

**BYLAW NO. B-33/2016
OF THE CITY OF AIRDRIE
IN THE PROVINCE OF ALBERTA**

Being a bylaw of the City of Airdrie to establish and enforce animal control within the City of Airdrie.

WHEREAS pursuant to the Municipal Government Act, R.S.A. 2000, Chapter M-26 and amendments thereto (the "Act"), a council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property; and

WHEREAS pursuant to the Act, a council may pass bylaws for municipal purposes respecting wild and domestic animals and activities in relation to them; and

WHEREAS pursuant to the Act, a council may pass bylaws for municipal purposes respecting the enforcement of bylaws made under the Act or any other enactment including any or all of the matters listed therein; and

WHEREAS pursuant to the Act, a council may in a bylaw:

- (a) regulate or prohibit; and
- (b) provide for a system of licenses, permits or approval including any or all of the matters listed therein.

NOW THEREFORE, the municipal Council of the City of Airdrie, duly assembled, enacts as follows:

PART I - TITLE, DEFINITIONS AND INTERPRETATION

TITLE

1.01 This Bylaw may be cited as "The Animal Control Bylaw".

PART II - DEFINITIONS

2.01 In this Bylaw, unless the context otherwise requires:

- (a) **"Animal Service, Limited"** means a development where animals normally considered as Domestic Animals are washed, groomed, and/or trained, but the animals may not be boarded and the development must not have any outside enclosures, pens, runs or exercise areas. Typical uses include veterinary clinics and the retail sales of associated products.
- (b) **"Animal Service, General"** means a development for which the principal

use is the treatment, day-care, or training of Domestic Animals in an indoor facility and may include the supplementary sale of associated products. Animals may not be boarded, except for the purposes of providing health care, and the development must not have any outside enclosures, pens, runs or exercise areas. Typical uses include veterinary hospitals, animal day-care facilities, and animal shelters.

- (c) **"Animal Service, Major"** means a development for which the principal use is the boarding, kenneling, or impoundment of Domestic Animals in a facility that includes outdoor enclosures, pens, runs and/or exercise areas and may include the supplementary sale of associated products. Typical uses include boarding and breeding kennels.
- (d) **"Appeal Board"** means the General Appeal Board appointed by the City of Airdrie Council through Bylaw No. B-33/2007;
- (e) **"Attack"** means an assault resulting in bleeding, bone breakage, sprains, bruising or multiple injuries;
- (f) **"Behaviour Assessment"** means an assessment of a Dog's temperament performed by a Dog Trainer holding a certified Behaviour Consultant, Knowledge Assessed (CBCC-KA) certification or other such certification as the City Manager may approve;
- (e) **"Bite"** means an application of force by a Domestic Animal by means of its mouth and teeth upon a Person or other Domestic Animal which results in pain or injury of any nature being inflicted upon that Person or other Domestic Animal;
- (f) **"Bylaw Enforcement Officer"** means a Person appointed pursuant to City Bylaw No. 07/97 to enforce the provisions of this Bylaw and other bylaws of the City;
- (g) **"Capture"** means to take possession of the Animal;
- (h) **"Cat"** means any domesticated cat or kitten;
- (i) **"City"** means the municipal corporation of the City of Airdrie or the area contained within its boundaries;
- (j) **"City Manager"** means the Chief Administrative Officer of the City or his/her designate. The City Manager is a designated officer for the purposes of Section 542 of the ***Municipal Government Act***, R.S.A. 2000 Chapter M-26, and any amendments thereto, carrying out inspections and enforcement of this Bylaw;

- (k) **"Communicable Disease"** means any disease or illness that may be transferred from a Domestic Animal or Prohibited Animal to another Domestic Animal or Prohibited Animal or a human through direct or indirect contact;
- (l) **"Complainant"** for the purposes of Schedule "E", the complainant means the Person making the complaint about the Cat.
- (m) **"Council"** means the Municipal Council of the City of Airdrie;
- (n) **"Dog"** means any domesticated dog or puppy, Foster Dog and Vicious Dog;
- (o) **"Dog Trainer"** A person certified through the Certification Council of Professional Dog Trainers or such other certification as the City Manager may approve;
- (p) "Domestic Animal" means any animal normally kept for domestic purposes or a household pet including but not limited to Dogs, Cats, rabbits, ferrets, pot-bellied pigs, **and for the purpose of this bylaw backyard hens** but does not include Wildlife or Livestock;¹
- (q) **"Dwelling Unit"** means habitable space used or intended to be used by one or more Persons which contains cooking, eating, living, sleeping and sanitary facilities and is accessed by a separate locked entrance or serviced by one or more separate utility connections or accounts, or both;
- (r) **"Emergency"** means a situation where there is imminent danger to public safety or of serious harm to Persons, Domestic Animals, Livestock, Wildlife or property and includes but is not limited to any situation in which an animal has caused or is alleged to have caused a Severe Injury to a Person, Domestic Animal, Livestock or Wildlife or where an animal is Running at Large;
- (s) **"Foster Animal"** means a Domestic Animal that a Person is caring for on behalf of an animal rescue organization for a temporary period of time until the Domestic Animal is adopted by the animal rescue organization.
- (t) **"Hearing"** means a hearing held pursuant to the ***Dangerous Dogs Act***, R.S.A. 2000, Chapter 0-3, and any amendments thereto;
- (u) **"In Season"** means the period of time in which a female Dog is in a state of sexual receptivity;

¹ Bylaw No. B-44/2021

- (v) "**Justice**" has the same meaning as defined in the *Provincial Offences Procedure Act*, R.S.A. 2000 Chapter P-35, and any amendments thereto;
- (w) "**Leash**" means a chain or other material or device capable of restraining the Domestic Animal upon which it is being used;
- (x) "**License**" means a license issued pursuant to this Bylaw;
- (y) "**License Tag**" means a permanent identification tag issued by the City showing the License number for a specific Dog or Cat and is intended to be worn on a collar attached to the Dog or Cat's neck at all times when the Dog or Cat is off of the Owner's Property;
- (z) "**Licensee**" means a Person named on a License;
- (aa) "**Livestock**" includes but is not limited to:
 - (i) a horse, mule, ass, swine, emu, ostrich, camel, llama, alpaca, sheep, pig or goat,
 - (ii) domestically reared or kept deer, reindeer, moose, elk or bison,
 - (iii) farm bred fur bearing animals including foxes and mink,
 - (iv) animals of the bovine species,
 - (v) animals of the avian species including chickens, turkeys, ducks, geese or pheasants, and
 - (vi) all other animals that are kept for agricultural purposes,but does not include a Domestic Animal, Service Animal, Vicious Dog, or other domesticated household pet;
- (bb) "**Muzzle**" means a device of sufficient strength placed over a Domestic Animal's mouth to prevent it from biting;
- (cc) "**Motor Vehicle**" has the same definition as in the *Traffic Safety Act*, R.S.A. 2000 Chapter T-6, and any amendments thereto;
- (dd) "**Off Leash Area**" means an area designated by the City Manager where a Dog is permitted but is not required to be restrained by a Leash;
- (ee) "**Officer**" means a Person appointed by the City to enforce the provisions of this Bylaw including a Bylaw Enforcement Officer, Peace Officer or a member of the RCMP;

- (ff) **"Owner"** includes any one or more Persons who:
- (i) is named on a License: or
 - (ii) has the care, charge, custody, possession or control of the Domestic Animal or Prohibited Animal, either temporarily or permanently; or
 - (iii) is in actual or apparent possession or control of Premises where a Domestic Animal or Prohibited Animal apparently resides; or
 - (iv) harbors a Domestic Animal or Prohibited Animal, or allows a Domestic Animal or Prohibited Animal to remain on his/her Property;
- (gg) **"Owner's Property"** means any property to which the Owner is the registered owner or an occupant pursuant to a lease, rental or license to occupy agreement;
- (hh) **"Park"** means an area set aside as a Park to be used by the public for rest, recreation, exercise, pleasure, amusement, and enjoyment within the City and includes:
- (i) Playgrounds,
 - (ii) Cemeteries,
 - (iii) Natural areas,
 - (iv) Sports Field,
 - (v) Pathways,
 - (vi) Trails, and
 - (vii) Park roadways,
- but does not include golf courses;
- (ii) **"Pathway"** means all asphalt, shale and gravel surfaces greater than one point four (1.4) metres in width;
- (jj) **"Peace Officer"** means a Person appointed pursuant to the **Peace Officer Act**, S.A. 2006, c. P-3.5, and any amendments thereto;

- (kk) **"Person"** means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative;
- (ll) **"Poisonous"** means able to cause sickness or death by entering or touching the body;
- (mm) **"Pound"** means the City pound established for the impounding of Dogs and Cats as well as any other facility designated by the City for the impounding of Prohibited Animals as set out in this Bylaw and the ***Animal Protection Act***, R.S.A. 2000 Chapter A-41, and any amendments thereto;
- (nn) **"Pound Keeper"** means the Person responsible for the administration and maintenance of the Pound;
- (oo) **"Premises"** means any dwelling, building and any parcel or lot of real property or a portion thereof;
- (pp) **"Prohibited Animal"** means;
- (i) any mammal that is not a Domestic Animal or would not typically live indoors, including but not limited to horses, cattle, sheep, llamas, goats and agricultural pigs;
 - (ii) any exotic animal - alien, non-indigenous or non-native species not customarily confined or cultivated by humans;
 - (iii) pigeons;
 - (iv) poultry;
 - (v) Poisonous snakes, reptiles or insects;
 - (vi) beehives or any other form of beekeeping;
 - (vii) any species listed as endangered or threatened on Environment Canada's Convention on International Trade in Endangered Species (CITES);
- unless that person is approved to do so under the Land Use Bylaw.²**
- (qq) **"Public Parking Lot"** means a parking lot where the public is allowed to park;
- (rr) **"Public Event"** means any event where members of the public gather;

² Bylaw No. B-44/2021

- (ss) **"Pursue"** means to attempt to Capture;
- (tt) **"Remedial Order"** means an order issued pursuant to Section 545 of the ***Municipal Government Act***, R.S.A. 2000, Chapter M-26, and any amendments thereto and Section 7.7 and 7.8 of this Bylaw;
- (uu) **"Running at large"** means a Domestic Animal which is off the Owner's Property and which is not restrained by a Leash and Under the Control of a competent and responsible Person;
- (vv) "Secure Enclosure" means a building, pen, **coop** or fenced area which is secured and constructed in such a manner that it will not allow the Domestic Animal to jump, climb, dig or otherwise escape nor will it allow the entry of unauthorized Persons into the enclosure unless the unauthorized Person forces his/her way into the enclosure, and which conforms with the following minimum requirements:
 - (i) The Secure Enclosure shall have secure sides and a secure top. If the Secure Enclosure has no bottom secured to the sides, the sides of the Secure Enclosure must be embedded into the ground to a minimum depth of thirty (30) centimetres;
 - (ii) The Secure Enclosure must provide the Domestic Animal with adequate shelter from the elements including heat, cold, sun, rain and wind;
 - (iii) The Secure Enclosure must be located not less than one (1) metre away from the property line of the Owner's Property and not less than five (5) metres away from a Dwelling Unit located on any adjacent property; and
 - (iv) The Secure Enclosure must be of adequate size for the Domestic Animal, permitting the Domestic Animal to stand, sit, lie down, and turn around comfortably;
 - (v) **The location and size of a Secure Enclosure to be used for a backyard hen must be in keeping with requirements provided in the Land Use Bylaw.³**
- (ww) **"Service Animal"** means a Domestic Animal having special training and certification by an official service agency which is kept and utilized by any mentally or physically disabled Person for the purpose of compensating for or alleviating the effects of that Person's disability;

³ Bylaw No. B-44/2021

- (xx) **"Severe Injury"** means any injury that requires medical attention excepting wound cleaning and basic first aid and includes: wounds requiring sutures or surgery, disfiguring or scarring lacerations, broken bones, severe sprains, death or any other similar serious injury;
- (yy) **"Sidewalk"** means that part of a highway especially adapted to the use of or ordinarily used by pedestrians, and includes that part of a highway between the curb line and the adjacent property line, whether or not paved or improved;
- (zz) **"Threatening Behaviour"** means the following behaviours exhibited by a Dog, without provocation:
- (i) bark at, or chase other Animals, Wildlife, Livestock or other domesticated household pets, in a threatening manner;
 - (ii) bark at, or chase bicycles, motor vehicles, or other vehicles;
 - (iii) growl, lunge, snarl, chase or otherwise threaten a Person or Persons, whether on the property of the Owner or not, unless the Person chased or threatened is a trespasser on the property of the Owner;
 - (iv) Bite or cause damage to property, animals, Wildlife, Livestock or other domesticated household pets, whether on the property of the Owner or not;
 - (v) do any act other than biting or attacking, that injures a Person or persons whether on the property of the Owner or not;
 - (vi) Bite a Person or Persons, whether on the property of the Owner or not, unless the Person bitten is a trespasser on the property of the Owner;
 - (vii) Attack a Person or Persons, whether on the property of the Owner or not, unless the Person attacked is a trespasser on the property of the Owner;
 - (viii) Bite or Attack a Person or Persons, whether on the property of the Owner or not, causing Severe Injury;
 - (ix) cause Severe Injury to a Domestic Animal, Wildlife, Livestock or other domesticated household pets;
 - (x) cause death to another Domestic Animal, Wildlife, Livestock or other domesticated household pets;

- (aaa) "**Under the Control**" means that the Domestic Animal is under the effective control of the Person including responding promptly to voice, sound or sight commands;
- (bbb) "**Veterinarian**" means a certified veterinarian pursuant to the **Veterinary Professions Act**, R.S.A. V-2, and any amendments thereto, together with all regulations passed thereunder;
- (ccc) "**Vicious Dog**" means a Dog that has been declared to be a Vicious Dog by a Justice pursuant to the **Dangerous Dogs Act**, R.S.A. 2000 Chapter D-3, and any amendments thereto, at any time prior to or during the Dog being kept within the City.
- (ddd) "**Vicious Dog Warning Sign**" means a sign having a white background with the following dimensions and particulars:
 - (i) the total sign area is not less than thirty (30) centimetres tall,
 - (ii) the total sign area is not less than twenty (20) centimetres wide, and
 - (iii) having the Warning statement in a red background with white block lettering and having the Vicious Dog on Premises wording using red block lettering not less than three (3) centimetres tall stating:



- (eee) "**Violation Ticket**" means a ticket issued pursuant to Part 2 of the **Provincial Offences Procedure Act**, R.S.A. 2000 Chapter P-34, and any amendments thereto;
- (fff) "**Wildlife**" has the meaning as defined in the **Wildlife Act**, R.S.A. 2000, Chapter W-1, and any amendments thereto.

PART III - CITY MANAGER AUTHORITY

City Manager

- 3.1 The City Manager or his/her designate is responsible for the administration of this Bylaw.

- 3.2 Without restricting any other power, duty or function granted by this Bylaw, the City Manager may:
- (i) carry out or direct whatever inspections are reasonably required to determine compliance with this Bylaw;
 - (ii) delegate any of his/her powers and authorities under this Bylaw to any City employee as he/she deems appropriate;
 - (iii) establish forms for the purposes of this Bylaw;
 - (iv) establish Off Leash Areas; and
 - (v) establish areas where Domestic Animals are prohibited.
- 3.3 The City Manager, as designated officer for the City, hereby delegates to an Officer the authority to perform inspections and enforce this Bylaw.

PART IV - REGULATION OF ANIMALS

DOGS - REQUIREMENT FOR LICENSE

- 4.1 No Person shall own or keep any Dog within the City unless the Dog is licensed as provided for in this Bylaw.
- 4.2 A Licensee must be eighteen (18) years of age or older.
- 4.3 The Owner of the Dog shall ensure that the Dog wears the current License Tag issued for the Dog at all times while off the Owner's Property.
- 4.4 The Owner of a Dog shall obtain an annual License for any Dog over the age of three (3) months.

Limit on Dogs:

- 4.5 No Person shall own or possess more than three (3) Dogs over the age of three (3) months, including Foster Dogs and no more than one (1) Vicious Dog pursuant to Section 4.21, on any Premises within the City. This section 4.5 does not apply to Section 5.9.
- 4.6 Persons moving into the City from another community may own or possess more than three (3) Dogs with the following conditions:
- (i) proof can be provided that the Dogs were legally licensed in the community in which they previously lived;

- (ii) all Dogs must be licensed;
- (iii) if a Dog is sold, given away or passes away the Dog cannot be replaced if the Person owns or possesses more than three (3) Dogs; and
- (iv) if the City Manager receives complaints from the public regarding a Premises that contains more than three (3) licensed Dogs, the City Manager can limit the number of Dogs at the Premises to three (3).

4.7 This Section does not apply to a legally established:

- (i) Animal Service, Limited;
- (ii) Animal Service, General; and
- (iii) Animal Service, Major, if operating as a commercial business in industrial or rural areas,

which has all necessary licenses and permits pursuant to City bylaws.

CATS - REQUIREMENT FOR LICENSE

4.8 No Person shall own or keep any Cat within the City unless such Cat is licensed as provided in this Bylaw.

4.9 a Licensee must be eighteen (18) years of age or older.

4.10 The Owner of the Cat shall ensure that the Cat wears the current License Tag issued for the Cat at all times while off the Owner's Property.

4.11 The Owner of a Cat shall obtain an annual License for any Cat over the age of three (3) months.

Limit on Cats

4.12 No more than three (3) Cats can be licensed on any Premises within the City.

4.13 Persons moving into the City from another community may own or possess more than three (3) Cats with the following conditions:

- (i) proof can be provided that the Cats were legally licensed (if applicable) in the community in which they previously lived;
- (ii) all Cats must be licensed;

- (iii) if a Cat is sold, given away or passes away the Cat cannot be replaced if the Person owns or possesses more than three (3) Cats; and
- (iv) if the City Manager receives complaints from the public regarding a Premises that contains more than three (3) licensed Cats, the City Manager can limit the number of Cats at the Premises to three (3).

4.14 This Section does not apply to a legally established:

- (i) Animal Service, Limited;
- (ii) Animal Service, General; and
- (iii) Animal Service, Major, if operating as a commercial business in industrial or rural areas,

which has all necessary licenses and permits pursuant to City bylaws.

VICIOUS DOGS - REQUIREMENT FOR LICENSE

4.15 No person shall own or keep any Vicious Dog within the City unless such Vicious Dog is licensed as provided in this Bylaw.

4.16 A licensee of a Vicious Dog must be eighteen (18) years of age or older.

4.17 The Owner of a Vicious Dog shall ensure that the Vicious Dog wears a current license purchased for that Vicious Dog, when the Vicious Dog is off the property of the Owner.

4.18 The Owner of a Vicious Dog shall obtain an annual license for such Vicious Dog at such times and in the manner as specified in Sections 4.19 and 4.20 and shall pay an annual fee as set out in *the User Fees and Charges Bylaw*.⁴

4.19 The Owner of a Vicious Dog shall:

- (i) obtain a License for such Vicious Dog on the first day on which the City office is open for business after the Dog has been declared vicious;
- (ii) obtain a License on the first day on which the City office is open for business after he becomes Owner of the Vicious Dog;
- (iii) obtain a License for the Vicious Dog on the day specified by the City Manager each year.

⁴ Bylaw B-44/2023

Limit on Vicious Dogs

- 4.20 No more than one (1) Vicious Dog over the age of three (3) months shall be licensed on any Premises within the City.
- 4.21 No Person shall own or possess more than one (1) Vicious Dog over the age of three (3) months on any Premises within the City.
- 4.22 This Section does not apply to a legally established:
- (i) Animal Service, Limited;
 - (ii) Animal Service, General; and
 - (iii) Animal Service, Major, if operating as a commercial business in industrial or rural areas,

which has all necessary licenses and permits pursuant to City bylaws.

LICENSE APPLICATION

- 4.23 Before the issue or renewal of a License pursuant to this Section, the Owner must submit to the City Manager the License fee as established by *the User Fees and Charges Bylaw* together with the following information:
- (i) a description of the Dog or Cat including breed, name, gender, age, tattoo, microchip number;
 - (ii) a veterinary certificate establishing that the Dog or Cat is neutered or spayed, as appropriate;
 - (iii) the name, address, and telephone number of the Owner;
 - (iv) if the Owner of the Dog or Cat is a body corporate, the name, address and telephone number of the Person responsible for the Dog or Cat;
 - (v) if the dog is a Foster Dog or Cat, or Service Animal in training;
 - (vi) any other information that the City Manager may require; and
 - (vii) the annual License fee for each Dog or Cat as set out in *the User Fees and Charges Bylaw*.⁵
- 4.24 No Person shall give false information when applying for a License under this Bylaw.

⁵ Bylaw B-44/2023

License Issue or Renewal

- 4.25 The City Manager may not issue or renew a License pursuant to this Part unless satisfied that:
- (i) the Licensee is eighteen (18) years of age or older;
 - (ii) all applicable fees have been paid; and
 - (iii) all required information has been provided.
- 4.26 Upon issuance of a License, the City shall issue a permanent License Tag for the Dog, Cat, Service Animal, or Vicious Dog to the Owner.
- 4.27 Upon losing a License Tag an Owner of a Dog, Cat, Service Animal, or Vicious Dog shall advise the City, whereby a new License Tag will be issued to the Owner for a fee as set out in *the User Fees and Charges Bylaw*.⁶
- 4.28 There shall be no annual License Fee for residents involved in the fostering of Dogs/Cats.

License Term

- 4.29 Unless otherwise specified in this Bylaw, the term of a License pursuant to this Part expires one (1) year from the date it is issued or renewed.

Proof of License

- 4.30 The onus of proving a Person has a valid and subsisting License is on the Person alleging the license.
- 4.31 The onus of proving the age of an Animal is on the Person alleging the age.
- 4.32 Any Person who contravenes Section 4.1, 4.8 and 4.15 of this Bylaw is guilty of an offence and is liable for and subject to the penalty specified in Schedule "C", which is reduced by eighty (80%) percent, plus the applicable license fee as stated in *the User Fees and Charges Bylaw* if the penalty is paid within ten (10) days.⁷

License Fee⁸

- 4.33 The annual License fee for a Dog is set out in *the User Fees and Charges Bylaw*.

⁶ Bylaw B-44/2023

⁷ Bylaw B-44/2023

⁸ Bylaw B-44/2023

- 4.34 The annual License fee for a Vicious Dog is set out in *the User Fees and Charges Bylaw*.
- 4.35 The annual License Fee for a Foster Animal is set out in *the User Fees and Charges Bylaw*.
- 4.36 The annual License fee for a Cat is set out in *the User Fees and Charges Bylaw*.
- 4.37 No Person shall be entitled to a License fee refund.
- 4.38 Licenses are non-transferable between Owners of Dogs and Cats.

PART V - RESPONSIBLE PET OWNERSHIP

RESPONSIBILITIES OF OWNERS

Giving Basic Care to Animal

- 5.1 An Owner of a Domestic Animal must ensure that the Domestic Animal receives food, water, shelter and exercise sufficient to maintain the Domestic Animal in good health.
- 5.2 An Owner of a Domestic Animal must provide the Domestic Animal with adequate care when the Domestic Animal is wounded or ill.
- 5.3 An Owner of a Domestic Animal must not leave a Domestic Animal tied up unsupervised on the Owner's Property or on any other private or public property.

Running at Large

- 5.4 The Owner of a Domestic Animal shall:
 - (i) ensure that the Domestic Animal is not Running at Large, and
 - (ii) be deemed to have failed or refused to comply with the requirements of Section 5.4(i) unless he/she proves to the satisfaction of the Officer that he/she has taken all reasonable precautions to secure the Domestic Animal so that the Domestic Animal, would not be able to escape the Owner's Property, vehicle or other method of confinement.
- 5.5 No Person shall cause a Domestic Animal to be Running at Large in the City by:
 - (i) untying, loosening or otherwise freeing a Domestic Animal which has been tied or otherwise restrained, or

- (ii) negligently or willfully opening a gate, door or other opening in a fence or enclosure in which a Domestic Animal has been confined. 5.6 An Officer shall keep an up to date record of all complaints, notices and reports regarding Domestic Animals and a similar record of their disposition.

5.7 An Officer may seize and impound any Domestic Animal Running at Large.

Dogs in Off Leash Areas

5.8 Notwithstanding Section 5.4, an Owner or Person in control of a Dog is not required to have the Dog on a Leash in a Park or portion of a Park which has been designated as an Off Leash Area by Council.

5.9 There shall be a limit of six (6) dogs per person allowed in an Off Leash Area excepting Vicious Dogs which are subject to Section 5.18.

5.10 All Persons must be physically capable of having all Dogs in his/her custody in an Off Leash Area Under Control.

5.11 A Person in an Off Leash Area shall ensure that such Dog is Under the Control of the Person at all times.

5.12 Whether or not a Dog that is off Leash is Under the Control of the Person is a question of fact to be determined by the Officer, having taken into consideration any or all of the following factors:

- (i) whether the Dog was at such a distance from the Person so as to be incapable of responding to voice, sound or sight commands;
- (ii) whether the Dog was responding to voice, sound or sight commands from the Person;
- (iii) whether the Dog bit, attacked, or did any act that injured or threatened a Person or another Domestic Animal;
- (iv) whether the Dog caused damage to property.

5.13 The Person responsible for a Dog that is off Leash while in an Off Leash Area shall carry an appropriate Leash for the said Dog on his Person.

5.14 An Officer may, upon being of the reasonable opinion that a Dog in an Off Leash Area appears to be In Season or that any Person who has the custody of a Dog in an Off Leash Areas is in contravention of any provision of this Bylaw may verbally direct the Person to:

- (i) restrain the Dog by means of a Leash; or

(ii) remove the Dog from an Off Leash Area;

or both.

5.15 Upon being removed from an Off Leash Area pursuant to Section 5.14, no Person shall return to the Off Leash Area within seventy-two (72) hours of being removed.

5.16 Any Person who fails to comply immediately with the direction of the Officer made in accordance with Section 5.14 is guilty of an offence.

5.17 Nothing in this Section relieves a Person from complying with any other provisions of this Bylaw.

Animals Prohibited in Off leash Areas

5.18 No Person shall permit any Dog In Season, Domestic Animal suffering from a Communicable Disease or Vicious Dog to be present in an Off Leash area.

Excessive Barking

5.19 The Owner shall ensure a Dog does not bark, howl or otherwise behave in a manner that is reasonably likely to annoy or disturb the peace of others.

5.20 In determining whether barking, howling or behaviour is reasonably likely to annoy or disturb the peace of others, consideration may be given, but is not limited, to the following:

(i) proximity of the property where the Dog resides;

(ii) duration of the barking, howling or behaviour;

(iii) time of day and day of the week when the barking, howling or behaviour occurs;

(iv) nature and use of the surrounding area; and

(v) any effect of the barking, howling or behaviour.

5.21 Whether or not any such barking, howling or other such noise is excessive and unreasonably interferes with a person's peaceful enjoyment of his property is a question of fact to be determined by a Court hearing a prosecution pursuant to this Section of the Bylaw.

Defecation

- 5.22 The Owner of a Domestic Animal shall forthwith remove any defecation left by the Domestic Animal on any public property (including playgrounds, tennis courts, cemeteries, school grounds or sports fields) or private property other than the Owner's Property.
- 5.23 The Owner or any other Person having care or control of a Domestic Animal shall ensure that feces on the Owner's Property is removed monthly or does not accumulate to such an extent that it is reasonably likely to annoy or pose a health risk to others.

Scattering Garbage

- 5.24 The Owner of a Domestic Animal shall ensure that such Domestic Animal shall not upset any waste receptacle or scatter the contents thereof either in or about a street, lane, or other public property or in or about any Premises not belonging to or in the possession of the Owner of the Domestic Animal.
- 5.25 The Owner of a Domestic Animal shall ensure that such Domestic Animal does not damage or destroy public or private property.
- 5.26 The Owner of a Domestic Animal shall immediately return any such upset waste receptacle to an upright position, and remove any contents that may have been scattered in or about a street, lane, or other public property or in or about any Premises not belonging to or in the possession of the Owner of the Domestic Animal.

Domestic Animals in Motor Vehicles

- 5.27 No Person shall allow a Domestic Animal in or on a Motor Vehicle to come in contact with another Person or Domestic Animal, when the vehicle is parked or in a public parking lot.
- 5.28 Notwithstanding Section 5.27, a Person may allow a Domestic Animal to be outside the passenger cab of a Motor Vehicle, including riding in the back of a pickup truck or flatbed truck if the Domestic Animal is:
- (i) in a fully enclosed trailer having adequate ventilation;
 - (ii) in a topper that fully encloses the bed area of a truck having adequate ventilation;
 - (iii) contained in a ventilated kennel or similar device securely fastened to the bed of the truck; or

- (iv) securely tethered in such a manner that it is not standing on bare metal, cannot jump or be thrown from the vehicle, is not in danger of strangulation, and cannot reach beyond the outside edges of the vehicle; and
 - (v) secured in such a fashion that the Animal cannot extend its muzzle or any other body part outside of the Motor Vehicle, trailer, topper, kennel or similar device.
- 5.29 The Owner of a Domestic Animal left unattended in a Motor Vehicle shall ensure:
- (i) the Domestic Animal is restrained in a manner that prevents contact between the Domestic Animal and any member of the public; and
 - (ii) the Domestic Animal has suitable ventilation.
- 5.30 The Owner of a Domestic Animal shall not leave a Domestic Animal unattended in a Motor Vehicle if the weather conditions are not suitable for containment of a Domestic Animal.
- 5.31 For the purpose of this Section, "roadway" means any street, highway or parking lot, whether publicly or privately owned, where the public is ordinarily entitled or permitted to use for the passage or parking of Motor Vehicles.
- 5.32 The registered owner of a Motor Vehicle involved in an offence referred to in this Section is guilty of the offence, unless the registered owner satisfies the Court that the vehicle was:
- (i) not being driven or was not parked by the registered owner of the Motor Vehicle; and
 - (ii) that the Person driving or parking the Motor Vehicle at the time of the offence did so without the registered owner's express or implied consent.

Dogs Permitted on Pathways:

- 5.33 The Owner of a Dog shall not allow such Dog to pass along or across a Pathway, unless such Dog remains Under the Control of the Owner at all times and does not interfere or obstruct any Pathway user.

Domestic Animals in Prohibited Areas

- 5.34 No Person shall permit any Domestic Animal to enter or remain in or on:
- (i) a playground, tennis court, cemetery; or

- (ii) any other area where Domestic Animals are prohibited by posted signs.
- 5.35 No Person shall have a Dog in any area which has a posted sign stating that Dogs are not permitted in that area.
- 5.36 The City Manager may post signs indicating any areas which are owned or controlled by the City where Dogs are not permitted.

Threatening Behaviour

- 5.37 No Owner of any Domestic Animal shall permit the Domestic Animal to display Threatening Behaviour including the following.
- (i) bark at, or chase other Animals, Wildlife, Livestock or other domesticated household pets, in a threatening manner;
 - (ii) bark at, or chase bicycles, motor vehicles, or other vehicles;
 - (iii) growl, lunge, snarl, chase or otherwise threaten a Person or Persons, whether on the property of the Owner or not, unless the Person chased or threatened is a trespasser on the property of the Owner;
 - (iv) Bite or cause damage to property, animals, Wildlife, Livestock or other domesticated household pets, whether on the property of the Owner or not;
 - (v) do any act other than biting or attacking, that injures a Person or persons whether on the property of the Owner or not;
 - (vi) Bite a Person or Persons, whether on the property of the Owner or not, unless the Person bitten is a trespasser on the property of the Owner;
 - (vii) Attack a Person or Persons, whether on the property of the Owner or not, unless the Person attacked is a trespasser on the property of the Owner;
 - (viii) Bite or Attack a Person or Persons, whether on the property of the Owner or not, causing Severe Injury;
 - (ix) cause Severe Injury to a Domestic Animal, Wildlife, Livestock or other domesticated household pets;
 - (x) cause death to another Domestic Animal, Wildlife, Livestock or other domesticated household pets;
- 5.38 A Vicious Dog exhibiting Threatening Behaviour shall be fined at the amount set out in Schedule "C".

5.39 No Owner shall:

- (i) use or direct a Domestic Animal to Attack, Bite, or otherwise exhibit Threatening Behaviour towards a person, whether the Domestic Animal is on the Owner's Property or other private or public property.
- (ii) use or direct a Domestic Animal to Attack, Bite, or otherwise exhibit Threatening Behaviour towards any Domestic Animals, Livestock, or Wildlife.

5.40 A Domestic Animal shall not be deemed to exhibit Threatening Behaviour if the Domestic Animal is safely confined within a building, vehicle, crate or behind a securely fenced area on any land and there is no risk of the Domestic Animal making physical contact with the Person, Domestic Animal, Livestock or Wildlife.

Confining Domestic Animals with Communicable Diseases

5.41 An Owner of a Domestic Animal or Prohibited Animal who knows or suspects that the animal has a Communicable Disease, must:

- (i) immediately report the Communicable Disease to the City Manager;
- (ii) confine and isolate the Domestic or Prohibited Animal, during the period such Person knows or suspects that the animal has a Communicable Disease, in a manner that will prevent further spread of the disease and in a manner prescribed at law;
- (iii) immediately seek the assistance of a Veterinarian; and
- (iv) follow the direction of such Veterinarian or any government officials who have authority to issue any related orders or directions.

In addition, a Person who keeps any Domestic or Prohibited Animal and who knows or suspects that that animal has rabies, shall immediately report this information to the Team Leader of Airdrie Municipal Enforcement and a Veterinarian.

Trapping of Cats:

5.42 Any person who has a complaint about a Cat Running at Large or causing damage to his property, may obtain a cat trap from Airdrie Municipal Enforcement.

- 5.43 A Complainant, upon receiving a cat trap, shall comply with the Procedure and Guidelines for Trapping of Stray Cats as set out in Schedule "E" and such other terms and conditions as the City may require.
- 5.44 The provision of a cat trap to a Complainant shall be at the sole discretion of the Officer.

PART VI - REGULATION OF VICIOUS DOGS

Vicious Dog Provisions:

- 6.1 All provisions of this Bylaw apply to Vicious Dogs. However, where the Bylaw provides for more stringent regulations in relation to Vicious Dogs than other sections of this Bylaw, the more stringent regulations shall prevail in relation to a Vicious Dog.

Hearings and Orders:

- 6.2 The Owner of a Dog alleged to be a Vicious Dog shall be provided Notice of a Hearing for determination by the Provincial Court not less than ten (10) days before the date of the Hearing.
- 6.3 The City Manager may order the Owner of a Dog alleged to be a Vicious Dog to surrender the Dog to an Officer and the Dog shall be taken and held in a Pound at the Owner's cost pending the outcome of the Hearing and any appeals.
- 6.4 The City Manager may allow the Owner to keep possession of a Dog alleged to be a Vicious Dog, pending the outcome of the Hearing and any related appeals, with contain and control conditions, which in the opinion of the City Manager, ensures the safety of the public.
- 6.5 The Owner of a Dog shall comply with a surrender order made by the City Manager, or any contain and control conditions prescribed by the City Manager pursuant to this Part VI.
- 6.6 Upon hearing the evidence at a Hearing, the Justice shall make an order in a summary way declaring the Dog as a Vicious Dog if in the opinion of the Justice:
- (i) the Dog has caused Severe Injury to a Person,
 - (ii) the Dog has caused Severe Injury to a Domestic Animal,
 - (iii) the Dog has caused Severe Injury to Livestock or Wildlife,
 - (iv) the Dog has exhibited Threatening Behaviour including behaviour set out in Section 5.37,

whether on the Owner's Property or other public or private property.

- 6.7 Upon hearing the evidence at the Hearing, the Justice may make an order declaring the Dog as a Vicious Dog and directing that the Dog be kept and managed by the Owner in a specific way or ordering the Dog destroyed, if in the opinion of the Justice the Dog is likely to cause Severe Injury to any Person or other Domestic Animals, Livestock or Wildlife in the future, taking into account the following factors:
- (i) whether the Dog, when unprovoked, has shown a tendency to Pursue, chase or approach in a menacing fashion any Person or Persons or other Domestic Animals, Wildlife or Livestock upon the street, Sidewalk or on any public or private property;
 - (ii) whether the Dog has attempted to Bite, or has bitten any Person or Persons or Domestic Animal, Wildlife, or Livestock;
 - (iii) whether the Dog has injured, attacked or caused Severe Injury to any Person or Persons or Domestic Animal, Wildlife or Livestock;
 - (iv) the Aggression Scale Classification made by an Officer pursuant to Section 8.5;
 - (v) whether the Dog has caused death to another Domestic Animal, Wildlife, or Livestock.
- 6.8 The order of a Justice declaring a Dog vicious shall bring in to force all of the requirements in Sections 6.11 to 6.19 inclusive.
- 6.9 A Vicious Dog order pursuant to this Bylaw continues to apply if the Dog is sold, given or transferred to a new Owner.
- 6.10 The Owner of a Vicious Dog must immediately notify the City Manager upon relocating in the City of Airdrie. The City Manager may take cognizance of an order issued in another jurisdiction and direct that the order apply within the City of Airdrie.

Regulations

- 6.11 Prior to a License being issued, the Owner of a Vicious Dog shall within ten (10) days after the Animal has been declared a Vicious Dog:
- (i) have a licensed Veterinarian tattoo or implant an electronic identification microchip in or on the Vicious Dog identifying the Dog with a unique

identifier and provide the information contained on the tattoo or in the microchip to Municipal Enforcement; and

- (ii) if the Vicious Dog is not spayed or neutered have the Vicious Dog spayed or neutered.

6.12 The Owner of a Vicious Dog shall:

- (i) forthwith notify Municipal Enforcement should the Vicious Dog be sold, gifted, or transferred to another Person or die; or move out of the City of Airdrie; and
- (ii) remain liable for the actions of the Vicious Dog until formal notification of sale, gift or transfer is given to Airdrie Municipal Enforcement.

6.13 The Owner of a Vicious Dog shall contact Airdrie Municipal Enforcement in person or by a phone call but not by leaving a message, if the Vicious Dog is Running at Large. In the event that the Owner is unable to contact Airdrie Municipal Enforcement as set out in this section, the Owner shall immediately notify the RCMP of the Vicious Dog Running at Large.

6.14 The Owner of a Vicious Dog shall ensure that when such Vicious Dog is on the property of the Owner such Vicious Dog is:

- (i) confined indoors and Under the Control of a physically and mentally competent Person eighteen (18) years of age or older;
- (ii) when such Dog is outdoors, the Owner of a Vicious Dog shall ensure that:
 - (a) the Dog is locked in a Secured Enclosure in order to prevent escape of the Vicious Dog, and capable of preventing the entry of any person not in control of the Vicious Dog; or
 - (b) securely Muzzled and Under the Control of a physically and mentally competent Person who is at least the age of eighteen (18) years by means of a Leash not exceeding one (1) metre in length in a manner that prevents the Dog from chasing, injuring, Attacking or Biting Persons or other Domestic Animals, Livestock or Wildlife as well as preventing damage to public or private property.

6.15 The owner of a Vicious Dog shall ensure that at all times when off the property of the owner, such Vicious Dog is securely:

- (i) muzzled; and

- (ii) harnessed or leashed on a Leash which length does not exceed one (1) metre in length in a manner that prevents the Dog from being in contravention of Section 5.37; and
 - (iii) Under the Control of a physically and mentally competent Person who is at least the age of eighteen (18).
- 6.16 Within ten (10) calendar days of the Dog being declared a Vicious Dog by a Justice, the Owner of the Dog is required to display a Vicious Dog Warning Sign at each entrance to the Premises where the Vicious Dog is kept and on the Secure Enclosure or other structure in which the Vicious Dog is confined. Such sign shall be posted to be clearly visible and capable of being seen by any Person accessing the Premises.
- 6.17 Vicious Dogs are not allowed in Off Leash Areas, Parks, or at Public Events.
- 6.18 When a Justice determines a dog to be a Vicious Dog, the owner of such Dog is required to complete the following:
 - (i) attend dog behaviour training conducted by a Dog Trainer approved by the City Manager within thirty (30) days of the Dog being declared a Vicious Dog unless otherwise approved by the City Manager;
 - (ii) complete the quantity of training recommended by the Dog Trainer;
 - (iii) provide the City Manager written confirmation of:
 - (a) who is performing the training; and
 - (b) when the training will be taking place;
 - (iv) provide proof of attendance at the training and successful completion of the training within ten (10) days of completion; and
 - (v) provide the City Manager with any further written recommendation provided by the Dog Trainer.
- 6.19 The Owner of a Dog that is determined to be a Vicious Dog shall have liability insurance specifically covering any damages for personal bodily injury (including sickness/death), and or property damage to others caused by the Vicious Dog in an amount not less than One Million (\$1,000,000) Dollars. The Owner shall provide proof of such insurance to the reasonable satisfaction of the City Manager within ten (10) days of the Dog being declared a Vicious Dog.

Prohibited Animals/Livestock

- 6.20 No Person shall own or possess any Prohibited Animal within the City unless otherwise permitted by the Airdrie's Urban Agriculture Program.⁹
- 6.21 A Person shall not keep Livestock on any Premises which is not within a land use district where Livestock is allowed through either a permitted or discretionary use.
- 6.22 Unless so permitted by the City Manager, no Person shall allow a horse owned or controlled by him to be in a Park or on a Pathway or Highway.
- 6.23 Section 6.22 shall not apply to:
- (i) horses owned and ridden by the Royal Canadian Mounted Police.
 - (ii) horses or Livestock ridden, or used in a City-sponsored event, an approved community event or parade.
- 6.24 The Owner of a horse or Livestock shall remove defecation from a Highway or Pathway immediately.

PART VII - OTHER REGULATIONS

Notification of Stray

- 7.1 A Person who takes control of any stray Domestic Animal shall forthwith notify the City's Municipal Enforcement department and provide any required information.
- 7.2 A Person who takes control of any stray Domestic Animal shall forthwith surrender the Domestic Animal to Airdrie Municipal Enforcement.

Tease, Torment or Annoy an Animal

- 7.3 No Person shall tease, torment or annoy a Domestic Animal.

PART VIII - ADMINISTRATION AND ENFORCEMENT

Authority of a Peace Officer

- 8.1 Where an Officer has reasonable grounds to believe that any provision of this Bylaw has been contravened, an Officer is authorized to:

⁹ Bylaw B-26/2017

- (i) enter upon any property or structure between the hours of 9 am - 6 pm Monday-Friday, in accordance with Section 542 of the **Municipal Government Act**, R.S.A. 2000 Chapter M-26, and any amendments thereto, for the purpose of inspecting, remedying, or enforcing the provisions of this Bylaw including but not limited to enforcing the terms of a Remedial Order and carrying out the actions authorized within this Section 8.1 after providing not less than forty-eight (48) hours' prior notice to the Owner or occupant of the property or structure;
- (ii) notwithstanding 8.1(i), in the event of an Emergency, the Officer is not required to give notice to the Owner or occupant of the property or structure prior to entering upon the property or structure and is not required to enter the property or structure at a reasonable time;

8.2 An Officer is authorized to Capture, seize, impound and deliver to the Pound, any Domestic Animal which:

- (i) is found to be Running At Large;
- (ii) which is alleged to have engaged in any Threatening Behaviors set out in Section 5.37 of this Bylaw; or
- (iii) pending the outcome of an application to declare the Dog to be a Vicious Dog or to destroy the Dog; or
- (iv) which has been left unsupervised while tethered or tied on private property; or
- (v) is abandoned subject to the provisions of the Animal Protection Act, R.S.A 2000, Chapter A- 4 1, and any amendments thereto; or
- (vi) is in distress on any land or in any vehicle or other place subject to the provisions of the Animal Protection Act, R.S.A 2000, Chapter A-41, and any amendments thereto; or
- (vii) has caused or is alleged to have caused a Severe Injury to or the death of a Person or Domestic Animal.¹⁰

8.3 An Officer is authorized to Capture, impound and deliver to the Pound, any Prohibited Animal.

8.4 The Officer is further authorized to take reasonable measures as necessary to subdue and control the Domestic Animal or Prohibited Animal without injuring or causing undue distress to the Domestic Animal or Prohibited Animal in the process of capturing, seizing and impounding the Domestic Animal or Prohibited

¹⁰ Bylaw B-26/2017

Animal including but not limited to the use of tranquilizer equipment and other Capture devices.

8.5 An Officer investigating a complaint involving the threatening behavior of a Dog shall classify the behavior by means of reference to the Dr. Ian Dunbar's Aggression Scale, which is set out in Schedule "F" of this Bylaw.

8.6 The Officer is authorized to:

- (i) arrange for a Behaviour Assessment to be conducted in relation to any Dog which has been seized, Captured, impounded or surrendered pursuant to this Bylaw;
- (ii) where the Domestic Animal is injured or ill, deliver the Domestic Animal to a Veterinarian for treatment prior to delivering the Domestic Animal to the Pound,
- (iii) issue a Remedial Order to an Owner of any Domestic Animal which has exhibited Threatening Behaviour, caused or is alleged to have caused a Severe Injury, or has otherwise contravened any Section of this Bylaw. The Remedial Order may:
 - (a) Direct the Owner to stop doing something or change the way in which the Owner is doing it,
 - (b) Direct the Owner to take any action or measures necessary to remedy the contravention of this Bylaw including but not limited to:
 - 1. submitting the Dog for a Behaviour Assessment,
 - 2. complying with any recommendations made by the Dog Trainer who conducted the Behaviour Assessment,
 - 3. attending training sessions with the Dog conducted by a Dog Trainer,
 - 4. requiring secure fencing on the Owner's property that includes security measures such as a locked gate;
 - 5. taking any such quarantine measures as the Officer deems necessary,
 - (c) state a time within which the Owner must comply with the directions, and

- (d) state that if the Owner does not comply with the directions within a specified time, the City will take the action or measure at the expense of the Owner.
- 8.7 (i) Any Person who receives a Remedial Order may request a review of the Remedial Order by the Appeal Board in accordance with Section 547 of the ***Municipal Government Act***, R.S.A. 2000 Chapter M-26, and any amendments thereto, by filing a written request for review of the Remedial Order together with a fee set out by the *User Fees and Charges Bylaw* within fourteen (14) days of receipt of the Remedial Order. The request for review shall set out the grounds for the request.¹¹
- (ii) Within thirty (30) days after receipt of the request for review, the Appeal Board shall hold a hearing to review the Remedial Order and may confirm, vary, substitute or cancel the Remedial Order and shall issue a written decision, including reasons for the decision, to the Person who requested the review.
- (iii) Any Person affected by the decision of the Appeal Board may appeal the decision to the Court of Queen's Bench in accordance with Section 548 of the ***Municipal Government Act***, R.S.A. 2000 Chapter M-26, and any amendments thereto.
- 8.8 If any Captured or impounded Domestic Animal or Prohibited Animal is injured or in distress, the Peace Officer shall take the Domestic Animal or Prohibited Animal to a Veterinarian for treatment prior to delivering the Domestic Animal or Prohibited Animal to the Pound.
- 8.9 The Peace Officer shall deliver a Prohibited Animal to the appropriate Pound facility to receive the necessary care, food, water, shelter and veterinary care.
- 8.10 Where a Domestic Animal or Prohibited Animal is Captured and impounded, the Officer shall take reasonable steps to locate the Owner of the Domestic Animal or Prohibited Animal. Where the Owner can be located, the Officer shall, within forty-eight (48) hours of ascertaining the name of the Owner, serve the Owner with a written notice of the actions taken in respect of the Animal or Prohibited Animal. The notice shall be served on the Owner personally or by mailing the notice to the last known address of the Owner firstly, as shown on the Dog License/Renewal, or secondly, as the address appears on the City's tax roll. The notice shall contain the date of impoundment, conditions of reclaiming the Animal and the location of the Pound.
- 8.11 Notice given pursuant to Section 8.10 shall be deemed served upon actual personal service of the notice on the Owner or seven (7) days within Alberta or fourteen (14) days within any other Province or Territory in Canada from the date

¹¹ Bylaw B-44/2023

of mailing the notice to the Owner via regular mail to the Owner's last known address firstly, as shown on the Dog License/Renewal, or secondly, as it appears on the City's tax roll.

- 8.12 No Person shall interfere with an Officer in the exercise of his or her powers and duties pursuant to this Bylaw.
- 8.13 No Person, whether or not he/she is the Owner of a Domestic Animal or Prohibited Animal which is being or has been Pursued or Captured, shall:
- (i) induce the Domestic Animal or Prohibited Animal to enter a house, building or other place where the animal may be safe from Capture;
 - (ii) falsely represent him/herself as being in charge or control of an Domestic Animal or Prohibited Animal so as to establish that the Domestic Animal or Prohibited Animal is not Running at Large, or;
 - (iii) unlock or unlatch or otherwise open a Motor Vehicle in which the Domestic Animal or Prohibited Animal is kept for impoundment having been placed so as to allow or attempt to allow any Domestic Animal or Prohibited Animal to escape therefrom.

False Information:

- 8.14 No Person shall provide false or misleading information to any Officer, the City Manager or the Pound Keeper.

Impoundment of Animals and Prohibited Animals:

- 8.15 Airdrie Municipal Enforcement may only sell, gift or humanely euthanize an impounded Domestic Animal or Prohibited Animal after the longer of the following applicable time periods have expired:
- (i) after a Domestic Animal or Prohibited Animal has been retained by the City for a minimum of:
 - (a) ten (10) days or seventeen (17) if mailed, not including weekends, holidays or days that the City is closed, after the Owner has received notice that the Domestic Animal or Prohibited Animal has been impounded, when the name and address of the Owner are known; or
 - (b) three (3) days, not including weekends, holidays or days that the City is closed, if the name and address of the Owner is not known, after the date upon which the Domestic Animal or Prohibited Animal has been impounded.¹²

¹² Bylaw B-26/2017

- 8.16 Subject to any applicable Court at any time prior to the Domestic Animal or Prohibited Animal being gifted, sold or destroyed, the Domestic Animal or Prohibited Animal may be redeemed by the Owner upon payment to the City of:
- (i) the appropriate impoundment fee as set out in *the User Fees and Charges Bylaw*;¹³
 - (ii) the appropriate License Fee if the Animal is not Licensed; and
 - (iii) the cost of any necessary veterinary treatment provided to the Domestic Animal or Prohibited Animal pursuant to this Bylaw or the **Animal Protection Act**, R.S.A. 2000, Chapter A-41, and any amendments thereto.
- 8.17 Any Person seeking to reclaim or is responsible for a Domestic Animal or Prohibited Animal must provide Airdrie Municipal Enforcement with sufficient proof of ownership of the Domestic Animal or Prohibited Animal.
- 8.18 A Domestic Animal or Prohibited Animal will only be released to the Owner upon provision of sufficient proof of ownership of the Domestic Animal or Prohibited Animal. Any Person seeking to reclaim a Prohibited Animal must contact Airdrie Municipal Enforcement and provide evidence satisfactory to the City that the Prohibited Animal will be permanently removed from the City of Airdrie jurisdiction immediately upon the Owner reclaiming the Prohibited Animal from Airdrie Municipal Enforcement.
- 8.19 The City Manager, or his designate, may gift, sell or humanely euthanize any unclaimed Domestic Animals or Prohibited Animals, which have been in the Pound for longer than the period of time specified in this Bylaw.
- 8.20 The City Manager, or his designate may, before selling an unclaimed seized Domestic Animal, require that the Domestic Animal be spayed or neutered.
- 8.21 The purchaser of a Domestic Animal or Prohibited Animal from the City shall obtain full right and title to the Domestic Animal or Prohibited Animal, and the right and title of the former Owner to the Domestic Animal or Prohibited Animal shall cease.
- 8.22 Notwithstanding anything in this Bylaw, nothing shall prevent a Domestic Animal or Prohibited Animal from being humanely euthanized at any time due to physical illness or injury upon the recommendation of a Veterinarian.

¹³ Bylaw B-44/2023

Offence

8.23 Any Person who contravenes any provision of this Bylaw is guilty of an offence.

General Penalty Provisions

8.24 Any Person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction to a fine of not less than Two Hundred Fifty (\$250) Dollars and not more than Two Thousand Five Hundred (\$2,500) Dollars.

8.25 The specified fine payable in respect of a contravention of a provision of this Bylaw is the amount shown in Schedule "C" attached hereto in respect of that provision.

8.26 Fines for offences not listed in Schedule "C" shall be Two Hundred and Fifty (\$250) Dollars.

8.27 In the case of an offence that is of a continuing nature, a contravention shall constitute a separate offence in respect of each day, or part of a day, on which that offence continues.

8.28 Notwithstanding Section 8.25:

- (i) where any Person has been convicted of a contravention of the same provision of this Bylaw twice within one twelve (12) month period, the specified penalty payable in respect of the second conviction is double the amount shown in Schedule "C" of this Bylaw in respect of that provision, and
- (ii) where any Person has been convicted of a contravention of the same provision of this Bylaw three (3) or more times within one twelve (12) month period, the specified penalty payable in respect of the third or subsequent conviction is triple the amount shown in Schedule "C" of this Bylaw in respect of that provision.

8.29 If a Domestic Animal is involved in a contravention of this Bylaw, the Owner of that Domestic Animal is guilty of an offence.

Violation Ticket

8.30 An Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part II of the **Provincial Offences Procedure Act**, R.S.A. 2000, Chapter P-34, and any amendments thereto, to any Person who the Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

- 8.31 A Violation Ticket may be issued to such Person:
- (i) either personally; or
 - (ii) by mailing a copy to such Person at his/her last known postal address based firstly, on the Dog License/Renewal, or secondly, the address as it appears on the tax roll of the Owner's Property. The Violation Ticket is deemed to be received fourteen (14) days after mailing; or
 - (iii) upon retrieval of the Owner's Dog from the Pound.

Miscellaneous

- 8.32 This Bylaw does not apply to a Service Dog working with an Officer while the Dog is in active service.
- 8.33 Nothing in this Bylaw relieves a Person from complying with any federal or provincial law or regulation, other bylaw or any requirements of any lawful permit, order, consent or other direction.
- 8.34 Where this Bylaw refers to another Act, Regulation or agency, it includes reference to any Act, Regulation or agency that may be substituted therefore.
- 8.35 Every provision of this Bylaw is independent of all other provisions, 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.
- 8.36 It is the intention of Council that all offences created by this Bylaw be interpreted to be strict liability offences.

PART IX - GENERAL

Other Fees¹⁴

- 9.1 The following fees are hereby established:
- (i) for shelter, feeding, and care of the Dog or Prohibited Animal while impounded, the amounts set out in *the User Fees and Charges Bylaw*;
 - (ii) for any required veterinary treatment, including drugs and medicines, the actual costs of the treatment; and
 - (iii) for a replacement License tag, the amount set out in *the User Fees and Charges Bylaw*.

¹⁴ Bylaw B-44/2023

Certified Copy of Record

- 9.2 A copy of a record of the City, certified as a true copy of the original, shall be admitted in evidence as prima facie proof of the facts stated in the record without proof of the appointment or signature of the Person signing it.

Civil Action Not Affected

- 9.3 Nothing in this Bylaw limits the right of any Person to prosecute a claim for damages by reason of injuries to Person or property resulting from any action of the Owner of any Domestic Animal or Prohibited Animal or from the action of any agent of the Owner.

RECOVERY OF ENFORCEMENT COSTS

- 9.4 (i) The expenses and costs of any action or measures taken by the City under this Bylaw are an amount owing to the City by the Person in contravention of this Bylaw.
- (ii) Where any contravention of this Bylaw occurred on property to which the Owner is the registered owner, any unpaid expenses or costs may be added to the tax roll of that property in accordance with the ***Municipal Government Act***, R.S.A. 2000, Chapter M-26, and any amendments thereto.
- (iii) The expenses and costs incurred by the City in the enforcement of this Bylaw may be collected as a civil debt.

ORDERS BY A JUSTICE

- 9.5 Orders by a Justice
- (i) A Justice, after convicting an Owner of an offence under this Bylaw may, if the Justice considers the offence sufficiently serious, direct, order, or declare one or more of the following:
- (a) that the Owner prevent the Dog from doing mischief or causing the disturbance or nuisance complained of;
- (b) that the Owner pay for any expenses or costs incurred by any Person including but not limited to the City as a result of the Owner's offence;
- (c) that the Dog is a Vicious Dog;
- (d) that the Dog be destroyed; or

- (e) that the Owner be prohibited from owning any Dog for a specified period of time.

PART X- TRANSITIONAL.

Existing License

- 10.1 An existing License issued under Dog Control Bylaw No. 788 remains valid until the term of such license expires.

General

- 10.2 Regulations regarding Cats come in to effect January 1, 2017.

Repeal of Bylaws

- 10.3 Dog Control Bylaw No. 788 and Bylaw No. 532 and any amendments thereto are hereby repealed in their entirety.

Read a first time this 6th day of September, 2016.

Read a second time this 6th day of September, 2016.

Read a third time this 3rd day of October, 2016.

Executed this 3rd day of October, 2016.

"P. Brown"
Mayor

"S. Pollyck"
City Clerk

Consolidated on 12/28/2023

Charlotte Satink
City Clerk

SCHEDULE "A"¹⁵

Deleted

¹⁵ Bylaw B-31/2019; Bylaw B-42/2020; Bylaw B-55/2022; Bylaw B-44/2023

SCHEDULE "B"¹⁶

Deleted

¹⁶ Bylaw B-44/2023

Animal Control Bylaw, B-33/2016
Includes amendments up to December 18, 2023

**SCHEDULE "C" – FINES
OFFENCE PENALTIES**

FIRST OFFENCE*	SECTION	MINIMUM PENALTY	SPECIFIED PENALTY
Unlicensed Dog	4.1	\$150	\$250
Dog not wearing a License	4.3	\$50	\$75
Limit on Dogs	4.5	\$150	\$250
Unlicensed Cat	4.8	\$150	\$250
Cat Not Wearing License	4.10	\$50	\$75
Limit on Cats	4.12	\$150	\$250
Limit on Vicious Dogs	4.20	\$150	\$250
Providing false information/Fail to provide information for License	4.24	\$350	\$500
Domestic Animal Running at Large	5.4	\$150	\$250
Causing a Dog to Run at Large	5.5	\$150	\$250
Not leaving an Off Leash Area when ordered by Officer or returning prior to 72 hours	5.14	\$100	\$250
Defecation on public or private property	5.22	\$250	\$350
Defecation on Owner's property	5.23	\$150	\$250
Dog Outside of a Passenger Vehicle	5.27	\$50	\$250
Areas Where Dogs are not Allowed	5.34	\$150	\$250
Bark at, or chase other Animals, Wildlife, Livestock or other domesticated household pets, in a threatening manner	5.37(i)	\$200	\$300
Bark at, or chase bicycles, motor vehicles, or other) vehicles	5.37(ii)	\$100	\$200
Chase or threaten a person whether on the property of the Owner or not	5.37(iii)	\$300	\$400

FIRST OFFENCE*	SECTION	MINIMUM PENALTY	SPECIFIED PENALTY
Bite or cause damage to property, animals, Wildlife, Livestock or other domesticated household pets, whether on the property of the Owner or not	5.37(iv)	\$250	\$350
Animal Injures a person whether on the property of an Owner or not	5.37(v)	\$300	\$500
Animal Bite a Person whether on the property of an Owner or not	5.37(vi)	\$400	\$700
Animal Attack a Person whether on the property of the Owner or not	5.37(vii)	\$800	\$1400
Animal Bite or Attack a Person causing Severe Injury	5.37(viii)	\$1,200	\$2,000
Cause Severe Injury to a Domestic Animal, Wildlife, Livestock or other domesticated household pets	5.37(ix)	\$500	\$800
Cause death to another Domestic Animal, Wildlife, Livestock or other domesticated household pets	5.37(x)	\$800	\$1200
Improper use of a cat trap	5.43	\$250	\$350
Prohibited Animals	6.20	\$250	\$500
Prohibited Livestock	6.21	\$250	\$500
Tease, torment or annoy an animal	7.3	\$50	\$250
Interfere with an Officer	8.12	\$250	\$500
Pursued or Capture	8.13	\$250	\$500
Providing false or misleading information to Officer, City Manager or Pound Keeper	8.14	\$750	\$1,000

*In the event of a second offence with a twelve (12) month period, the Penalty in Lieu of Prosecution and the Specified Penalty shall double. In the event of a third offence within a twelve (12) month period, the Penalty in Lieu of Prosecution and the Specified Penalty shall triple.

**SCHEDULE "D" - FINES
VICIOUS DOG PENALTIES**

FIRST OFFENCE*	SECTION	MINIMUM PENALTY	SPECIFIED PENALTY
Unlicensed Vicious Dog	4.15	\$250	\$500
Not wearing a license	4.17	\$50	\$100
Damage or destroy Property	5.26	\$1,000	\$1,500
Bark at, or chase other Animals, Wildlife, Livestock or other domesticated household pets, in a threatening manner	5.37(i)	\$400	\$600
Bark at, or chase bicycles, motor vehicles, or other vehicles	5.37(ii)	\$200	\$400
Chase or threaten a Person whether on the property of the Owner or not	5.37(iii)	\$600	\$800
Bite or cause damage to property, animals, Wildlife or Livestock or other domesticated household pets, whether on the property of the Owner or not	5.37(iv)	\$500	\$700
Injures a Person whether on the property of the Owner or not	5.37(v)	\$600	\$1,000
Bite a Person or Persons, whether on the property or not	5.37(vi)	\$800	\$1,400
Attack a Person or Persons, whether on the property of the Owner or not	5.37(viii)	\$1,600	\$2,800
Bite or Attack a Person or Persons, whether on the property of the Owner or not	5.37(viii)	\$2,400	\$4,000
Cause Severe Injury to a Domestic Animal, Wildlife, Livestock or other domesticated household pets	5.37(ix)	\$1,000	\$1,600
Cause death to another Domestic Animal, Wildlife, Livestock or other domesticated household pets	5.37(x)	\$1,600	\$2,400
Vicious Animal- Running at Large	5.4	\$1,000	\$1,500
Not Surrendering a Dog	6.5	\$250	\$500

FIRST OFFENCE*	SECTION	MINIMUM PENALTY	SPECIFIED PENALTY
Fail to notify Municipal Enforcement of sale, gift, transfer or death of Vicious Dog	6.12	\$250	\$500
Fail to notify Municipal Enforcement of Vicious Animal Running at Large	6.13	\$1,000	\$1,500
Fail to keep a Vicious Animal confined	6.14	\$1,000	\$1,500
Fail to keep a Vicious Animal Muzzled, harnessed or Leashed properly	6.15	\$1,000	\$1,500
Vicious Animal in Off Leash area	6.17	\$1,000	\$1,500
Failure to complete Dog Training	8.6	\$1,000	\$1,500

**SCHEDULE 'E' CAT TRAPPING
PROCEDURE AND GUIDELINES:**

1. A resident of Airdrie over the age of 18, who suspects that damage has been done as a result of a stray cat, may telephone Municipal Enforcement and voice a complaint, requesting a cat trap. If no cat traps are available, the resident will be invited to provide his/her contact information and become part of the waiting list.
2. When a trap is available, the Complainant will be asked to attend the policing building. The complainant will provide the deposit and sign the cat trap agreement provided by Municipal Enforcement. Municipal Enforcement will then provide a cat trap to the Complainant for a period of 72 hours.
3. The Complainant will be required to pay a \$100.00 deposit to borrow the cat trap from Municipal Enforcement. This deposit will be returned to the Complainant at such time as the trap is returned and is found to be in the same condition it was at the time it was obtained from Municipal Enforcement.
4. If a Complainant is disabled and therefore unable to pick up the cat trap, Municipal Enforcement will deliver the trap to the Complainant's property. The trap will be collected 72 hours later or the complainant may call Municipal Enforcement to pick it up, should a cat be caught. No fee shall be charged to such Complainant.
5. The Complainant will set the cat trap in a place shaded from the hot sun, on the premises of the Complainant for a period of not more than 72 hours, after which time he will return the trap to Municipal Enforcement.
6. It is the responsibility of the Complainant to check the trap hourly, or as approved by Municipal Enforcement. If a cat is caught, the Complainant must bring the cat and the trap to Municipal Enforcement within 4 hours following the trapping.
7. Should an animal other than a cat be caught in the trap, it is the responsibility of the Complainant to release the animal from the trap prior to bringing the trap back to Municipal Enforcement. Municipal Enforcement will only receive a cat trap if it is empty or contains a cat. No other animals will be accepted by Municipal Enforcement.
8. Pursuant to Section 542 of the Municipal Government Act, Municipal Enforcement may enter and inspect the premises of the Complainant and ascertain if a cat trap has been properly placed or set and if a cat has been trapped.
9. The Complainant shall not leave a trap set on his property unattended when absent therefrom for any period of time whatsoever, except as approved by Municipal Enforcement.

10. The Complainant shall check the trap prior to 7:00 p.m. each night that the trap is on his property and, if no animal is caught, he shall, unless otherwise approved by Municipal Enforcement, trip the trap and render it harmless until 6:30 a.m. the following day, when the Complainant may again set the trap.
11. At such time as Municipal Enforcement takes possession of a trapped cat, Municipal Enforcement will try to locate an identifying tag or tattoo on the cat and, if found, will make every effort to contact the Owner of the cat in order to report that it has been impounded by Municipal Enforcement.
12. If an identification tag or tattoo cannot be found on the impounded cat, Municipal Enforcement will keep the cat for a period of at 10 days and, after that time, as space permits. After said 10 day period, it shall be at the discretion of Municipal Enforcement as to whether or not the trapped cat shall be kept, sold to a new owner, or be euthanized. However, notwithstanding the care taken to ensure return of an Owner's cat, if a trapped cat shall be found by Municipal Enforcement to be wild and dangerous and/or seriously injured, it may be euthanized immediately upon being impounded by Municipal Enforcement.
13. At such time as a cat owner attends at Municipal Enforcement for the purpose of picking up his or her cat which was running at large, an offence ticket will be issued in accordance with this Bylaw.
14. It is the responsibility of the Complainant to ensure, once a cat is trapped on his property that said cat shall not be abused contrary to section 7.3 of this Bylaw, by anyone on his property or anyone coming onto his property.
15. Any person seeing a trapped cat being abused is encouraged to telephone and report the abuse to Municipal Enforcement. Municipal Enforcement will immediately attend at the premises where the abuse has taken place and will remove the cat and the trap forthwith.
16. Municipal Enforcement will not provide service after normal business hours.
17. No cat traps will be provided by Municipal Enforcement to a Complainant when weather conditions are, or are forecast to be, colder than 0°C or hotter than 25°C within the 72 hour period from the time of issue. Cat trapping is only permitted between May 1st and October 31st. Traps will not be provided in extreme weather conditions.
18. Any person who abuses, teases, or pokes an animal in a cat trap or is causing pain, suffering, or injury to any animal may be charged with an offence under section 2(1.1) of the *Animal Protection Act*.

SCHEDULE "F"
DR. IAN DUNBAR'S AGGRESSION SCALE

ASSESSMENT OF THE SEVERITY OF BITING PROBLEMS BASED ON AN OBJECTIVE EVALUATION OF WOUND PATHOLOGY	
Level 1	Dog growls, lunges, snarls - no teeth touch skin. Mostly intimidation and/or threatening behaviour.
Level 2	Teeth touch skin but no puncture. May have red mark and/or minor bruise from dog's head or snout, may have minor scratches from paws and/or nails. Minor surface abrasions or lacerations.
Level 3	Punctures one (1) to three (3) holes, single Bite. No tearing or slashes. Victim not shaken side to side. Bruising
Level 3.5	Multiple Level 3 Bites.
Level 4	Two (2) to four (4) holes from a single Bite, typically contact and/or punctures from more than canines, considerable bruising. Black bruising, tears and/or slashing wounds. Dog clamped down and held and/or shook head from side to side.
Level 5	Multiple Bites at Level 4 or above. A concerted, repeated Attack causing Severe Injury.
Level 6	Any Bite resulting in death of an Animal.

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