

BYLAW NO. 130-10

A BYLAW OF CLEAR HILLS COUNTY IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF REGULATION AND CONTROL OF DOGS WITHIN THE COUNTY.

WHEREAS, pursuant to the Municipal Government Act, Chapter M-26, RSA 2000 and amendments thereto, Council may pass bylaws to regulate and control dogs

NOW THEREFORE BE resolved that the Clear Hills County Council enacts as follows:

Title

1. This Bylaw may be cited as the Clear Hills County Dog Control Bylaw'.

Interpretation and Application

2. In this Bylaw unless the context otherwise requires:

- (a) "Bylaw Enforcement Officer" means a person appointed as such by the Municipality pursuant to the provisions of the *Municipal Government Act*;
- (b) "Justice" has the meaning as defined in the *Provincial Offences Procedure Act* as amended or replaced from time to time;
- (c) "Leash" means a chain or other material capable of restraining the dog on which it is being used;
- (d) "Municipality" means the municipal corporation of the Clear Hills County or the area contained within the boundary thereof as the context requires;
- (e) "Owner" means a natural person or body corporate that has legal title to a dog, and includes any person who has possession or custody of a dog, either temporarily or permanently, or harbors a dog, or allows a dog to remain on property of the owner;
- (f) "Private Property" includes land and buildings or structures, whether or not affixed to land;
- (g) "Property of the owner" means land or a building owned by the owner of a dog or in respect of which the owner of a dog has a right of occupation;
- (h) "Provincial Court" means The Provincial Court of Alberta;
- (i) "Running at large" means an occasion when:
 - (i) a dog which is not under the control of a person by means of a leash is actually upon private property other than property of the owner, or

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upon any highway.

Responsibilities of Dog Owners

3. The owner of a dog shall ensure that such dog is not running at large.
- 3.1 The owner of a dog shall ensure that such does shall not bark, bay, howl or otherwise disturb any person.

Penalties

4. (a) Where the Chief Administrative Officer or his delegate has received a complaint that a person has contravened any provision of this Bylaw, he will investigate the complaint; and if he believes that a person has contravened any provision of this Bylaw he may commence proceedings by issuing a summons by means of a violation ticket in accordance with the *Provincial Offences Procedure Act*.
- (b) The specified penalty payable in respect of a contravention of a provision of this Bylaw is the amount shown in Schedule "A" of this Bylaw in respect of that provision.
- (c) Notwithstanding Section 11(b):
- (i) where any person contravenes the same provision of this Bylaw twice within one twelve (12) month period, the specified penalty payable in respect of the second contravention is double the amount shown in Schedule "A" of this Bylaw in respect of that provision, and
- (ii) where any person contravenes the same provision of this Bylaw three or more times within one twelve (12) month period, the specified penalty payable in respect of the third or subsequent contravention is triple the amount shown in Schedule "A" of this Bylaw in respect of that provision.

Summary Conviction

5. (a) Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine of not more than Five Thousand (\$5,000.00) Dollars and in default of payment is liable to imprisonment for a term not exceeding six (6) months.
- (B) 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 payment of any fees, charges or costs for which he is liable under the provisions of this Bylaw.

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- (C) A Justice, in addition to the penalties provided in this Section, may if he considers the offence sufficiently serious direct or order the owner of the dog to stop the animal from doing mischief or causing the disturbance or nuisance complained of, or to have the animal removed from any area to which this Bylaw applies, or have the animal destroyed.

Application of Bylaw

6. (1) The whole of this bylaw applies to all parts of the county.


Severability

7. If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the Bylaw is deemed valid.

Effective Date

8. This Bylaw shall come into effect on the date of its third reading.

READ a first time this 23rd day of February, 2010.




Pete Nykolychyn, Reeve



Allan Rowe, Chief Administrative Officer

READ a second time this 9th day of March, 2010.



Pete Nykolychyn, Reeve



Allan Rowe, Chief Administrative Officer


READ a third time this 9th day of March, 2010.



Pete Nykolychyn, Reeve



Allan Rowe, Chief Administrative Officer

 O/A

SCHEDULE "A"

**OFFENCE
UNDER**

OFFENCE

AMOUNT

Section 3
Section 3.1

Running at large
Disturbing others

\$100.00
\$150.00