

VILLAGE OF MANNVILLE
BY-LAW NO. 2013 – 792
Animal Control Bylaw

BEING A BY-LAW OF THE VILLAGE OF MANNVILLE, THE PROVINCE OF ALBERTA TO PROVIDE FOR THE LICENSING REGULATION AND CONTROL OF ANIMALS IN THE CORPORATE LIMITS OF THE VILLAGE OF MANNVILLE

WHEREAS pursuant to the Municipal Government Act, R.S.A. 2000, c. M-26, as amended or repealed and replaced from time to time, authorizes the Council of the Village of Mannville to pass Bylaws for the licensing and regulating the control of wild and domestic animals within the Village.

AND WHEREAS the Council of the Village of Mannville deems it to be in the best interest of the residents of the Village to regulate and control the running at large of dogs, cats and other domestic Animals in the Village.

AND WHEREAS the Council of the Village of Mannville deems it to be in the best interest of the residents of the Village to license dogs, cats, and other domestic Animals in the Village.

NOW THEREFORE, the Municipal Council for the Village of Mannville in the Province of Alberta, duly assembled hereby enacts as follows:

PART 1 – Titles and Definitions

1. Title:

This Bylaw shall be enforceable within the Municipality of the Village of Mannville and shall be cited as the “Animal Control Bylaw”,

2. Definitions:

- a) **“Animal”** shall mean any animal including dogs, and cats, and farm animals, either wild or domesticated unless otherwise stated in this Bylaw.
- b) **“Appendix”** means the schedules set in this Bylaw and shall not form part of the body of this Bylaw. Such Appendices may be changed by resolution of Council from time to time.
- c) **“At Large” or “Run-at-Large”** as applied to a dog or cat means a dog or cat which is found off the premises of its owner and within the corporate limits of the Municipality and is not under the immediate, continuous and effective control, by means of a leash, of its owner or a person with the consent of the owner at the time of being found.
- d) **“Bylaw”** means a Municipal Bylaw, and includes any amendments thereto.
- e) **“Cat”** means any domesticated feline animal, of either sex, commonly described or known as a domestic cat and actually or apparently six (6) months of age or older.
- f) **“Council”** means the elected Council of the Village of Mannville in the Province of Alberta.
- g) **“Dog”** means a male or female animal of the canine species and includes an animal that is a cross between a wolf and a dog or a coyote and a dog or a combination thereof.

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- h) **“Dog or Cat Breeder”** means a person engaged in breeding dogs or cats and offering the offspring for sale or trade to the general public. Individuals must be able to verify their status as a registered breeder by providing Municipal Administration with proof of membership in the Canadian Kennel Club or Canadian Cat Association.
- i) **“Excessive Barking”** means continuously for more than 30 minutes.
- j) **“Exotic Animal”** shall mean any animal, including snakes, lizards, spiders, or any other species, whether wild or domesticated, or not native to Alberta, unless otherwise specified in this Bylaw.
- k) **“Farm Animal”** shall mean:
 - i. Any bovine, equine, porcine or ruminant animal, or
 - ii. Save as hereinafter specified, any pigeons, rabbits, chickens, turkeys, goose, guinea, fowl, or poultry are part of any commercial undertaking which is established with the approval of Municipal Council.
- k) **“Floral Area”** means flower beds, or gardens.
- l) **“He”** shall mean either person of the male or female gender.
- m) **“Housed and Confined”** means to confine a female dog or cat during the whole period of time that such dog or cat is in estrus or in heat in such a manner that the dog or cat will not be a source of attraction to other dogs or cats.
- n) **“Kennel”** means a shelter for a dog or cat; an establishment for the breeding or boarding of dogs or cats.
- o) **“License Tag”** means a metal tag issued to any owner of a dog or a cat upon payment of a license registration fee.
- p) **“Livestock”** means any horse, mule, donkey, head of cattle, sheep, swine, goat, poultry, rabbit or any other animal that Council, in its unfettered discretion, deems to be livestock.
- q) **“Municipality”** means the municipal corporation of the Municipality of Mannville in the Province of Alberta.
- r) **“Municipal Manager”** means the Municipal Administrator of the Municipality of Mannville or any other person acting under the authority of the Municipal Administrator.
- s) **“Municipal Tag”** means a tag or ticket wherein the person alleged to have committed a breach of a provision of this Bylaw is given an opportunity to pay a voluntary penalty of the Municipality of Mannville in lieu of prosecution of the offense.
- t) **“Nuisance”** means an act, condition, thing, causing trouble, annoyance, or inconvenience.
- u) **“Off Leash Area”** means an area designated by the Municipal Administrator where a Dog is permitted but is not required to be held by a leash.
- v) **“Owner”** means any person or body corporate who has legal title to a dog or cat or animal, who possesses or harbours a dog or cat or animal, who suffers any dog or cat or animal to remain about that person’s residence or premises; any person occupying a residence or premises where a dog or cat or animal is kept or harboured, or allowed to remain, shall be deemed to be the owner of the dog or cat or animal.

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- w) "Parkland"** means any property, whether developed or not, owned, controlled or maintained by the Village that is:
- i. intended to be used by members of the public for recreation and general enjoyment;
 - ii. preserved as a natural area;
 - iii. used as a cemetery;
 - iv. designated as municipal reserve, environmental reserve or a public utility lot pursuant to the *Municipal Government Act*; or
 - v. that portion of any Boulevard contiguous with, partially within, or fully within any property described above;
- x) "Peace Officer"** means a Bylaw Enforcement Officer appointed by the Village pursuant to the MGA Sec 555 (1) and is responsible for the preservation and maintenance of the public peace; or a member of the Royal Canadian Mounted Police, a member of a municipal police service, or a Special Constable appointed by the Village of Mannville pursuant to the provisions of the Police Act, R.S.A. 2000, c.P-17, as amended or repealed and replaced from time to time;
- y) "Person"** includes any person, individual, owner, corporation, public body, body corporate, society, firm or partnership.
- z) "Possession"** means that a person possesses a dog or cat when he has it in his actual possession, he leaves it in the actual possession or custody of another person, he has it in any place, whether that place belongs to that person or is occupied by that person or another person. Where two or more persons with the knowledge and consent of the rest have a dog or cat in their custody or possession, it shall be deemed to be in the custody of each and all of them.
- aa) "Pound"** means a place, designated by Council, where animals that have been seized and are impounded, such as the Public Works Shop.
- bb) "Pound Keeper"** means a person who cares for impounded animals, such as Public Works personnel, or others as specified by Council.
- cc) "Premises"** means any land or building or any portion thereof, and includes with restricting the generality of the foregoing, any house, residence, apartment, flat, suite, lodging, room, office or place of business.
- dd) "Restricted Animal"** means any animal, whatever its age, declared as restricted by a motion of Council.
- ee) "Restricted Animal"** means any dog or animal;
- i. that has chased, attacked or bitten any person or animal causing physical injury and resulting in a conviction under this bylaw;
 - ii. that has 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;
 - iii. that has been made the subject of an order under the *Dangerous Dogs Act*
- ee) "Village"** means the Village of Mannville.
- ff) "Violation tag"** means a ticket or similar document issued by the Village pursuant to the Municipal Government Act, R.S.A. 2000, c.M-26, as amended or replaced and appealed from time to time.

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gg) “Violation ticket” means a ticket issued pursuant to the Provincial Offenses Procedure Act, RSA 2000, c.P-34 and regulations there under, as amended or replaced and repealed from time to time.

hh) “Vicious Dog” means a dog of any age, including a restricted animal, which when on or off the property of its owner:

- i. has shown a propensity, disposition or potential to attack or injure, without provocation, other animals or humans; or
- ii. without provocation, chases persons who approach it; or
- iii. is a continuing threat of serious harm to other animals or humans; or
- iv. without provocation, has attacked persons or other animals.

ii) “Warning tag” means a ticket or similar document issued by the Village pursuant to the Municipal Government Act, R.S.A. 2000, c.M-26, as amended or replaced and repealed from time to time.

jj) “Working Day” means the hours during which the pound is open, 8:30 a.m. – 4:00 pm.

PART 3 - General

3.1 All fees, tags and tickets identified in Appendices ‘A’ and ‘B’ as well as Specified Penalties in Schedule 1 of this Bylaw may be amended by a resolution of Council.

3.2 No damages or compensation may be recovered on account of an animal destroyed by a peace officer, acting in good faith and with reasonable cause under this Bylaw.

3.3 Council may appoint a pound keeper and/or a peace officer, and shall set the remuneration to be paid to each of them.

3.4 Where an animal is sold pursuant to this Bylaw, the proceeds of the sale of the animal shall be paid to the Municipality.

3.5 This Bylaw shall not apply to dogs owned by the Royal Canadian Mounted Police while the dogs are engaged in police work.

3.6 For the purposes of enforcing this Bylaw, the owner, possessor, or harbourer of an animal shall provide his or her correct name and resident address to a peace officer upon demand. Failure or refusal to do so upon first demand of the peace officer shall constitute an offence under this Bylaw.

PART 4 - Regulations

4.1 No owner shall cause, or allow or permit another person to cause, his animal to be or to be on any property not his own unless:

- (a) a leash of sufficient strength to restrain the animal, and not longer than 1.5 meters, is securely attached to the animal, and
- (b) the leash is being held by a person able to restrain the animal, or
- (c) the leash is securely tied to a stationary object that cannot be moved by the animal, and
- (d) the animal cannot interfere with normal human traffic.

4.2 No person shall in any way permit any animal to be in distress by:

- (a) causing any unnecessary physical pain to the animal, or
- (b) neglecting to provide food, potable water, care or shelter as is necessary to maintain the good health of the animal, or

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- (c) neglecting to provide the necessary treatment for an animal suffering from disease or injury or which is infested by any vermin or parasite, or
- (d) harassing or tormenting such animal.

PART 5 - More Specifically in the case of Dogs

- 5.1** No owner shall cause, or allow or permit another person to cause, his dog while on property not his own to:
- a)** bark at any person, or
 - b)** chase any person or vehicle, or
 - c)** attack any person, or
 - d)** chase, challenge, or attack any animal owned or being kept by another person, or
 - e)** cause any damage or nuisance thereon. An owner whose dog defecates on said property shall forthwith remove any defecated matter to a suitable receptacle as would not constitute a nuisance. The provisions of this section shall not apply to a blind person who is being guided by a bona fide "seeing eye" or guide dog.
 - f)** run at large.
- 5.2** No owner shall cause, or allow or permit another person to cause, his dog to be or remain on any private property without having first obtained the permission of the owner of said property.
- 5.3** No owner shall cause, or allow or permit his dog to bark or yelp or howl excessively or persistently or in any other manner disturb the quiet of any person.
- 5.4** No owner shall fail to immediately take all reasonable steps to quiet his dog that is barking each and every time the dog barks.
- 5.5** No owner shall own, possess, keep, harbour, or have care or control of more than three dogs that by nature of their size, breed, disposition, or for any other reason are sheltered or fed or exercised or otherwise kept on a property.

PART 6 - Licenses

- 6.1** Every owner of a dog or cat applying for a license shall produce or provide the following:
- a)** Name, street address, postal address, and phone number of the owner;
 - b)** Name and description of the dog or cat to be licensed;
 - c)** A certificate acceptable to the Municipality certifying that the dog or cat to be licensed has received a rabies vaccination not more than twelve months before the date of application;
 - d)** Certificate of verification indicating animal has been spayed or neutered;
 - e)** Any other information as may be required by the Municipality.
- 6.2** The owner of every dog or cat, apparently or actually over six (6) months of age shall, prior to March 1st in each calendar year, for each dog or cat owned, register such dog or cat with the Municipal Administrator and shall pay an annual license fee if not in possession of a lifetime registration.

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- 6.3** A person licensed as a “dog or cat breeder” as referred to in this Bylaw shall notify the Municipal Administrator of the birth of any dogs or cats and, upon expiration of six (6) months, register and license each such dog or cat that remains in that person’s possession.
- 6.4** Fees and late penalties for dog and cat licensing shall be set out in Appendix “A”.
- 6.5** Upon payment of the annual dog or cat license fee, the Municipal Administrator shall issue to the owner a metal license tag, on which shall be inscribed a registration number corresponding to the registration in a master register database to be kept by the Municipal Administrator, as provided in this Bylaw.
- 6.6** No registration shall be required under this section for a dog or cat accompanying a person, if such dog or cat is not permitted to run-at-large, and if such person does not remain in the Municipality of Mannville for a period in excess of 30 days, the proof of which shall be on that person.
- 6.7** The owner of a dog or cat shall pay the license fee to the Municipality on or before the last day of February in each year, and the period of validity of a license issued by the Municipal Administrator shall be from the 1st day of January to the 31st day of December of the current year. The full amount of the renewed license fee shall be payable to the Municipality, notwithstanding that a dog or cat is registered subsequent to the 1st day of January in any year.
- 6.8** New pet owners who register their dog or cat for the first time after June 30 of a given year shall be assessed a reduced licensing fee. This reduced fee shall be applicable to new registrations only and not to the renewal of existing licenses. The reduced licensing fee shall be set out in Appendix “A”.
- 6.9** Any dog or cat owner seeking renewal of an existing dog or cat license shall pay the appropriate fees outlined in Appendix “A” prior to March 1st of the current year. Failure to do so will place the owner of such dog or cat in contravention of this Bylaw and, therefore, subject to a late penalty fee as set forth in Appendix “A”.
- 6.10** The charging of a license fee after an offence has been committed may not substitute the Municipality’s assessment of an additional unregistered animal fine in accordance with this Bylaw.
- 6.11** If a tag for any dog or cat becomes lost in any manner whatsoever, a new tag shall be required. The replacement tag shall be issued for such dog or cat by the Municipal Administrator upon payment of the sum set forth in Appendix “A”.
- 6.12** In the case of the removal from the Municipality or death of a dog or cat, the owner may transfer the license and tag to a new animal upon registration of the new animal with the Municipal Administrator upon payment of the sum set forth in Appendix “A”.
- 6.13** Notwithstanding sub-section (1), where a person who is blind or whose vision is impaired, is the owner of a dog, trained and used as a guide dog, there will be no fee payable by the owner for a license under this section.
- 6.14** No person shall be entitled to a license rebate under this Bylaw.
- 6.15** Where a license required pursuant to this section has been paid by the tender of an uncertified cheque, the license:
- a) is issued subject to the cheque being honored by the bank without any mention of this condition being mentioned on the license, and
 - b) is automatically revoked if the cheque is not honored by the bank on which it is issued.

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- 6.16** Any animals or farm animals in the Municipality for the sole purpose of a parade or exhibition, under the care and supervision of competent persons are not subject to the licensing provision of this Bylaw.

PART 7 - Animals At Large

- 7.1** No person shall allow any animal to run-at-large within the municipal boundaries of the Municipality.
- 7.2** Any person may seize a dog or cat found at large and deliver such dog or cat to an animal control officer who, upon being satisfied that such dog or cat was at large, may deliver such dog or cat to the Municipality Pound for impoundment.
- 7.3** Any person may use as much force as necessary to prevent injury to any person being attacked by a dog.
- 7.4** A dog left in a vehicle off the premises of the owner of such dog shall be deemed to be at large unless the dog is contained within an enclosed portion of such vehicle or is securely fastened within and unable to exit that vehicle to any area surrounding the said vehicle.
- 7.5** No person, being the owner of a dog or cat shall permit such dog or cat to run-at-large within the corporate limits of the Municipality.
- 7.6** The owner of every female dog or cat shall, while such dog or cat is in estrus or in heat, keep such dog or cat housed and confined in an enclosure or tethered so as to prevent any escape of such dog or cat from the owners premises during the period in which the said dog or cat is in heat.

PART 8 - Off Leash Site (if applicable)

- 8.1** When a Dog is within an Off Leash Area the Dog need not be held on a leash, however, the Owner or any other person having care or control of the Dog shall carry with them a leash for the Dog not exceeding two metres in length.
- 8.2** Nothing in this section removes the obligation on a person to have a Dog under control when it is off the property of the Owner.

PART 9 - Impoundment

- 9.1** Council shall designate a place to be operated as a pound for impounding and keeping of dogs, cats, and livestock impounded pursuant to this Bylaw. Municipal Council is empowered and authorized to make such rules and regulations pursuant to the provisions of this Bylaw as the Council shall consider if necessary for the operation of such pound.
- 9.2** Where a dog or cat is delivered to the Municipality Pound by a Peace Officer or other person, the pound keeper shall take custody of such dog or cat and provide all the necessary care to ensure the animal is fed and sheltered properly and take as many steps as possible to locate the registered owner of the dog or cat through the current year tag, provided the dog or cat has one attached.
- 9.3** The pound keeper or animal control officer shall keep a registration book in which the following information shall be recorded:

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- a) The name of the owner of each dog or cat which is impounded;
- b) The date of issue of late license for such dog or cat;
- c) Such record shall disclose the following particulars for each captured dog or cat:
 - i. Date of impoundment;
 - ii. Description of dog or cat;
 - iii. Sex of dog or cat;
 - iv. Registration number, if any;
 - v. Date on which dog or cat was redeemed by its owner;
 - vi. Fees, penalties and expenses collected;
 - vii. The date and manner of disposition if not redeemed by the owner, including the name, address and telephone of the person or institution to which the dog or cat was sold, adopted or donated.

9.4 Where an animal has been impounded, the owner thereof has three working days to reclaim the animal, and the pound keeper shall, subject to the provisions of this Bylaw respecting dangerous, vicious or rabid animals, release such animals thereof upon being satisfied that:

- a) All penalties and pound fees, have been paid; and
- b) A valid tag has been obtained for any dog or cat.

9.5 Notwithstanding subsections 9.4 and 9.9, if in the opinion of the animal control officer the animal appears to be a pure-bred animal or if it bears an obvious identification tattoo, brand, mark, tag, or license, the applicable time limit under subsection (a) is 10 days after the date the animal was delivered to the pound.

9.6 Any animal suspected of being rabid shall be forthwith quarantined and dealt with in accordance with the provisions of R.S.A. Chapter A-40.2 - *Animal Health Act and amendments thereto* and the regulations made thereof.

9.7 Any animal left in the pound beyond the holding period(s) identified in this section, may be disposed of by the pound keeper at his sole discretion:

- a) By selling it to any person for an amount equal to the impound fees contained in this Bylaw;
- b) By selling it to a person according to the criteria as set out in an adoption program. Details of the adoption program are contained in Appendix "B".
- c) By having the animal destroyed by a qualified veterinarian;
- d) By shipping it to any educational institution for vivisection or other uses.

9.8 If an animal is disposed of in accordance with the provision of subsection 8.7(a) through (8.7)(d), ownership of the animal is deemed to vest in the person paying the impound fees, or in the education institution as the case may be.

9.9 The Municipality will not be responsible for any dog or cat impounded for more than three working days.

PART 10 - Vicious, Restricted and Rabid Animals

10.1 An owner shall maintain in force a policy of liability insurance in a form satisfactory to the Village of Mannville providing third party liability coverage in a minimum amount of \$500,000.00 for injuries caused by an owner's restricted animal.

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- 10.2** At all times while a restricted animal is on the premises of its owner, the owner shall either keep such animal confined indoors under the effective control of a person over the age of sixteen (16) years, or confined in a securely enclosed and locked pen, or other structure, constructed to prevent the escape of the restricted animal, and capable of preventing the entry of children.
- 10.3** Such pen shall 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 one (1) foot.
- 10.4** When any restricted animal is off the premises of the owner, the owner shall harness or leash it securely to effectively prevent it from attacking or biting a person or other animal.
- 10.5** Subsection (9.3) shall not apply when the restricted animal is in a pen meeting the requirements of subsection (9.2), or when the restricted animal is in a building or enclosure in attendance at a bona fide dog show.
- 10.6** The owner of a dog which the owner believes to be a vicious dog shall keep such dog in accordance with the provisions of Section 9.7 of the Bylaw.
- a)** If a peace officer determines that a dog is a vicious dog, either through personal observation or after an investigation initiated by a complaint, he may in writing:
- i.** Inform the owner that his dog has been determined to be a vicious dog; and
 - ii.** Require the owner to keep such dog in accordance with the provisions of Section 9.7 of this Bylaw; and
 - iii.** Inform the owner that if the vicious dog is not kept in accordance with Section 9.7 of this Bylaw, the owner will be fined, or subject to enforcement action pursuant to this Bylaw.
- 10.7** The owner of a vicious dog shall take all necessary steps to ensure that such dog does not bite, chase or attack any person or other animal, whether the person is on the property of the owner or not. Where a dog is deemed vicious or a public nuisance, such dog shall, in the public interest, be forthwith impounded and quarantined for a period of ten days; and:
- a)** If found to be rabid, destroyed; or,
 - b)** If found not to be rabid, disposed of.
- 10.8** All costs for the impoundment and quarantining of such dog shall be borne by the owner of the dog; but if no owner is identified, the Municipality will bear the costs of impoundment and quarantining.
- 10.9** When an impounded dog is made due to actions being taken by a peace officer with respect to R.S.A. Chapter D-3 *Dangerous Dogs Act* and amendments thereto, the actual costs of impoundment shall be borne by the owner.
- 10.10** Where an impounded dog is found to show severe symptoms of mange, canine distemper, hepatitis, or parvo virus, including depression, dehydration, loss of appetite, vomiting and diarrhoea with or without blood, the pound keeper, after notifying the Municipality, shall have the authority to destroy the dog.
- 10.11** Where it has been determined by a peace officer that a dog has made an attack that causes damage or injury to a person or animal, the dog may be impounded and quarantined for a period of ten days.

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PART 11 - General Prohibitions

- 11.1** No person shall allow any animal in his possession, charge or control to:
- a) pursue or bark at any vehicle on a highway so as to constitute a nuisance;
 - b) pursue or bark at any person so as to constitute a nuisance; or
 - c) enter upon any park, playground or other public places where signs erected by the Municipality pursuant to Council resolution restrict or prohibit such entry; or
 - d) be in a floral area of any park land; or
 - e) upset any garbage containers; or
 - f) cause damage to any other person or their property; or
 - g) enter any public swimming, bathing, or wading pool; or
 - h) create a disturbance by meowing, barking or otherwise; or
 - i) defecate on any public or private property other than the property of its owner.
- 11.2** If an animal defecates on any public or private property other than the property of its owner, the owner shall cause such defecation to be removed immediately.
- 11.3** Any person who contravenes any part or parts of this section is guilty of an offence and, upon a conviction for same, a judge, in addition to imposing the penalty provided herein, may, if such dog or cat shall have done damage to persons or property, order the owner of such dog or cat to pay such damages as the complainant may have sustained, the owner of such dog or cat to confine or muzzle such dog or cat for such periods as the judge may determine, or may order the owner of such dog or cat to forthwith deliver such dog or cat to the pound keeper to be destroyed.
- 11.4** No person shall run a dog or dogs in a harness so as to obstruct traffic or pedestrians.
- 11.5** No person may keep or harbor any livestock on non-agricultural land within the corporate limits of the Village of Mannville, in the Province of Alberta.
- 11.6** A maximum of two rabbits may be kept per residential house for pets.
- 11.7** A tag issued pursuant to this Bylaw shall be securely attached to a collar, which shall at all times be worn by the dog or cat for which it is issued.
- 11.8** No person shall use, or permit to be used, a tag in respect to any dog or cat other than the dog or cat for which it was actually issued pursuant to the Bylaw without prior authorization from the Village.
- 11.9** No person shall:
- a) Remove any collar or license from any dog or cat;
 - b) Break into or break open any pound;
 - c) Except within the provisions of this Bylaw remove, or attempt to remove from any pound, any animal impounded therein;
 - d) Untie, loose or otherwise free an animal which has been tied or otherwise restrained;
 - e) Open a gate, door or other opening in a fence or enclosure in which an animal is being confined and thereby allow an animal to run-at-large.
- 11.10** No person, whether or not he is the owner of an animal which is being or has been pursued or captured, shall:
- a) Interfere with or attempt to obstruct a peace officer or pound keeper, or assistants to either of them, in capturing, attempting to capture, or take to the pound, any dog or cat liable to be impounded under the provisions of this Bylaw;

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- b) Induce an animal to enter the house or other place where it may be safe from capture or otherwise assist the animal to escape capture;
- c) Falsely represent himself as being in charge or control of an animal so as to establish that the animal is not running-at-large;
- d) Unlock, unlatch or otherwise open the pound van or vehicle in which animals kept for impoundment have been placed so as to allow, or attempt to allow, any animal to escape there from.

11.11 Animals unless otherwise specified in this Bylaw, within the Municipality boundaries in private residences within a residential area, shall be limited in number to three (3) in total of any one species or combination of different species thereof. Any animals in excess of this number are to be disposed of by the owner and the owner shall be solely responsible for the costs incurred as a result of the said disposal and shall not hold the Municipality responsible in any manner whether civilly or criminally as a result of an order for the removal of said animal or animals.

11.12 Any person who keeps more than three (3) dogs or cats over the age of six (6) months shall be required to obtain a Development Permit for kennel operations.

11.13 No person, unless permitted by this Bylaw, an act of the Province of Alberta, or an act of the Government of Canada shall cause harm or injury to an animal.

PART 12 - Traps

12.1 It shall be lawful for an animal control officer or pound keeper to employ the use of lure, bait, nets, sonic, tranquilizers, and mechanical devices, or combination of same, or any other means whatsoever for purposes of capturing an animal running-at-large.

12.2 Private animal traps may be used to capture a dog or cat running-at-large. Such traps and/or trapping methods shall receive approval from the animal control officer prior to implementation.

PART 13 - Powers of Officers

13.1 A peace officer may capture and impound any animal in respect of which he believes an offence is being or has been committed under this Bylaw.

13.2 A peace officer may enter onto private property without loss of jurisdiction while pursuing an animal at large and should the animal attain the safety of its home, the owner, possessor or harbourer may be charged for allowing an animal to run-at-large whether possession of the animal is obtained by the peace officer or not.

13.3 A peace officer, in order to enforce the provisions contained herein may enter onto the land surrounding any dwelling-house in pursuit of any animal which has been in violation of this Bylaw irrespective of any "No Trespassing" signs posted on the premises.

13.4 Where an animal located on private property is suspected of violating any provision of this Bylaw, and the owner cannot be located, and in the interest of the public to stop a continuation of an offence, a peace officer may enter onto the property and take the animal into his possession and cause it to be impounded for which the owner of the animal shall bear all costs of impoundment and penalties therein.

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- 13.5** Where an animal cannot be captured and the owner cannot be ascertained or located, an officer may destroy the animal. A form shall be completed by the officer stating the efforts made to catch the animal and ascertain the owner, and shall be kept for one calendar year and thereafter may be destroyed.
- 13.6** Where an officer reasonably believes that a dog has attacked, is attacking, or is about to attack, injure or menace any person, the officer may destroy such dog forthwith.
- 13.7** In the event that any animal or farm animal causes damage to another person's property, a peace officer may direct the owner of that animal to pay compensation to the aggrieved party, or may direct the owner of that animal to restrain or destroy the said animal.
- 13.8** A peace officer may delegate his powers to any person for the purposes of assisting the peace officer in the apprehension of any animal in contravention of this Bylaw.

PART 14 - Animal Control Tickets and Voluntary Penalty

- 14.1** Where an animal control officer believes that a person has contravened any provisions of this Bylaw, he may serve upon such person a violation notice.

PART 15 - Clarification of Definition

- 15.1** In any prosecution under this Bylaw, a judge trying the case may, in the absence of proof to the contrary, infer that:
- a)** Any animal commonly described as a dog or cat by any witness is a "dog or cat" within the meaning of this Bylaw.

PART 16 - Offenses

- 16.1** Any person who contravenes any provision of this Bylaw or the regulations is guilty of an offense.
- 16.2** Except as otherwise provided in this Bylaw, a person who is guilty of an offense under this Bylaw or the regulations for which a penalty is not otherwise provided is liable for each offense to a fine of not more than \$10,000 or imprisonment for not more than 1 year, or both, and in default of payment to imprisonment for a term not exceeding 1 year.
- 16.3** Any person who is guilty of an offense under Part 15 is liable upon summary conviction to a fine of:
- a)** not less than five hundred (\$500) dollar or more than ten thousand (\$10,000.) dollars, and in default of payment to imprisonment of a term not exceeding sixty (60) days unless fine and cost of committal are sooner paid,
 - b)** a judge may add to any fine imposed the sum of the appropriate license fee,
 - c)** the license fee, when so ordered to be paid, shall be considered to be part of the fine.

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16.4 When an officer has entered a specified penalty as per Schedule 1, and a defendant wishes to plead guilty, he/she may make a voluntary payment in respect to an offense, by delivering the municipal tag, violation ticket, or summons together with an amount equal to the specified penalty for the offense as provided for in Schedule 1, to the Municipality Office or a Provincial Court as identified on the violation ticket.

PART 17 - Violation Notices

17.1 Where an Officer or other person authorized to carry out the provisions of the Bylaw believes that a person has contravened any provisions of this Bylaw, he may serve upon such person a notice, or form of intention to prosecute by way of a municipal tag, Provincial Violation Ticket, or by way of a summons to appear in court. The notice shall set out the name of the offender, time, and location, briefly describing the nature of the offense and the Section, applicable penalty and the court date on which the accused has the option of appearing to enter a plea.

17.2 A person who has received notice under Section 56 with respect to an offense which is alleged against him under this Bylaw, may within twenty one (21) calendar days from the date of receipt of such notice, pay to the Provincial Court of Alberta, the penalty specified on that notice as specified under Schedule 1 of this Bylaw.

17.3 A notice, ticket, or summons, shall be deemed to have been sufficiently served if it is:

- a) served personally on the accused or,
- b) served by registered mail or,
- c) left at the accused usual place of residence with an inmate thereof who appears to be at least sixteen (16) years of age or,
- d) where the accused is a corporation, association, partnership, or registered kennel, is served by registered mail or left with a person who is an employee or officer of the corporation, association, partnership or registered kennel.

PART 18 - Legal Rights

18.1 Nothing in this Bylaw shall prevent:

- a) any person from exercising his right to defend any charge of committing a breach of any of the provisions of this Bylaw or;
- b) any person from laying an information or complaint against any other persons for committing a breach of any of the provisions of this Bylaw or;
- c) any Officer appointed specifically to enforce the provisions of this Bylaw from laying an information and complaint against any other person for a breach of this Bylaw or;
- d) any Officer being saved harmless and not subject to prosecution of reason of his doing anything for the purpose of enforcing this Bylaw, and for so doing, acting on reasonable and probable grounds to do whatever he does in honest belief that it is legal and in accordance with this Bylaw.

PART 19 - Pet Adoption Program

19.1 ***ELIGIBILITY***

- a) Every impounded dog and cat kept in the pound beyond three (3) days, not including the day of the impoundment, shall be eligible to be enrolled in the "Pet Adoption Program."

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- b) Notwithstanding subsection 1(a), if in the opinion of the animal control officer the animal appears to be a pure-bred animal or if it bears an obvious identification tattoo, brand, mark, tag, or license, the applicable time limit under subsection 1(a) is 10 days after the date the animal was delivered to the pound.

19.2 ANIMAL REGISTRATION

- a) Included as part of the payment of the adoption fee shall be current animal license and identification tag, provided by the Municipal Administrator at no cost to the adoptive owner. The annual license and tag shall be valid only for the duration of the year in which the animal was adopted.
- b) All pet owners must register their adoptive animal with the Municipal Administrator and, upon such registration, shall receive the animal license and identification tag prescribed in subsection 3(a).

PART 20 - Severability Provision

- 20.1 Should any provision of this bylaw be invalid, then such provision shall be severed and the remaining bylaw shall be maintained.

PART 21 - Repeal

- 21.1 Bylaw # 710-99 is hereby repealed.

This bylaw shall come into force and effect upon third and final reading.

Read a first time on the 9th day of July, 2013

Read a second time on the 9th day of July, 2013

Read a third and final time by unanimous consent of Council and passed on the 9th day of July, 2013

Mayor

Chief Administrative Officer

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SCHEDULE “1”

Section	Description	Penalty
6	Failure to register animal	75.00
6	Breeder fail to notify regarding birth of dog/cats	75.00
7	Allow to run-at-large FIRST OFFENSE	50.00
	SECOND OFFENSE	100.00
	THIRD OFFENSE	200.00
10	Fail to maintain liability insurance on restricted animal	250.00
10	Owner of restricted animal fail to confine animal	100.00
10	Owner of vicious dog fail to keep dog in accordance to bylaw	100.00
5	Allow animal to bark/pursue vehicle	100.00
5	Allow animal to bark/pursue person	200.00
11	Allow animal to enter prohibited area	50.00
11	Allow animal to be in floral area	50.00
11	Animal upset garbage container	75.00
11	Animal cause damage to person or property	75.00 + Clean up or repair
11	Animal enter swimming/bathing/wading pool	75.00
11	Animal creating disturbance by barking/meowing/etc	50.00
11	Allow animal to defecate on another’s property	75.00
11	Run dog(s) as to obstruct traffic	75.00
11	Harbor livestock on non-agricultural land	75.00
11	Keep more than 2 rabbits at residential house	100.00
11	Fail to secure tag to collar	50.00
11	Keep more than 3 animals or combination of different species – 1 st Penalty with 14 days to comply with the Bylaw	100.00 per animal
11	Continue to keep more than 3 animals or combination of different species 14 days after the 1 st penalty for same contravention	10.00 per day per animal
11	Permit/Use tag other than one intended for animal	100.00
11	Remove collar or tag from an animal	50.00
11	Break into or open pound	150.00
11	Remove/attempt to remove an animal from pound	150.00
11	Untie/loosen/free an animal	150.00
11	Open gate/door to allow animal loose	150.00
11	Obstruct Peace Officer/Pound Keeper or Assistant	150.00
11	Induce/assist animal to avoid capture	150.00
11	Falsely represent oneself as being in charge/control of animal	150.00
11	Unlock/unlatch/open pound vehicle attempt/allow animal to escape	150.00
11	Cause harm to animal	200.00
11	Keeping or harboring livestock on non-agricultural land	75.00
19	PET ADOPTION	
	License tag provided for duration of year, but pet must be registered	NIL FEE

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Fees & Charges

as per the Master Rates Bylaw, as amended from time to time:

Service/Good
Animal Impoundment Fee (per day, or any part of a day/per animal)
Lifetime Animal License (per animal-cat/dog) not neutered or spayed
Lifetime Animal License (per animal-cat/dog) neutered or spayed
Annual Animal License (per animal-cat/dog) not neutered or spayed
Annual Animal License (per animal-cat/dog) neutered or spayed
Annual Pet License fee (per animal – after June 30 new registrants only – not neutered or spayed)
Annual Pet License fee (per animal after June 30 new registrants only neutered or spayed)
Replacement of lost tag
Incurred Pound Fees