

BYLAW NO. 1189 OF STARLAND COUNTY IN THE PROVINCE OF ALBERTA, CANADA

A Bylaw of Starland County for the purpose repealing and replacing Bylaw 985 and Bylaw 1030; to provide for the licensing, regulating and confinement of dogs within Starland County

The Council of Starland County, in the Province of Alberta, duly assembled enacts as follows:

WHEREAS the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended or repealed and replaced from time to time, the Council of Starland County, in the Province of Alberta, duly assembled, enacts as follows:

1. Short Title

- 1.1 That this Bylaw may be cited as the Starland County "Dog Control Bylaw".
- 1.2 This Bylaw repeals Bylaw 985 & Bylaw 1030 in their entirety.

2. Definitions

- 2.1 "At Large" means where a Dog is at any place other than the Owner's Property or Permitted Property and is not being carried by any person or is not otherwise restrained by a Permitted Leash held by a person, and that Permitted Leash is attached to a choke chain, collar or harness securely holding that Dog.
- 2.2 "Controlled Confinement" means the confinement of a Dog in a pen, cage or building or securely tethered in a manner that will not allow the Dog to bite, harm or harass any person or animal.
- 2.3 "County" means that portion of Starland County contained within the boundaries of the Hamlets of Rumsey, Michichi, Craigmyle, and Rowley, as defined by the municipal corporation of Starland County, as the context requires;
- 2.4 "Damage to Property" means damage to property other than the Owner's Property; and includes defecating or urinating on such property.
- 2.5 "Dog" means either the male or female of any domesticated canine species.
- 2.6 "Dog Control Officer" means a person appointed to a position, which may include but is not limited to a Bylaw Enforcement Officer, Peace Officer, Royal Canadian Mounted Police Officer, or an independent contractor, authorized by Starland County to provide bylaw enforcement services.
- 2.7 "License" means a Dog License issued by the County in accordance with the provisions of this Bylaw.
- 2.8 "License Fee" means the applicable annual fee payable in respect of a License for any particular Dog as set out in Schedule "A" of this Bylaw.
- 2.9 "License Tag" means an identification tag issued by the County showing the license number for a specific Dog.
- 2.10 "Owner" means:
 - 2.10.1 a person who has the care, charge, custody, possession or control of a Dog;
 - 2.10.2 a person who owns or who claims any proprietary interest in a Dog;
 - 2.10.3 a person who harbours, suffers or permits a Dog to be present on any property owned, occupied, or leased by them, or which is otherwise under their control;
 - 2.10.4 a person who claims and receives a Dog from the custody of the Dog Shelter or a Dog Control Officer; or
 - 2.10.5 a person to whom a License Tag was issued for a Dog in accordance with this Bylaw;

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- 2.11 For the purposes of this Bylaw, a Dog may have more than one (1) Owner.
- 2.12 “Owner’s Property” means and property in which the Owner of a Dog has a legal or equitable interest, or over which the Owner of a Dog has been given the control or use of, by the legal or equitable owner of the property, and which property shall include, without limiting the generality of the foregoing, land, buildings and vehicles.
- 2.13 “Permitted Leash” means a leash adequate to control the Dog to which it is attached, and which leash shall not exceed (3) metres in length.
- 2.14 “Permitted Property” means private property upon which the Owner of a Dog has the express permission of the owner of that property to allow the Owner’s Dog to be At Large thereon.
- 2.15 “Replacement License Tag” means a License Tag issued to replace a lost or damaged License Tag pursuant to Section 3.9 of this Bylaw.
- 2.16 “Serious Wound” means an injury to a human or animal resulting from a Dog bite which causes the skin to be broken or flesh to be torn.
- 2.17 “Dog Shelter” means premises designated by Starland County for the impoundment and care of Dogs and includes premises supplied by an independent contractor under contract with Starland County to provide such premises.
- 2.18 “Violation Tag” means a tag or similar document issued by Starland County pursuant to Section 7 of the Municipal Government Act, R.S.A. 2000, c. M-26, as amended.
- 2.19 “Violation Ticket” means a ticket issued pursuant to Part 2 of the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34, as amended, and Regulations thereunder.

3. Licensing Provisions

- 3.1 Every person who:
 - 3.1.1 on January 1st in any given year, is the Owner of a Dog which is three (3) months of age or older, shall obtain a License for that Dog by submitting an application to the County Office, and paying the applicable License Fee as set out in Schedule “A” of this Bylaw by no later than January 31st of that same year;
 - 3.1.2 on January 1st in any given year, is the Owner of a Dog which is less than three (3) months of age, shall obtain, within fifteen (15) calendar days of that Dog reaching the age of three months, a License for that Dog by submitting an application to the County Office, and paying the applicable License Fee as set out in Schedule “A” of this Bylaw;
 - 3.1.3 becomes the Owner of a Dog after January 1st in any given year, shall obtain a License for that Dog, by submitting an application to the County Office, and paying the applicable License Fee as set out in Schedule “A” of this Bylaw, within fifteen (15) calendar days of:
 - 3.1.3.1 becoming the Owner of that Dog if the Dog is three (3) months of age or older; or
 - 3.1.3.2 that Dog reaching three (3) months of age, if the Dog is less than three (3) months of age at the time the person becomes the Owner;
 - 3.1.4 who takes up residence within the County after January 1st in any given year and is the Owner of a Dog shall obtain a License for that Dog, by submitting an application to the County Office, and paying the applicable License Fee as set out in Schedule “A” of this Bylaw, within fifteen (15) calendar days of:
 - 3.1.4.1 taking up residence in the County if the Dog is three (3) months of age or older; or
 - 3.1.4.2 that Dog reaching three (3) months of age, if the Dog is less than three (3) months of age at the time the person takes up residence within the County.
- 3.2 An Owner of a Dog which is unlicensed is guilty of an offence.

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- 3.3 An Owner shall provide the following information with each application for a License:
 - 3.3.1 Name, telephone number, and legal address of the Owner;
 - 3.3.2 Name and description of the Dog or Dogs to be licensed;
 - 3.3.3 The breed or breeds of the Dog or Dogs to be licensed;
 - 3.3.4 The birth date and age of the Dog or Dogs at the time of application for a License; and
 - 3.3.5 Such other information as may be required by the County or Dog Control Officer in respect of the application for a License.
- 3.4 Any person who provides the County with false or misleading information with respect to the information required in Section 3.3 of this Bylaw is guilty of an offense.
- 3.5 A License issued under this Bylaw shall not be transferable from one Dog to another, nor from one Owner to another.
- 3.6 Upon payment of the required License Fee and providing the information set out in Section 3.3 of this Bylaw, the Owner will be supplied with a License Tag which shall have a number registered to that Dog.
- 3.7 An Owner shall ensure that the License Tag is securely fastened to a choke chain, collar, or harness worn by the Dog, with the License Tag to be worn by the Dog at all times with the Dog is on other than the Owner's property.
- 3.8 An Owner of a Licensed Dog is guilty of an offence if that Dog is not wearing a License Tag while that Dog is on property other than the Owner's property.
- 3.9 An Owner of a Dog which has been duly licensed under this Bylaw, may obtain a Replacement License Tag for one which has been lost, upon payment of the Replacement License Tag fee as set out in Schedule "A" of this Bylaw.
- 3.10 An owner or property must not have more than three (3) Dogs, unless an exemption made by a Council resolution.
- 3.11 The provisions of Section 3.1 to 3.10 shall not apply to persons temporary visiting in the County for a period not exceeding four (4) weeks.
- 3.12 Every License shall expire on December 31st in the year in which it was issued.

4. Dog Control Provisions

- 4.1 An Owner whose Dog is At Large is guilty of an offense.
- 4.2 An Owner whose Dog barks or howls in a manner that is reasonably likely to annoy or disturb the peace of others is guilty of an offense.
 - 4.2.1 In determining whether barking is reasonably likely to annoy or disturb the peace of others; consideration may be given but is not limited to the:
 - 4.2.1.1 proximity of the property where the Dog resides;
 - 4.2.1.2 duration of the barking or howling;
 - 4.2.1.3 time of day;
 - 4.2.1.4 cause of triggering Dogs barking or howling;
 - 4.2.1.5 nature and use of the surrounding area; and
 - 4.2.1.6 any effect of the barking.
 - 4.2.2 Complaints on Dog(s) barking and howling, should include a record log showing times and durations of the disturbance, along with possible causes if possible. Complaints that have logs supported by video evidence are more likely to be resolved.
- 4.3 An Owner whose Dog has caused damage to property within the County is guilty of an offense.
- 4.4 The County may post signs in areas where Dogs are not permitted and an Owner whose Dog is in an area where a sign prohibits the presence of Dogs, is guilty of an offence regardless of whether or not such Dog is At Large.
- 4.5 An Owner of a Dog is guilty of an offense if such Dog:

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- 4.5.1 bites, attacks, threatens, harasses, barks at, chases, kills or injures any person including, but not limited to, when such person is on bicycle, horse-back, or while walking or running;
- 4.5.2 bites, attacks, threatens, harasses, barks at, chases, kills or injures any livestock, poultry, or pets belonging to other persons; or
- 4.5.3 bites, barks at, or chases any vehicle.
- 4.6 If a Dog defecates on property which is not the Owner's Property, the Owner shall cause such defecation to be removed immediately and disposed of in a sanitary manner, and failure to do so means that the Owner is guilty of an offense.
- 4.7 An Owner of a female Dog is guilty of an offence if the Owner of such female Dog does not keep it housed and confined in a building or kennel during the entire period such female Dog is in heat except that the female Dog may be allowed outside any such building or kennel for a reasonable period for the sole purpose of eliminating on the Owner's property.
- 4.8 No person shall tease, torment, annoy, abuse or injure any Dog, and any person who does so is guilty of an offence.
- 4.9 No pet shall tease, torment, annoy, abuse or injure any Dog, and any Owners of that pet is guilty of an offense.
- 4.10 No person shall untie, loosen, or otherwise do any action that free's a Dog from a confinement, and any person who does so is guilty of an offence and possibly liable for any damages that result.
- 4.11 No person shall interfere with, hinder, or impede a Dog Control Officer in the performance of any duty authorized by this Bylaw, and any person who does so is guilty of an offence.

5. Controlled Confinement

- 5.1 A person who has received a Serious Wound or the Owner of any livestock, poultry or pets which have received a Serious Wound, as well as the Owner of a Dog which has inflicted the Serious Wound shall promptly report the Dog to a Dog Control Officer who may thereupon place the Dog under Controlled Confinement and the Dog shall not be released from such Controlled Confinement except by written permission of a registered veterinarian. At the discretion of the Dog Control Officer, such Controlled Confinement may be on the premises of the Owner, a registered veterinarian, or the Dog Shelter. In the case of stray Dogs whose ownership is not known, or whose owner cannot be located, such Controlled Confinement shall be at the Dog Shelter.
- 5.2 Upon demand made by the Dog Control Officer, the Owner shall forthwith surrender for quarantine, any Dog which has inflicted a Serious Wound to any person, or any Dog which the Dog Control Officer has reasonable and probably grounds to suspect of having been exposed to rabies, and the Dog may be reclaimed by the Owner if adjudged free of rabies, upon payment of confinement expenses and upon compliance with the licensing provisions of this Bylaw.

6. Powers of a Dog Control Officer

- 6.1 A Dog Control Officer is authorized to capture and impound in the Dog Shelter, and Dog which is At Large. The Dog Control Officer is further authorized to take such reasonable measures as are necessary to subdue any Dog which is At Large, including the use of tranquilizer equipment and materials. If any such Dog is injured, it may be taken to a registered veterinarian for treatment and then to the Dog Shelter.
- 6.2 An impounded Dog may be kept in the Dog Shelter for a period of three (3) days. Sundays and Statutory Holidays shall not be included in the computation of the time period. During this period, any Dog may be redeemed by its Owner except as otherwise provided in this Bylaw, upon payment to the County or its authorized agent of:
 - 6.2.1 The appropriate impoundment fee;
 - 6.2.2 The appropriate License Fee when the Dog is not licensed; and
 - 6.2.3 The cost of any veterinary treatment to relieve pain or bleeding of any Dog that is found to be injured when picked up or injured in the process of capture.

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- 6.3 At the expiration of the three (3) day period as prescribed in Section 6.2 of this Bylaw, the Dog Control Officer is authorized to:
 - 6.3.1 Offer the Dog for sale;
 - 6.3.2 Destroy the Dog in a humane manner;
 - 6.3.3 Allow the Dog to be redeemed by its Owner in accordance with the provisions of Section 6.2, herein; or
 - 6.3.4 Continue to impound the Dog for an indefinite period of time or for such further period of time as the Dog Control Officer, in his discretion, may decide.

7. Penalties

- 7.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable to a penalty as set out in Schedule “B” of this Bylaw.
- 7.2 Notwithstanding Section 7.1 of this Bylaw, any person who commits a second offence under this Bylaw within one (1) year of committing the first offence may be liable to a fine of not less than nor more than the sum as set out in Schedule “B” of this Bylaw, while any person who commits a third or subsequent offence under this Bylaw within one (1) year of committing the first offence may be liable to a fine of not less than nor more than the sum as set out in Schedule “B” of this Bylaw.
- 7.3 Under no circumstances shall any person contravening any provision of this Bylaw be subject to the penalty of imprisonment.

8. Violation Tag

- 8.1 A Dog Control Officer is hereby authorized and empowered to issue a Violation Tag to any person who the Dog Control Officer has reasonable and probable grounds to believe has contravened any provision in this Bylaw.
- 8.2 A Violation Tag may be issued to such person:
 - 8.2.1 either personally;
 - 8.2.2 by mailing a copy to such person at their last known post officer address; or
 - 8.2.3 upon retrieval of such person’s Dog from the Dog Shelter.
- 8.3 The Violation Tag shall be in a form approved by the County and shall state:
 - 8.3.1 the name of the Owner;
 - 8.3.2 the offense;
 - 8.3.3 the appropriate penalty for the offence as specified in Schedule “B” of this Bylaw;
 - 8.3.4 that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag; and
 - 8.3.5 any other information as may be required by the County.
- 8.4 Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by the Dog Control Officer, provided however, that no more than one Violation Tag shall be issued for each day that the Contravention continues.
- 8.5 Where a Violation Tag is issued pursuant to Section 8.1 or 8.4 of this Bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the County the penalty specified on the Violation Tag.
- 8.6 Nothing in this Bylaw shall prevent a Dog Control Officer from immediately issuing a Violation Ticket.

9. Violation Ticket

- 9.1 In those cases where a Violation Tag has been issued and if the penalty specified on a Violation Tag has not been paid within the prescribed time, then a Dog Control Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part 2 of the Provincial Offences Procedure Act R.S.A 2000, c.P-34, as amended.
- 9.2 Notwithstanding Section 9.1 of this Bylaw, a Dog Control Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to

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Part 2 of the Provincial Offences Procedure Act R.S.A 2000, c-P-34, as amended, to any person who the Dog Control Officer has reasonable grounds to believe has contravened any provision of this Bylaw, and the Dog Control Officer need not first issue a Violation Tag for a contravention of any provision of this Bylaw.

10. Severability

10.1 Should any provision of this Bylaw be invalid, then such invalid provision may be severed and the remaining Bylaw be maintained.

11. Effective Date

11.1 This Bylaw shall come into effect upon receipt of its third and final reading.

First Reading on motion of Councillor Landry, this 17th day of August, 2022. Carried unanimously.

Second Reading on motion of Deputy Reeve Sargent, this 17th day of August 2022. Carried unanimously.

Third and Final Reading on motion of Reeve Wannstrom, this 17th day of August 2022. Carried unanimously.

Done and finally passed in Council, duly assembled this 17th day of August 2022.



Reeve: Steven Wannstrom



Chief Administrative Officer
Shirley Bremer

Schedule "A" FEES

1. License Fee for each neutered Dog: \$20.00
2. License Fee for each unaltered Dog: \$30.00
3. Replacement License Tag Fee: \$10.00
4. Impound/Kennel Fees: Set by Contractor

Schedule “B” PENALTIES

Section #	Offence (Description)	Violation Penalty
3.2	Owner of an unlicensed Dog	\$250.00
3.4	Providing false or misleading information	\$500.00
3.8	Owner of a licensed Dog not wearing License Tag while off the Owner’s property	\$250.00
3.10	Owner or property has more than three (3) dogs without exemption by Council resolution	\$250.00
4.1	Owner of a Dog at Large	\$250.00
4.2	Owner of a Dog which barks or howls thereby disturbing the quiet or repose of any person	\$250.00
4.3	Owner of a Dog which caused damage to property	\$500.00
4.4	Owner of a Dog which is present in an area where the presence of Dogs is prohibited by sign	\$500.00
4.5.1	Owner of a Dog which bites, attacks, threatens, harasses, barks at, chases, kills, or injures any person	\$1000.00 or COURT
4.5.2	Owner of a Dog which bites, attacks, threatens, harasses, barks at, chases, kills or injures any livestock, poultry or pets belonging to other persons	\$1000.00 or COURT
4.5.3	Owner of a Dog which bites, barks at or chases any vehicle	\$500.00
4.6	Failure of Owner to remove defecation immediately from property which is not the Owner’s property	\$500.00
4.7	Failure of Owner to keep a female Dog in heat housed and confined to building or kennel	\$250.00
4.8	Person that Teases, torments, annoys, abuses, or injures any Dog	\$1000.00 or COURT
4.9	Pet Owner’s whose pet teases, torments, annoys, abuses, or injures any Dog	\$250.00
4.10	Untying, loosening or otherwise freeing a Dog without the Owner’s authorization	\$500.00
4.11	Interfering with, impeding, or hindering a Dog Control Officer’s enforcement of this Bylaw	\$1000.00 or COURT
7.2	Second offence within one year of the first offence	Double the amount of the specified penalty prescribed for a first offence
7.3	Third offence within one year of the first offence	Mandatory Court