

**TOWN OF EDSON BYLAW NO. 2313**

A Bylaw of the Town of Edson in the Province of Alberta, pursuant to the provisions of the *Municipal Government Act*, RSA 2000, c. M-26, and amendments thereto, to establish standards for regulating, licensing, and the control of animals throughout the municipality.

Section 7 of the *Municipal Government Act* provides Council may pass a Bylaw for the purpose of regulation, licensing, and controlling animals within the Town of Edson;

The Council of the Town of Edson, in the Province of Alberta, enacts:

**1. TITLE**

1.1 This Bylaw may be called the “Responsible Pet Ownership Bylaw”.

**2. DEFINITIONS**

2.1 In this Bylaw:

- a. “Altered” means spayed or neutered.
- b. “Animal” means any Dog or Cat but does not include Wildlife or Livestock.
- c. “Animal Shelter” means a humane society or caretaker as defined under the *Animal Protection Act*.
- d. “Cat” means any domesticated male or female member of the feline family.
- e. “Chief Administrative Officer” or “CAO” means the individual appointed as the Chief Administrative Officer in accordance with the Act, or their designate.
- f. “Council” means the municipal Council of the Town of Edson.
- g. “Dog” means any domesticated member of the canine family.
- h. “Foster Residence” means the residence of a person who is authorized by the Town to provide a temporary home to a rescue Animal.

- i. "Highway" has the same meaning as defined in the *Traffic Safety Act*, RSA 2000, c T-6.
- j. "In Heat" means a recurring period of sexual receptivity in many female mammals.
- k. "Licence" means a licence issued pursuant to this Bylaw;
- l. "Licence Tag" means an identification tag issued by the Town showing the Licence number assigned to a specific Animal.
- m. "Licenced Owner" means the person who applied for and obtained the Licence Tag for the Animal.
- n. "Livestock" includes, but is not limited to:
  - (i) Horse, mule, ass, swine, emu, ostrich, llama, alpaca, sheep, or goat;
  - (ii) Domestically reared or kept deer, reindeer, moose, elk, or bison; farm-bred, fur-bearing animals including foxes and mink; animals of the bovine species;
  - (iii) animals of the avian species including chickens, turkeys, ducks, geese, or pheasants; and
  - (iv) All other animals that are kept for agricultural purposes but does not include Cats or Dogs.
- o. "Motor Vehicle" has the same meaning given in the *Traffic Safety Act*, RSA 2000, c T-6.
- p. "Municipal Tag" means a tag or similar document issued by the Town under the *Municipal Government Act* that alleges a bylaw offence and provides a person with the opportunity to pay an amount to the Town in lieu of prosecution for the offence
- q. "Nuisance Animal" means any Animal that has been deemed to be a Nuisance Animal by the CAO in accordance with this Bylaw.
- r. "Off Leash Area" means an area designated by the CAO where Dogs may be off leash.
- s. "Over-Limit Permit" means a permit granted under the authority of this Bylaw that allows a person to keep more than the maximum number of Animals at their Foster Residence for the purpose of fostering.
- t. "Owner" includes:
  - (i) the Licensed Owner;
  - (ii) the person with legal title to the Animal;
  - (iii) the person who has possession, custody, or care and control of an Animal, either temporarily or permanently; and
  - (iv) the person who harbours an Animal or allows the Animal to remain on their premises.
- u. "Peace Officer" means any Royal Canadian Mounted Police member, Community Peace Officer, Bylaw Enforcement Officer, or any other person appointed by the Town to do any act or perform any duty under this Bylaw.

- v. “Prohibited Animals” means any animal that poses a risk to public health, safety, or welfare and is not permitted within the Town including:
  - i. Wild or exotic animals;
  - ii. Livestock unless allowed by permit or zoning;
  - iii. Invasive or regulated species under provincial or federal law; and
  - iv. Any animal deemed prohibited by the CAO or Bylaw Enforcement.
  
- w. “Recreational Area” means land or property within the Town that is owned, operated, or controlled by the Town or any public or private school for recreational use, including but not limited to playgrounds, play structures, school grounds and sports fields used for activities such as baseball, field hockey, tennis, basketball, rugby, soccer, athletics, or football.
  
- x. “Running at Large” means an Animal that is not restrained by a Leash or otherwise under the physical control of a person at a location other than:
  - (i) The Owner’s property;
  - (ii) Inside the boundaries of an Off Leash Area;
  - (iii) On private property with the consent of the owner of that private property;
  - (iv) During grooming; or
  - (v) While participating in an Animal sporting, training, or show event.
  
- y. “Service Dog” has the meaning as defined in the *Service Dogs Act*, SA 2007, c S-7.5, and includes a Dog that is in training to become a Service Dog but does not include Dogs that are no longer actively being used as a Service Dog.
  
- z. “Severe Injury” includes any injury that requires medical attention such as wounds requiring sutures, or other wound repair and closing, or surgery, disfiguring or scarring lacerations, broken bones, severe sprains, or any other similar serious injury, and any other injury as determined to be severe by a Court, board, or Director upon hearing the evidence.
  
- aa. “Town” means the Municipal Corporation of the Town of Edson, its administration and staff, agents, or representatives.
  
- bb. “Unaltered Animal” refers to an Animal that has not been Altered. It is also referred to as an intact Animal.
  
- cc. “Vicious Animal” means any Animal:
  - (i) Which has been declared a Vicious Animal under this Bylaw;
  - (ii) Which in the opinion of a Justice has a propensity to Attack, to cause injury to, or to otherwise endanger the safety of a human, other Animal or Livestock; or
  - (iii) That has been declared to be a vicious or dangerous Animal pursuant to a bylaw of another municipality; or  
That has been the subject of an order issued by a Justice pursuant to the *Dangerous Dogs Act*, RSA 2000, c D-3.

dd. "Violation Ticket" has the same meaning as in the *Provincial Offences Procedure Act*.

ee. "Wildlife" has the meaning as defined in the *Wildlife Act*, RSA 2000, c W-10.

### 3. INTERPRETATION

3.1 The following rules apply to interpretation of this Bylaw:

- a. Headings, titles, and margin notes in this Bylaw are for ease of reference only;
- b. Gender-specific words, phrases, and references are intended to be gender-neutral, and the singular includes the plural as the context requires;
- c. Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid by a Court, all other provisions of this Bylaw remain valid and enforceable; and
- d. References to Bylaws and enactments in this Bylaw include amendments and replacement Bylaws and enactments, and regulations and orders thereunder.

### LICENSING REQUIREMENTS

#### 4. LICENSING INFORMATION

4.1 A person must not own or keep any Animal within the Town unless that Animal has a Licence.

4.2 A Licenced Owner must:

- a. Be 18 years of age or older; and
- b. Apply for and obtain a Licence for their Animal within 15 days after acquiring possession of the Animal or the Animal turning 6-month-old, whichever is earlier.

4.3 When applying for a license under this Bylaw, the applicant must provide the following:

- a. The name and telephone contact number of the Licenced Owner, or the individual responsible if the Licenced Owner is a corporate body;
- b. A physical description of the Animal, including name, breed, gender, and age;
- c. The address where the Licenced Owner reside and where the Animal resides;
- d. If relevant, proof the Animal is Altered;
- e. Information about whether the Animal is the subject of any court orders or designations as a Vicious or Dangerous Dog; and
- f. Any other information which the CAO may require.

4.4 No person will give false information when applying for a license pursuant to this Bylaw.

4.5 The Licenced Owner must immediately notify the Town if there is a change to the information provided in the application for a Licence.

- 4.6 Upon completion of an application and payment of the License fee, as set out in the Town's Fees and Charges Bylaw, the Licenced Owner shall be given a Licence Tag.
- 4.7 The Licenced Owner must ensure its Animal always wears its Licence Tag when off the Owner's private property.
- 4.8 A License must be renewed on or before February 28 each year. Licence fees are not prorated.
- 4.9 A license issued pursuant to this Bylaw is non-transferable and non-refundable.
- 4.10 If a Licenced Owner loses their Animal's Licence Tag, the Licenced Owner must immediately obtain a new Licence Tag for a fee as set out in the Town's Fees and Charges Bylaw.

## 5. EXCEPTIONS TO LICENCE REQUIREMENTS

- 5.1 All Animals are required to have a Licence except:
- a. Dogs owned, controlled or in service with the Royal Canadian Mounted Police; and
  - b. Animals accompanying a person who is visiting the Town for less than 30 days.
- 5.2 The following Animals are required to have a Licence Tag, but the Licenced Owner is not required to pay the Licence fee:
- a. Service Dogs;
  - b. Rescue Animals in a Foster Residence; and
  - c. One Animal residing in the residence of a Licenced Owner who is over 65 years old. For clarity, additional Animals residing in the residence of a Licenced Owner who is over 65 years old are not exempt from the Licence fee.

## 6. NUMBER OF ANIMALS

- 6.1 No person shall keep more than 3 Dogs **OR** 3 Cats of an age more than 6 months unless that person has obtained a valid business license from the Town.
- 6.2 No person shall have more than a total of 4 Animals in a residence, unless they hold a valid Town business license for:
- a. the care and treatment of Animals operated and in charge of a veterinarian;
  - b. a training or obedience class for Animals; or
  - c. a pet store, kennel or Cattery.

## 7. ANIMAL FOSTERING

- 7.1 Persons who are fostering rescue Animals in a Foster Residence are required to obtain a Licence for each Animal but are not required to pay the Licence fee.

- 7.2 Animals residing at a Foster Residence must wear a Licence Tags which includes the Foster Resident phone number.
- 7.3 Persons who are fostering rescue Animals in a Foster Residence are not required to pay a fee to replace lost Licence Tags.
- 7.4 Persons who are fostering rescue Animals may have more than 4 Animals residing at the Foster Residence if they apply for and obtain an Over-Limit Permit.

**GENERAL CARE AND CONTROL**

**8. OFF PROPERTY**

- 8.1 The Owner of an Animal will ensure that if the Animal is off the Owner's property, the Owner has care and control of the Animal, and the Animal is held on a Leash not exceeding two metres in length.

**9. RUNNING AT LARGE**

- 9.1 The Owner of an Animal will ensure that the Animal is not Running at Large, unless otherwise permitted by this Bylaw.

**10. DOGS IN OFF LEASH AREA**

- 10.1 The Owner of a Dog is not required to have the Dog on a Leash in an Off Leash Area.
- 10.2 The Owner will:
  - a. Not allow or permit more than 3 Dogs in their custody in an Off Leash Area;
  - b. Be physically capable of controlling and restraining all Dogs in their custody in an Off Leash Area; and
  - c. Carry an appropriate leash for all Dogs in their custody while in an Off Leash Area.
- 10.3 No Owner of a dog In Heat, a dog suffering from a communicable disease, or a Vicious dog will permit the dog to be in an Off Leash Area at any time.
- 10.4 A Peace Officer may, upon determining an Owner is in contravention of any provision of this part of this Bylaw, order the Owner to:
  - a. Restrain the Dog by means of a Leash; and
  - b. Remove the Dog from an Off Leash Area.

**11. ANIMALS IN PROHIBITED AREAS**

- 11.1 The Owner of an Animal will ensure that the Animal does not enter, or remain in or on:
- a. A Recreational Area; or
  - b. Any other area which has been designated by the CAO as an area where Animals are prohibited and where a sign prohibiting Animals has been posted.

**12. UNATTENDED ANIMALS**

- 12.1 The Owner of an Animal will ensure that the Animal is not left unsupervised while tethered or tied on:
- a. Private property; or
  - b. On premises where the public has access, whether the access is express or implied.
- 12.2 The Owner of an Animal will not leave the Animal unattended in a Motor Vehicle unless:
- a. The Animal is restrained in a manner that prevents contact between the Animal and any member of the public; and
  - b. The Animal has suitable ventilation. For the purposes of this Bylaw suitable ventilation is the provision and maintenance of air flow and air quality conditions that ensures the wellbeing of an Animal, preventing any form of distress.

**13. ANIMALS IN HEAT**

- 13.1 The Owner of an Animal that is in Heat will confine the Animal indoors or within a building or enclosure which will prevent the escape of the Animal or entry of other Animals until the Animal is no longer In Heat.
- 13.2 The Owner of an Animal that is In Heat may allow the Animal to leave the building or enclosure to urinate, defecate, or exercise if the Owner always maintains the Animal under care and control, and immediately returns the Animal to the building or enclosure upon completion of urinating, defecating, or exercising. The Animal must always remain on the Owner's property.

**14. COMMUNICABLE DISEASES**

- 14.1 The Owner of an Animal or Livestock which are suffering from a communicable disease will:
- a. Not permit the Animal or Livestock to be in any public place;
  - b. Not permit the Animal or Livestock to be in contact with or in proximity to any other Animal or Livestock;
  - c. Keep the Animal or Livestock confined or restrained; and
  - d. Immediately report the matter to the Medical Officer of Health or the Office of the Chief Provincial Veterinarian as the case may be, and the CAO.

- 14.2 A Peace Officer that has reasonable grounds to believe that an Animal found Running At Large may have, or has been, exposed to rabies or another communicable disease may confine that animal at an Animal Shelter, veterinary facility, or any other location as directed by the chief provincial veterinarian.
- 14.3 A Peace Officer that has reasonable grounds to believe that an Animal within the Town has, or has been exposed to, rabies or another communicable disease shall report the matter to the chief provincial veterinarian as soon as reasonably possible.

## 15. DEFECATION

- 15.1 If an Animal defecates on any property other than the property of its Owner, the Owner will remove such feces immediately.
- 15.2 If an Animal is on any property other than the property of its Owner, the Owner will have in their possession a suitable means of facilitating the removal of the Animal's feces.
- 15.3 The Owner of an Owner must remove and properly dispose of Animal feces immediately.

## 16. NOISE

- 16.1 An Owner of an Animal shall not allow the Animal to excessively bark, howl, or otherwise make or cause such noise which, in the opinion of the Peace Officer, is likely to annoy or disturb the peace of any person.
- 16.2 In determining whether the noise being made by an Animal is likely to annoy or disturb the peace of any person, the Peace Officer may consider, but is not limited to, the following:
- a. The duration of the noise;
  - b. The time and day;
  - c. The nature and use of the surrounding area;
  - d. The impact or effect of the barking or howling on others;
  - e. Documentation of the barking or howling.

## 17. THREATENING BEHAVIOURS

- 17.1 The Owner of an Animal will ensure that the Animal does not:
- a. Bark at or chase other Animals, Wildlife, Livestock, or other domesticated household pets;
  - b. Bark at or chase bicycles, Motor Vehicles, or other vehicles;
  - c. Growl, lunge, snarl, chase, or otherwise threaten a person, whether on the property of the Owner or not;
  - d. Bite, Attack, or cause damage to property, Animals, Wildlife, Livestock, or other domesticated household pets, whether on the property of the Owner or not;
  - e. Cause Severe Injury to an Animal, Wildlife, Livestock, or other domesticated household pets;
  - f. Cause death to an Animal, Wildlife, Livestock, or other domesticated household pets;



- g. Bite, Attack or cause Severe Injury of a person or persons whether on the property of the Owner or not, unless the person is a trespasser of the property owner; and
- h. Commit any other act that threatens or injures a person or Animal whether on the property of the Owner or not.

17.2 No Owner will use or direct an Animal to Attack, chase, harass or threaten a person, Animal, Wildlife, Livestock, or other domesticated household pets.

## 18. SCATTERING OF GARBAGE

18.1 The Owner of an Animal will ensure that the Animal does not upset any outdoor waste receptacle or scatter garbage on any Highway or garbage on public property.

18.2 If an Animal upsets a waste receptacle or scatters garbage, the Owner of an Animal will immediately return any upset waste receptacle to an upright position and clean up any garbage that is scattered on the Highway or other public property.

## 19. OTHER ANIMALS

19.1 Unless so permitted by the CAO, no person will allow Livestock owned or controlled by them to be in a Recreational Area, or on a pathway or Highway. This section will not apply to:

- a. Horses owned and ridden by the Royal Canadian Mounted Police; or
- b. Livestock ridden or used in a Town sponsored event, approved community event, or parade.

19.2 The Owner of Livestock will remove defecation from a Highway or pathway immediately.

19.3 Livestock may be allowed on land zoned as Agricultural Holdings pursuant to the regulations of the Land Use Bylaw.

## 20. PROHIBITED ANIMALS

20.1 Unless authorized by the CAO, no person will keep or have any Prohibited Animals within the boundaries of the Town.

20.2 Prohibited Animals are permitted within the Town if they are involved in a competition, parade, fair, exhibition, zoo, or other similar event.

20.3 The CAO may impose terms and conditions on an authorization issued pursuant to Section 20.1 and 20.2, including but not limited to terms or conditions regulating:

- a. The location where the Livestock or Prohibited Animals are to be kept;
- b. The maximum number of Animals that may be kept;
- c. The manner in which the Animals must be kept;
- d. Restrictions on the sale or use of Animal products;
- e. The term of the authorization;
- f. Mandatory husbandry training; and

- g. Any other matter the CAO determines is in the public interest.
- 20.4 The CAO may not issue an authorization pursuant to Section 20.3 unless satisfied that:
- a. The person in care and control of the Livestock or Prohibited Animal is at least 18 years of age;
  - b. Complete any authorization forms; and
  - c. All applicable fees have been paid; and
  - d. All required information has been provided to the CAO and authorization has been granted.
- 20.5 The CAO may refuse to issue or may revoke an authorization issued pursuant to Section 20.1 and 20.2, at any time, for any reason, by providing written notice to the Owner.
- 20.6 An Owner will not contravene any terms or conditions of an authorization issued pursuant to Section 20.1 and 20.2.
- 20.7 A Peace Officer may give written notice to the Owner of a Prohibited Animal, specifying that the Prohibited Animal(s) be removed from the Town by a specified date.

## **21. NUISANCE ANIMALS**

- 21.1 The CAO may declare an Animal to be a Nuisance Animal upon 15 days' written notice to the Owner.
- 21.2 In declaring an Animal to be a Nuisance Animal, the CAO will consider the following:
- a. previous convictions under this Bylaw;
  - b. type of convictions;
  - c. number of convictions;
  - d. period of time in which convictions found; and
  - e. any other relevant information.
- 21.3 Upon deeming an Animal a Nuisance Animal, the CAO may impose such conditions to the Owner and the Nuisance Animal as deemed appropriate to manage the nuisance.
- 21.4 The Owner of a Nuisance Animal must comply with all conditions set out in a Nuisance Animal declaration made by the CAO pursuant to this Bylaw.
- 21.5 One year after a declaration that an Animal is a Nuisance Animal, the Owner may apply to have the declaration reviewed by the CAO, who may maintain, amend, or revoke the declaration with or without conditions.

## **22. DECLARATION OF VICIOUS ANIMAL**

- 22.1 After an investigation of a complaint, the CAO may declare an Animal to be a Vicious Animal if the CAO has reasonable grounds to believe, that the Animal:

- a. has a known propensity, tendency, or disposition to threaten, Attack, chase or Bite other Animals or humans;
  - b. has inflicted a Severe Injury upon another Animal or human;
  - c. has been the subject of an order or direction, pursuant to the *Dangerous Dogs Act*; or
- 22.2 Where the CAO determines that an Animal is a Vicious Animal, the CAO shall:
- a. serve the Licenced Owner of the Animal with a written notice that the Animal has been declared to be a Vicious Animal in person or by registered mail to the address on the Licence application;
  - b. direct the Licenced Owner to keep the Vicious Animal in accordance with the provisions of this Bylaw or any other conditions prescribed by the CAO and provide the Owner with a time limit for compliance; and
  - c. inform the Licenced Owner that, if the Vicious Animal is not kept in accordance with this Bylaw, the Licenced Owner may be fined, or subject to enforcement action pursuant to this Bylaw.
- 22.3 The Licenced Owner of an Animal declared to be a Vicious Animal may, within 10 days after the date the written notice of the declaration is received, request in writing that the declaration be reviewed by Council. Council is not obligated to conduct an oral review and may instead conduct the review based on written material provided by the CAO and the Licenced Owner.
- 22.4 Upon a request to review the declaration, Council may:
- a. uphold the Vicious Animal declaration; or
  - b. revoke the Vicious Animal declaration.
- 22.5 The decision of Council shall be provided to the Licenced Owner in writing within 14 days of Council conducting the review and may be served personally or by registered mail on the Licenced Owner.
- 22.6 In addition to or as an alternative to an order under section 22.5, upon hearing the evidence, the CAO may make an order declaring the Animal to be a Vicious Animal and make a court application to have the Animal destroyed if in the opinion of the CAO the Animal is likely to cause serious damage or injury to persons, property or other Animals, Wildlife, Livestock, or other domesticated household pets, taking into account the following factors:
- a. Whether the Animal, when unprovoked, has shown a tendency to pursue, chase, or approach in a menacing fashion any person or other Animal, Wildlife, Livestock or other domesticated household pets upon the street, sidewalk or on any public or private property;
  - b. Whether the Animal has attempted to Bite, or has bitten any person or Animal, Wildlife, Livestock, or other domesticated household pets;
  - c. Whether the Animal has Attacked, or caused Severe Injury to any person or Animal, Wildlife, Livestock, or other domesticated household pets;
  - d. The Aggression Scale Classification made by a Peace Officer pursuant to Schedule "D";
  - e. The circumstances surrounding any previous biting, Attacking, or injuring incidents; and
  - f. Whether the Animal has caused the death of any other animal.

- 22.7 A Vicious Animal order pursuant to this Bylaw continues to apply if the Vicious Animal is sold, given, or transferred to a new Owner and the new Owner must be made aware of the order.
- 22.8 The Licenced Owner of a Vicious Animal must immediately notify the CAO upon relocating in the Town. The CAO may recognize a similar Vicious Animal type order issued in another jurisdiction and declare that the Animal is a Vicious Animal on that basis.
- 22.9 The Owner of an Animal alleged to be a Vicious Animal will comply with a surrender order made by the CAO, or any contain, and control conditions prescribed by the CAO or Justice pursuant to this Bylaw.

### 23. VICIOUS ANIMAL REGULATIONS

- 23.1 After the Animal has been declared a Vicious Animal, the Licenced Owner of a Vicious Animal will:
- a. Obtain liability insurance specifically covering any damages for personal injury caused by the Vicious Animal of an amount not less than \$1,000,000 dollars and shall provide proof of such insurance to the CAO upon request;
  - b. Have a licensed veterinarian tattoo or implant an electronic identification microchip in or on the Vicious Animal identifying the Animal with a unique identifier;
  - c. Provide the information contained on the tattoo or in the microchip to the Town; and
  - d. Have the Vicious Animal Altered if such a procedure has not yet been carried out on the Animal.
- 23.2 The Licenced Owner of a Vicious Animal will:
- a. Forthwith notify the Town should the Vicious Animal be sold, gifted, transferred to another person, or die; and
  - b. Remain liable under this Bylaw for the actions of the Vicious Animal until formal notification of sale, gift, or transfer is given to the Town.
- 23.3 The Licenced Owner of a Vicious Animal will ensure that when the Vicious Animal is on the property of the Owner, the Vicious Animal is:
- a. indoors;
  - b. In a locked pen, yard, or other structure, which can prevent the escape of the Vicious Animal.
    - i. The locked pen, yard, or structure will:
      - (A) 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 30 centimeters;
      - (B) Provide the Vicious Animal with shelter from the elements;
      - (C) Be of the minimum dimensions of 1 and 1.5 meters by 3 meters and be a minimum 1 and 1.5 meters in height; and
      - (D) Not be within 1 meter of the property line or within 5 meters of a neighbouring dwelling unit.

- 23.4 The Licenced Owner of a Vicious Animal will always ensure that, when off the property of the Licenced Owner, such Vicious Animal is securely:
- a. Muzzled;
  - b. Harnessed or Leashed on a Leash with a length that shall not exceed two meters and in a manner that prevents it from being in contravention of this Bylaw, as well as preventing damage to public and private property; and
  - c. Under the control of a person 18 years of age or older.
- 23.5 The Licenced Owner of a Vicious Animal will, at their own expense, display a sign on their premises warning of the presence of the Vicious Animal in the form illustrated in Schedule D, and such sign will:
- a. Be a minimum of 8" x 10" in size;
  - b. Be placed at each entrance to the premises where the Vicious Animal is kept and, on the pen, yard, or other structure in which the Vicious Animal is confined; and
  - c. Be posted to be clearly visible and capable of being seen by any person accessing the premises.

#### 24. INSPECTION AND SEIZURE

- 24.1 A Peace Officer may seize, retain, and take to an Animal Shelter any Animal, Nuisance Animal or Vicious Animal:
- a. Which is found Running at Large;
  - b. Which is alleged to have engaged in any threatening behaviors as set out in this Bylaw;
  - c. Pending the outcome of an application to declare the Animal to be a Vicious Animal or to destroy the Animal;
  - d. Which is required to be impounded pursuant to the provisions of any provincial or federal legislation; or
  - e. Which has been left unsupervised while tethered or tied on private property not owned by the Animal's Owner.
- 24.2 The Licenced Owner will be responsible for all fees associated with the Animal being impounded as set out in the Town's Fees and Charges Bylaw.
- 24.3 In an emergency or in extraordinary circumstances, a Peace Officer, with the exception of a Bylaw Enforcement Officer, may, without notice, enter onto land or structures and seize any Animal which has been observed Running at Large or is alleged to have been exhibiting threatening behavior as set out in this Bylaw and to take such reasonable measures necessary to subdue any such Animal, including the use of capture devices or seeking the assistance of the RCMP or a veterinarian to use tranquilizer equipment, and take such Animal to an Animal Shelter.
- 24.4 Subject to the entry notice provisions of the *Municipal Government Act*, a Designated Officer of the Town, bearing proper identification, may enter a premises to conduct an inspection in order to determine whether or not this Bylaw or an order issued pursuant to this Bylaw is being

complied with and, where it is determined that this Bylaw or an order has been contravened, may, with or without the assistance of a Peace Officer, seize and remove from the premises an Animal and take the Animal to an Animal Shelter.

- 24.5 If a person sees an Animal Running at Large, they must immediately report it to a Peace Officer. If a person can safely take control of an Animal Running at Large, the person must immediately notify a Peace Officer and surrender the Animal.

## 25. CAT TRAPS

- 25.1 A resident of the Town may apply to use a live Cat trap, provided by the Town, to catch any Cats on their property.
- 25.2 Cat traps will be provided free of charge to any resident or business within the Town with the proper identification.
- 25.3 Cat traps will only be provided to residents from April 1 to September 30.
- 25.4 Upon catching a Cat with the Cat trap, the person who caught the Cat will immediately surrender it to a Peace Officer.

## 26. OBSTRUCTION AND INTERFERENCE

- 26.1 No person, even if that person is the Owner of an Animal, Nuisance Animal, or Vicious Animal which is being or has been pursued or seized will:
- a. Interfere with or attempt to obstruct a Peace Officer who is attempting to seize or who has seized an Animal which is subject to seizure;
  - b. Open any vehicle in which seized Animals have been placed;
  - c. Remove, or attempt to remove, from the Animal Shelter and/or the possession of a Peace Officer, any Animal which has been seized;
  - d. Provide false information to a Peace Officer; or
  - e. Obstruct or hinder a Peace Officer in the execution of their powers and duties pursuant to this Bylaw.
- 26.2 No person will:
- a. Negligently or willfully let loose or free an Animal and thereby allow the Animal to Run At Large;
  - b. Entice an Animal to Run at Large;
  - c. Tease an Animal caught or confined in an enclosed space; or
  - d. Throw or poke any object into an enclosed space when an Animal is caught or confined therein.

## 27. NOTICE

- 27.1 Any notice required under this Bylaw, unless otherwise stated, will be deemed to have been given:

- a. When notice is mailed, 7 days from the date it is mailed; or
- b. When notice is posted to property or personally delivered to the Licenced Owner or any person over the age of 18 at address provided in the Licence application on the date it was posted or delivered.

## 28. RECLAIMING

- 28.1 The Owner of any seized Animal, Nuisance Animal, or Vicious Animal may reclaim the Animal, Nuisance Animal, or Vicious Animal by:
- a. Paying any fees of impoundment, any care, subsistence, or veterinary charges incurred as set out in the Town's Fees and Charges Bylaw;
  - b. Obtaining the Licence and Licence Tag for such Animal, Nuisance Animal, and Vicious Animal where a Licence is required pursuant to this Bylaw; and
  - c. Complying with any provisions which may be imposed in accordance with this Bylaw.
- 28.2 Where an Animal, Nuisance Animal, or Vicious Animal is claimed, the Owner will provide proof of ownership.

## 29. DISPOSITION OF ANIMAL

- 29.1 The CAO may:
- a. Receive Animals into protective care at an Animal Shelter arising from an emergency due to fire, flood, or other reasons;
  - b. Retain the Animal temporarily at an Animal Shelter;
  - c. Charge the Owner any fees, costs of impoundment, any care, subsistence, or veterinary charges incurred as set out in the Town's Fees and Charges Bylaw;
  - d. At the end of the protective care period, if no other arrangements are made between the Owner and the CAO, their designate, or Peace Officer, or the Owner cannot be ascertained, treat such Animals as seized Animals; or
  - e. Offer the sale, euthanize, or otherwise dispose of all unclaimed Animals which have been seized or deemed to be seized.
- 29.2 Notwithstanding section 29.3, where the animal that has been impounded bears obvious tattoos, brands, marks, tags or licenses, the animal shall be kept by the Animal Shelter a minimum of 30 days from the date the Animal was impounded, in accordance with Section 610 of the *Municipal Government Act*.
- 29.3 The CAO will not sell, euthanize, or otherwise dispose of a seized Animal until an Animal is retained in the Animal Shelter for:
- a. 10 days after the Owner has received notice or is deemed to have received notice that the Animal has been seized; or
  - b. 3 days, if the name and address of the Owner is not known.

- 29.4 The CAO may retain a seized Animal for a longer period if in their opinion the circumstances warrant the expense or there are reasonable grounds to believe that the seized Animal is a continued danger to a person, Animal, Wildlife, Livestock, or other domesticated household pets, or property.

### **30. ALTERED**

- 30.1 The CAO may, before selling an unclaimed seized Animal, require that the Animal be Altered.

### **31. EUTHANIZATION**

- 31.1 When in the judgment of the licenced veterinarian, an Animal should be euthanized for humane reasons, such Animals will be euthanized and may not be retrieved. Any such costs of the destruction may be billed to the Town, and the Town is at liberty to take all steps considered necessary to recover such costs from the Owner of the Animal.

## **ENFORCEMENT**

### **32. OFFENCE**

- 32.1 Every person who contravenes any provision of this Bylaw is guilty of an offence.

### **33. MUNICIPAL TAG**

- 33.1 If a Municipal Tag is issued in respect of an offence, the Municipal Tag must specify the fine amount established by this Bylaw for the offence.
- 33.2 The Municipal Tag may be served:
- a. In the case of an individual:
    - i. By delivering it personally to the individual;
    - ii. By leaving it for the individual at their apparent place of residence with someone who appears to be at least 18 years of age; or
    - iii. By mail addressed to the individual at their apparent place of residence or at any address for the individual on the tax roll of the Town or at the Land Titles registry;
  - b. In the case of a corporation:
    - i. By delivering personally to any director or officer of the corporation;
    - ii. By delivering it personally to a person apparently in charge of an office of the corporation at an address held out by the corporation to be its address; or
    - iii. By mail addressed to the registered office of the corporation.
  - c. In the case of either an individual or corporate entity, for offences involving a Motor Vehicle, by placing the Municipal Tag on the Motor Vehicle itself.



**34. PAYMENT IN LIEU OF PROSECUTION**

- 34.1 A person who commits an offence may, if a Municipal Tag is issued in respect of the offence, pay the fine amount established by this Bylaw for the offence and if the amount is paid on or before the required date, the person will not be prosecuted for the offence.
- 34.2 A Municipal Tag may also set out a reduced fine amount established by this Bylaw as an incentive for early payment conditional on the amount being paid on or before a certain date.

**35. VIOLATION TICKETS AND PENALTIES**

- 35.1 If a Municipal Tag has been issued and the penalty specified on the Municipal Tag has not been paid within the prescribed time, a Peace Officer may issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act* to the person to whom the Municipal Tag was issued.
- 35.2 Nothing in this Bylaw shall prevent a Peace Officer from immediately issuing a Violation Ticket to any person whom the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 35.3 A person who commits an offence may:
- a. If a Violation Ticket is issued in respect of the offence; and
  - b. If the Violation Ticket specifies the fine amount established by this bylaw for the offence;

Make a voluntary payment equal to the specified fine.

**36. ORDERS**

- 36.1 If a Peace Officer believes, on reasonable grounds, that a person is contravening any provision of this Bylaw, the Peace Officer issue an enforcement order pursuant to the *Municipal Government Act*.

**37. NUISANCE ANIMAL FINES**

- 37.1. If an Animal has been declared to be a Nuisance Animal, and where, after the declaration, any person is in contravention of any provisions of this Bylaw in respect of that Animal, the specified penalty payable in respect of the offence is double the amount shown in Schedule A of this Bylaw in respect of that provision.

**38. VICIOUS ANIMAL FINES**

- 38.1. The specified and the minimum penalties of a contravention of this Bylaw with respect to Vicious Animals will be the amounts as shown in Schedule B of this Bylaw regarding Vicious Animals. Notwithstanding Schedule B, a contravention of a provision of this Bylaw will attract a minimum penalty of \$500 and a maximum penalty of \$10,000.

38.2. Notwithstanding section 38.1:

- a. Where any Vicious Animal has been in contravention of the same provision of this Bylaw twice within a 12-month period, the specified or minimum penalty payable in respect of the second offence is double the amount shown in Schedule B of this Bylaw; and
- b. Where any Vicious Animal has been in contravention of the same provision of this Bylaw 3 or more times within a 12-month period, the specified or minimum penalty payable in respect of the third or subsequent offence is triple the amount shown in Schedule B of this Bylaw.

### **39. CONTINUING OFFENCES**

39.1. 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 of a day, on which the offence continues.

### **40. MANDATORY COURT OR INFORMATION**

40.1. No provision of this Bylaw will prevent any Peace Officer from issuing a Violation Ticket requiring the Court appearance of the defendant, pursuant to the provisions of Part 2 of the *Provincial Offences Procedure Act*, or from laying an information.

### **41. LIABILITY FOR FEES**

41.1. The levying and payment of any fine or the imprisonment for any period provided in this Bylaw will not relieve a person from the necessity of paying any fees, charges, or costs from which they are liable under the provisions of this Bylaw.

### **42. PROOF OF AUTHORIZATION**

42.1. The onus of proving an authorization has been issued in relation to any activity otherwise regulated, restricted, or prohibited by this Bylaw is on the person alleging the existence of such an authorization on a balance of probabilities.

### **43. PROOF OF LICENCE**

43.1. The onus of proving a person has a valid and subsisting Licence is on the person alleging the existence of the.

43.2. The onus of proving the age of an Animal is on the person alleging the age.

### **44. CERTIFIED COPY OF RECORDS**

44.1 A copy of a record of the Town, certified by the CAO as a true copy of the original, will be admissible in evidence as prima facie proof of the facts stated therein, without the necessity of proving the appointment or signature of the individual who signed it.

**GENERAL**

**45. POWERS OF THE CHIEF ADMINISTRATIVE OFFICER**

45.1. Without restricting any other power, duty or function granted by this Bylaw the CAO may:

- a. Carry out any inspections to determine compliance with this Bylaw;
- b. Take any steps or carry out any actions required to enforce this Bylaw;
- c. Take any steps or carry out any actions required to remedy a contravention of this Bylaw;
- d. Establish areas where activities restricted by this Bylaw are permitted;
- e. Establish forms for the purposes of this Bylaw;
- f. Issue permits with such terms and conditions as are deemed appropriate;
- g. Establish the criteria to be met for a permit pursuant to this Bylaw; and
- h. Delegate any powers, duties, or functions under this Bylaw to an employee of the Town.

**46. EFFECTIVE DATE**

46.1. Bylaw No. 2140 is hereby repealed.

46.2. This Bylaw will come into effect upon third reading.

**READ** a first time this \_\_\_\_ day of \_\_\_\_, 20\_\_.

**READ** a second time this \_\_\_\_ day of \_\_\_\_, 20\_\_.

**READ** a third time and finally passed this \_\_\_\_ day of \_\_\_\_, 20\_\_.

\_\_\_\_\_  
Mayor Kevin Zahara

\_\_\_\_\_  
Christine Beveridge, CAO

**SCHEDULE A**  
**OFFENCE PENALTIES**

<b>Section</b>	<b>Offence</b>	<b>Specified Penalty</b>
4.1	Unlicensed Dog or Cat	\$250
4.5	Fail to notify of changes to license information	\$250
4.4	Give false information when applying for license	\$500
6.1	Have more than 3 Cats in a residence	\$250
6.2	Have more than 4 Animals in a household	\$250
7.2	Foster animal fail to wear a tag	\$250
7.7	Fail to wear a License Tag	\$250
9.1	Animal Running at Large	\$250
10.1	Dog not under control in an Off Leash Area	\$250
10.2(a)	More than 4 Dogs in Off Leash Area	\$250
10.2(b)	Not physically capable of controlling and restraining all Dogs in custody	\$250
10.2(c)	Fail to carry a Leash in Off Leash Area	\$250
10.3	No person will allow Animal In Heat or with a communicable disease in Off Leash Area	\$250
10.4(a)	Fail to restrain	\$250
10.4(b)	Fail to Remove Dog from Off Leash Area	\$250
11.1(a)	Animal Running at Large in Recreational Area	\$400
11.1(b)	Animal in prohibited area	\$400
12.1(a)	Leave Animal unattended while tethered Private Property	\$300
12.1(b)	Leave Animal unsupervised while tethered on Public Property	\$300
12.2(a)	Animal left unattended in Vehicle improperly	\$250
12.2(b)	Animal left unattended in Vehicle when weather conditions not suitable	\$500
13.1	Allow Animal In Heat to be a source of attraction/not confined properly	\$250
14.1(d)	Fail to report suspected case of Communicable Disease	\$500

15.1	Fail to remove Animal feces	\$300
15.2	No suitable means to remove feces	\$250
15.3	Allow defecation to accumulate to extent to annoy or pose health risk	\$500
16.1	Animal disturbing the peace	\$300
17.1(a)	Bark/chase Animal, Wildlife, Livestock, or other domesticated household pets	\$300
17.1(b)	Bark/chase bicycles or vehicles	\$180
17.1(c)	Chase or threaten a person	\$500
17.1(d)	Bite or cause damage to property, Animal, Wildlife, Livestock, or other domesticated household pet	\$350
17.1(e)	Cause Severe Injury to Animal, Wildlife, Livestock, or other domesticated household pet	\$800
17.1(f)	Cause death to Animal, Wildlife, Livestock, or other domesticated household pet	\$1,200
17.1(g)	Animal Attacks a person	\$1,400
17.1(g)	Animal Bites a person	\$700
17.1(g)	Animal Bites or Attacks a person causing Severe Injury	\$1,800
17.1(h)	Animal injures a person	\$500
17.2	Direct Animal to Attack, chase, harass, threaten a person, Animal, Wildlife, Livestock, or other domesticated household pet	\$500
18.1	Animal scatter garbage	\$250
18.2	Fail to upright and clean up contents of waste container	\$200
19.1	Livestock in prohibited area	\$250
12.2	Fail to remove defecation	\$300
20.1	Keep Prohibited Animal	\$1,000
20.3, 23.1	Fail to comply with conditions of CAO authorization	\$1,000
21.4	Fail to obey Nuisance Animal conditions	\$650
22.2(b)	Fail to comply with CAO order	\$1,500
23.3	Fail to obey contain and control conditions	\$650
24.5	Fail to notify stray Animal or surrender stray Animal to the Town	\$250

26.1(a)	Obstruct or interfere with Peace Officer seizure	\$1,000
26.1(b)	Open Vehicle in which seized Animal(s) have been placed	\$500
26.1(c)	Remove or attempt to remove seized Animal	\$500
26.2(a)	Untie/loosen/ or free restrained Animal	\$500
26.2(b)	Entice Animal to Run at Large	\$500
26.2(c)	Tease Animal in an enclosure	\$500
26.2(d)	Throw or poke at Animal in an enclosure	\$500
26.1(d)	Provide false information to a Peace Officer	\$1,000
26.1(e)	Obstruct Peace Officer	\$1,000

**SCHEDULE B**

## VICIOUS ANIMAL OFFENCES PENALTIES

<b>Section</b>	<b>Offence</b>	<b>Specified Penalty</b>
4.1	Vicious Animal not licensed	\$650
9.2	Vicious Animal in Off Leash Area	\$1,500
17.1(a)	Vicious Animal Bark/chase Animal, Wildlife, Livestock, or other domesticated household pets	\$600
17.1(b)	Vicious Animal Bark/chase bicycles or vehicles	\$600
17.1(c)	Vicious Animal Chase or threaten a person	\$1000
17.1(d)	Vicious Animal Bite or cause damage to property, Animal, Wildlife, Livestock, or other domesticated household pet	\$1500
17.1(e)	Vicious Animal Cause Severe Injury to Animal, Wildlife, Livestock, or other domesticated household pet	\$1000
17.1(f)	Vicious Animal Cause death to Animal, Wildlife, Livestock, or other domesticated household pet	\$1,500
17.1(g)	Vicious Animal Attacks a person	\$2,500
17.1(g)	Vicious Animal Bites a person	\$1000
17.1(g)	Vicious Animal Bites or Attacks a person causing Severe Injury	\$1,800
17.1(h)	Vicious Animal injures a person	\$1,000
23.1(a)	Fail to obtain insurance	\$500
23.1(b)	Fail to tattoo or implant Vicious Animal with microchip	\$500
23.1(c)	Fail to provide tattoo or microchip information	\$500
23.1(d)	Fail to have Vicious Animal Altered	\$500
23.2(a)	Fail to notify of sale, gift, transfer, or death of Vicious Animal	\$500
23.4(c)	Vicious Animal not under control of a person eighteen years of age or older	\$1,500
23.5	Fail to post Vicious Animal sign	\$1,500

**SCHEDULE C****DR. IAN DUNBAR'S AGGRESSION SCALE****ASSESSMENT OF THE SEVERITY OF BITING PROBLEMS BASED ON AN****OBJECTIVE EVALUATION OF WOUND PATHOLOGY**

<b>Level</b>	<b>Description</b>
<b>Level 1</b>	Dog growls, lunges, snarls – no teeth touch skin. Mostly intimidation and/or threatening behaviour.
<b>Level 2</b>	Teeth touch skin but no puncture. May have red mark and/or minor bruise from Dog's head or snout, minor scratches from paws and/or nails. Minor surface abrasions or lacerations.
<b>Level 3</b>	Punctures one to three holes, single Bite. No tearing or slashes. Victim not shaken side to side. Bruising.
<b>Level 3.5</b>	Multiple Level 3 Bites.
<b>Level 4</b>	2 to 4 holes from a single Bite, typically contact and/or punctures from more than just canines, considerable bruising. Black bruising, tears and/or slashing wounds. Dog clamped down and held and/or shook head side to side.
<b>Level 5</b>	Multiple Bites at Level 4 or above. A concerted, repeated Attack causing severe injury.
<b>Level 6</b>	Any Bite resulting in death of an Animal.

Dr. Ian Dunbar PhD developed this scale, B Vet Med, MRCVS, of Berkeley California. From his studies Dr. Dunbar has been able to separate and classify Bites into a generalized six-level assessment protocol. This scale is used as a standard throughout the world in canine aggression investigations and behavior assessment.



SCHEDULE D

