

**MOUNTAIN VIEW COUNTY**

**BYLAW NO. 15/20**

**DOG CONTROL BYLAW**

**Mountain View County  
Province of Alberta**

**Bylaw No. 15/20**

**A BYLAW OF MOUNTAIN VIEW COUNTY IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE REGULATION AND CONTROL OF DOGS WITHIN THE CORPORATE LIMITS OF MOUNTAIN VIEW COUNTY.**

**SECTION 1 - AUTHORITY**

- 1.01 The Municipal Government Act provides that a Council may pass Bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;
- 1.02 The Municipal Government Act provides that a Council of a Municipality may pass Bylaws for municipal purposes respecting wild and domestic animals and activities in relation to them;
- 1.03 The Council of Mountain View County wishes to establish regulations for the control of Dogs including the restraint and regulation of Running at Large Dogs within Mountain View County;
- 1.04 The Council of Mountain View County wishes to establish penalties and procedures for non-compliance with the regulations established;
- 1.05 Therefore, the Council of Mountain View County, in the Province of Alberta, duly assembled, enacts as follows:
- 1.06 This bylaw may be cited as the “Dog Control Bylaw”

**SECTION 2 - DEFINITIONS**

- 2.01 In this Bylaw, unless the context otherwise requires:
  - a. **“Agricultural Parcel”** means a parcel designated as Agricultural, pursuant to the County’s Land Use Bylaw.
  - b. **“Animal Control Appeal Committee”** means a Committee of Council appointed to the Subdivision and Development Appeal Board.
  - c. **“Bylaw Enforcement Officer”** means a person who is authorized by Mountain View County to carry out Bylaw enforcement duties and has taken the official oath as required by the *Municipal Government Act*.
  - d. **“Dangerous Dog Act”** means the *Dangerous Dog Act*, RSA 2000, c D-3, as amended.
  - e. **“Dog”** means either the male or female of any domesticated canine species.
  - f. **“Keeper or Keeps”** means to own, possess, harbor, maintain or have control or custody of a Domestic Animal or other animal.
  - g. **“Kennel”** means a development as defined as a Kennel, Commercial by Mountain View County Land Use Bylaw.

- h. **“Livestock”** means cattle, swine, poultry, sheep, goats, horses, game and similar animals as listed in the Mountain View County Animal Control Bylaw.
- i. **“Off Leash Dog Park”** means a fully fenced and gated open space, designed specifically for owners to allow their dogs off leash in accordance with applicable permits and regulations for the specific site.
- j. **“Owner”** means a natural person or corporate body who has legal title to the Dog, and includes any person who temporarily keeps, controls or has custody of the Dog or otherwise allows the Dog to remain on their premises.
- k. **“Peace Officer”** means a Community Peace Officer as appointed under the authority of the Alberta Peace Officer Act a Bylaw Enforcement Officer appointed by the County pursuant to the Municipal Government Act and any person employed by or authorized as such by Mountain View County, or the Sheriffs Branch, or a member of the Royal Canadian Mounted Police.
- l. **“Permit”** means a permit issued to an Owner pursuant to Section 5 of this Bylaw permitting the keeping or harboring on land or premises by an Owner of dogs in excess of the number permitted pursuant to Schedule “A” of this Bylaw
- m. **“Personal Dog”** means a Dog considered a pet or Working Dog of the person residing on a parcel of land but shall not include Dogs used for commercial purposes in conjunction with a Kennel,
- n. **“Physical Control”** means:
  - (i) A. restrained or adequately controlled by the Owner;  
B. restrained by a leash;
  - (ii) or kept in:
    - A. a container;
    - B. an enclosure; or
    - C. a motor vehicle.
- o. **“Pound”** means such a place as may, from time to time, be established for the impounding and keeping of Dogs in accordance with the provisions of this Bylaw.
- p. **“Pound keeper”** means any person or persons duly authorized to operate a Pound and may include a Peace Officer.
- q. **“Review Committee”** means the two (2) staff members appointed by the Chief Administrative Officer.
- r. **“Running at Large”** means any Dog not under the Physical Control of a responsible and competent person and off the property of the Owner or Keeper, without that landowners permission.
- s. **“Unauthorized Person”** means any person who is told to stay off a property, or is directed by way of a sign or notice to stay off a property or a person who enters a property in

contravention of posted No Trespassing signs; but does not mean a person who is invited on to the property either directly or indirectly by the Owner.

- t. **“Vicious Dog”** means
  - (i) a Dog of any age or breed which, when on or off the property of its Owner:
    - A. shows a propensity, disposition or potential to attack or injure, persons or other animals; or
    - B. chases persons or other animals; or
    - C. has threatened or created the reasonable apprehension of a threat to any person or animal; or
    - D. has injured, bitten or attacked persons or other animals;
  - (ii) any Dog that has been declared to be a Vicious Dog pursuant to the bylaw of another municipality, or any Dog that has been subject of an order issued by a Justice pursuant to the Dangerous Dogs Act, R.S. A. 2000, c. D-3;
- u. **“Violation Ticket”** means a ticket issued pursuant to the *Provincial Offences Procedure Act*, and Regulations thereunder.
- v. **“Working Dog”** means a Dog that is not a pet but has been trained and performs tasks to assist with Livestock production. Examples may include, but are not limited to, herding dogs and guardian dogs.

### **SECTION 3 – CONTROL OF DOGS**

- 3.01 The keeping of Dogs is permitted.
- 3.02 No commercial Kennel with a purpose to breed, board, care and train small animals shall be permitted without a development permit.
- 3.03 No person who is the Owner or Keeper of any Dog shall allow such Dog to:
  - a. run at large within the corporate limits of the County, except for within those areas designated as an Off Leash Dog Park. A Vicious Dog shall be prohibited from Running at Large at any point in time within, or outside of, an Off Leash Dog Park;
  - b. trespass on private property whether on or off a leash;
  - c. bite a person or persons whether on the property of the Owner or not, unless the person bitten is an Unauthorized Person on the property of the Owner;
  - d. do any other act that causes injury to a person or persons whether on the property of the Owner or not, unless the person injured is an Unauthorized Person on the property of the Owner;
  - e. chase or otherwise threaten a person or persons whether on the property of the Owner or not, unless the person chased or threatened is an Unauthorized Person on the property of the Owner;
  - f. bite, or chase stock or other animals, bicycles, automobiles, or other vehicles;
  - g. cause damage to property or other animals; or

- h. bark or howl excessively.
  - i. cause death to another animal
- 3.04 A Working Dog in the performance of its duties on Agricultural parcels of ten (10) acres or greater shall be exempt from the provisions of Section 3.03 (h).

#### **SECTION 4 - NUMBER OF DOGS**

- 4.01 The maximum number of Personal Dogs is specified in Schedule "A".
- 4.02 The keeping of any additional Personal Dogs shall require a permit to be obtained in accordance with Section 5 of this Bylaw.
- 4.03 The keeping of Dogs for a commercial purpose shall be compliant with the requirements associated with Kennel contained in Mountain View County's Land Use Bylaw.

#### **SECTION 5 – PERMITS**

- 5.01 The Review Committee shall be responsible for the issuance of Permits.
- 5.02 Any person wishing to obtain a Permit must complete a Permit application form and submit the completed application form, together with the fee as indicated in the current Fee Schedule Bylaw to the Review Committee.
- 5.03 Upon receipt of a completed Permit application form the Review Committee shall consider the Permit application, and may, in its sole and absolute discretion:
- a. refuse to grant the Permit;
  - b. grant a Permit;
  - c. grant a Permit upon such terms and conditions as the Review Committee deems appropriate.
- 5.04 In determining whether a Permit will be granted, the Review Committee may require the applicant to provide:
- a. information on surrounding land uses;
  - b. consultation with adjacent landowners, up to a maximum of one mile circulation; or
  - c. any other information that the Review Committee deems necessary to evaluate the application.
- 5.05 A Permit is valid on a site specific basis to the Permit holder only.
- 5.06 An application may be made to the Review Committee to transfer a Permit to the new landowner/occupant of the specific site for which the Permit was issued if the use and potential impact on adjacent properties remains unchanged.
- 5.07 The Permit will be issued to the name on the application form.

- 5.08 The Review Committee may revoke a Permit if any of the following occur:
- a. the Review Committee receives bona fide complaints from two or more sources;
  - b. the Permit holder does not comply with the conditions of the Permit;
  - c. the Permit holder harbors Dogs in excess of the number permitted by the Permit;
  - d. the Permit holder is guilty of an offence pursuant to this Bylaw;
  - e. the Permit holder is not adhering to applicable Provincial Legislation governing the welfare and management of Dogs; or
  - f. at the written request of the Permit holder.
- 5.09 The Review Committee shall revoke a Permit issued to an occupant if the landowner revokes their consent.
- 5.10 If the Review Committee revokes a Permit, no refund of the Permit fee shall be made.
- 5.11 An Owner who is refused a Permit, or a Permit is approved with conditions or terms, or whose Permit is revoked may make a written appeal to the Animal Control Appeal Committee appealing the decision of the Review Committee by submitting a written appeal letter not later than fourteen (14) days after the receipt of the written decision or the revocation decision of the Review Committee.
- 5.12 Any appeal made pursuant to Section 5.11 shall be accompanied by the prescribed fee contained in the current Fee Schedule Bylaw. The appeal fee shall be refunded if the applicants appeal is successful.
- 5.13 The Animal Control Appeal Committee shall meet within thirty (30) days of receiving an appeal made pursuant to Section 5.11 and may circulate notice of the appeal to any parties deemed appropriate by the Committee.

## **SECTION 6 – SPECIAL PROVISIONS FOR VICIOUS DOGS**

- 6.01 Whether or not charges have been laid pursuant to this Bylaw, and notwithstanding Section 8.07, a Peace Officer, who has reasonable grounds to believe it to be in the interest of public safety, may make application to a Judge or Justice of the Provincial Court of Alberta for an Order declaring a dog to be a Vicious Dog as defined in this Bylaw.
- 6.02 The Owner or Keeper of a Dog alleged to be vicious shall be provided notice of a hearing for the determination by the Provincial Court ten (10) clear days before the date of the hearing.
- 6.03 Upon application, if it appears to the Justice that the Dog should be declared to be a Vicious Dog, he shall make an order in a summary way declaring the Dog as a Vicious Dog.
- 6.04 The Owner or Keeper of a Vicious Dog shall ensure that:
- a. such Dog does not:

- (i) chase a person;
  - (ii) injure a person;
  - (iii) bite a person;
  - (iv) cause another animal to be in distress;
  - (v) chase other animals;
  - (vi) injure other animals;
  - (vii) bite other animals;
  - (viii) damage or destroy public or private property; or
  - (ix) Run at Large;
- b. such Dog is at all times, when off the property of the Owner, securely:
- (i) muzzled;
  - (ii) harnessed or leashed on a lead which length shall not exceed one (1) meter in a manner that prevents it from chasing, injuring or biting other domestic animals or humans as well as preventing damage to public or private property; and
  - (iii) under the control of a person over the age of eighteen (18) years, or is fully and securely contained within a locked vehicle or portable kennel.
- c. When such Dog is on the property of the Owner or Keeper and is not muzzled, restrained, or contained in accordance with Section 6.04(b) of this Bylaw, that the:
- (i) Dog is confined indoors and under the control of a person over the age of eighteen (18) years, or
  - (ii) Dog is, when outdoors, contained in a locked pen or other structure, constructed to prevent the escape of the Vicious Dog and capable of preventing the entry of any person not in control of the Dog
    - A. the locked pen or other structure 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. the locked pen or other structure shall provide the Vicious Dog with shelter from the elements and 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, and
    - C. the locked pen or other structure shall not be within one (1) meter of the property line or within five (5) meters of the neighboring dwelling unit.

## **SECTION 7 - DOG CONTROL OPERATION – AUTHORITY**

- 7.01 Complaints raised in relation to a contravention of this bylaw shall be made in writing and in accordance with Schedule “C” and forwarded to the Bylaw Enforcement Officer. The Bylaw Enforcement Officer or designate on determining an apparent contravention of the bylaw shall have the authority to direct the appointed Peace Officer to take appropriate action.
- 7.02 Peace Officers are authorized to capture and impound all Dogs:
- a. found Running at Large;
  - b. found wounded, distressed, abandoned or diseased;
  - c. alleged to have seriously injured or killed a person or animal;
  - d. which are required to be impounded pursuant to the provisions of any statute of Canada or of the Province of Alberta, or any regulation made hereunder.
- 7.03 The County may arrange for the establishment of one or more Pounds for keeping impounded Dogs at a place or places approved by the Chief Administrative Officer and the County shall make all rules and regulations not inconsistent with this Bylaw pertaining to the conduct of the Pound keeper and the administration of the approved Pound or Pounds including the specification of impoundment fees.
- 7.04 The Pound keeper shall keep all Dogs impounded for a period of at least seventy-two (72) hours including the day of impounding. Sundays and statutory holidays shall not be included in the computation of the seventy-two (72) hour period. During this period, any healthy Dog may be redeemed by its Owner, or authorized designate, upon the Owner, or authorized designate, paying the applicable fees for the impoundment and maintenance of the Dog.
- a. If at the expiration of seventy-two (72) hours, any impounded Dog has not been redeemed, such Dog may be sold or destroyed.
  - b. Any Dog, which after impoundment, requires and receives Veterinarian care, as deemed necessary by a Veterinarian, may not be redeemed except upon payment of the cost of such care.
  - c. Any impounded Dog that appears to be suffering from any disease shall be held subject to the jurisdiction of the Health of Animals Branch of the Department of Agriculture for an appropriate action under the Health of Animals Act.
  - d. Reasonable effort shall be made to locate the Owner of a Dog if it is tattooed or has a microchip placed in its ear for identification purposes.
- 7.05 No person, whether or not he is the owner of a Dog or a Vicious Dog which is being or has been pursued or captured shall interfere with or attempt to obstruct a Peace Officer who is attempting to capture or who has captured a Dog which is subject to impoundment.
- 7.06 No person, other than the Owner of a Dog or a person so authorized by the Owner shall:
- a. untie, loosen or otherwise free a Dog which has been tied or otherwise restrained; or



- b. negligently or willfully open a gate, door or other opening in a fence or enclosure in which a Dog has been confined and thereby allow a Dog to run at large in the County.
- 7.07 No person, other than the Owner of a Dog or a person so authorized by the Owner shall falsely represent themselves as being in charge or control of a Dog so as to establish that the Dog is not Running at Large.
- 7.08 No person shall remove or attempt to remove any Dog from the possession of the Pound keeper without payment of all required fees.

## **SECTION 8 – PENALTIES**

- 8.01 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 more than Ten Thousand (\$10,000) DOLLARS and not less than ONE HUNDRED (\$100.00) DOLLARS, exclusive of costs, and in default of payment is liable to imprisonment for a term not exceeding six (6) months.
- 8.02 Notwithstanding Section 8.01, the minimum fines on summary conviction in respect to a contravention of this Bylaw in relation to a Vicious Dog shall be TWO HUNDRED (\$200.00) DOLLARS.
- 8.03 Where a Peace Officer believes that a person has contravened any provision of this Bylaw, that Peace Officer may serve upon such person a Violation Ticket in accordance with the Provincial Offences Procedure Act.
- 8.04 The specified 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.
- 8.05 Where any person has been convicted under the same Section of this Bylaw within a Twenty Four (24) month period, the specified penalty payable in respect of the second contravention shall be double the amount as shown in accordance with Schedule “B”.
- 8.06 Where any person has been convicted under the same Section of this Bylaw within a Twenty Four (24) month period a third or more times, the specified penalty payable in respect of the third or more contravention shall be triple the amount as shown in accordance with Schedule “B”
- 8.07 A Provincial Court Judge or Justice, after convicting the Owner or Keeper of a Dog of an offence under this Bylaw may, in addition to any other penalty imposed pursuant to this Bylaw, if the offence is considered to be sufficiently serious, direct, order, or declare one or more of the following:
- a. That the Owner or Keeper take particular steps or actions to prevent the Dog from doing mischief or causing the subject disturbance or nuisance;
  - b. That the Owner or Keeper have the Dog permanently removed from the County;
  - c. That the Owner or Keeper be prohibited from owning or keeping any Dog within the County permanently or for a specified period of time;
  - d. That the Dog be declared, without further hearing, to be a Vicious Dog as defined by this Bylaw;
  - e. That the Owner or Keeper have the Dog humanely destroyed or surrender the Dog to the County for humane destruction;
  - f. That the Owner or Keeper have the Dog spayed or neutered and provide adequate proof thereof to the County; or

g. Such other direction, order or declaration that in the opinion of the Judge or Justice is necessary to protect the public, animals, wildlife, livestock, or other domesticated pets from the Dog.”

8.08 The Owner or Keeper of a Dog shall fully comply with any direction or order issued by a Judge or Justice pursuant to Section 8.07 of this Bylaw, and shall ensure that when the Dog is in the temporary care, control or custody of another person that the Dog is kept in accordance with the provisions of any such direction or order.”

#### **SECTION 9 – ISSUANCE OF AN ORDER**

9.01 If the decision of the Review Committee or the Animal Control Appeal Committee is not complied with the Review Committee may issue an Order in accordance with Section 545 of the *Municipal Government Act*.

#### **SECTION 10 - GENERAL**

10.01 No action shall be taken against any person acting under the authority of this Bylaw for damages for destruction or other disposal of any animal.

10.02 Each Section of this Bylaw shall be read and construed as being separate and severable from each other Section. Furthermore, should any Section or part of this Bylaw be found to have been improperly enacted, for any reason, then such Section or part shall be regarded as being severable from the rest of this Bylaw and the Bylaw remaining after such severance shall be effective and enforceable.

10.03 It is the intention of Council that all offences created pursuant to this Bylaw be construed and considered as being Strict Liability Offences.

10.04 Schedule's attached to this Bylaw may be amended, from time to time, by resolution of Council and any such amendment shall form part of this Bylaw.

#### **SECTION 11 - REPEAL OF BYLAW**

11.01 Bylaw 05/19 is hereby repealed.

**SECTION 12 - EFFECTIVE DATE**

12.01 This Bylaw shall come into effect at such time as it has received third (3<sup>rd</sup>) reading and has been signed in accordance with the *Municipal Government Act*.

Read the first time this 10<sup>th</sup> day of June 2020.

Read the second time this 10<sup>th</sup> day of June 2020.

Read the third time this 10<sup>th</sup> day of June 2020.



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Reeve



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Chief Administrative Officer

June 10, 2020

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Date of Signing

**SCHEDULE "A"**

**Maximum Number of Dogs**

<b>DESCRIPTION</b>	<b>MAXIMUM NUMBER OF DOGS</b>
<b>Agriculturaland Residential Districts:</b>	
A - Agricultural District	
A2 - Agricultural (2) District	
R-CR Country Residential District	
R-CR1 Country Residential District	
R-F Residential Farmstead	
<i>Parcels 10-160 acres single parcel out of quarter</i>	5
<i>Parcel greater than 10 acres, multiple parcels on quarter(3 or more titles)</i>	3
<i>Single parcel out of quarter (3 - 9.99 acres)</i>	3
<i>Multiple parcels on quarter (3 - 9.99 acres)</i>	3
<i>Single parcel out of quarter (1 - 2.99 acres)</i>	3
<i>Multiple parcels on quarter (1 - 2.99 acres)</i>	3
<i>Any parcel (0 - .99 acres)</i>	3
<b>Commercial/Industrial Districts:</b>	
C-LC Local Commercial District	2
C-HC Highway Commercial District (0 - .99 acres)	2
I-BP Business Park District	2
I-HI Heavy Industrial District	2
<b>Other Districts:</b>	
P-PR Parks and Recreation District	Park Rules/Regulations unless not specified 2
P-PCR Parks and Comprehensive Recreational District	As per facility Rules and Regulations
P-PC Parks and Conservation District	0
P-PI Institutional, Educational and Cultural District	2
A-AP: Airport District	2

**SCHEDULE "B"****Mountain View County's Specified Penalties**

<b>Offence Section</b>	<b>Offence</b>	<b>Penalty</b>
3.03(a)(b)	Dog Running at Large/Trespassing on Private Property	\$100.00
3.03(c)	Bite a person or persons	\$300.00
3.03(d)	Injury to a person or persons	\$500.00
3.03(e)	Chase or otherwise threaten a person or persons	\$300.00
3.03(f)	Bite, chase stock, other animals, bicycles, automobiles, or other vehicles	\$200.00
3.03(g)	Damage to property or other animal	\$300.00
3.03(h)	Bark or howl excessively	\$100.00
3.03(i)	Cause death to other animal	\$500.00
4.02	Keeping additional personal/working Dogs without obtaining a Permit	\$100.00
6.04(a)(i)	Vicious Dog chase a person(s)	\$1000.00
6.04(a)(ii)	Vicious Dog injure a person(s)	\$1500.00
6.04(a)(iii)	Vicious Dog bite a person(s)	\$1500.00
6.04(a)(iv)	Vicious Dog cause other animal to be in distress	\$500.00
6.04(a)(v)	Vicious Dog chase other animal(s)	\$500.00
6.04(a)(vi)	Vicious Dog injure other animal(s)	\$1000.00
6.04(a)(vii)	Vicious Dog bite other animal(s)	\$1000.00
6.04(a)(viii)	Vicious Dog damage/destroy public/private property	\$500.00
6.04(a)(ix)	Vicious Dog Running at Large	\$750.00
6.04(b)	Vicious Dog not properly muzzled/harnessed/leashed/controlled	\$500.00
6.04(c)	Vicious Dog not properly constrained/contained	\$500.00
7.05	Obstruct Peace Officer	\$1000.00
7.06(a)	Untie or otherwise free a restrained Dog	\$100.00
7.06(b)	Negligently open door or gate and allow Dog to run at large	\$150.00
7.07	Falsely represent as being in charge of Dog Running at Large	\$150.00
7.08	Remove/Attempt to remove Dog from Pound keeper without payment of all fines and fees	\$500.00

8.08	Failure to comply with any direction or order issued by a Judge or Justice pursuant to Section 8.07 of this Bylaw	\$1,000.00
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**SCHEDULE C**

**Complaint Form and Barking Log**

STEP ONE

OWNER / COMPLAINANT INFORMATION

Complainant Name: \_\_\_\_\_

Complainant Address: \_\_\_\_\_

Complainant Contact Phone Number: \_\_\_\_\_

Owner Address: \_\_\_\_\_

Owner Name (if known): \_\_\_\_\_

Other Info: \_\_\_\_\_

STEP TWO

QUESTIONNAIRE

1. EXACT DESCRIPTION OF DOG(S) CREATING THE DISTURBANCE AND ANY OTHER DOG(S) ON THE PROPERTY (Name, Color, Breed, Age, and Sex, if known)

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2. WHERE IS(ARE) THE DOG(S) LOCATED ON THE PROPERTY?

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3. HOW DOES THE BARKING AFFECT YOU?

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Initial \_ \_ \_ \_



4. HOW DID YOU DETERMINE WHICH DOG(S) IS BARKING?

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5. WHAT STEPS HAVE YOU TAKEN TO REMEDY THIS SITUATION WITH THE DOG OWNER(S)?

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6. ARE YOU PREPARED TO TESTIFY ON BEHALF OF THIS STATEMENT IN

A COURT OF LAW?                      Yes                      No

*\*\*No action will be taken if the complainant is not willing to testify on behalf of this barking package in a court of Law\*\**

7. ADDITIONAL COMMENTS (additional pages for comments can be attached if required)

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Initial \_\_\_\_\_

