

BYLAW NO. 1050

A BYLAW OF THE TOWN OF CASTOR, IN THE PROVINCE OF ALBERTA,
FOR THE PURPOSE OF REGULATING AND CONTROLLING ANIMALS

WHEREAS the *Municipal Government Act*, RSA 2000, Chapter M-26, and amendments thereto, grants Council the authority to pass bylaws to regulate and control wild and domestic animals and activities in relation to them;

AND WHEREAS the Council of the Town of Castor deems it necessary and proper to regulate the keeping of animals within the limits of the Town;

NOW THEREFORE the Council of the Town of Castor, in the Province of Alberta, duly assembled, hereby enacts as follows:

PART 1 – DEFINITIONS AND INTERPRETATION

Bylaw Title

- 1 This Bylaw shall be known as the “Animal Control Bylaw”.

Definitions

- 2 In this Bylaw unless the context otherwise requires:

- (a) **“Animal”** means any live creature, both domestic and wild, and includes Dogs, Cats, Livestock, Exotic Animals, fowl, fish and reptiles, but does not include a human;
- (b) **“Animal Protection Act”** means the *Animal Protection Act*, RSA 2000 Chapter A-41, and regulations thereunder;
- (c) **“Animal Shelter”** means a facility operated or contracted by the Town for the purposes of housing and providing care for impounded Dogs, Cats or other Animals, collecting fees, and otherwise assisting with the administration of this Bylaw, and may include a veterinary clinic;
- (d) **“At Large”** means any Animal that is present at any place other than the Owner’s Property and which is not being carried by a person or which is not otherwise restrained or under physical control of a person by means of some form of Restraining Device securely holding that Animal;
- (e) **“Bylaw Enforcement Officer”** means a member of the Royal Canadian Mounted Police, a Community Peace Officer whose appointment includes enforcement of the Town’s Bylaws, or a Bylaw Enforcement Officer appointed by the Town;
- (f) **“Cat”** means a member of the species “*Felis Catus*” (commonly referred to as the domestic cat or house cat), whether male or female, including any hybrid offspring of that species;
- (g) **“Cat Trap”** means any device designed to trap and contain a Cat in a humane manner without injuring or killing the Cat;
- (h) **“Chief Administrative Officer”** means the person appointed as Chief Administrative Officer of the Town of Castor, or his or her delegate;
- (i) **“Council”** means the municipal council of the Town of Castor;
- (j) **“Court”** means a court of competent jurisdiction in the Province of Alberta;
- (k) **“Dangerous Dog”** means any Dog designated as such in accordance with Part 6 of this Bylaw or pursuant to the *Dangerous Dogs Act*;
- (l) **“Dangerous Dogs Act”** means the *Dangerous Dogs Act*, RSA 2000, Chapter D-3, and regulations thereunder;

- (m) **“Designated Officer”** means a person appointed to that office pursuant to Section 210 of the *Municipal Government Act*, or an authorized delegate thereof;
- (n) **“Distress”** has the same meaning as in the *Animal Protection Act*;
- (o) **“Dog”** means a member of the species “*Canis Lupus Familiaris*” (commonly referred to as the domestic dog), whether male or female, including any hybrid offspring of that species;
- (p) **“Exotic Animal”** means:
 - (i) a snake or other reptile;
 - (ii) a spider, tarantula, scorpion or other arachnid; and
 - (iii) any venomous or poisonous Animal or insect.
- (q) **“Foster Animal”** means a Dog or Cat placed in a Person’s custody on a temporary basis by a Humane Society for fostering purposes;
- (r) **“Foster Animal Licence”** means a licence for a Foster Animal issued pursuant to Part 3 of this Bylaw;
- (s) **“Harness”** means straps and fittings that are of a suitable size and strength that may be humanly attached to the chest and back of a Dog or Cat;
- (t) **“Humane Society”** means the Society for the Prevention of Cruelty to Animals (SPCA) or other similar society or corporate entity that rescues, cares for and arranges fostering and adoption of Animals;
- (u) **“Land Use Bylaw”** means the Town’s Land Use Bylaw No. 1006, as amended or as repealed and replaced from time to time;
- (v) **“Licence Tag”** means an identification tag of metal or other material issued by the Town showing the licence number of a specific Dog or Cat and is intended to be attached to a Dog or Cat by way of a collar or Harness;
- (w) **“Livestock”** means those Animals that are normally associated with agriculture or ranching, which includes, but is not limited to:
 - (i) a horse, mule, ass, 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) cattle and other Animals of the bovine species, and
 - (v) chickens, turkeys, ducks, geese, or pheasants,
 but does not include Dogs and Cats.
- (x) **“Motor Vehicle”** has the same meaning as in *Traffic Safety Act*, RSA 2000, Chapter T-6 and the regulations thereunder;
- (y) **“Municipal Government Act”** means the *Municipal Government Act*, RSA 2000, Chapter M-26 and the regulations thereunder;
- (z) **“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;
- (aa) **“Muzzle”** means a humane fastening or covering device of adequate strength placed over the mouth of a Dog to prevent it from biting;
- (bb) **“Owner”** means a Person:
 - (i) who has the care, charge, custody, possession or control of an Animal;

- (ii) who owns or claims a proprietary interest in an Animal;
- (iii) who harbours, suffers, or permits an Animal to be present on any property owned or under his or her control;
- (iv) who claims and receives an Animal from the custody of the Animal Shelter or a Bylaw Enforcement Officer; or
- (v) to whom a Licence Tag was issued for a Dog or Cat in accordance with this Bylaw; and

where one of two or more Persons, with the knowledge and consent of the other or others, has physical or effective control of an Animal, the Animal shall be deemed to be in the control of each and all of them.

- (cc) **"Owner's Property"** means private property owned by or under the control or possession of an Owner of an Animal;
- (dd) **"Person"** means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative;
- (ee) **"Public Health Act"** means the *Public Health Act*, RSA 2000, Chapter P-37 and the regulations thereunder;
- (ff) **"Provincial Offences Procedure Act"** means the *Provincial Offences Procedure Act*, RSA 2000, Chapter P-34 and the regulations thereunder;
- (gg) **"Registered Veterinarian"** has the same meaning as in the *Veterinary Professions Act*, RSA 2000, Chapter V-2;
- (hh) **"Restraining Device"** means any leash, Harness, or other restraining system capable of allowing the Owner to maintain adequate control of the attached Animal, or if located on the Owner's Property, capable of retaining an Animal within the boundaries of the Owner's Property;
- (ii) **"Secure Enclosure"** means a building, cage, or other enclosure for retaining an Animal, which has a secure top and bottom, and which prohibits an Animal from jumping, climbing, digging or using any other means to exit the enclosure, and which is capable of prohibiting the entry of young children into the enclosure;
- (jj) **"Serious Wound"** means an injury resulting from an Animal attack which causes a breaking of the skin or the flesh to be torn;
- (kk) **"Service Dog"** has the same meaning as in the *Service Dogs Act*, SA 2007, Chapter S-7.5 and regulations thereunder;
- (ll) **"Town"** means the Town of Castor and its jurisdictional boundaries;
- (mm) **"Violation Ticket"** has the same meaning as in the *Provincial Offences Procedure Act*; and
- (nn) **"Wildlife Act"** means the *Wildlife Act*, RSA 2000, c W-10, and the regulations thereunder.

Rules of Interpretation

- 3(1) Nothing in this Bylaw relieves a Person from complying with any provision of any Provincial or Federal legislation or regulation, other bylaw or any requirement of any lawful permit, order or licence.
- (2) Any headings or sub-headings in this Bylaw are included for guidance purposes and convenience only, and shall not form part of this Bylaw.
- (3) This Bylaw is gender-neutral and, accordingly, any reference to one gender includes another.

- (4) Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
- (5) Any reference to the provisions of a statute of Alberta or another bylaw is a reference to that statute or bylaw as amended, or repealed and replaced from time to time.

PART 2 – DOG AND CAT LICENSING

Requirement to License

- 4(1) Every Person who resides within the Town and who is the Owner of a Dog or Cat that is over the age of three (3) months shall apply for a licence as set out in this Part, by:
- (a) subject to section 8(3), paying the required licence fee as set out in Schedule “A” of this Bylaw, and
 - (b) providing such information as may be required by the Town.
- (2) Every Person who resides in the Town who becomes an Owner of a Dog or Cat that is over the age of three (3) months, or who takes up residence within the Town and who is the Owner of a Dog or Cat that is over the age of three (3) months, shall apply for a licence as set out in this Part, within thirty (30) days of becoming the Owner of such Dog or Cat or of taking up residence in the Town.
- (3) Upon payment of the required licence fee as set out in Schedule “A” to this Bylaw and providing such information as may be required by the Town, the Owner will be supplied with a Licence Tag having a number which will remain registered to a specific Dog or Cat.
- (4) A licence under this Bylaw, other than a Foster Animal Licence issued pursuant to Part 3, must be renewed on an annual basis by paying the applicable licence fee to the Town office prior to January 31 in each year. Any Person who fails to renew a licence within this time limit is guilty of an offence.
- (5) The Owner of a Dog or Cat that has been duly licensed under this Bylaw may obtain a replacement Licence Tag for one that has been lost or damaged upon payment of the replacement Licence Tag fee as set out in Schedule “A” of this Bylaw.
- (6) The onus of proving a Person has a valid and subsisting licence is on the Person alleging its existence.
- (7) No Person is entitled to a refund or a rebate for any licence fee.
- (8) An Owner of an unlicensed Dog or Cat is guilty of an offence.

Transferability, Possession of Licence Tag

- 5(1) A licence issued under this Bylaw is not transferable from one Dog or Cat to another, nor from one Owner to another.
- (2) Every Owner shall ensure that the Licence Tag is securely fastened to a collar or Harness worn by the Dog or Cat at all times while the Dog or Cat is off of the Owner's Property.
- (3) An Owner of a licensed Dog or Cat is guilty of an offence if the Dog or Cat is not wearing a Licence Tag while off of the Owner's Property.

Exemptions From Licensing Requirement

- 6 The provisions of this Part shall not apply to the following:
- (a) Owners of Dogs or Cats temporarily visiting the Town for a period not exceeding four (4) consecutive weeks;
 - (b) Not-for-profit associations, not-for-profit corporations and government organizations engaged in the provision of specialized Dog services, including but not limited to, Service Dogs, police Dogs, or search and rescue Dogs;

- (c) Persons holding an identification card proving ownership of a Service Dog for their use; and
- (d) Dogs and Cats under three (3) months in age.

PART 3 – FOSTER ANIMALS

Request for Foster Animal Licence

- 7(1)** An Owner of a Dog or Cat that is a Foster Animal may request that a licence issued under Part 2 be a Foster Animal Licence.
- (2)** An Owner who requests that a licence issued under Part 2 be a Foster Animal Licence shall provide, in addition to any information that may be required pursuant to section 4(1)(b), written documentation establishing that the Dog or Cat being licenced is a Foster Animal.
- (3)** If, on the basis of the written documentation provided pursuant to subsection (2), the Chief Administrative Officer is satisfied, in his or her sole discretion, that the Dog or Cat being licenced is a Foster Animal, the Chief Administrative Officer may authorize the issuance of a Foster Animal Licence for the Dog or Cat in question.

Application of Licence Provisions to Foster Animal Licences

- 8(1)** Subject to subsections (2) and (3), Part 2 applies in respect of Foster Animal Licences.
- (2)** Section 4(4) does not apply to a Foster Animal Licence.
- (3)** Notwithstanding section 4(1)(a), no licence fee shall be payable for the issuance of a Foster Animal Licence.

Expiry of Foster Animal Licence

- 9(1)** A Foster Animal Licence issued under this Part shall expire eight (8) weeks after the date on which the Foster Animal Licence is granted, unless the Chief Administrative Officer, prior to the date of expiry, expressly authorizes the extension of the Foster Animal Licence for a defined period of time.
- (2)** For clarity, upon expiry of a Foster Animal Licence, the Dog or Cat in respect of which the Foster Animal Licence was issued shall, subject to section 6, be considered an unlicensed Dog or Cat, as the case may be, unless a licence for that Dog or Cat, other than a Foster Animal Licence, has been applied for and issued under Part 2.

PART 4 – RESTRICTIONS

Number of Dogs and Cats

- 10(1)** No more than three (3) Dogs and three (3) Cats shall be harboured, suffered or permitted to remain upon or in any land, house, shelter, room or place, building structure, or property within the Town, unless:
 - (a) the property is lawfully used for the care and treatment of Animals, operated by or under the charge of a Registered Veterinarian;
 - (b) the Owner is the holder of a valid and subsisting development permit which authorizes the keeping of Dogs in excess of the applicable limit established in subsection (1);
 - (c) the property is temporarily being used for the purposes of an authorized Dog or Cat show;
 - (d) the Dogs or Cats in excess of the limit are under three (3) months of age and are the offspring of a licensed Dog or Cat residing at the same location;
 - (e) the Dogs or Cats in excess of the limit are Foster Animals for which the Owner holds valid and unexpired Foster Animal Licences issued under Part 3;

- (f) the Owner is a not-for-profit association, not-for-profit corporation or government organization engaged in the provision of specialized Dog services, including but not limited to guide or assistance Dogs, police Dogs, and search and rescue Dogs; or
- (g) the Owner whose Dog or Cat is in excess of the limit is temporarily visiting a resident of the Town for a period not exceeding four (4) consecutive weeks.
- (2) Any Person who keeps, suffers or harbours more than three (3) Dogs or three (3) Cats within the Town in a manner contrary to this Part is guilty of an offence.

Livestock

- 11(1) No Person shall keep, harbor, suffer or permit to be kept any Livestock upon or in any land, house, shelter, room or place, building structure, or property within the Town unless the keeping of the Livestock on the premises in question is expressly permitted by a valid development permit issued pursuant to the Land Use Bylaw.
- (2) Any Person who keeps Livestock in the Town in a manner contrary to subsection (1) is guilty of an offence.

Exotic Animals

- 12(1) The Owner of an Exotic Animal shall, in addition to any in addition to any other duty imposed under the *Wildlife Act*:
 - (a) at all times, confine the Exotic Animal within a Secure Enclosure or within the residence of the Owner; and
 - (b) immediately notify a Bylaw Enforcement Officer if the Exotic Animal is At Large.
- (2) An Owner who fails to comply with subsection (1) is guilty of an offence.
- (3) In addition to the remedies set forth elsewhere in this Bylaw, if a Designated Officer determines that an Exotic Animal is not being kept in accordance this Bylaw, the Designated Officer may issue an order pursuant to Section 545 of the *Municipal Government Act* directing that the Exotic Animal be kept in accordance with this Bylaw or removed from the Town.

PART 5 – GENERAL OFFENCES

Control and Noise

- 13(1) An Owner whose Animal is At Large is guilty of an offence.
- (2) The Owner of an Animal that barks, howls, or otherwise makes such noise so as to, in the opinion of a Bylaw Enforcement Officer, likely disturb the peace of any Person, is guilty of an offence.
- (3) Subject to subsections (4) and (5), an Owner whose Animal enters into a public swimming pool, arena or any area where Animals, or the type of Animal in question, is/are prohibited by posted signs, is guilty of an offence.
- (4) Subsection (3) does not apply to a Service Dog in the possession and control of an Owner who holds an identification card proving ownership of the Service Dog for his or her use.
- (5) An Owner whose Animal enters into an arena shall not be guilty of an offence under subsection (3) if, during the period of time that the Animal is present, the arena is being lawfully used, with the prior written permission of the Town, for a purpose or event that requires the presence of Animals of that type. For greater certainty, and without limiting the generality of the foregoing, examples of such a purpose or event may include a Town authorized Livestock sale or Town authorized Dog show.
- (6) The Owner of an Animal that threatens, attacks, bites, injures or otherwise harasses any Person is guilty of an offence.

- (7) The Owner of an Animal that threatens, attacks, bites, chases, injures, kills, or otherwise harasses any other Animal is guilty of an offence.
- (8) The Owner of an Animal that chases a Motor Vehicle is guilty of an offence.
- (9) The Owner of an Animal that chases a Person riding a bicycle or a Person walking or running is guilty of an offence.
- (10) The Owner of an Animal that causes damage to property is guilty of an offence.
- (11) Any Person, who without the knowledge or consent of the Owner, unties, loosens or otherwise frees an Animal that was tied or otherwise restrained, or opens a gate, door or opening in a fence or Secure Enclosure in which an Animal has been confined, thereby allowing the Animal to be At Large, is guilty of an offence.
- (12) Any Owner issued a licence under this Bylaw is guilty of an offence if they fail to abide by the conditions of the licence.

Hygiene and Nuisances

- 14(1) Where an Animal has defecated on any property other than the Owner's Property, the Owner shall remove such defecation immediately and failure to do so shall constitute an offence.
- (2) An Owner whose Animal has upset a waste receptacle, causing its contents to be scattered in or about a street, lane or property other than the Owner's Property, is guilty of an offence.
- (3) An Owner's Property shall be maintained in a clean and sanitary condition and an Owner shall take such steps as are necessary to prevent the presence of nuisances, including but not limited to:
 - (a) the accumulation of fecal matter in an amount which, in the opinion of a Bylaw Enforcement Officer, is excessive; and
 - (b) offensive or noxious odours arising as a consequence of the keeping of an Animal on the Owner's Property.
- (4) An Owner who fails to maintain property in accordance with subsection (3) is guilty of an offence.
- (5) An Owner of a female Animal in estrus (also known as being "in heat") who does not contain or restrain that Animal, both on and off the Owner's property, in a manner sufficient to avoid attracting other Animals, is guilty of an offence.

Care

- 15(1) Any Person who teases, torments, provokes, abuses, or injures an Animal is guilty of an offence.
- (2) Any Person who leaves an Animal unattended in or on a Motor Vehicle, without proper protection from the elements or in a manner that places the Animal at risk of harm, is guilty of an offence.
- (3) Any Person who fails to properly secure an Animal, inside or on a Motor Vehicle while it is in motion or while it is parked to ensure that the Animal is unable to fall out of or leave the Motor Vehicle, is guilty of an offence.

PART 6 – DANGEROUS DOGS

Declaration of Dangerous Dog

- 16(1) The Chief Administrative Officer may declare a Dog to be a Dangerous Dog if the Chief Administrative Officer has reasonable grounds to believe, either through personal observation or on the basis of facts determined after an investigation of a complaint, that the Dog:
 - (a) has a known propensity, tendency, or disposition to threaten, attack, chase or bite other Animals or humans;

- (b) has, inflicted a Serious Wound upon another Animal or human;
 - (c) has been the subject of an order or direction of a Justice or Judge, pursuant to the *Dangerous Dogs Act*; or
 - (d) is a continuing threat of serious harm to any human or other Animal.
- (2) Where the Chief Administrative Officer determines that a Dog is a Dangerous Dog, the Chief Administrative Officer shall:
- (a) serve the Owner with a written notice that the Dog has been declared to be a Dangerous Dog;
 - (b) direct the Owner to keep the Dangerous Dog in accordance with the provisions of section 18, and provide the Owner with a time limit for compliance; and
 - (c) inform the Owner that, if the Dangerous Dog is not kept in accordance with section 18, the Owner may be fined, or subject to enforcement action pursuant to this Bylaw.
- (3) A written notice under subsection (2) above shall include a summary of the applicable provisions regulating Dangerous Dogs under this Bylaw.

Review of Declaration

- 17(1) The Owner of a Dog declared a Dangerous Dog may, within fourteen (14) days of receiving written notice of the declaration, request in writing and upon payment of the fee as set out in Schedule "A" to this Bylaw that the declaration be reviewed by Council. Council is not obligated to conduct an oral hearing of the review and may instead conduct the review based on written material provided by the Chief Administrative Officer and the Owner.
- (2) Upon a request to review pursuant to subsection (1), Council may:
- (a) uphold the declaration of the Dog as a Dangerous Dog;
 - (b) reverse the decision of the Chief Administrative Officer and deem that the Dog is not a Dangerous Dog; or
 - (c) may uphold the declaration of the Dog as a Dangerous Dog and vary the conditions of harbouring the Dog within the Town.

The decision of Council shall be provided to the Owner in writing within fourteen (14) Days of Council conducting the review and may be served personally or by registered mail on the Owner, at the address appearing on the Town's assessment roll for the Owner's Property.

Requirements of an Owner of a Dangerous Dog

- 18(1) The Owner of a Dangerous Dog shall:
- (a) license the Dog as a Dangerous Dog and follow the procedures set out in Part 2, which includes paying the applicable fee for a Dangerous Dog as set out in Schedule "A" of this Bylaw;
 - (b) maintain in force a policy of liability insurance in a form satisfactory to the Town providing third party liability coverage in a minimum amount of one-million (\$1,000,000.00) dollars for injuries caused by the Owner's Dangerous Dog and no licence shall be issued for a Dangerous Dog unless proof of such insurance coverage is provided to the Town along with the application;
 - (c) while the Dangerous Dog is off the Owner's Property, Muzzle and secure the Dangerous Dog by means of a Restraining Device under the physical control of the Owner or a Person over the age of eighteen (18) years with the Owner's consent;
 - (d) while the Dangerous Dog is on the Owner's Property, confine the Dangerous Dog within a Secure Enclosure or within the residence of the Owner;
 - (e) immediately notify a Bylaw Enforcement Officer if the Dangerous Dog is At Large; and

- (f) remain liable for the actions of their Dangerous Dog until formal notification of sale, gift, or transfer is given to the Town.
- (2) The Owner of a Dangerous Dog shall immediately notify the Town should the policy of liability insurance expire, be cancelled, or terminated and upon the occurrence of such an event, the Dangerous Dog licence shall be null and void unless the Town receives written proof that a new insurance policy has been secured, meeting the requirements of section 18(1)(b), within fifteen (15) days of the expiry, cancellation, or termination of the original policy of liability insurance.
- (3) The Chief Administrative Officer may require the Owner of a Dangerous Dog to post a sign at all entrances to the Owner's Property, and where so otherwise directed, stating "Dangerous Dog".
- (4) An Owner who fails to comply with any provision in this Part is guilty of an offence.
- (5) In addition to the remedies set forth elsewhere in this Bylaw, if a Designated Officer determines that a Dangerous Dog is not being kept in accordance with this Bylaw, the Designated Officer may:
- (a) Issue an order pursuant to Section 545 of the *Municipal Government Act* directing that the Dangerous Dog be kept in accordance with this Bylaw or removed from the Town; or
 - (b) In addition or in the alternative to the issuance of an order under subsection (a) above, bring an application pursuant to the *Dangerous Dogs Act* for an order directing the Dangerous Dog be kept in accordance with this Bylaw, destroyed, or such other order as the Court directs.

PART 7 – DISEASE CONTROL

- 19(1) The Owner of an Animal that has caused a Serious Wound, or that the Owner has reason to suspect may have been exposed to rabies or other communicable disease, shall, in addition to any other duty imposed under the *Public Health Act*, immediately inform a Bylaw Enforcement Officer:
- (a) of the infliction of the Serious Wound or the suspicion of exposure to rabies or other communicable disease;
 - (b) in the case of a Serious Wound, of the name and contact information for the person that has been wounded or the Owner of the Animal that has been wounded, as applicable; and
 - (c) whether the matter has been reported to the local community health centre, Public Health Inspector, or the Medical Officer of Health.
- (2) A Bylaw Enforcement Officer that has reasonable grounds to believe that an Animal found 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 Medical Officer of Health or a Public Health Inspector.
- (3) A Bylaw Enforcement 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 Medical Officer of Health or a Public Health Inspector as soon as reasonably possible.
- (4) An Owner of an Animal which is suffering from rabies or another communicable disease or who has been notified by the Town that a Bylaw Enforcement Officer has reasonable grounds to believe the Animal has, or has been exposed to, rabies or another communicable disease, shall:
- (a) not permit the Animal to be in any public place; and
 - (b) not keep the Animal in contact with or in proximity to any other Animal.
- (5) An Owner who fails to comply with any provision in this Part is guilty of an offence.

PART 8 – CAT TRAPS

Restrictions on Use

- 20(1)** No Person shall use a Cat Trap unless that Person has received the prior written permission of the Town.
- (2)** A Person who has obtained a Cat Trap from the Town shall, upon receipt of a request from the Town, return that Cat Trap to the Town in the condition in which it was received.
- (3)** No Person shall use a Cat Trap in a location where, during any period of time that the Cat Trap is in use:
- (a)** the temperature is, or is forecasted to be, colder than zero (0) degrees Celcius, or
 - (b)** the Cat Trap is not fully shaded from sunlight.
- (4)** A Person using a Cat Trap must, at all times, be present at the premises where the Cat Trap is being used, and must check the Cat Trap no less frequently than once every eight (8) hours.
- (5)** A Person using a Cat Trap shall ensure that, at all times that the Cat Trap is in use, there is sufficient cat food and water in the Cat Trap to sustain a captured Cat.
- (6)** No Person shall taint Cat Trap bait, or any cat food and water placed in a Cat Trap, with any potentially dangerous or poisonous substance.

Notification and Surrender of Captured Cat

- 21** Section 26 applies to a Person who captures a Cat At Large using a Cat Trap.

Offence

- 22** A Person who fails to comply with any provision of this Part is guilty of an offence.

PART 9 – ENFORCEMENT AND IMPOUNDMENT

Authority

- 23** A Bylaw Enforcement Officer is, in addition to any other powers or authority granted under this Bylaw or any enactment, authorized to:
- (a)** capture and impound in an Animal Shelter any Animal that is At Large;
 - (b)** take any reasonable measures necessary to subdue any Animal that is At Large, including the use of tranquilizer equipment and materials;
 - (c)** enter onto lands surrounding any building in pursuit of an Animal while it is At Large; and
 - (d)** if an Animal is in Distress, whether or not as a result of enforcement action taken pursuant to this Bylaw, to take the Animal to a Registered Veterinarian for treatment and, once treated, to transfer the Animal to an Animal Shelter.

Costs

- 24** Any expenses or costs of any enforcement action or measure taken by the Town under this Bylaw, including but not limited to payment of veterinary treatment, are amounts owing to the Town by the Owner or any other Person responsible for the contravention of this Bylaw, or any or all of them, and may be collected as a civil debt, pursuant to the *Municipal Government Act*.

Continuing Offences

- 25** 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 it continues and a Person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each such day.

Notification of Animals at Large

- 26(1)** A Person who takes control of any Animal found At Large shall immediately notify a Bylaw Enforcement Officer.
- (2)** A Person who takes control of an Animal found At Large shall surrender same to the possession of the Bylaw Enforcement Officer.
- (3)** A Person who fails to comply subsection (1) or (2) is guilty of an offence.

Impoundment

- 27(1)** Animals impounded in the Animal Shelter shall be kept for a minimum period of Ninety Six (96) hours. In the calculation of the Ninety Six (96) hour period, Saturdays, Sundays, Statutory Holidays and days that the Animal Shelter is not open shall not be included.
- (2)** Notwithstanding subsection (1), where an Animal that has been impounded bears obvious identification tattoos, brands, marks, tags or licences, 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*.

Reclaiming an Impounded Animal

- 28(1)** During the period established in section 27 above, the Animal may be reclaimed by its Owner, except as otherwise provided in this Bylaw, upon payment to the Town or its authorized agent of:
- (a) the impoundment fee set out in Schedule "A" of this Bylaw;
 - (b) the cost of any veterinary treatment provided in respect of the Animal pursuant to this Bylaw; and
 - (c) in the case of an unlicensed Dog or Cat, the appropriate licence fee.
- (2)** At the expiration of the time period established in section 27 above, the Chief Administrative Officer is authorized to:
- (a) offer the Animal for sale or as a gift;
 - (b) have the Animal euthanized in a humane manner;
 - (c) allow the Animal to be redeemed by its Owner in accordance with the provisions of subsection (1) above; or
 - (d) continue to impound the Animal for an indefinite period of time or for such further period of time as the Chief Administrative Officer, in his or her sole and unfettered discretion, may decide.

Euthanasia

- 29(1)** Where an Animal has been impounded, if, in the opinion of a Registered Veterinarian, the Animal should be humanely euthanized for medical reasons, a Registered Veterinarian may immediately proceed to humanly euthanize the Animal.
- (2)** No action shall be taken against any Person, including a Bylaw Enforcement Officer or Registered Veterinarian, acting under the authority of this Bylaw for damages for destruction or other disposal of any Animal, in accordance with the provisions of this Bylaw.

PART 10 – FINES AND PENALTIES

- 30(1)** A Person who is guilty of an offence is liable upon summary conviction to a fine in an amount:
- (a) not less than the specified penalty established in Schedule "B"; and
 - (b) not exceeding \$10,000.00.
- (2)** Without restricting the generality of subsection (1) above the fine amounts set out in Schedule "B" are established as specified penalties for use on Municipal Tags and Violation Tickets, if a voluntary payment option is offered.

- (3) Notwithstanding subsection (1), any Person who commits a second or subsequent offence under this Bylaw within one (1) year of conviction for a first offence under this Bylaw, is liable on summary conviction to a fine not less than the increased amount set out for the offence in Schedule "B" to this Bylaw.
- (4) Under no circumstances shall any Person contravening any provision of this Bylaw be subject to a penalty of imprisonment.

PART 11 – MUNICIPAL TAG

- 31(1) A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Municipal Tag to any Person whom the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- (2) A Municipal Tag shall be issued and served to a Person:
- (a) either personally; or
 - (b) by mailing a copy, via registered mail, to such person at their last known postal address.
- (3) A Municipal Tag shall be in a form approved by the Chief Administrative Officer and shall state:
- (a) the name of the Person to whom the Municipal Tag is issued;
 - (b) particulars of the contravention under this Bylaw;
 - (c) the specified penalty for the offence as set out in Schedule "B" herein;
 - (d) that the specified penalty shall be paid within twenty one (21) days of the issuance of the Municipal Tag in order to avoid prosecution; and
 - (e) any other information as may be required by the Chief Administrative Officer.
- (4) Where a Municipal Tag has been issued under this Bylaw, the Person to whom the Municipal Tag has been issued may, in lieu of being prosecuted for the offence, pay to the Town the penalty specified on the Municipal Tag.
- (5) If a Municipal Tag has been issued and the specified penalty on the Municipal Tag has not been paid within the prescribed time, a Bylaw Enforcement Officer may issue a Violation Ticket to the Person to whom the Municipal Tag was issued.
- (6) Notwithstanding the above, a Bylaw Enforcement Officer may immediately issue a Violation Ticket to any Person whom the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

PART 12 – VIOLATION TICKET

- 32(1) A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act* to any Person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- (2) If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
- (a) state the specified penalty for the offence as set out in Schedule "B" herein; or
 - (b) require a Person to appear in Provincial Court without the alternative of making a voluntary payment.
- (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 states the specified penalty established by this Bylaw for the offence, as set out in Schedule "B" herein;

make a voluntary payment by submitting to a Clerk of the Provincial Court, on or before the initial appearance date indicated on the Violation Ticket, the specified penalty set out on the Violation Ticket.

- (4) When a Clerk of the Provincial Court records the receipt of a voluntary payment pursuant to subsection (3) above and the *Provincial Offences Procedure Act*, the act of recording constitutes acceptance of the guilty plea and also constitutes a conviction and the imposition of a fine in the amount of the specified penalty.

PART 13 – GENERAL

Remedies not Restricted to Bylaw

- 33 A Bylaw Enforcement Officer may pursue any and all remedies set out in this Bylaw, the *Municipal Government Act* and any other law in the Province of Alberta. Nothing in this Bylaw shall restrict, limit or preclude the Town from taking multiple steps to regulate Animals in the Town.

Obstruction

- 34 No Person shall obstruct, hinder or impede any Bylaw Enforcement Officer, Designated Officer, or Town employee, contractor or agent in the exercise of any of their powers or duties under this Bylaw.

Powers of Chief Administrative Officer

- 35 Without restricting any other power, duty or function granted by this Bylaw, the Chief Administrative Officer may:
- (a) establish investigation and enforcement procedures the purposes of this Bylaw;
 - (b) establish forms for the purposes of this Bylaw;
 - (c) delegate any powers, duties or functions under this Bylaw to an employee of the Town.

Vicarious Liability

- 36 For the purposes of this Bylaw, an act or omission by an employee or agent of a Person is deemed also to be an act or omission of the Person if the act or omission occurred in the course of the employee's employment with the Person, or in the course of the agent's exercising the powers or performing the duties on behalf of the Person under their agency relationship.

Corporations and Partnerships

- 37(1) When a corporation commits an offence under this Bylaw, every principal, director, manager, employee or agent of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.
- (2) If a partner in a partnership is guilty of an offence under this Bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.

Strict Liability Offence

- 38 An offence under this Bylaw is a strict liability offence.

Repeal

- 39 Bylaw No. 1001 is hereby repealed.

PART 14 – TRANSITIONAL

Effective Date

40 This Bylaw takes effect upon being passed.

READ a first time this 10th day of July, 2017.

READ a second time this 10th day of July, 2017.

READ a third time this 10th day of July, 2017.

SIGNED AND PASSED this 10th day of July, 2017.



Mayor



Chief Administrative Officer

SCHEDULE "A"
FEES

Dog Licence Annual Fee*	
• First Dog of Owner	\$25.00
• Second Dog of Owner	\$50.00
• Third Dog of Owner	\$75.00
Cat Licence Annual Fee*	
• First Cat of Owner	\$25.00
• Second Cat of Owner	\$50.00
• Third Cat of Owner	\$75.00
*No licence fee is payable for a Foster Animal Licence (Section 8(3))	
Replacement Licence Tag Fee	No Charge
Dangerous Dog Licence Annual Fee	\$100.00
Review of Dangerous Dog Declaration Fee	\$300.00
Impound/Animal Shelter Fee	\$20.00/day
Veterinary Fees	Actual costs incurred by the Town
Euthanization Fees	Actual costs incurred by the Town

SCHEDULE "B"
SPECIFIED PENALTIES

Section Reference	Description	Penalty	
		First Offence	Second or Subsequent Offence Within 1 Year of Conviction
PART 2 – DOG AND CAT LICENSING			
4(1), 4(2), 4(4), 4(8)	Owner fails to license, or renew licence for, Dog or Cat in accordance with Bylaw.	\$100	\$200
5(3)	Dog or Cat not wearing Licence Tag.	\$100	\$200
PART 4 – RESTRICTIONS			
10	Keeping of Dogs or Cats in excess of limit.	\$100	\$200
11	Keeping Livestock contrary to Bylaw.	\$100	\$200
12	Person fails to comply with Exotic Animal provisions.	\$100	\$200
PART 5 – GENERAL OFFENCES			
13(1)	Animals At Large.	\$100	\$200
13(2)	Animal disturbing the peace.	\$100	\$200
13(3)	Animal entering prohibited area.	\$100	\$200
13(6)	Animal threatens, attacks, bites, injures or otherwise harasses any Person.	\$200	\$500
13(7)	Animal threatens, attacks, bites, chases, injures, kills, or otherwise harasses any other Animal.	\$300	\$500
13(8)	Animal chases a Motor Vehicle.	\$100	\$200
13(9)	Animal chases a Person riding a bicycle or a Person running or walking.	\$300	\$500
13(10)	Animal causes damage to property.	\$100	\$200
13(11)	Person causes Animal to become At Large.	\$200	\$500
13(12)	Owner fails to comply with conditions of licence.	\$100	\$200
14(1)	Owner fails to immediately remove Animal's defecation from property other than the Owner's Property.	\$100	\$200
14(2)	Animal upsets waste receptacle, scattering its contents.	\$100	\$200
14(3)	Owner fails to keep Owner's Property in a clean and sanitary condition or fails to prevent nuisance.	\$100	\$200
14(5)	Female Animal in estrus creating a nuisance.	\$100	\$200
15(1)	Person teasing, tormenting, provoking, abusing or injuring an Animal.	\$100	\$200
15(2), 15(3)	Person fails to properly secure an Animal, inside or on a Motor Vehicle while it is in motion or while it is parked to ensure that the Animal is unable to fall out of or leave	\$100	\$200

	the Motor Vehicle.		
PART 6 – DANGEROUS DOGS			
18	Owner fails to comply with any of the Owner's requirements for a Dangerous Dog.	\$200	\$500
PART 7 – DISEASE CONTROL			
19(1)	Person fails to make required notification of Animal with, or suspected of having been exposed to, rabies or other communicable disease.	\$500	\$1000
19(4)	Person fails to isolate Animal suffering from rabies or other communicable disease.	\$500	\$1000
PART 8 – CAT TRAPS			
20, 22	Person fails to comply with provision related to Cat Traps	\$100	\$200
PART 9 – ENFORCEMENT AND IMPOUNDMENT			
26(1)	Person fails to notify of Animal found At Large.	\$100	\$200
26(2)	Person fails to surrender Animal found At Large.	\$100	\$200
PART 13 – GENERAL			
34	Obstructing or causing interference to an authorized official in exercise of their powers or duties under this Bylaw.	\$300	\$500