

TOWN OF TROCHU
Bylaw No. 2016-05
ANIMAL CONTROL BYLAW

BEING A BYLAW OF THE TOWN OF TROCHU TO REGULATE THE KEEPING OF ANIMALS WITHIN ITS CORPORATE LIMITS.

WHEREAS the Council of the Town of Trochu supports responsible pet ownership within the Town and will support and enforce that all Owners are caring for and controlling their Animals within the Town; **AND WHEREAS** section 7(a) of the Municipal Government Act, R.S.A. 2000, c. M-26, as amended, authorizes a municipality to pass bylaws respecting the safety, health and welfare of people and the protection of people and property;

AND WHEREAS section 7(h) of the Municipal Government Act, R.S.A. 2000, c. M-26, as amended, authorizes a municipality to pass bylaws respecting wild and domestic Animals and activities in relation to them;

AND WHEREAS Council has deemed it necessary to pass a bylaw to regulate and control Dogs, Cats and other Animals;

AND WHEREAS Council has deemed it necessary to rescind and replace Bylaw No. 97-06;

NOW THEREFORE, the Council of the Town of Trochu, duly assembled, enacts as follows:

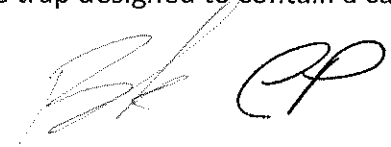
PART 1 - SHORT TITLE

1.1 This Bylaw shall be cited as "The Animal Control Bylaw".

PART 2 – DEFINITIONS

2.1 In this bylaw, unless the context otherwise requires:


- a) "Altered" means spayed or neutered;
- b) "Animal" means any bird, reptile, amphibian or mammal excluding humans and wildlife
- c) "Animal Control Officer" means CAO, any member of the Royal Canadian Mounted Police, Community Peace Officer, Bylaw Enforcement Officer or designate; including but not limited to, a person hired or contracted by the Town to enforce the provisions of this bylaw;
- d) "Animal Shelter" means any facility designated by the Town for the care of and impoundment of Animals and includes Premises supplied by an independent contractor;
- e) "Business Day" or "Day" means any day that the administration office of the Town of Trochu is open for public business;
- f) "CAO" means Chief Administrative Officer for the Town of Trochu or his/her designate;
- g) "Cat" means any domestic member of the feline family;
- h) "Cat Trap" means a humane trap designed to contain a cat without injuring or killing the cat;



- i) "Competent Person" means a person who is physically and mentally capable of restraining and controlling an Animal to an extent that the Animal cannot interfere with other persons, Animals or damage property;
- j) "Council" shall mean the body of elected representatives that govern the Town;
- k) "Dangerous Dog" means a dog that the courts declare to be dangerous under the Dangerous Dogs Act R.S.A. 2000 c. D-3 as amended from time to time;
- l) "Dog" means any domestic member of the canine family;
- m) "Fowl" means a creature with feathers, including all poultry. This does not include small pet birds;
- n) "Guide Dog" means a guide dog as defined by The Blind Persons' Rights Act R.S.A. 2000 c. B-3 as amended;
- o) "Highway" means a highway as defined in the Traffic Safety Act R.S.A. 2000 c.T-6 as amended;
- p) "Holiday" means a day declared to be a holiday by Federal, Provincial, or Municipal Statutes;
- q) "Impound" means to retain in a place designated by Council;
- r) "Kennel" means a shelter, room or place located in a properly zoned area, according to the Town's Land Use Bylaw No. 2015-09 as amended;
- s) "Land Use Bylaw No. 2015-09" being a bylaw of the Town of Trochu as amended;
- t) "Leash" means a restraint made of material capable of restraining the Animal on which it is being used;
- u) "License" means an Animal license issued by the Town in accordance with the provisions of this bylaw;
- v) "License Tag" means an identification tag issued by the Town showing the license number of a specific Animal;
- w) "Livestock" includes but is not limited to:
 - i. a horse, ass, mule, swine, emu, ostrich, camel, llama, alpaca, sheep or goat;
 - ii. domestically reared or kept deer, reindeer, moose, elk or bison;
 - iii. farm bred fur bearing animals including foxes or mink;
 - iv. a member of the bovine species;
 - v. a member of the avian species, including chickens, turkeys, ducks, geese or pheasants;
 - vi. bees; and



- vii. all other animals that are kept for agricultural purposes;
 - viii. but does not include dogs, cats, or small pet birds.
- x) "Municipal Ticket" means a written notice, in a form approved by the CAO, issued by an Animal Control Officer, to advise a person that a violation of this bylaw has occurred and that, by payment of a specified amount for the offence within a set time period, that person will avoid prosecution for the offence;
 - y) "MPC" means Municipal Planning Commission
 - z) "Muzzle" means a device of sufficient strength placed over an Animal's mouth to prevent it from biting;
 - aa) "Notice" means written or verbal communication;
 - bb) "Owner" or "Ownership" means any person:
 - i. to whom an Animal is licensed pursuant to this bylaw;
 - ii. who has legal title to the Animal;
 - iii. who has permanent possession, custody and financial responsibility of an Animal;
 - iv. who temporarily has found or trapped an Animal and has taken control of it for the purposes of locating its Owner and/or turning it over to a pound, Animal shelter or Animal Control Officer;
 - v. who harbours the Animal, or allows the Animal to remain on his/her Premises;
 - vi. For the purposes of this bylaw, an Animal may have more than one Owner, any or all who may be charged under this bylaw.
 - cc) "Person" means any male or female, firm, corporation, society or partnership;
 - dd) "Property" or "Premises" shall include vehicles, land, and buildings, excluding dwellings;
 - ee) "Rates and Fees Bylaw 2016-04" being a bylaw of the Town of Trochu as amended
 - ff) "Running at Large" means any Animal that is not under control of a Competent Person by means of a Leash and is upon property other than that which the Owner of the Animal has the right of occupation;
 - gg) "Secure Enclosure" means a building, cage or fenced area of such construction that will not allow the Animal to jump, climb, dig or force its way out, or allow the entry of young children, and is capable of being locked;
 - hh) "Service Dog" means a service dog as defined in the Service Dogs Act R.S.A. 2007 c. S-7.5 as amended;
 - ii) "Strict Liability Offences" means liability that is set upon the defendant without need to prove intent, negligence or fault, as long as it can be proven that it was the defendants' object that



caused the damage;

- jj) "Town" means the Town of Trochu and its corporate boundaries;
- kk) "Vicious Animal" means any Animal, whether on public or private property, that:
 - a. has, without provocation, chased, attacked or bitten any person or Animal, causing physical injury and resulting in a conviction under this bylaw; or
 - b. has, without provocation, chased, attacked or bitten any person or Animal on more than one occasion, with or without causing physical injury, and resulting in separate convictions under this bylaw; or
 - c. has threatened or created the reasonable apprehension of a threat to any person or other domestic Animal; or
 - d. has been declared by a court to be a Vicious Animal, or declared, pursuant to a bylaw of another municipal jurisdiction, to be a Vicious Animal; or
 - e. has been made subject to an order under the Dangerous Dogs Act R.S.A. 2000 c. D-3, as amended.
- ll) "Violation Ticket" means a ticket issued pursuant to Part 2 of the Provincial Offences Procedures Act, R.S.A. 2000, c. P-34, as amended, and any regulations thereunder;
- mm) "Wildlife" means wildlife as defined by the Wildlife Act, R.S.A. 2000, W-10, as amended.

PART 3 - INTERPRETATION

- 3.1 The provisions of this bylaw shall apply to any Animal, as specified by this bylaw.
- 3.2 In the event of any proceedings under this bylaw, whether it is the impounding of any Animal or the commencement of any proceedings by way of summons, the burden of establishing Ownership and whether any Animal is under the control of a competent person shall be upon the Owner.
- 3.3 The Owner of an Animal is guilty of an offence if the Owner fails to comply with any of the provisions of this bylaw and is subject to the penalty as specified in the Town's Rates and Fees Bylaw 2016-04

PART 4 - SPECIFIC PROHIBITIONS

- 4.1 No person will have possession of or keep wildlife within the Town of Trochu.
- 4.2 No person will have possession of or keep any of the following within the Town of Trochu:
 - a) livestock, other than one pet rabbit per household;
 - b) pot-bellied pigs;
 - c) poultry or fowl;



- d) bees;
- e) species deemed to be dangerous or infectious by a medical officer of health or veterinarian.

4.3 Notwithstanding Sections 4.1 and 4.2, a resident who has previously kept animals prior to the date of first reading of this bylaw, will be permitted to keep said animals in his or her possession, so long as the Owner remains compliant with the conditions set forth in the Dog Control Bylaw No. 1997-06. The Owner will not be permitted to replace animals lost due to escape, transfer of Ownership or death.

4.4 Notwithstanding Sections 4.1 and 4.2, livestock may be kept temporarily within the following locations:

- a) veterinary clinics or animal hospitals;
- b) exhibition grounds; or
- c) those areas of the Town which are classified as agricultural in compliance with the Land Use Bylaw.

PART 5 – LICENSING OF ANIMALS

Requirements of Licenses

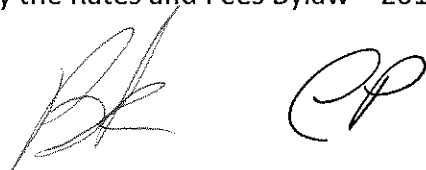
5.1 Every resident of the Town of Trochu who is the Owner of a dog or cat shall annually purchase a License from the Town for each dog or cat owned as per the Rates and Fees - Bylaw 2016-04:

- a) on or before January 31 of the current license year; or
- b) within thirty (30) days following the dog or cat having attained three (3) months of age; or
- c) within thirty (30) days after acquiring possession of the dog or cat; or
- d) within thirty (30) days after establishing residence in the Town; whichever date is the latter.

5.2 A License shall be valid from January 1 to December 31 regardless of the actual date upon which the License was purchased.

5.3 Before the issuance or renewal of a license, the Owner must submit to the Town:

- a) a completed written application in the form specified by the Town;
- b) the license fee as established by the Rates and Fees Bylaw – 2016-04



- c) proof of the dog or cat being altered, if applicable; and
- d) any additional information required by the CAO.

5.4 Where a license is required and has been paid for by the tender of an uncertified cheque, the license is automatically revoked if the cheque is not accepted by the bank on which it was issued.

5.5 No person shall be entitled to a license rebate or refund under this bylaw.

5.6 Every Owner named on a Town dog or cat license shall be at least eighteen (18) years of age.

5.7 An Animal left in the care of a person for a period of thirty (30) consecutive days or more shall be deemed to belong to that person and that person shall be responsible for all provisions of this bylaw as the Owner of the Animal.

5.8 Any Owner of an Animal which is not licensed, and which is required to be licensed pursuant to this bylaw, is guilty of an offence.

5.9 Any person who provides the Town with false or misleading information with respect to the information required in accordance with this bylaw is guilty of an offence as per Rates and Fees Bylaw - 2016-04.

Non-Resident Animals

5.10 Licensing provisions of this bylaw shall not apply to a Dog or Cat accompanying a person temporarily in the Town on business or vacation for a period:

- a) not exceeding thirty (30) days; or
- b) not exceeding ninety (90) days in a calendar year if the Dog or Cat is licensed in another municipality; however, the Owner must provide the Town with:
 - c) satisfactory proof of licensing in another municipality; and
 - d) record of the dog or cat's basic information, reason, place and length of stay;
- e) not exceeding ninety (90) days in a calendar year if the Dog or Cat permanently resides in another municipality that does not require licensing of Dogs and Cats:
 - f) satisfactory proof of non-licensing requirement in another municipality; and
 - g) record of the dog or cat's basic information, reason, place and length of stay.
- h) the CAO may authorize in writing an extended period of time.



Exemptions

5.11 Annual licensing fees shall be waived for the following:

- a) a Registered Guide Dog; and
- b) a Registered Service Dog.

All other provisions of this bylaw shall still apply.

5.12 Animals in the Town for parades, gymkhanas, exhibitions and rodeos duly authorized by the Town are not subject to the provisions of this Bylaw, provided, that in all instances such Animals are under the direct care and supervision of competent persons.

Police Service Dogs

5.13 This Bylaw does not apply to an RCMP Service Dog while it is in active service.

Number of Animals

5.14 No person shall keep, harbour, or have more than two (2) dogs or two (2) cats or a total of three (3) Animals per dwelling unit.

5.15 Any person who owns, keeps or harbours more than two (2) dogs or two (2) cats or a total of three (3) animals over the age of three (3) months without obtaining the required development permit for a kennel in accordance with the Town's Land Use Bylaw, is guilty of an offence.

5.16 Notwithstanding Sections 5.14 and 5.15 any person who has more than two (2) dogs or two (2) cats or a total of three (3) Animals properly licensed with the Town in accordance with the Animal Control Bylaw; 97-06, prior to the date of repeal, may renew the licenses for said licensed Animals. Any such licenses in excess of the number permitted under this bylaw will cease to be valid upon the transfer of Ownership, relocation from town or death of said Animal(s) until such time as the number of Animals owned by a person becomes compliant with this bylaw.

License Tag

5.17 The Owner or any other person having care or control of a dog or cat shall, at all times while it is off the property of the Owner, ensure the dog or cat wears a collar and current license tag issued by the Town.

5.18 In case a dog or cat license tag is lost or destroyed, the Owner shall contact the Town within ten (10) days and a replacement tag will be issued upon payment of the fee as specified by the Rates and Fees Bylaw - 2016-04, provided records indicate such a payment was made.

5.19 License tags are not transferable from one Animal to another.



Revoking of a License

- 5.20 The CAO may revoke any license if;
- a) the Owner fails to comply with the conditions of the license;
 - b) the license was issued on the basis of incorrect information, or misrepresentation by the applicant;
 - c) the Animal is deemed Vicious;
 - d) the license was issued in error;
 - e) the Owner breaches a provision of this bylaw.

In the case of a revocation of license, the Owner will be given reasons in writing. The revocation may be appealed through the same process as provided for in Part 11.2. to Part 11.4. of this bylaw.

Animal Services

- 5.21 No person shall breed Animals within the Town unless an application to the MPC as a discretionary use for a kennel is obtained pursuant to the Land Use Bylaw.
- 5.22 No person shall provide pet care services, as defined by the Land Use Bylaw, within the Town without an approved development permit pursuant to approval by the MPC.

PART 6 - RESPONSIBILITY OF OWNERS

Running at Large

- 6.1 The Owner of an Animal shall:
- a) ensure that the Animal, other than a cat is not running at large;
 - b) ensure that the Animal, other than a cat when not on the Owner's property, is leashed and under the control of a competent person;
 - c) ensure that when an Animal defecates on any public or private property other than the property of the Owner, the feces shall immediately be removed and properly disposed of in a garbage receptacle.
- 6.2 The Owner of a female Animal in heat shall keep the female housed or confined throughout the entire heat period unless the Animal is being walked on a leash.

Health of Animals

- 6.3 Owners shall provide their Animal with food, fresh water and adequate shelter, as per the Animal Protection Act, R.S.A. 2000, c. A-41, as amended.
- 6.4 No Owner shall keep, harbour, or have custody of any Animal over three (3) months of

age, within the boundaries of the Town without having such Animal vaccinated for rabies.

Communicable Diseases

- 6.5 An Owner of an Animal which is suffering from a communicable disease as defined by Federal or Provincial authorities shall:
- a) not permit the Animal to be in a public place;
 - b) not keep the Animal in contact with or in proximity to any other Animal free of such disease;
 - c) keep the Animal secured within the Owner's residence or tied up in the Owner's yard; and
 - d) immediately report the matter to the Animal Control Officer and a veterinarian.

Nuisance Behaviour

- 6.6 The Owner of an Animal shall ensure that such Animal shall not bark, howl, or otherwise make or cause a noise which disturbs any person(s).
- 6.7 Animal Owners shall ensure that their Animal shall not upset any waste receptacles or scatter the contents thereof either in or about a street, lane or other public property or in or about Premises not belonging to the Owner of the Animal.

Threatening Behaviour

- 6.8 Animal Owners shall ensure that their Animal shall not:
- a) bite, bark at, or chase stock, Animals, bicycles, automobiles, or other vehicles;
 - b) chase or otherwise threaten a person(s), whether on the property of the Owner or not, unless the person(s) chased or threatened is a trespasser on the property of the Owner;
 - c) cause damage to property or other Animals, whether on the property of the Owner or not;
 - d) do any act that injures a person(s) whether on the property of the Owner or not;
 - e) bite a person(s), whether on the property of the Owner or not;
 - f) attack a person or persons, whether on the property of the Owner or not;
 - g) attack a person(s), whether on the property of the Owner or not, causing severe physical injury; or
 - h) cause death to another Animal.



- 6.9 No Owner shall use or direct an Animal to attack, chase, harass or threaten a person or Animal.

Animals in Prohibited Areas

- 6.10 The Owner of an Animal shall ensure that such animal does not enter or remain in or on:
- a) public wading or swimming area; or
 - b) any other area where Animals are prohibited by posted signs.

Abandoned Animals

- 6.11 An Animal shall be considered abandoned when:
- a) the Animal is left behind at a Premises or in a neighbourhood after the Owner has moved away; or
 - b) the Animal, for whatever reason, is running at large and the Owner has not made reasonable attempts to locate the Animal;
 - c) the Owner, for whatever reason cannot be located.

Animals in Motor Vehicles

- 6.12 Animals shall only be permitted to ride in the passenger cab of a motor vehicle regardless of whether the motor vehicle is moving or parked and/or on public or private property when:
- a) there is adequate ventilation and temperature control provided for the health and well-being of the Animal; and
 - b) the Animal is restricted and restrained so as to prevent the Animal's escape from the vehicle, or its access to persons or Animals in the vicinity of the vehicle.
- 6.13 A driver of a vehicle shall not permit any Animal to occupy the front seat of the vehicle in such a manner so as to impede the driver in the free and uninterrupted access to and use of the steering wheel, brakes and other equipment required to be used for the safe operation of the vehicle.
- 6.14 A person may allow an Animal to be outside of the passenger cab of a motor vehicle, including riding in the back of a pickup or flatbed truck if the Animal is:
- a) in a fully enclosed trailer;
 - b) in a ventilated topper enclosing the bed area of a truck;
 - c) contained in a ventilated kennel or similar device securely fastened to the bed of the truck;



or

- d) securely tethered in such a manner that it is not standing on bare metal, cannot jump or be thrown from the vehicle, is not in danger of strangulation, and cannot reach beyond the outside edges of the vehicle.

Designated Areas and Parks

- 6.15 Council may designate a public area in which no Animals are allowed and may post signs to this effect.
- 6.16 Council may designate any public area where an Animal may be exercised while not restrained by a leash.
 - a) No Owner of a Vicious dog shall permit the dog to be in an off-leash area at any time.
 - b) The provisions of this bylaw apply, with all necessary modifications, to an off-leash area.
- 6.17 The Owner of an Animal shall carry a leash while with an Animal in a designated off-leash area.
- 6.18 The Owner of an Animal is guilty of an offence if the Animal is in an off-leash area and exhibits threatening behavior toward any other Animal or a person and the Owner fails to secure and/or remove the Animal immediately from the off-leash area.

Interference

- 6.19 No person other than the Owner shall:
 - a) untie or loosen an Animal which is not in distress, as defined by the Animal Protection Act as amended; or
 - b) willfully or negligently open a gate, door or other opening in a fence, pen or enclosure in which an Animal has been confined.
- 6.20 No person shall abuse, tease, torment, or provoke an Animal.

PART 7 - VICIOUS ANIMALS

Insurance

- 7.1 The Owner of a Vicious Animal shall have liability insurance specifically covering any damages from personal injury caused by the Vicious Animal of not less than three million dollars (\$3,000,000).

Signage

- 7.2 The Owner of a Vicious Animal shall;
 - a) display signage at each entrance to the Owner's property and on the secure enclosure in which the Vicious Animal is confined;

- b) purchase signs, as specified in Schedule "A" of this bylaw, warning of the presence of a Vicious Animal on the Owner's property.

Licensing Requirements for Vicious Animals

- 7.3 The Owner of an Animal that has been declared a Vicious Animal pursuant to this bylaw shall submit an application for a Vicious Animal license from the Town immediately upon becoming the Owner of a Vicious Animal.

- 7.4 A Vicious Animal license shall be issued to the Owner of a Vicious Animal provided the Owner has:
 - a) completed an application as specified by the Town; and
 - b) paid the annual license fee for a Vicious Animal as specified in the Rates and Fees Bylaw – 2016-04; and
 - c) supplied to the Town satisfactory proof that:
 - i. the Animal has been tattooed or implanted with an electronic identification microchip by a veterinarian;
 - ii. the Animal has a current vaccination for rabies;
 - iii. the Animal has been altered by a veterinarian;
 - iv. the Owner has a secure enclosure capable of preventing entry of any person except the Owner, and escape of the Animal, in accordance with Section 7- 13 of this bylaw;
 - v. the Owner has a valid liability insurance policy as required by this bylaw;
 - vi. clear and visible signs have been posted on the Owner's property warning of the presence of a Vicious Animal, as required by this bylaw; and
 - vii. submitted any additional information as required by the CAO or Animal Control Officer in a timely manner.

- 7.5 Upon receipt of a written application to license a Vicious Animal, an Animal Control Officer is authorized to enter upon the property of the Owner to inspect any place where the Animal will be kept, including, but not limited to the secure enclosure, to ensure it meets the requirements of this bylaw.

- 7.6 No Owner of a Vicious Animal may own, keep or have more than one (1) Vicious Animal on the Premises at any time.

Declaration

- 7.7 An Animal may be declared by an Animal Control Officer or the CAO to be a Vicious

Animal pursuant to this bylaw and will be licensed as such by the Town and subject to special provisions of this bylaw pertaining to Vicious Animals.

7.8 The Owner of an Animal declared to be Vicious pursuant to this Declaration shall be served with a Notice setting out the reasons therefore, the responsibilities of an Owner of a Vicious Animal pursuant to this bylaw, and the process of an appeal available to the Owner.

7.9 Within two (2) business days after the end of the appeal period of an Animal being declared a Vicious Animal, the Owner must become compliant with this bylaw.

Responsibility of Owners of Vicious Animals

7.10 The Owner of a Vicious Animal shall:

- a) ensure that the Animal wears a current license tag issued by the Town securely attached to a collar at all times;
- b) when selling or otherwise giving the Animal to a new Owner within the Town, fully inform the new Owner that the Animal has been declared a Vicious Animal by the Town;
- c) notify the Town of the change in Ownership of the Animal or the death of the Animal within two (2) business days of the date of change in Ownership or death.

7.11 When a Vicious Animal is on the Premises of the Owner, the Owner or any other person having care or control of a Vicious Animal, shall, at all times, ensure that:

- a) the Animal is confined indoors, or
- b) when the Animal is not confined indoors, it is confined in a locked, secure enclosure that complies with the provisions of Section 7.13

7.12 The Owner of a Vicious Animal shall ensure the Animal does not:

- a) chase or otherwise threaten a person(s), whether on the property of the Owner or not, unless the person(s) chased or threatened is a trespasser on the property of the Owner;
- b) cause damage to property or other Animals, whether on the property of the Owner or not;
- c) bite a person(s), whether on the property of the Owner or not;
- d) attack a person(s), whether on the property of the Owner or not, causing severe physical injury; or
- e) cause death to another Animal.

Secure Enclosure



7.13 For the purposes of this bylaw, a secure enclosure shall:

- a) be of minimum dimensions of 1.5 meters by 3.0 meters, and 2.0 meters in height;
- b) have secure sides and a secure top, and if it has no bottom secured to the sides, the sides must be embedded into the ground to a minimum depth of 30 centimeters;
- c) not be located within 2.0 meters of the property line of the Owner or within 5.0 meters of a neighbouring residential dwelling;
- d) provide shelter from the elements.

Fencing

7.14 The Owner shall fence the yard of property to the maximum height as per the Land Use Bylaw.

Vicious Animal off Owner's Property

7.15 At all times, when a Vicious Animal is off the property of the Owner, the Owner or any other person having care or control of the Vicious Animal, shall ensure that the Animal is:

- a) securely muzzled;
- b) secure in a harness or leash which shall not exceed 1.0 meter in length and is adequate to control the Animal;
- c) under the control of a competent person who is at least eighteen (18) years of age;
- d) not running at large.

7.16 If the Animal is running at large, the Town must be notified immediately.

7.17 The Animal is prohibited from any off-leash area.

7.18 An Owner of a Vicious Animal who contravenes any provision of this bylaw is guilty of an offence and is subject to penalties applicable as provided for in the Fees and Rates Bylaw: Animal Control.

PART 8 - ANIMAL CONTROL AUTHORITY

Seizure and Impounding

8.1 An Animal Control Officer may capture and impound any Animal:

- a) which has engaged in any activity that contravenes any provision of this bylaw;
- b) which is required to be impounded pursuant to the provisions of any statute of Canada or the Province of Alberta, or any regulation thereunder.

- 8.2 An Animal Control Officer may enter any Property or Premises for the purpose of impounding and capturing of an Animal pursuant to this bylaw.
- 8.3 An Animal Control Officer may use any humane method, including but not limited to, the use of capture devices or tranquilizer equipment to capture an Animal that is subject to impoundment pursuant to this bylaw.

Obstruction

- 8.4 Any person, whether or not the Owner, who withholds or provides false or misleading information with respect to Ownership of an Animal to an Animal Control Officer who is conducting an investigation with respect to an offence or alleged offence under this bylaw, is guilty of an offence as specified by the Rates and Fees Bylaw.
- 8.5 Any person who willfully interferes with or obstructs an Animal Control Officer who is attempting to capture or impound an Animal, or is in possession of an Animal captured or impounded pursuant to this bylaw, is guilty of an offence as specified by the Rates and Fees Bylaw.
- 8.6 Any person who springs or otherwise tampers with or damages a live trap in which Animals are to be trapped, or have been trapped, so as to allow any Animal to escape from the trap, is guilty of an offence as specified by the Rates and Fees Bylaw.

Impounded Animals

- 8.7 An impounded Animal may be reclaimed by or on behalf of the Owner after payment is made to the Town during normal office hours of:
- a) any required Animal license fee;
 - b) the other fees as set out in the Rates and Fees Bylaw, relating to the Animal's capture, impoundment, care and sustenance; and
 - c) the costs of any required veterinary services provided.

For the purposes of this section, "day" means any day of the week, including weekends and holidays, or any portion thereof, when calculating number of days for care and sustenance.

- 8.8 An impounded Animal will be retained for a maximum of three (3) days.
- 8.9 An Animal Control Officer may retain an Animal for a longer period than provided in Section 8.8 of this bylaw, if it is determined that circumstances warrant the extension. The decision to allow such an extension is at the discretion of the Animal Control Officer. All additional expenses are the responsibility of the Owner.
- 8.10 An impounded Animal that is not claimed within the applicable time period and in accordance with the provisions of this bylaw, may be disposed of under the



authorization of an Animal Control Officer by:

- a) selling or adopting out; or
- b) euthanasia.

8.11 In the case of an Animal that is obviously in extreme distress due to injury, an Animal Control Officer may cause the Animal to be euthanized in a humane manner without consulting a veterinarian when such consultation cannot be done in a timely manner.

8.12 When an impounded Animal is disposed of in accordance with Section 8.10(a) of this bylaw, the Owner at the time it was impounded shall cease to have any right to the Animal and such right or title shall transfer to a person who has adopted the Animal.

Adoption

8.13 Any person(s) adopting an impounded Animal shall;

- a) complete an application in the form specified by the Town; and
- b) pay the adoption fee as specified in the Rates and Fees Bylaw 2016-04; and
- c) comply with this bylaw if the Animal will reside within the Town.

PART 9 - EXOTIC ANIMALS

9.1 No person shall keep or cause to be kept any reptile, fish, or insect not otherwise prohibited by this bylaw unless housed in an escape-proof enclosure.

9.2 Licensing of an exotic Animal is at the sole discretion of the CAO and is not guaranteed.

- a) licensing will be only be considered upon receipt of a written application in the form specified by the Town;
- b) any fees as specified in the Rates and Fees Bylaw 2016-04 shall apply;
- c) the provisions of any statute of Canada of the Province of Alberta, or any regulation thereunder must be followed.

PART 10 - ENFORCEMENT PROCEDURES

Issuing of Tickets

10.1 Where an Animal Control Officer has reasonable grounds to believe that a person has contravened any provision of this bylaw, he may serve such person a violation ticket in accordance with Part 2 of the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34 as amended.

10.2 Notwithstanding Section 10.1, an Animal Control Officer may, in lieu of prosecution, issue to any person a municipal ticket in a form as approved by the CAO.

10.3 A person who has been issued a bylaw violation pursuant to this bylaw and who has paid the penalty in lieu of prosecution within the time specified shall not be liable for prosecution.

10.4 A municipal ticket shall be deemed to be sufficiently served if:

- a) served personally on the Owner of the Animal, or left at the Owner's residence; or
- b) mailed to the address of the Owner of the Animal.

Continuing Offences

10.5 Penalties for a second and subsequent offence will be applicable, where those offences occur within one (1) year of the previous offence.

10.6 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part day, on which the offence continues. Any person guilty of such an offence is liable to a fine in the amount not less than that established by this bylaw for each such day.

Summary Convictions

10.7 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 \$5,000 and not less than \$100 and in default of payment is liable to imprisonment for a term not exceeding six (6) months.

10.8 Notwithstanding Section 10.10, the minimum fine on summary conviction with respect to this bylaw in relation to a Vicious Animal shall be \$750.

10.9 The specified penalty in respect of a contravention of a specific provision of this bylaw is the amount provided for in the Rates and Fees Bylaw - 2016-04, as amended.

Additional Penalties

10.10 A Provincial Court Judge or Justice may, upon convicting the Owner of an Animal, in addition to penalties provided for in this bylaw:

- a) direct or order the Owner of the Animal to:
 - i. take measures to stop the Animal from engaging in any activity that constitutes a contravention of this bylaw;
 - ii. have the Animal removed from the Town;
 - iii. have the Animal euthanized; or
 - iv. be prohibited from owning any Animal for a specified period of time.



- v. declare the Animal involved in the contravention resulting in the conviction to be a Vicious Animal pursuant to this bylaw.

PART 11 - NOTICES

- 11.1 For the purposes of this bylaw, a Notice will be deemed to have been sufficiently served when:
 - a) served personally upon the Owner of the Animal, or served upon any person who is 18 years of age or older who resides in the same residence as the Owner of the Animal; or
 - b) the Owner of the Animal, or any person who is 18 years of age or older who resides in the residence where the Animal is kept, is notified verbally by an Animal Control Officer, and a written Notice is sent by regular or registered mail or by electronic means to the Owner as soon as practicable thereafter; or
 - c) the Notice is posted in a conspicuous location on the Premises of the Owner.

Appeal

- 11.2 A Notice issued pursuant to this bylaw may be appealed in writing to the CAO within seven (7) days of being served with a Notice.
- 11.3 A decision on an appeal made pursuant to Section 11.2 will be communicated to the appellant in writing within seven (7) days of receipt of the appeal.
- 11.4 Where a Notice has been served on the Owner of an Animal declared to be a Vicious Animal by an Animal Control Officer, the Animal will be deemed to be a Vicious Animal throughout any appeal proceedings until a decision arising from an appeal is rendered that the Animal is not a Vicious Animal.

PART 12 – GENERAL

- 12.1 Whenever the singular masculine gender is used in this bylaw, the same shall include the feminine and neutral gender whenever context requires.
- 12.2 No action or damages shall be taken against the Town or any person acting under the authority of this bylaw in respect of the impoundment, adoption, destruction, sale or disposal of any Animal dealt with pursuant to this bylaw.
- 12.3 All monies received for licensing, impoundment fees, veterinary services or sale of an Animal become part of the general revenue of the Town.
- 12.4 It is the intention of Council that all offences created pursuant to this bylaw be considered as being Strict Liability Offences.
- 12.5 It is the intention of Council that each section of this bylaw be considered as being

separate and severable from all other sections. Should any section of this bylaw be found to have been improperly enacted, such section or part shall be regarded as being severable from the rest of this bylaw and that the bylaw remaining after such severance shall be fully effective and enforceable.

- 12.6 Without restricting any other power, duty or function granted by this bylaw, the CAO may:
- a) carry out whatever inspections are reasonably required to determine compliance with this bylaw;
 - b) delegate any powers, duties or functions under this bylaw to an employee of the Town; and
 - c) create forms for the purposes of this bylaw.

PART 13 - TRANSITIONAL

- 13.1 An existing license issued under Bylaw 97-06 remains valid until the term of such license expires.

PART 14 - REPEAL

- 14.1 Bylaw No. 97-06 and any amendments are hereby repealed.

PART 15 - ENACTMENT

- 15.1 This bylaw shall come into force and effect upon the date of the passing of the third and final reading and signing thereof.

Read a first time this **28th** day of **November, 2016**.

Read a second time this **9th** day of **January, 2017**.

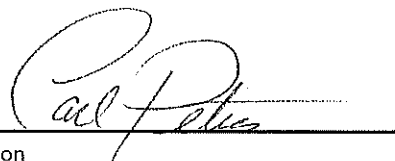
Read a third time this **9th** day of **January, 2017**.

X



Barry Kletke
Mayor

X



Carl Peterson
CAO

Schedule "A"

Vicious Dog Signage

Warning signs for a Vicious Dog must meet the following specifications:

Be a minimum 6 inches by 6 inches (15 cm by 15 cm) in size.

Contain the word "WARNING" or "DANGER" in minimum ¾" (2 cm) size font.

Contain wording identifying a "VICIOUS DOG on Premises".

Contain a visual warning symbol of a dog.

Be made of a rigid material that is resistant to weather and capable of being attached outdoors to a secure enclosure or fence.

A sample sign (not to scale):

