

TOWN OF WAINWRIGHT BYLAW 2014-05

A BYLAW TO PROVIDE FOR THE LICENSING, REGULATING, CONTROLLING AND CONFINEMENT OF DOGS AND REGULATING THE POSSESSION OF CATS

WHEREAS pursuant to the provisions of the Municipal Government Act, R.S.A. 2000, Chapter M-26, as amended, a municipality may pass a bylaw regarding wild and domestic animals and activities in relation to them;

NOW THEREFORE the Council of the Town of Wainwright, in the Province of Alberta, duly assembled, does hereby enact:

PART 1 – TITLE AND DEFINITIONS

1.1 This bylaw shall be known as the “Animal Control Bylaw”.

1.2 For the purpose of this bylaw:

- (1) “Animal” means a dog or cat;
- (2) “Animal Control Officer” means a person appointed by the Town to carry out the provisions under this bylaw and includes a member of the Royal Canadian Mounted Police, a bylaw enforcement officer and a Community Peace Officer;
- (3) “Approved Animal Care Agency” means a person or organization approved by the Town to care for animals;
- (4) “Cat” means either the male or female of any domesticated feline species;
- (5) “Council” means the Council of the Town of Wainwright;
- (6) “Dog” means either the male or female of any domesticated canine species;
- (7) “Dog pound” means a premise designated by the Town for the impoundment and care of dogs;
- (8) “Environment Canada” means the agency of the federal government known as Environment Canada, or changes thereto;
- (9) “Guide Dog” means a guide dog as defined in the Blind Persons’ Rights Act, R.S.A. 2000, Chapter B-3 and amendments thereto;
- (10) “Kennel” means any operation involving the breeding and/or boarding and/or selling of dogs and/or cats;
- (11) “License” means a dog license issued by the Town in accordance with the provisions of this bylaw;
- (12) “License Tag” means an identification tag issued by the Town showing the license number for a specific animal;
- (13) “License Fee” shall be the fee as set out in Schedule B of this bylaw;
- (14) “Livestock” means a:
 - (a) horse, mule, ass, swine, emu, ostrich, camel, llama, alpaca, sheep or goat,
 - (b) domestically reared or kept deer, reindeer, moose, elk or bison,
 - (c) farm bred fur bearing creature including a fox or mink,
 - (d) creature of the bovine species,
 - (e) creature of avian nature including a chicken, turkey, duck, goose or pheasant, or
 - (f) any other creature kept for agricultural purposes, but does not include a cat, dog or other domesticated household pets;

- (15) "Muzzle" means any humane device, which prevents a dog from biting or otherwise injuring with its mouth any person, animal or property;
- (16) "Owner" means:
- (a) a person who has the care, charge, custody, possession or control of an animal,
 - (b) a person who owns or who claims any proprietary interest in an animal,
 - (c) a person who harbours or permits an animal to be present on any property owned or under his/her control,
 - (d) a person who claims and receives a dog from the custody of the Dog pound, or
 - (e) a person to whom a license tag was issued for a dog in accordance with this bylaw.
- For the purpose of this bylaw, an animal may have more than one owner.
- (17) "Permitted Leash", means a leash adequate to control the animal to which it is attached;
- (18) "Possession" means:
- (a) having physical or effective control of an animal, or
 - (b) having given physical or effective control of an animal to another person for the purpose of controlling the animal for a period of time;
- where one or two or more persons has physical or effective control of an animal, it shall be deemed to be in control of each and all of them;
- (19) "Property of the Owner" means any real property that is owned by the owner or that the owner has been given permission to use by the legal owner or person in legal control of the property;
- (20) "Replacement License Tag" means a license tag to replace a lost or damaged license tag;
- (21) "Running at Large" means:
- (a) a dog that is off the property of its owner or property of the person in possession of the animal,
 - (b) is not confined in a secure enclosure, and
 - (c) is not on a leash;
- (22) "Secure Enclosure" means a building, cage or fenced area of such construction that will not allow a confined dog or dogs to escape from that enclosure;
- (23) "Service Dog" means a service dog as defined in the Service Dogs Act, R.S.A. 2000, Chapter S-7.5 and amendments thereto;
- (24) "Town" means the Town of Wainwright;
- (25) "Vicious Dog" means:
- (a) any dog with a known propensity, tendency or disposition to attack without provocation any person or animal, or
 - (b) any dog which has been deemed to be dangerous by a justice, under the provisions of the Dangerous Dogs Act, R.S.A. 2000, Chapter D-3 and amendments thereto.
- (26) "Violation Ticket" means a ticket as defined in the Provincial Offences Procedure Act, R.S.A. 2000, Chapter P-34 and amendments thereto.

PART 2 – LICENSING PROVISIONS

- 2.1 Subject to sections 2.12 and 3.5, any person who resides within the corporate limits of the Town and becomes the owner of a dog over the age of three months or takes up residence within the Town and is the owner of a dog over the age of three months shall obtain a license tag, either annual or lifetime, for that dog by paying the license fee as set out in Schedule B within one month after becoming owner of said dog or taking up residence within the Town.

- 2.2 If an annual license is obtained under section 2.1 for a particular dog, then the owner of that dog shall:
- (1) before the thirty-first day of January in each calendar year, obtain an annual license tag for that dog by paying the annual license tag fee as set out in Schedule B of this bylaw; or
 - (2) before the thirty-first day of January of the current year, obtain a lifetime license tag for that dog by paying the lifetime license tag fee as set out in Schedule B of this bylaw.
- 2.3 In the prosecution of proceedings for a contravention of this bylaw, the burden of proof relating to age of the dog shall be upon the owner and unless the contrary is proven, the dog shall be presumed to have attained the age of three months at the time of the charge.
- 2.4 A dog owner shall provide to the Town the following information with each application for a license:
- (1) name, telephone number and street address of the owner;
 - (2) name of the dog to be licensed;
 - (3) the breed or breeds of the dog;
 - (4) the age and description of the dog; and
 - (5) such other relevant information as may be required by the Town in respect to the license application.
- 2.5 A license issued under this bylaw shall not be transferable from one dog to another, nor from one owner to another.
- 2.6 No refund shall be made for any license fee issued pursuant to this bylaw because of the death or sale of the dog or upon the dog being moved outside the Town before the expiration of the license.
- 2.7 An owner shall ensure that the license tag is securely attached to a choke chain, collar or harness worn by the dog, with the license tag visible at all times when the dog is on property other than the property of the owner.
- 2.8 An owner of a dog which has been licensed under this bylaw may obtain a replacement license tag to replace a tag which has been lost or damaged upon payment of the fee as set out in Schedule B of this bylaw.
- 2.9 An owner of a dog shall not affix, or permit to be affixed to that dog's collar a license tag which has been issued for another dog.
- 2.10 Every owner of a dog shall notify the Town of his/her change of address or telephone number, or if a dog has died or changed ownership, within twenty-one (21) days of the change or death.
- 2.11 An owner of an unlicensed dog is guilty of an offence.
- 2.12 An owner of a guide dog or service dog shall not be required to pay a fee for a license tag for that dog.

PART 3 – ANIMAL CONTROL PROVISIONS

- 3.1 An owner of a dog is guilty of an offence if his/her dog:
- (1) is running at large;
 - (2) barks or howls so as to disturb the quiet or repose of any person;

- (3) has damaged any public property or private property not belonging to the owner;
 - (4) attacks or bites any person;
 - (5) threatens or harasses any person;
 - (6) causes garbage retained in waste receptacles or other containers to be scattered on public or private property;
 - (7) is left without adequate food, water or shelter in a residential yard if the weather according to Environment Canada is less than 0°C or more than 30°C;
 - (8) chases any person who is on foot or bicycle; or
 - (9) attacks, harasses, injures or kills any animal or any other pet belonging to any person while the dog is not on the property of the owner.
- 3.2 Notwithstanding subsection 3.1(1), a dog may run at large in an off-leash area designated by the Town if the dog is under the care and control of its owner.
- 3.3 Subject to sections 3.4 and 3.5, no person shall be an owner of, or keep on the property of the owner, more than three cats and/or three dogs over the age of three months.
- 3.4 Notwithstanding section 3.3, a person who had a license for more than three dogs before the passing of this bylaw shall be exempt from section 3.3 for the life of the existing dogs, as long as the dogs are licensed.
- 3.5 Sections 2.1, 2.2 and 3.3 shall not apply to:
- (1) any owner of premises lawfully used for the temporary care and treatment of animals operated by and in charge of a registered veterinarian;
 - (2) any owner of an animal that is participating in a cat or dog show;
 - (3) any person in possession of a valid business license to operate a pet store, kennel or animal grooming parlor, as long as the said person adheres to the conditions of the said business license; or
 - (4) an approved animal care agency.
- 3.6 A person is guilty of an offence if he/she:
- (1) abuses or injures any dog;
 - (2) teases, torments or annoys any dog;
 - (3) kills a dog of which he/she is not the owner except in the case of an animal control officer acting pursuant to sections 5.5 or 5.6 or in the interest of public safety, or a licensed veterinarian or anyone acting under the direction of a licensed veterinarian;
 - (4) negligently or willfully opens, or allows to be open, any gate, door or other opening in a fence or enclosure, or otherwise releases a dog which has been confined, thereby allowing said dog to run at large;
 - (5) without the permission of the owner, unties, loosens or otherwise frees a dog which is not in distress; or
 - (6) interferes with, hinders, or impedes an animal control officer in the performance of any duty authorized by this bylaw.

- 3.7 An owner who fails to ensure that any defecation by his/her dog is immediately removed and disposed of in a sanitary manner while that dog is not on the property of the owner is guilty of an offence.
- 3.8 An owner of a dog shall carry a suitable means of removing defecation at all times while the dog is in the custody of the owner on property other than the owner's property.
- 3.9 No person shall operate a kennel in a residential district in town.
- 3.10 A female dog in heat shall be confined and housed in the residence of the owner or taken to a licensed kennel for the whole period that the dog is in heat, except that a female dog on a permitted leash may be allowed outside the residence for the sole purpose of allowing the dog to defecate and/or urinate on the premises of the owner.
- 3.11 Premises or property where any dogs are kept shall at all times be maintained in a clean, sanitary and inoffensive condition, to the satisfaction of an animal control officer.
- 3.12 Subject to section 3.13, no person, or registered owner or operator of the vehicle, shall allow a dog to be outside of the passenger cab of a motor vehicle on a highway regardless of whether the motor vehicle is moving or parked.
- 3.13 Notwithstanding section 3.12, a person may allow a dog to be outside of the passenger cab of a motor vehicle if the dog is:
- (1) in a fully enclosed trailer;
 - (2) in a topper that fully encloses the bed area of a truck;
 - (3) contained in a secure enclosure, ventilated kennel or similar device securely fastened to the bed of the truck; or
 - (4) securely tethered in such a manner that the dog is not standing on bare metal, cannot jump or be thrown from the vehicle, is not in danger of strangulation, and cannot reach beyond the outside edges of the vehicle.
- 3.14 An owner of a dog, or the registered owner or operator of the vehicle, who leaves a dog unattended in a motor vehicle shall ensure that suitable ventilation is provided for the dog.
- 3.15 No owner shall allow or bring their animal inside any Town owned building, except for a guide dog or service dog or when approved by an animal control officer or the Town.
- 3.16 No person shall keep any livestock within the corporate limits of Town, except when approved by the Town's Land Use Bylaw.

PART 4 – VICIOUS DOGS

- 4.1 If an animal control officer reasonably believes that a dog is a vicious dog, he/she may in writing inform the owner of that dog that:
- (1) the dog has been determined to be a vicious dog; and
 - (2) the dog must be kept in accordance with the vicious dog provisions of this bylaw.
- 4.2 Any person who is the owner of two or more vicious dogs over the age of three months is guilty of an offence.
- 4.3 An owner of a vicious dog shall, at all times when such dog is on the property of the owner, post each entrance to that property with a clearly visible warning sign which warns that a vicious dog is on the property.

- 4.4 An owner who fails to post warning signs as required in section 4.3 is guilty of an offence.
- 4.5 An owner of a vicious dog is guilty of an offence:
- (1) if his/her dog is not at all times while on the property of the owner confined within a secure enclosure, unless such dog is on a permitted leash held and controlled by the owner; or
 - (2) if his/her dog is not, at all times while on property which is not the property of the owner, confined in a secure enclosure, unless such vicious dog is wearing a muzzle and is on a permitted leash held and controlled by the owner.
- 4.6 In addition to the remedies set forth in this bylaw, if the animal control officer determines that a vicious dog is not being kept in accordance with the provisions of this bylaw, he/she may file a complaint pursuant to the Dangerous Dog Act, R.S.A. 2000, Chapter D-3, and amendments thereto, for an order directing the dog be controlled or destroyed.
- 4.7 If a person receives a notice under section 4.1 that his/her dog has been deemed a vicious dog, that person may appeal said notice to Council within fourteen days of receiving said notice.
- 4.8 After receiving an appeal under section 4.7, Council may:
- (1) deem the dog to be a vicious dog; or
 - (2) withdraw the notice.
- 4.9 If no appeal has been made after fourteen days of a person receiving a notice under section 4.1, then the dog will be deemed to be a vicious dog, and the dog will be subject to the vicious dog provisions of this bylaw.

PART 5 – POWERS OF AN ANIMAL CONTROL OFFICER

- 5.1 Except as otherwise provided herein, an animal control officer is hereby empowered to carry out the duties described herein and to enforce the provisions of this bylaw.
- 5.2 An animal control officer may enter any private or public land, vehicle or place, other than a dwelling house, without a warrant for the purposes of carrying out his/her duties under this bylaw, or to help rescue a dog which, in the opinion of the animal control officer, is in serious danger of injury or death.
- 5.3 An animal control officer, or a person acting under the authority of an animal control officer, is authorized to capture and impound in the dog pound any dog that is in contravention of this bylaw, or any dog that, in the opinion of the animal control officer, is in serious danger of injury or death.
- 5.4 Subject to section 5.6, an impounded dog shall be kept in the dog pound for a period of seventy-two hours. Non-business days shall not be included in the computation of the seventy-two hours period. During this period, a dog may be redeemed by its owner upon payment to the Town or its authorized agent, and the fees the person shall pay are:
- (1) the impoundment fee and animal care agency fee as set out in Schedule B of this bylaw;
 - (2) the appropriate license fee if the dog is not licensed; and
 - (3) the cost of any treatment the dog received during impoundment.
- 5.5 Upon the expiry of the impound period described in section 5.4, the dog shall become property of the Town and the animal control officer is authorized to:
- (1) offer the dog for sale or adoption;
 - (2) turn the dog over to an approved animal care agency;

- (3) have the dog euthanized in a humane manner;
 - (4) allow the dog to be redeemed by its owner in accordance with the provisions of section 5.4 herein; or
 - (5) continue to impound the dog for an indefinite period of time.
- 5.6 Notwithstanding sections 5.4 and 5.5, an impounded dog that is without any form of identification as defined in this bylaw and, in the opinion of an animal control officer, is deemed to be feral, dangerous, or seriously injured, may be immediately disposed of by:
- (1) relocating the dog to a suitable location with the permission of that location's land owner; or
 - (2) euthanizing the dog in a humane manner.
- 5.7 No action, civil or otherwise, lies against any animal control officer or registered veterinarian, the Town or any person acting in good faith and under the authority afforded under this bylaw.
- 5.8 To assist in the seizure of a dog running at large, an animal control officer, or a person acting under the authority of an animal control officer, may utilize live traps or any other equipment deemed suitable providing the equipment can be used in a humane manner.

PART 6 – ENFORCEMENT

- 6.1 When an animal control officer has reasonable grounds to believe that a person has contravened any provisions of this bylaw, he/she may serve upon such person an offence ticket allowing the payment of a specified penalty as described in Schedule A to the Town within fourteen days of the issuance date of the offence ticket whereby the Town shall accept such payment in lieu of prosecution for the offence.
- 6.2 An offence ticket described in section 6.1 may be served to such person:
- (1) personally; or
 - (2) by registered mail to their last known address.
- 6.3 The offence ticket shall state:
- (1) the name and address of the offender if ascertainable;
 - (2) the offence;
 - (3) the location, date and time of the offence;
 - (4) the appropriate penalty of the offence as specified in Schedule A of this bylaw; and
 - (5) that the penalty shall be paid within fourteen days of the issuance of the offence ticket to avoid prosecution for the offence.
- 6.4 Where a contravention of this bylaw is of a continuing nature, an animal control officer may issue further offence tickets, provided however, that no more than one offence ticket shall be issued for each day that the contravention continues.
- 6.5 If the penalty specified on an offence ticket is not paid within the prescribed time period, then an animal control officer is hereby authorized to issue a violation ticket.
- 6.6 Notwithstanding sections 6.1 or 6.4, an animal control officer is hereby authorized and empowered to immediately issue a violation ticket to any person who the animal control officer has reasonable grounds to believe has contravened any provision of this bylaw.

6.7 A violation ticket issued under sections 6.5 or 6.6 shall specify a penalty as described in Schedule A.

6.8 The fine for contravening any provisions of this bylaw shall be a minimum of \$100 and a maximum of \$2000.

PART 7 – IMPLEMENTATION

7.1 This bylaw shall repeal Bylaw No. 2011-02 and amendments thereto upon this bylaw coming into force.

7.2 This bylaw shall come into force upon passing of the third reading.

READ a First Time in Council this 17th day of June, A.D., 2014.

Mayor

Chief Administrative Officer

READ a Second Time in Council this 8th day of July A.D., 2014.

Mayor

Chief Administrative Officer

READ a Third Time in Council and Finally Passed this 8th day of July A.D., 2014.

Mayor

Chief Administrative Officer

**SCHEDULE B
FEES**

1.	License for each dog	<u>Annual</u> \$20.00	<u>Lifetime</u> \$60.00
2.	Replacement License Tag	\$5.00	
3.	Impoundment Fee	\$50.00	
4.	Animal Care Agency Fee	As per the agency agreement.	