

- 1(1) This Bylaw may be cited as the "Beaver County Animal Control Bylaw".
- 1(2) For the purposes of this Bylaw the following definitions shall apply:
- (a) "Animal" means any animal as set out in section 9 of this Bylaw;
  - (b) "Bark Excessively" means a Dog that barks, howls or makes any other loud noise for a continuous period so as to unreasonably disturb the peace and tranquility of the neighbourhood;
  - (c) "Communicable Diseases" means diseases which can be passed from animal to animal, and animal to person;
  - (d) "Council" means the Council of Beaver County;
  - (e) "County" means the municipality of Beaver County;
  - (f) "Dog" means a canine animal over the age of six (6) months;
  - (g) "Fees and Charges Schedule" means the Enforcement Services Fees and Charges Schedule approved by Council as part of the budget approval process.
  - (h) "Household Pet " means a canine, feline or other domestic animal;
  - (i) "Justice" has the meaning as defined in the *Provincial Offences Procedure Act*, RSA 2000, c. P-34;
  - (j) "Municipal Government Act" means the *Municipal Government Act*, RSA 2000, c. M-26 as amended or replaced from time to time;
  - (k) "Owner" means any person;
    - (i) owning, possessing, having charge of or care and control over or harbouring any Dog or Household Pet,
    - (ii) suffering or permitting any Dog to remain on or about the property owned or controlled by that person,
    - (iii) to whom a License was issued for a Dog,
    - (iv) as registered on the title at the Land Titles Office,
    - (v) who is recorded as the Owner of the Property on the County's assessment roll,
    - (vi) who is an Occupant of the property under lease, license, or permit;
  - (l) "Peace Officer" has the same meaning as in the *Provincial Offences Procedure Act*;
  - (m) "Person" includes a corporation, an individual, and the heirs, executors, administrators or other legal representatives of an individual;
  - (n) "Provincial Court" means The Provincial Court of Alberta;
  - (o) "Provincial Offences Procedures Act" mean the *Provincial Offences Procedures Act*, RSA 2000, c. P34 and the regulation thereof, as amended or replaced from time to time;
  - (p) "Running at Large" means any Dog that is off the property of the Owner or harbourer and is not on a leash or lead and under the control of a responsible or competent person capable of controlling the Dog. The leash or lead shall not be greater than three (3) metres in length;
  - (q) "Swine" means any pig or swine including potbellied pigs that are of or are associated with the swine family;
  - (r) "Trespasser" means one who intentionally and without consent or privilege enters another's property;
  - (s) "Vicious Dog" means:
    - (i) Any Dog which, without provocation, has chased, injured, or bitten any other Animal, livestock or human;

- (ii) Any Dog which, without provocation, has damaged or destroyed, any public or private property;
- (iii) Any Dog which, without provocation, has threatened or created the reasonable apprehension of threat to another Animal, livestock, or human; and which in the opinion of the Peace Officer presents a threat of serious harm to other Animals, livestock, or humans;
- (iv) Any Dog which has been previously determined to be a Vicious Dog.

## **SECTION 2 – ORDERS**

- 2(1) If a designated officer of the County finds that a Person is in contravention of this Bylaw, the designated officer may by written order, require the person responsible for the contravention to remedy it if the circumstances so require.
- 2(2) Every Order written with respect to this Bylaw must:
  - (a) Indicate the Person to whom it is directed;
  - (b) Identify the Person to which the Order relates by municipal address or legal description;
  - (c) Identify the date it was issued;
  - (d) Identify how the Person fails to comply with this Bylaw;
  - (e) Identify the specific provisions of the Bylaw the Person contravenes;
  - (f) Identify the nature of the action required to be taken to be compliant;
  - (g) Identify the time within which the action must be completed;
  - (h) Indicate that if the required action is not completed within the time specified, the County may take whatever action or measures are necessary to remedy the contravention;
  - (i) Indicate expenses and costs of any action or measures taken by the County under this section are an amount owing to the County by the Person to whom the Order is directed.
  - (j) Indicate the expenses and costs referred to in this section may be attached to the tax roll of the Person's property if such costs are not paid by a specified time;
- 2(3) An Order written pursuant to this Bylaw will be deemed to have been served on the Owner or Person when the Order has been:
  - (a) Personally delivered to the Owner or Person;
  - (b) Left for the Owner or Person at his or her residence or with a Person on the premises who appear to be at least eighteen years of age;
  - (c) Sent via registered mail addressed to the last known postal address of the Owner or Person; or
  - (d) Posted in a conspicuous place on the property referred to on the Order, when the Peace Officer has reason to believe:
    - (i) That the Owner to whom the Order is addressed is evading service; or
    - (ii) No other means of service is available.
  - (e) If an Order is sent via registered mail as referred to in Section 2(3)(c) then it is deemed to be received by the Owner five (5) days after the Order was mailed.
- 2(4) Every Person who fails to comply with an Order issued pursuant to this Bylaw within the time set out in the Order commits an offence.

## **SECTION 3 – ENFORCEMENT**

### **General Penalty Provision**

- 3(1) A Person who contravenes 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.
- 3(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 a period of imprisonment not exceeding six (6) months.

### **Violation Tickets and Penalties**

- 3(3) Where a Peace 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*.
- 3(4) Where there is a specified penalty listed for an offence in Schedule "A" to this Bylaw, that amount is the specified penalty for the offence.

- 3(5) Notwithstanding specified penalties set out in Schedule "A" 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.
- 3(6) This section does not prevent any Peace 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.
- 3(7) The County is not required to enforce this Bylaw. In deciding whether to enforce this Bylaw, the County may take into account any practical concerns including available municipal budget and Personnel resources.

#### **SECTION 4 – RESPONSIBILITIES OF DOG OWNERS**

- 4(1) The Owner of a Dog shall:
- (a) Ensure the Dog is not Running at Large within the County;
  - (b) Ensure the Dog is on a leash in control at all times when off property;
  - (c) Ensure that the Dog does not enter into or remain in or on a school yard or cemetery within the County.
- 4(2) The Owner of a female Dog shall keep such Dog housed and confined during the whole period such Dog is in season.
- 4(3) No Dog that is suffering from a Communicable Disease is permitted to come in contact with other Animals, Dogs or humans. The Owner of said distressed Dog shall ensure the Dog is kept confined.

#### **SECTION 5 - INTERFERENCE WITH ANIMALS OR DOGS**

- 5(1) No Person shall:
- (a) Untie, loosen or otherwise free an Animal or Dog which has been tied or otherwise restrained; or
  - (b) Tease or torment an Animal or Dog or otherwise provoke an Animal or Dog to bark, bite, attempt to bite, chase or otherwise threaten any Person or Animal or Dog; or
  - (c) Negligently or wilfully open a gate, door or other opening in a fence or enclosure in which an Animal or Dog has been confined and thereby allow an Animal or Dog to run at large in the County.

#### **SECTION 6 - NUISANCE**

- 6(1) No person shall allow a Dog to:
- (a) Howl or Bark excessively or in a manner to unreasonably interfere with the use and/or enjoyment of another Person's property;
  - (b) Bite, attempt to bite, bark at, chase, or otherwise attempt to threaten any Person, Household Pet, poultry, or livestock whether on the Owner's property or not;
  - (c) Bite, bark at, or chase any bicycle, motor vehicle;
  - (d) Upset any waste receptacles or scatter the contents thereof on any public property or on any private property not belonging to the Owner; or
  - (e) Do any other act which causes harm, damage, or injury to another Household Pet, Person, livestock, or property.

#### **SECTION 7 - VICIOUS DOGS**

- 7(1) The Peace Officer may declare a Dog to be a Vicious Dog.
- 7(2) A Dog shall not be declared Vicious if:
- (a) It attacks or bites a trespasser on the property of its Owner, or property controlled by him/her.
  - (b) It is kept as a livestock guardian Dog and if the attack is in defense of livestock of which the Dog is responsible on the property of the Owner.
- 7(3) When the declared Vicious Dog is not on the property of the Owner:
- (a) The Dog shall be harnessed or on a leash which length shall not exceed one (1) meter and in a manner that prevents it from chasing, injuring or biting other Household Pets, livestock, or Persons as well as preventing damage to public or private property;

- (b) The Dog shall be under the control of a person who is eighteen (18) years of age or older; and
- (c) The Dog shall be muzzled.
- 7(4) When the Vicious Dog is on the property of the Owner:
  - (a) The Dog shall be confined indoors;
  - (b) The Dog shall be kept as if the provisions of Sub-section 7(4) applied to such Dog while on the property of the Owner; or
  - (c) The Dog shall be confined in a secure enclosure which means a locked building, cage or fenced area of such construction that will not allow the confined Dog or Dogs to jump, climb, dig or force their way out, or allow the entry of any Person not in control of the Dog.
- 7(5) An Owner shall not be required to leash or muzzle a Vicious Dog while it is being shown or displayed at a bona fide Dog show or while it is on duty in an enclosed area for which it is responsible to protect livestock, Persons or property.
- 7(6) Where a Dog is determined to be a Vicious Dog pursuant to the provisions of this Bylaw, the Owner shall:
  - (a) Post signs conspicuously on his premises alerting the public that a Vicious Dog is located on the premises,
  - (b) Not breed or sell the Dog within Beaver County, and
  - (c) Immediately notify a Peace Officer should the Dog be Running at Large.
- 7(7) If the Peace Officer determines a Dog to be a Vicious Dog, the Peace Officer shall give the Owner written notice by mail to the address indicated on the License within fifteen (15) days of such determination:
  - (a) Informing the Owner that his Dog has been determined to be a Vicious Dog;
  - (b) Requiring the Owner to keep the Vicious Dog in accordance with the provisions of Section 7 of this Bylaw; and
  - (c) Informing the Owner that if the Vicious Dog is not kept in accordance with Section 7 of this Bylaw, the Owner will be fined, or subject to enforcement action pursuant to Section 2 or Section 3 of this Bylaw.
- 7(8) An Owner of a Dog determined to be a Vicious Dog by the Peace Officer may appeal such determination to the Council within thirty (30) days of receiving notice of such determination.
- 7(9) Council shall as soon as is practicable cause the matter to be reviewed and make a final determination, which determination shall be final and binding and not subject to further appeal under this Bylaw.

**SECTION 8 – IMPOUNDMENT**

- 8(1) A Peace Officer may capture or impound any Dog that is found Running at Large or which is required to be impounded pursuant to any provincial or federal law.
- 8(2) It shall be the duty of the pound keeper and other such persons authorized by Council to confine all Dogs captured for violation of this Bylaw in the pound subject to the Owner’s right to redeem that Dog within seventy-two (72) hours from the time of impounding upon paying the pound keeper the amounts set out for each Dog impounded. Any Dog not redeemed within the time specified herein may be sold, destroyed, adopted, or otherwise disposed of.
- 8(3) No Dog shall be released until all fees incurred are paid in full by cash, debit, or cheque.
- 8(4) No Person shall interfere with or attempt to obstruct a Peace Officer who is attempting to capture, or who has captured a Dog as per this Bylaw.

**PART 9 – ANIMAL/BIRD REGULATIONS**

**The following animal units are permitted:**

- 9(1) On any residential parcel less than 0.81 ha (2.0 ac) in Size, no more than four (4) Household Pets shall be allowed, of which a max of 3 dogs shall be allowed.
- 9(2) On any residential parcel more than 0.81 ha (2.0 ac), agricultural or non-residential parcel no more than three (3) Dogs shall be allowed.
- 9(3) On any residential or agricultural parcels between 0.81 ha (2.0 ac) and 16.1 ha (39.9 ac) in size, additional Animal/Bird Units shall be allowed in accordance with the following:

<u>Residential parcel Size</u>	<u>Allowable Number of Animal/Bird Units:</u>
0.81 ha – 1.21 ha (2.0 – 2.99 ac)	1
1.22 ha – 1.61 ha (3.0 – 3.99 ac)	2
1.62 ha – 2.02 ha (4.0 – 4.99 ac)	3
2.03 ha – 2.42 ha (5.0 – 5.99 ac)	4
2.43 ha – 4.04 ha ( 6.0 – 9.99 ac)	5

- 4.05 ha or greater (10.0 ac plus) 5\*
- Plus – the number of Animal/Bird units permitted for that portion of the parcel in excess of 4.05 ha (10.0 ac). Example: 5.26 ha (13.0 ac) = 5 + 2 = 7 total Animal/Bird units.
- 9(4) For the purposes of this section the following animals shall comprise of “one Animal/Bird unit”:
- (a) One (1) horse, donkey, mule, or ass, or
  - (b) One (1) llama, two (2) alpacas or guanaco, or
  - (c) One (1) cow, one (1) steer (over one year old), or one (1) swine, or
  - (d) Two (2) calves up to one year old, or
  - (e) Fifteen (15) chickens, or
  - (f) Ten (10) ducks, turkeys, pheasants, geese, or other similar fowl, or
  - (g) Three (3) sheep, or goats, or
  - (h) Twenty (20) rabbits or other similar rodents, or
  - (i) Two (2) ostriches, emus or other ratites.
- 9(5) Pursuant to Subsection 10(4)(i), the keeping of ostriches, emus, or other ratites on a residential parcel must be contained on the property by the construction of a minimum 1.8 m (6.0 ft) high perimeter fence comprised of tight lock game fencing or chain link fencing with steel or wooden posts around the fenced pen area.

#### **PART 10 – ANIMAL/DOG CRUELTY**

- 10(1) No Person or Owner shall cause or permit an Animal or Dog to be in distress.
- 10(2) A Person or Owner shall:
- (a) Ensure that the Animal or Dog has adequate food and water, and
  - (b) Provide the Animal or Dog with adequate care when the Animal or Dog is wounded or ill, and
  - (c) Provide the Animal or Dog with reasonable protection from injurious heat or cold, and
  - (d) Provide the Animal or Dog with adequate shelter, ventilation, and space
- 10(3) The Owner of an Animal or Dog shall ensure that the Animal or Dog is not Running at Large.

#### **PART 11 – OVER-LIMIT PERMIT**

- 11(1) Notwithstanding Section 9, a Community Peace Officer may issue to an owner an Over-limit Permit.
- 11(2) Any person wishing to obtain an Over-limit Permit must apply in writing.
- 11(3) Upon receipt of the request, a Community Peace Officer, may, in his sole discretion, grant an Over-limit Permit, Refuse to grant an Over-limit Permit, or grant an Over-limit Permit upon such additional terms and conditions as the Community Peace Officer deems appropriate.
- 11(4) Once an Over-limit Permit has been granted, a fee of \$200.00, shall be collected prior to issuing the permit.
- 11(5) When an Over-limit Permit is issued it is valid for one calendar year and is not transferable.
- 11(6) A Community Peace Officer may revoke an Over-limit Permit, without returning the fee, if the Permit holder harbours more animals than the Over-limit Permit allows, or if the Community Peace Officer receives bona fide complaints from two or more adjacent landowners.

#### **PART 12 - SEVERABILITY**

- 12(1) If any provision of this Bylaw is held to be invalid by a decision of a court of competent jurisdiction, that decision will not affect the validity of the remaining portions.

**PART 13 – TRANSITION**

- 13(1) Upon coming into force of this Bylaw, Bylaw No. 99-810 is repealed.
- 13(2) Schedule “A” forms part of this Bylaw.
- 13(3) This Bylaw shall come into force and effect upon the final passing and signing thereof.

**READ A FIRST TIME** 16th day of September, 2015.

**PUBLIC HEARING HELD** this \_\_\_\_ day of \_\_\_\_\_, 2015.

**READ A SECOND TIME** this \_\_\_\_ day of \_\_\_\_\_, 2015.

**READ A THIRD TIME** this \_\_\_\_ day of \_\_\_\_\_, 2015

\_\_\_\_\_  
**REEVE**

\_\_\_\_\_  
**CHIEF ADMINISTRATIVE OFFICER**

**SCHEDULE "A"****FINE SCHEDULE**

**WHEREAS** under the provisions of Section 44 of the Provincial Offences Procedure Act, being the Revised Statutes of Alberta and amendments thereto and under the provisions of Section 7 of the Municipal Government Act, R.S.A. 2000, c. M-26, and amendments thereto, the Council of a municipality may by bylaw provide for the payment fines for offences, or summons out of Court.

**WHEREAS** a violation ticket may be issued by a Peace Officer to any person charged with a breach of any of the provisions of this Bylaw.

<b>Bylaw Section</b>	<b>Offence</b>	<b>Specified Penalty</b>
	<b>ORDERS</b>	
2(4)	Fail to Comply with Order	\$250.00
	<b>RESPONSIBILITIES OF DOG OWNERS</b>	
4(1)(a)	Dog Running at Large	\$250.00
4(1)(b)	Dog Off-Leash	\$250.00
4(1)(c)	Dog in a school yard/cemetery	\$500.00
4(2)	Female Dog in season improperly housed	\$500.00
4(3)	Dog with communicable disease – Fail to confine or allow contact with person or other animal	\$1000.00
	<b>INTERFERENCE WITH ANIMALS OR DOGS</b>	
5(1)	Interference with Animals	\$100.00
	<b>NUISANCE</b>	
6(1)(a)	Howl or bark excessively	\$500.00
6(1)(b)	Bite, attempt to bite, bark at, chase livestock or other domestic animal or person	\$1000.00
6(1)(c)	Bite, bark at or chase a vehicle	\$200.00
6(1)(d)	Upset waste receptacle, or scatter content thereof	\$250.00
6(1)(e)	Do any other act that causes harm or injury	\$500.00
	<b>VICIOUS DOGS</b>	
7(6)(b)	Breed/Sell Vicious Dog	\$2500.00
7(7)(c)	Fail to Notify Peace Officer of Vicious Dog at Large	\$1000.00
7(3)	Failure to properly confine Vicious Dog not on Owner's property	\$1500.00
7(4)	Failure to properly confine a Vicious Dog on Owner's Property	\$1000.00
7(6)(a)	Failure to post Vicious Dog Sign	\$1500.00
	<b>IMPOUNDMENT</b>	
8(5)	Obstruct a Peace Officer	\$2500.00
	<b>ANIMAL/BIRD REGULATION</b>	
9(1)(2)(3)	Exceed maximum allowable animal units	\$500.00

	<b>ANIMAL/DOG CRUELTY</b>	
10(1)	Cause/Permit an Animal or Dog to be in distress	\$500.00
10(2)(a)	Failure to provide adequate food/water	\$500.00
10(2)(d)	Failure to provide adequate shelter	\$500.00
10(3)	Animal at Large	\$250.00