

**CITY OF LACOMBE  
BYLAW 265**

**Consolidation to January 14, 2013**

A Bylaw to authorize the Municipal Council of the City of Lacombe, in the Province of Alberta to provide for the keeping and registration of dogs and preventing the spread of animal diseases that are communicable to human beings.

WHEREAS the Municipal Government Act - Revised Statutes of the Province of Alberta 2000, Chapter M-26, s. 7 authorizes a Council to pass bylaws for the purpose of preventing the spread of animal diseases that are communicable to human beings and for providing the restraining and regulating of dogs running at large. (07/14/03)

WHEREAS the said Municipal government Act further provides that in any bylaw passed under said section, council may make any provisions that it considers necessary to carry out the purposes of this bylaw; and

WHEREAS the Council of the City of Lacombe deems it expedient and in the public interest to pass such a bylaw;

NOW THEREFORE the Council of the City of Lacombe duly assembled enacts as follows:

**INTERPRETATION AND APPLICATION**

**SECTION 1     Name of Bylaw**

- 1.1 This bylaw may be cited as "The City of Lacombe Dog Control Bylaw" (b. 265.6, 01/14/13)

**SECTION 2     Definitions**

2.1 For the purposes of this bylaw:

- a) "Bylaw Enforcement Officer" means any Police Officer, Bylaw Enforcement Officer, Community Peace Officer, Inspector or any other person duly authorized by the CAO or designate.
- b) "CAO" shall mean the Chief Administrative Officer of the City of Lacombe or anyone authorized by the CAO to act on his/her behalf
- c) "Day" means a continuous period of twenty four (24) hours.
- d) "Distress" means the state of being in need of proper care, food or shelter, of being injured, sick or in pain, or suffering, or being abused or subject to undue or unnecessary hardship, privation or neglect.
- e) "Dog" means either male or female of the Canidae or canine family unless the context shall otherwise indicate.
- f) "Grandfathered" means an Owner who has been allowed to licence more than 3 Dogs prior to the upon passage of Bylaw 265.6."
- g) "Leash" means a chain or other material capable of restraining the dog on which it is being used and no longer than 2 metres or 6 feet in length.
- h) "Licence Inspector" means any Police Officer, Community

Peace Officer, Bylaw Enforcement Officer, or any other person duly authorized by the CAO.

i) "Municipal Ticket" means a form prescribed by the CAO of the City or his designate allowing for voluntary payment to the City for a fine amount established by this bylaw as set out in Schedule "A" herein;

j) "Off-Leash Area" means an area designated by the City where a dog is not required to be on a leash.

k) "Owner" means any person or group of persons, partnership, association or corporation:

1. owning or possessing or having charge of, or control over any dog, or
2. harbouring any dog; or
3. in possession or control of the property where the dog is permitted to remain, either temporarily or permanently; or
4. named as the registered owner of any dog with the City of Lacombe.

l) "Pound Keeper" means any Bylaw Enforcement Officer or his authorized assistants, or any other person or organization, hired or contracted by the City and specifically charged with the responsibilities of Pound Keeper.

m) "Pound" means a place or places designated by the CAO as a place where dogs or other animals may be placed and kept until redeemed or otherwise disposed of by the Pound Keeper.

n) "Running at Large" means any dog that is:

1. Off the premises of the Owner and not in an Off-Leash Area; and
2. Not on a permitted leash held by a person able to control the dog.

o) "Running at Large in an Off-Leash Area" means any dog that is:

1. In an Off-Leash Area; and
2. Is not within the sight, and under the control, of the Owner.

p) "Violation Ticket" means a violation ticket as defined in the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34

q) "The City" shall mean the municipal corporation of The City of Lacombe or the area contained within the

boundary thereof, as the context requires.”

**SECTION 3                    Responsibilities of Dog Owners (b.265.6,01/14/13)**

- 3.1    a) The owner of a dog is guilty of an offence if such dog is running at large
- b) The owner of a dog is guilty of an offence if such dog is running at large in an Off Leash Area.

3.2    **Dogs in Off Leash Areas** (b.265.6,01/14/13)

Notwithstanding section 3.1, an Owner of a dog is not required to have the dog on a leash in the park or portion of a park which has been designated as an “off leash area” by the City.

a) The Owner of a dog in an “off leash area” shall ensure that such dog is under control at all times.

b) A Bylaw Enforcement Officer may:

- 1.     Order that a dog be put on a leash;
- 2.     Order that the dog be removed from an off leash area
- 3.     An Owner who fails to immediately restrain and remove the dog upon it engaging in any of the activities listed in Section 4.1 by restraining the dog on a leash not exceeding two (2) meters in length and removing the dog from the off leash area, is guilty of an offence.

**SECTION 4                    Offences (b.265.6, 01/14/13)**

- 4.1    The owner of a dog shall ensure that such dog shall not:
  - a)    bites or attacks a person or another animal, whether on the property of the Owner or not;
  - b)    chases or threatens a person or another animal, whether on the property of the Owner or not;
  - c)    barks at, or chases a bicycle, motor vehicle or other vehicle;
  - d)    barks or howls so as to disturb any person;
  - e)    causes damage to any public or private property;
  - f)    is left unattended in any motor vehicle, unless the dog is restrained so as to prevent it from accessing any person outside the motor vehicle.”
- 4.2    Deleted (b.265.6, 01/14/13)
- 4.3    No person shall permit a dog or dogs to enter or remain in any bathing, swimming, or wading pool or any building that is provided for the use of the public.
- 4.4    A female dog in heat shall be confined and housed in the residence of the owner or person having control of the dog, or

have it taken to a licensed kennel, during the whole time that it is in heat.

- a) Notwithstanding Section 4.4, a female dog in heat may be allowed outside the residence for the sole purpose of permitting the dog to defecate on the premises of the owner.

4.5 If a dog defecates on any public or private property other than the property of its owner, the owner shall remove such defecation immediately.

## **SECTION 5     Licensing**

5.1 No person shall keep, harbor or have custody of any dog over 3 months of age within the boundaries of the City of Lacombe without obtaining a license for such dog from the License Inspector.

5.2 No person shall keep, harbor or have custody of a dog over three months of age within the boundaries of The City of Lacombe without having the dog vaccinated for rabies.

5.3 Upon application by an owner for a dog license, as set out in section 5.1, and unless elsewhere provided in the bylaw, the said applicant shall pay the license fee as set out in "Schedule C" attached and forming part of this bylaw unless:

- a) the applicant is sixty-five (65) years or older, a dog license shall be issued for the fee as set out in "Schedule C";
- b) the person is handicapped, and is the owner of a trained guide dog, a dog license shall be issued as set out in "Schedule C".

5.4 All dog licenses shall expire on December 31 of each year.

5.5 Every dog owner shall provide a dog with a collar, to which the owner shall affix the tag for such dog and ensure that the collar and tag are worn by his dog, when the dog is off the owner's property.

5.6 In case a metallic tag is lost or destroyed, a duplicate tag will be issued by the License Inspector upon presentation by the owner of a receipt showing payment of the license for the current dog license year and, upon payment of the sum as set out in "Schedule C", another metallic dog tag will be issued.

5.7 Metallic tags are not transferable from one dog to another and no refund shall be made on any license fee due to death, or sale of dog, or upon the owner leaving the City of Lacombe before the end of the license period.

5.8 The License Inspector shall keep a record of the name and address of each owner, the breed and sex of each owner's dog, together with the date of registration of the owner's dog, the number stamped on the metallic tag issued to the owner, and the license fee paid by the owner.

5.9 No license fee shall be required by persons temporarily in The City of Lacombe for a period not exceeding two (2) weeks. In any prosecution or proceedings for a contravention of this section, the onus of proof of length of time in The City of Lacombe shall rest upon the owner of the dog or dogs.

5.10 No person shall have more than three Dogs on any land which contains, or is permitted under The City Land Use Bylaw to contain, a dwelling unit. Exceptions are limited to the Owner who has any Dogs that are Grandfathered by this Bylaw. Any Owner of more than three (3) Grandfathered dogs in addition to licence for such dogs shall pay an annual fee as set out in Schedule "C". (b.265.6, 01/14/13)

- 5.11 The Owner of all Dogs that have been Grandfathered shall be allowed to licence the Grandfathered Dogs until such time as any Dog, over the 3 dog limit set out in Section 5.10 herein, is deceased or no longer the Dog of the current Owner, at which time the Owner will not be allowed to replace such Dog with another Dog. (b.265.6,01/14/13)
- 5.12 In any prosecutions or proceedings for contravention of Section 5.1 of this Bylaw, the onus of proof of the age of the dog is on the Owner. (b.265.6,01/14/13)
- 5.13 All dogs must be vaccinated for rabies before a dog tag is issued. Bona fide proof must be produced to the License Inspector that said dog is vaccinated or a dog tag will not be issued.
- 5.14 No person shall beat, cruelly ill treat, torment, overload or otherwise abuse a dog.
- 5.15 No person shall abandon his/her dog or dogs.

## **SECTION 6 Administration**

- 6.1 The Chief Administrative Officer shall establish one or more Pounds for the keeping and impounding of dogs and the Pound Keeper shall make all rules and regulations, in accordance with this bylaw, pertaining to the administration of the pound.
- 6.2 The Pound Keeper shall keep an up to date record of all complaints, notices and reports, and a similar record of their disposition.
- 6.3 Any Bylaw Enforcement Officer may seize and impound every dog running at large; or
- a) every dog not wearing a collar and tag while off the premises of the owner; or
  - b) every dog creating a public nuisance; or
  - c) every female dog in heat not confined and housed; or
  - d) every dog on park land,
  - e) any dog in distress or being ill-treated.
- 6.4 Any person may take into custody any dog found running at large contrary to this Bylaw and shall, as soon as possible thereafter, inform the pound keeper or Bylaw Enforcement Officer of such action and in no case shall the time exceed twenty four hours. The Pound Keeper or Bylaw Enforcement Officer shall immediately arrange for the impoundment of such dog or the dog shall be delivered into the custody of the Pound Keeper or Bylaw Enforcement Officer.
- 6.5 A Bylaw Enforcement Officer, Community Peace Officer or a member of the Lacombe Police Service, is hereby authorized to enter any lands or premises (excluding dwelling houses) within the City to inspect for conditions which may contravene any provisions of this bylaw and to impound any animal in accordance with section 6.3.
- 6.6 No person, whether or not he is the owner of a dog which is being pursued or captured, shall:
- a) interfere or attempt to obstruct a Bylaw Enforcement Officer, Community Peace Officer or a member of the Lacombe Police Service who is, or was, attempting to capture, or who has captured any dog in accordance with the provisions of this Bylaw; or

- b) unlock or unlatch or otherwise open the vehicle or cage in which dogs, captured for impoundment, have been placed, so as to allow or attempt to allow, any dog or dogs to escape there from; or
- c) unlock or unlatch, or otherwise open a live trap in which dogs have been captured so as to allow them to escape there from; or
- d) damage, spring or otherwise tamper with a live trap, so as to destroy or impair the live trap's ability to capture dogs; or
- e) remove or attempt to remove any dog from the possession of the Pound Keeper or Bylaw Enforcement Officer.

**SECTION 7 Contractor's Responsibilities**

- 7.1 The Pound Keeper or any Bylaw Enforcement Officer is hereby authorized to use live traps, or any other similar means to effect capture of dogs. The City of Lacombe and its employees, shall not be held liable for the death or injury of any dog as a result of any method utilized to effect capture of a dog.
- 7.2 The Pound Keeper shall keep all impound dogs 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 dog may be redeemed by its owner, or agent of the owner, upon payment to the Pound Keeper of (b.265.6,01/14/13)
  - 1. the appropriate impound and boarding fees where applicable, and
  - 2. licence fee's for current year (unlicenced dogs)
- 7.3 Any dog not reclaimed by its owner within seventy two (72) hours shall become the property of the Pound Keeper and shall be placed for adoption in a suitable home or humanely euthanized.
- 7.4 Any dog not redeemed by its owner may be adopted:
  - a) by any person upon payment to the pound keeper of all appropriate kennel fees and the appropriate license fee
  - b) at the expiration of the seventy two (72) hour period, any dog not redeemed or sold shall be humanely euthanized.
- 7.5 The Pound Keeper shall report any apparent illness, communicable disease, injury or unhealthy condition to a veterinarian as soon as practicable and act upon his recommendation. The owner, if known, shall be held responsible for all charges resulting.

**SECTION 8 Enforcement (b.265.6,01/14/13)**

- 8.1 Where a person is alleged to be in contravention of any provision of this bylaw, the City of Lacombe, by its Bylaw Enforcement Officers, Community Peace Officer or a member of the Lacombe Police Service may cause to be served on the alleged offender, a Violation Ticket in the form marked "Schedule A" (attached hereto and made a part of this bylaw or similar to), allowing payment of a penalty as specified in "Schedule B" (attached hereto and made part of this bylaw) to The City of Lacombe in lieu of prosecution in respect to the alleged contravention.

- 8.2 If a person has been prosecuted for the offence on the Violation Ticket and has been convicted of such offence, the fine imposed shall not be less than the amount set out in Schedule "B" for such offence.
- 8.3 A Municipal Ticket shall be deemed to be sufficiently served if it is:
- a) personally served on the defendant;
  - b) sent to the defendant by registered mail, certified mail or regular mail; or
  - c) left at the defendant's residence.
- 8.4 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable, on summary conviction, to the specified penalty as set out in Schedule "B" herein and in default of payment of the specified penalty, to imprisonment for up to six months.
- 8.5 Any person who contravenes the same provision of this Bylaw twice within a 12 month period is guilty of a second offence and is liable, on summary conviction, to a specified penalty for a second offence as set out in Schedule "B" and in default of payment of the specified penalty, to imprisonment for up to six months.
- 8.6 Any person who contravenes the same provision of this Bylaw three or more times within a 12 month period is guilty of a third or subsequent offence and is liable, on summary conviction, to a specified penalty for a third or subsequent offence as set out in Schedule "B" and in default of payment of the specified penalty, to imprisonment for up to six months.
- 8.7 When a penalty is not specified under this Bylaw, a person who is guilty of an offence is liable to a fine not less than \$200.00 and not more than \$10,000.00, and in default of payment of the fine, to imprisonment for not more than six months.
- 8.8 For 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 it continues. Any person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each such day.

## **SECTION 9 Severability**

- 9.1 It is the intention of the Council of The City of Lacombe that each provision of this Bylaw shall be deemed independent of all other provisions and it is further the intention of the Council of The City of Lacombe that if any provisions of this Bylaw be declared invalid, all other provisions shall remain valid and enforceable.
- 9.2 All previous Dog Control Bylaws are hereby repealed.
- 9.3 This Bylaw shall come into effect upon passage of 3rd Reading

INTRODUCED AND GIVEN FIRST READING this 5th day of June, 2000, A.D.

GIVEN SECOND READING this 5th day of June, 2000, A.D.

PRESENTED FOR THIRD READING this 5th day of June, 2000, A.D.

GIVEN THIRD AND FINAL READING this 5th day of June, 2000, A.D.



**CITY OF LACOMBE  
BYLAW 265**

**Schedule "A"**

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**MUNICIPAL TICKET**

Municipal Ticket Issued for Breach of:

Traffic Bylaw <input type="checkbox"/>	Other Bylaw <input type="checkbox"/>	Section #	
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Offence Description: \_\_\_\_\_

Vehicle Licence #		Province	
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Date of Offence: \_\_\_\_\_ Day \_\_\_\_\_ Month \_\_\_\_\_ Year \_\_\_\_\_

Time of Offence: \_\_\_\_\_ : \_\_\_\_\_  AM  PM

Location of Offence: \_\_\_\_\_

Penalty	\$		Warning Only	
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Name of Offender: \_\_\_\_\_

Address of Offender: \_\_\_\_\_  
 \_\_\_\_\_ City \_\_\_\_\_ Province

Issued by  
Peace Officer: \_\_\_\_\_

You may avoid prosecution for the offence by paying the penalty within 22 calendar days from the offence date to the address indicated below:

**Payable to:**  
City of Lacombe  
5432 - 56 Avenue  
Lacombe, AB T4L 1E9

If paid within the 22 days, the penalty amount may be paid:

1. In person at City Hall by cash, cheque or money order; or
2. By mail or deposit in the drop box (located at the front entrance to City Hall) by cheque or money order payable to the **City of Lacombe**

If payment is not received at City Hall within 22 days of the offence, a Provincial Violation ticket will be issued to you and prosecution will proceed in Provincial Court.

Further information regarding this offence may be obtained by contacting **City of Lacombe Enforcement Services** at (403) 782-1269

**If you receive a "Warning Only" ticket, this does not authorize the violation or its continuation. Failure to comply may result in enforcement action by the City of Lacombe.**

**NOTE:**

Once a Provincial Violation ticket is issued, bylaw penalties may be subject to additional sanctions imposed by the Province. The County has no control over these sanctions and they accrue to the benefit of the Provincial Government only. For example, administrative fees may be added to the penalty if a person is convicted in their absence by the Court. Unpaid penalties will have to be paid in order to renew a vehicle registration or operator's license.



5432 - 56 Avenue  
Lacombe, AB T4L 1E9  
Phone: 403.782.6666  
Fax: 403.782.5655



**CITY OF LACOMBE  
BYLAW 265**

**Schedule "B"**

OFFENCE NUMBER	OFFENCE	AMOUNT
3.1		
a) and b)	Running at Large	
	First Offence	75.00
	Second Offence	100.00
	Third and Subsequent Offence	200.00
4.1		
a)	Deleted (03/26/01)	
b)	chase or threaten a person/animal	
	First Offence	150.00
	Second Offence	200.00
	Third and Subsequent Offence	400.00
c)	bark at or chase bicycle, motor vehicle or other vehicle	
	First Offence	75.00
	Second Offence	100.00
	Third and Subsequent Offence	200.00
d)	Bark/howl so as to disturb a person	
	First Offence	75.00
	Second Offence	100.00
	Third and Subsequent Offence	200.00
e)	cause damage to public or private property	100.00
f)	dog unattended in motor vehicle	200.00
4.3	Dog in swimming, bathing or wading pool or public building	100.00
4.4	Female dog in heat	100.00
4.5	Fail to remove defecation	
	First Offence	100.00
	Second Offence	150.00
	Third and Subsequent Offence	200.00

5.1	Fail to obtain dog licence	
	First Offence	75.00
	Second Offence	100.00
	Third and Subsequent Offence	150.00
5.5	Fail to wear dog collar and tag	25.00
5.10	More than three (3) dogs	
	First Offence	75.00
	Second Offence	100.00
	Third and Subsequent Offence	150.00
5.14	Abuse dog	200.00
5.15	Abandon dog	200.00
6.6	Interference of By-Law Enforcement Officer	
a) b) c) d) and e)	First Offence	200.00
	Second Offence	500.00

UNCERTIFIED COPY - Consolidation

**CITY OF LACOMBE  
BYLAW 265**

**Schedule "C"**

1. Dog Licence (male or female dog)	\$23.00
2. Dog Licence (purchased by seniors aged 65 or older only)	\$13.00
3. Dog Licence (handicapped person's trained guide dog)	No fee
4. Replacement Tag	\$3.00
5. Replacement Tag (handicapped person's trained guide dog)	No fee
6. Special Licence (more than three (3) Grandfathered dogs)	\$120.00

UNCERTIFIED COPY - Consolidation