

**TOWN OF SYLVAN LAKE
BYLAW NO. 1826/2021**

**BEING A BYLAW OF THE TOWN OF SYLVAN LAKE, IN THE PROVINCE OF ALBERTA,
FOR THE PURPOSE OF LICENSING, CONTROLLING AND REGULATING CERTAIN
ANIMALS**

WHEREAS, pursuant to section 7 of the *Municipal Government Act* a council may pass bylaws for municipal purposes respecting:

- a) the safety, health and welfare of people and the protection of people and property;
- b) wild and domestic animals and activities in relation to them; and
- c) the enforcement of bylaws;

AND WHEREAS, pursuant to section 8 of the *Municipal Government Act* a council may in a bylaw:

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

NOW THEREFORE, the Council of the Town of Sylvan Lake, duly assembled, enacts as follows:

PART 1 - TITLE, DEFINITIONS AND INTERPRETATION

1. Short Title

- 1.1 This Bylaw may be cited as the "Responsible Animal Ownership Bylaw".

2. Definitions

- 2.1 In this Bylaw:

- (a) "Aggressive Dog" means any Dog designated as such in accordance with Part 6 of this Bylaw or as a Dangerous Dog pursuant to the *Dangerous Dogs Act*;
- (b) "Animal" means any Dog or Cat or Hen, as the context requires;
- (c) "Animal Shelter" means the facility or facilities designated by the Town as the location for the impoundment and care of Animals subject to this Bylaw;
- (d) "At Large" means any Animal that is present at any place other than the Owner's Property and which is not being carried by a Person or which is not otherwise restrained or under physical control of a Person by means of some form of restraining device securely holding that Animal;
- (e) "Cat" means a member of the species "Felis Catus" (commonly referred to as the domestic, house, farm or feral cat);

- (f) "Cat Trap" means any device designed to trap and contain a Cat in a humane manner without injuring or killing the Cat;
- (g) "Chief Administrative Officer" or "CAO" means the individual appointed by Council as the chief administrative officer of the Town, or their delegate;
- (h) "Coop" means a fully enclosed weatherproof structure and Outdoor Enclosure used for the keeping of Urban Hens that is no larger than 10 m² in floor area, and no more than 2.4 m in height;
- (i) "Council" means the Council of the Town;
- (j) "Dog" means a member of the species "Canis Lupus Familiaris" (commonly referred to as the domestic dog);
- (k) "Guide Dog" has the same meaning as in the *Blind Persons' Rights Act*;
- (l) "Hen / Urban Hen" means a domesticated female chicken;
- (m) "Hen Licence" means a licence issued by the CAO pursuant to this Bylaw authorizing the licence holder to keep Urban Hens on a specific property within an Urban Area;
- (n) "Licence Tag" means an identification tag of metal or other material issued by the Town showing the Licence number of a specific Dog or Cat;
- (o) "Motor Vehicle" has the same meaning as in *Traffic Safety Act*;
- (p) "Municipal Tag" means a tag or similar document issued by the Town under the *Municipal Government Act* that alleges a bylaw offence and provides a Person with the opportunity to pay an amount to the Town in lieu of prosecution for the offence;
- (q) "Owner" means:
 - (i) in the case of land, any Person registered under the *Land Titles Act* as the owner of the fee simple estate in a parcel of land; or
 - (ii) in the case of personal property, any Person who has lawful possession or the right to exercise control over it or to be the registered owner of it and, for greater certainty includes any Person:
 - i. who has the care, charge, custody, possession or control of an Animal;
 - ii. who owns or claims a proprietary interest in an Animal;
 - iii. who harbours, suffers, or permits an Animal to be present on any property owned or under their control;
 - iv. who claims and receives an Animal from the custody of an Animal Shelter or a Peace Officer; or
 - v. to whom a Licence Tag was issued for a Dog or Cat in accordance with this Bylaw; and

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

- (r) "Outdoor Enclosure" means a securely enclosed, roofed outdoor area attached to and forming part of a Coop having a bare earth or vegetated floor for Urban Hens to roam;
- (s) "Owner's Property" means private property owned by or under the control or possession of an Owner of an Animal;
- (t) "Peace Officer" has the same meaning as in the *Provincial Offences Procedure Act*;
- (u) "Person" means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative;
- (v) "Registered Veterinarian" has the same meaning as in the *Veterinary Professions Act*;
- (w) "Rooster" means a domesticated male chicken;
- (x) "Secure Enclosure" means a building, cage, or other enclosure for retaining an Animal, which has a secure top and bottom, and which prohibits an Animal from jumping, climbing, digging or using any other means to exit the enclosure, and which is capable of prohibiting the entry of young children into the enclosure;
- (y) "Serious Wound" means an injury resulting from an Animal attack which causes a breaking of the skin or the flesh to be torn;
- (z) "Service Dog" has the same meaning as in the *Service Dogs Act*;
- (aa) "Town" means the municipal corporation of the Town of Sylvan Lake;
- (bb) "Urban Area" means lands located within the Town on which agriculture operations, including but not limited to the keeping of livestock, are neither a permitted or discretionary use under the Town's Land Use Bylaw;
- (cc) "Violation Ticket" has the same meaning as in the *Provincial Offences Procedure Act*.

3. Rules of Interpretation

- 3.1 Nothing in this Bylaw relieves a Person from complying with any provision of any Provincial or Federal legislation or regulation, other bylaw or any requirement of any lawful permit, order or licence.
- 3.2 The headings in this Bylaw are for guidance purposes and convenience only.
- 3.3 Every provision in this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
- 3.4 Any reference to the provisions of a statute of Alberta is a reference to that statute as amended, from time to time.

PART 2 - DOG AND CAT LICENCING

4. Requirement to Licence

- 4.1 Every Person who resides within the Town and who is the Owner of a Dog or Cat that is over the age of six (6) months shall apply for a licence by:
- (a) submitting a completed application on the form approved by the Chief Administrative Officer; and
 - (b) paying a licence fee as provided in the Fees and Charges Bylaw.
- 4.2 Every Person who resides in the Town and becomes an Owner of a Dog or Cat that is over the age of six (6) months, or who takes up residence within the Town and who is the Owner of a Dog or Cat that is over the age of six (6) months, shall apply for a licence as set out in this Part, within thirty (30) days of becoming the Owner of such Dog or Cat, or of taking up residence in the Town.
- 4.3 A licence under this Bylaw must be renewed on an annual basis by paying the applicable licence fee to the Town office prior to January 1st in each year.
- 4.4 The Owner of a Dog or Cat that has been duly licenced under this Bylaw may obtain a replacement Licence Tag for one that has been lost or damaged upon payment of the replacement Licence Tag fee as set out in the *Fees and Charges Bylaw*.
- 4.5 No Person is entitled to a refund or a rebate for any licence fee.
- 4.6 The onus of proving a Person has a valid and subsisting licence is on the Person alleging its existence.
- 4.7 An Owner of an unlicenced Dog or Cat is guilty of an offence.

5. Transferability, Possession of Licence Tag

- 5.1 A licence issued under this Part is not transferable from one Dog or Cat to another or from one Owner to another.
- 5.2 Every Owner shall ensure that the Licence Tag is securely fastened to a collar or harness worn by the Dog or Cat at all times while the Dog or Cat is off of the Owner's Property.
- 5.3 An Owner of a licenced Dog or Cat is guilty of an offence if the Dog or Cat is not wearing a Licence Tag while that Dog or Cat is off of the Owner's Property, regardless of whether the Dog or Cat is accompanied by the Owner.

6. Exemptions From Licensing Requirement

- 6.1 The provisions of this Part do not apply to the following:
- (a) Owners of Dogs or Cats temporarily visiting the Town for a period not exceeding four (4) consecutive weeks;

- (b) Not-for-profit associations, not-for-profit corporations, and government organizations engaged in the provision of specialized Dog services, including but not limited to Service Dogs, Guide Dogs, police Dogs, or search and rescue Dogs;
- (c) Persons holding an identification card proving ownership of a Service Dog or a Guide Dog for their use;
- (d) Dogs or Cats under six (6) months in age.

PART 3 - RESTRICTIONS

7. Number of Dogs and Cats

- 7.1 No Person shall keep or have more than three (3) Dogs and three (3) Cats on any land, house, shelter, room, place, building, structure, or property within the Town, unless:
- (a) the property is lawfully used for the care and treatment of Animals, operated by or under the charge of a Registered Veterinarian;
 - (b) the Person is the holder of a valid and subsisting development permit issued pursuant to the Town's Land Use Bylaw authorizing the operation of a kennel or similar facility;
 - (c) the property is temporarily being used for the purposes of an authorized Dog or Cat show;
 - (d) the Dogs or Cats in excess of the limit are under six (6) months of age and are the offspring of a licenced Dog or Cat residing at the same location;
 - (e) the Owner is a not-for-profit association, not-for-profit corporation or government organization engaged in the provision of specialized Dog services, including but not limited to Service Dogs, Guide Dogs, police Dogs, and search and rescue Dogs; or
 - (f) the Owner of the Dog or Cat that is in excess of the limit is temporarily visiting a resident of the Town for a period not exceeding four (4) consecutive weeks.
- 7.2 Any Person who keeps more than three (3) Dogs and three (3) Cats within the Town in a manner contrary to this Part is guilty of an offence.

PART 4 - URBAN HENS

8. Prohibitions

- 8.1 In an Urban Area, no Person shall:
- (a) keep a Rooster; or
 - (b) keep a Hen, other than an Urban Hen for which a valid Hen Licence has been issued.
- 8.2 A Person who fails to comply with section 8.1 is guilty of an offence.

9. Hen Licence

9.1 A Person may apply to keep no more than four (4) Urban Hens by:

- (a) submitting a completed application on the form approved by the Chief Administrative Officer; and
- (b) paying a licence fee as provided in the *Fees and Charges Bylaw*.

9.2 The Chief Administrative Officer may not issue or renew a Hen Licence unless the Chief Administrative Officer is satisfied that:

- (a) the applicant is the Owner of the property on which the Urban Hens will be kept, or that the Owner of the property has provided written consent to the application;
- (b) the land use districting of the property on which the Urban Hens will be kept allows the placement of a Coop for the keeping of Urban Hens;
- (c) the applicant resides on the property on which the Urban Hens will be kept;
- (d) the applicable fee has been paid; and
- (e) all other information required by the Chief Administrative Officer has been provided.

9.3 The Chief Administrative Officer may refuse to grant or renew a Hen Licence for the following reasons:

- (a) the applicant or licence holder does not or no longer meets the requirements of this Bylaw for a Hen Licence;
- (b) if the applicant or licence holder:
 - (i) furnishes false information or misrepresents any fact or circumstance to the Chief Administrative Officer or a Peace Officer;
 - (ii) has, in the opinion of the Chief Administrative Officer, based on reasonable grounds, contravened this Bylaw whether or not the contravention has been prosecuted;
 - (iii) fails to pay a fine imposed for a contravention of this Bylaw or any other applicable Bylaw related to the keeping of Urban Hens; or
 - (iv) fails to pay any fee required by this Bylaw or any other applicable Bylaw related to the keeping of Urban Hens.
- (c) if, in the opinion of the Chief Administrative Officer, it is in the public interest to do so.

9.4 A Hen Licence is valid only for the period January 1 to December 31 in the year for which it is issued.

- 9.5 A Hen Licence is not transferable from one person to another or from one property to another.
- 9.6 A Person to whom a Hen Licence has been issued shall produce the licence at the demand of the Chief Administrative Officer or a Peace Officer.

10. Keeping of Urban Hens

10.1 A Person who keeps Urban Hens must:

- (a) provide each Hen with at least 0.37 m² of interior floor area, and at least 0.92 m² of Outdoor Enclosure, within the Coop;
- (b) place the Coop in a rear yard no less than 0.9 m from the side and rear boundaries;
- (c) provide and maintain, in the Coop, at least one nest box per Coop and one perch per Hen, that is at least 15 cm long;
- (d) keep each Hen in the Coop at all times;
- (e) provide each Hen with food, water, shelter, light, ventilation, care, and opportunities for essential behaviours such as scratching, dust-bathing, and roosting, all sufficient to maintain the Hen in good health;
- (f) maintain the Coop in good repair and sanitary condition, and free from vermin and noxious or offensive smells and substances;
- (g) construct and maintain the Coop to prevent any rodent from harbouring underneath or within it or within its walls, and to prevent entrance by any other animal;
- (h) keep a food container and water container in the Coop;
- (i) keep the Coop secured from sunset to sunrise;
- (j) remove leftover feed, trash, and manure in a timely manner;
- (k) store feed within a fully enclosed container;
- (l) store manure within a fully enclosed container, and store no more than 3 cubic feet of manure at a time;
- (m) remove all other manure not used for composting or fertilizing and dispose of same in accordance with Town bylaws;
- (n) follow biosecurity procedures recommended by the Canadian Food Inspection Agency to reduce potential for disease outbreak; and

(o) keep Hens for personal use only.

10.2 No Person who keeps Urban Hens shall:

(a) sell eggs, manure, meat, or other products derived from Hens;

(b) slaughter a Hen; or

(c) keep a Hen in a cage, kennel, or any shelter other than a Coop.

10.3 A Person who fails to comply with sections 10.1 or 10.2 is guilty of an offence.

PART 5 – GENERAL OFFENCES

11. Control and Noise

11.1 An Owner of an Animal is guilty of an offence if the Animal:

(a) is At Large;

(b) barks, howls, or otherwise makes such noise so as to, in the opinion of a Peace Officer, unreasonably disturb the peace of any Person;

(c) threatens, attacks, bites, injures or otherwise harasses any Person;

(d) threatens, attacks, bites, chases, injures or otherwise harasses any other Animal;

(e) causes the death of another Animal;

(f) chases a Motor Vehicle, Person on a bicycle, Person on horseback, or Person that is walking or running; or

(g) causes damage to property.

11.2 The Owner of an Animal is guilty of an offence if the Animal enters into a public bathing, swimming, or wading pool.

11.3 The Owner of a Dog that allows or permits that Dog to be present at any location, whether public or private property, where a sign prohibits the presence of Dogs, is guilty of an offence.

11.4 Sections 11.2 and 11.3 do not apply to a Service Dog or Guide Dog in the possession and control of an Owner who holds an identification card proving ownership of the Service Dog or Guide Dog for his or her use.

11.5 Any Person who, without the knowledge or consent of the Owner, unties, loosens or otherwise frees an Animal that was tied or otherwise restrained, or opens a gate, door or opening in a fence or Coop or Secure Enclosure in which an Animal has been confined, thereby allowing the Animal to be At Large, is guilty of an offence.

12. Hygiene

- 12.1 Where an Animal has defecated on any public or private property, other than the Owner's Property, the Owner shall remove such defecation immediately and failure to do so shall constitute an offence.
- 12.2 An Owner whose Animal has upset a waste receptacle, causing its contents to be scattered in or about a street, lane or property other than the Owner's Property, is guilty of an offence.
- 12.3 An Owner's Property shall be maintained in a clean and sanitary condition and an Owner shall take such steps as are necessary to prevent the presence of nuisances, including but not limited to:
- (a) the accumulation of fecal matter in an amount which, in the opinion of a Peace Officer, is excessive; and
 - (b) offensive or noxious odours arising as a consequence of the keeping of an Animal on the Owner's Property.
- 12.4 An Owner who fails to maintain property in accordance with section 12.3 is guilty of an offence.
- 12.5 An Owner of a female Dog in estrus (also known as being "in heat") who does not contain or restrain that Dog, both on and off the Owner's Property, in a manner sufficient to avoid attracting other Animals, is guilty of an offence.

13. Care

- 13.1 No Person shall:
- (a) tease, torment, provoke, abuse, or injure any Animal;
 - (b) leave an Animal unattended in or on a Motor Vehicle, without proper protection from the elements or in a manner that places the Animal at risk of harm; or
 - (c) fail to properly secure an Animal inside or on a Motor Vehicle while it is in motion or while it is parked to ensure that the Animal is unable to fall out of or leave the Motor Vehicle.

PART 6 – AGGRESSIVE DOG

14. Declaration of Aggressive Dog

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

- (b) has inflicted a Serious Wound upon another Animal or human;
- (c) has been the subject of an order or direction of a Justice or Judge, pursuant to the *Dangerous Dogs Act*; or
- (d) is a continuing threat of serious harm to any human or other Animal.

14.2 Where the Chief Administrative Officer determines that a Dog is an Aggressive Dog, the Chief Administrative Officer shall:

- (a) serve the Owner of the Dog with a written notice that the Dog has been declared to be an Aggressive Dog;
- (b) direct the Owner to keep the Aggressive Dog in accordance with the provisions of section 16, and provide the Owner with a time limit for compliance; and
- (c) inform the Owner that, if the Aggressive Dog is not kept in accordance with section 16, the Owner may be fined, or subject to enforcement action pursuant to this Bylaw.

15. Review of Declaration

15.1 The Owner of a Dog declared an Aggressive Dog may, within fourteen (14) days after the date the written notice of the declaration is received, and upon payment of the fee as set out in the *Fees and Charges Bylaw*, request in writing that the declaration be reviewed by Council. Council is not obligated to conduct an oral hearing of the review and may instead conduct the review based on written material provided by the Chief Administrative Officer and the Owner.

15.2 Upon a request to review the declaration pursuant to section 15.1, Council may:

- (a) uphold the declaration of the Dog as an Aggressive Dog;
- (b) cancel the Aggressive Dog declaration; or
- (c) uphold the declaration of the Dog as an Aggressive Dog and vary the conditions for harbouring the Dog within the Town.

15.3 The decision of Council shall be provided to the Owner in writing, with reasons, within fourteen (14) days of Council conducting the review and may be served personally or by registered mail on the Owner.

16. Requirements of an Owner of an Aggressive Dog

16.1 The Owner of an Aggressive Dog shall:

- (a) licence the Dog as an Aggressive Dog and follow the procedures set out in Part 2, which includes paying the applicable fee for an Aggressive Dog as set out in the *Fees and Charges Bylaw*;
- (b) maintain in force a policy of liability insurance in a form satisfactory to the Town providing third party liability coverage in a minimum amount of one-million

(\$1,000,000.00) dollars for injuries caused by the Owner's Aggressive Dog and no licence shall be issued for an Aggressive Dog unless proof of such insurance coverage is provided to the Town along with the application;

- (c) while the Aggressive Dog is off the Owner's Property, muzzle and secure the Aggressive Dog by means of a restraining device under the physical control of the Owner or a Person over the age of eighteen (18) years with the Owner's consent;
- (d) while the Aggressive Dog is on the Owner's Property, confine the Aggressive Dog within a Secure Enclosure or within the residence of the Owner;
- (e) immediately notify a Peace Officer if the Aggressive Dog is At Large; and
- (f) remain liable for the actions of their Aggressive Dog until proof of sale, gift, transfer or other disposition of the Aggressive Dog is provided to the Town.

16.2 The Owner of an Aggressive Dog shall immediately notify the Town should the policy of liability insurance expire, be cancelled, or terminated and upon the occurrence of such an event, the Aggressive Dog licence shall be null and void unless the Town receives written proof that a new insurance policy has been secured, meeting the requirements of section 16.1(b), within fifteen (15) days of the expiry, cancellation, or termination of the original policy of liability insurance.

16.3 The Chief Administrative Officer may require the Owner of an Aggressive Dog to post a sign at all entrances to the Owner's Property stating "Aggressive Dog".

16.4 An Owner who fails to comply with any provision in this Part is guilty of an offence.

PART 7 – DISEASES

17. Disease Control

17.1 The Owner of an Animal that has caused a Serious Wound, or that the Owner has reason to suspect may have been exposed to rabies or other communicable disease, shall, in addition to any other duty imposed under the *Public Health Act*, immediately inform a Peace Officer:

- (a) of the infliction of the Serious Wound or the suspicion of exposure to rabies or other communicable disease;
- (b) in the case of a Serious Wound, of the name and contact information for the Person that has been wounded or the Owner of the Animal that has been wounded, as applicable; and
- (c) whether the matter has been reported to the local community health centre, Public Health Inspector, or the Medical Officer of Health.

17.2 A Peace Officer that has reasonable grounds to believe that an Animal found At Large may have, or has been, exposed to rabies or another communicable disease may confine that Animal at an Animal Shelter, veterinary facility, or any other location as directed by the Medical Officer of Health or a Public Health Inspector.

17.3 A Peace Officer that has reasonable grounds to believe that an Animal within the Town has, or has been exposed to, rabies or another communicable disease shall report the matter to the Medical Officer of Health or a Public Health Inspector as soon as reasonably possible.

17.4 An Owner of an Animal which is suffering from rabies or another communicable disease or who has been notified by the Town that a Peace Officer has reasonable grounds to believe the Animal has, or has been exposed to, rabies or another communicable disease, shall:

(d) not permit the Animal to be in any public place; and

(e) not keep the Animal in contact with or in proximity to any other Animal.

17.5 An Owner who fails to comply with any provision in this Part is guilty of an offence.

PART 8 - CAT TRAPS

18. Restrictions on Use

18.1 No Person shall use a Cat Trap unless that Person has received the prior written permission of the Town.

18.2 A Person who has obtained a Cat Trap from the Town shall, upon receipt of a request from the Town, return the Cat Trap to the Town in the condition it was received.

18.3 No Person shall use a Cat Trap in a location where, during any period of time that the Cat Trap is in use:

(a) the temperature is, or is forecasted to be, colder than zero (0) degrees Celsius;
or

(b) the Cat Trap is not fully shaded from sunlight.

18.4 A Person using a Cat Trap must, at all times, be present at the premises where the Cat Trap is being used, and must check the Cat Trap no less frequently than once every eight (8) hours.

18.5 A Person using a Cat Trap shall ensure that, at all times that the Cat Trap is in use, there is sufficient cat food and water in the Cat Trap to sustain a captured Cat.

18.6 No Person shall contaminate Cat Trap bait, or any cat food and water placed in a Cat Trap, with any potentially dangerous or poisonous substance.

18.7 A Person who fails to comply with any provision in this Part is guilty of an offence.

19. Notification and Surrender of Captured Cat

19.1 Section 22 applies to a Person who captures a Cat At Large using a Cat Trap.

PART 9 – ENFORCEMENT AND IMPOUNDMENT

20. Authority

20.1 A Peace Officer is, in addition to any other powers or authority granted under this Bylaw or any enactment, authorized to:

- (a) capture and impound in an Animal Shelter any Animal that is At Large;
- (b) take any reasonable measures necessary to subdue any Animal that is At Large, including the use of tranquilizer equipment and materials;
- (c) enter onto lands surrounding any building in pursuit of an Animal while it is At Large; and
- (d) if an Animal is in distress, whether or not as a result of enforcement action taken pursuant to this Bylaw, to take the Animal to a Registered Veterinarian for treatment and, once treated, to transfer the Animal to an Animal Shelter.

21. Costs

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

22. Notification of Animals at Large

22.1 A Person who takes control of any Animal found At Large shall immediately notify a Peace Officer; if there are no identification tags or contact information.

22.2 A Person who takes control of an Animal found At Large shall surrender the Animal to the possession of the Peace Officer.

22.3 A Person who fails to comply with sections 22.1 or 22.2 is guilty of an offence.

23. Impoundment

23.1 Animals impounded in the Animal Shelter shall be kept for a minimum period of Ninety Six (96) hours. In the calculation of the Ninety Six (96) hour period, Saturdays, Sundays, Statutory Holidays and days that the Animal Shelter is not open shall not be included.

23.2 Notwithstanding section 23.1, where an Animal that has been impounded bears a form of identification such as obvious tattoos, brands or marks, or a microchip, tag or licence, the Animal shall be kept by the Animal Shelter a minimum of 30 days from the date the Animal was impounded, in accordance with section 610 of the *Municipal Government Act*.

24. Reclaiming an Impounded Animal

24.1 During the period established in section 23, the Animal may be reclaimed by its Owner, except as otherwise provided in this Bylaw, upon payment to the Town or its authorized agent of:

- (a) the impoundment fee set out in the *Fees and Charges Bylaw*;

- (b) the cost of any veterinary treatment provided in respect of the Animal pursuant to this Bylaw; and
- (c) in the case of an unlicensed Dog, the appropriate licence fee.

24.2 At the expiration of the time period established in section 23, the Chief Administrative Officer is authorized to:

- (a) offer the Animal for sale or as a gift;
- (b) have the Animal euthanized in a humane manner;
- (c) allow the Animal to be redeemed by its Owner in accordance with the provisions of section 24.1; or
- (d) continue to impound the Animal for an indefinite period of time or for such further period of time as the Chief Administrative Officer, in his or her sole and unfettered discretion, may decide.

25. Euthanasia

25.1 Where an Animal has been impounded, if, in the opinion of a Registered Veterinarian, the Animal should be humanely euthanized for medical reasons, a Registered Veterinarian may immediately proceed to humanly euthanize the Animal.

PART 10 – FINES AND PENALTIES

26. Vicarious Liability

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

27. Corporations and Partnerships

27.1 When a corporation commits an offence under this Bylaw, every principal, director, manager, employee or agent of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.

27.2 If a partner in a partnership is guilty of an offence under this Bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.

28. Offences and Penalties

28.1 A Person who contravenes any provision of this Bylaw is guilty of an offence.

- 28.2 A Person who is guilty of an offence is liable to a fine in an amount not less than that established in Schedule "A" and not exceeding \$10,000.00.
- 28.3 Notwithstanding section 28.2, any person who commits a second or subsequent offence under this Bylaw within one (1) year of conviction for a first offence under this Bylaw, is liable on summary conviction to a fine not less than the increased amount set out for the offence in Schedule "A" to this Bylaw.

29. Municipal Tag

- 29.1 Without restricting the generality of section 28.2, the fine amounts set out in Schedule "A" are established for use on Municipal Tags and Violation Tickets, if a voluntary payment option is offered.
- 29.2 A Peace Officer is hereby authorized and empowered to issue a Municipal Tag to any Person whom the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 29.3 A Municipal Tag shall be issued and served to a Person:
- (a) either personally; or
 - (b) by mailing a copy, via registered mail to such person at their last known postal address.
- 29.4 A Municipal Tag shall be in a form approved by the Chief Administrative Officer and shall state:
- (a) the name of the Person to whom the Municipal Tag is issued;
 - (b) particulars of the contravention under this Bylaw;
 - (c) the specified penalty for the offence as set out in Schedule "A";
 - (d) that the specified penalty shall be paid within twenty one (21) days of the issuance of the Municipal Tag in order to avoid prosecution; and
 - (e) any other information as may be required by the Chief Administrative Officer
- 29.5 Where a Municipal Tag has been issued under this Bylaw, the Person to whom the Municipal Tag has been issued may, in lieu of being prosecuted for the offence, pay to the Town the penalty specified on the Municipal Tag.
- 29.6 If a Municipal Tag has been issued and the specified penalty on the Municipal Tag has not been paid within the prescribed time, a Peace Officer may issue a Violation Ticket to the Person to whom the Municipal Tag was issued.
- 29.7 Notwithstanding section 29.6, a Peace Officer may immediately issue a Violation Ticket to any Person whom the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

30. Violation Ticket

30.1 A Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act* to any Person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

30.2 If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:

- (a) specify the fine amount established by this Bylaw for the offence; or
- (b) require a Person to appear in court without the alternative of making a voluntary payment.

30.3 A Person who commits an offence may:

- (a) if a Violation Ticket is issued in respect of the offence; and
- (b) if the Violation Ticket specifies the fine amount established by this Bylaw for the offence;

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

30.4 When a Clerk of the Provincial Court records the receipt of a voluntary payment pursuant to section 30.3 and the *Provincial Offences Procedure Act*, the act of recording constitutes acceptance of the guilty plea and also constitutes a conviction and the imposition of a fine in the amount of the specified penalty.

31. Continuing Offences

31.1 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a Person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each such day.

PART 11 - TRANSITIONAL

32. Enactment

32.1 This Bylaw shall come into force and effect when it has received third reading and has been duly signed.

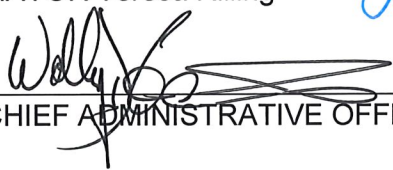
32.2 This Bylaw repeals and replaces Animal Control Bylaw No. 1726/2017, as amended.

READ a First time this 26th day of July 2021.

READ a Second time this 23rd day of August 2021.

READ a Third time this 23rd day of August 2021.


MAYOR Teresa Rilling


CHIEF ADMINISTRATIVE OFFICER Wally Ferris



Schedule "A"

Fines and Penalties

Consolidated with Bylaw 1841/2021

OFFENCE	SECTION	MUNICIPAL TAG	VIOLATION TICKET	SECOND AND SUBSEQUENT OFFENCE
Unlicensed Dog or Cat	4.7	91.00	130.00	260.00
Dog or Cat not wearing Licence Tag	5.3	91.00	130.00	260.00
Person keeping more than three (3) Dogs and/or three (3) Cats	7.2	91.00	130.00	260.00
Keeping a Rooster or a Hen, other than an Urban Hen	8.2	91.00	130.00	260.00
Fail to Comply with requirement to keep Urban Hens	10.3	91.00	130.00	260.00
Animal At Large	11.1(a)	91.00	130.00	260.00
Animal barks, howls, or otherwise makes such noise so as to, in the opinion of a Peace Officer, unreasonably disturb the peace of any Person	11.1(b)	140.00	200.00	450.00
Animal threatens, attacks, bites, injures or otherwise harasses any Person	11.1(c)	227.00	325.00	650.00
Animal threatens, attacks, bites, chases, injures or otherwise harasses any other Animal	11.1(d)	227.00	325.00	650.00
Animal causes death to another Animal	11.1(e)	682.00	975.00	1950.00
Animal chases a Motor Vehicle, Person on a bicycle, Person on horseback, or Person that is walking or running	11.1(f)	227.00	325.00	650.00
Animal causes damage to property	11.1(g)	227.00	325.00	650.00
Animal enters public bathing, swimming, or wading pool	11.2	91.00	130.00	260.00

Dog present at a location where sign prohibits presence	11.3	91.00	130.00	260.00
Person unties, loosens or frees an Animal	11.5	140.00	200.00	450.00
Failure to remove defecation	12.1	91.00	130.00	260.00
Animal upsets waste receptacle, scattering its contents	12.2	91.00	130.00	260.00
Owner fails to keep Owner's Property in a clean and sanitary condition or fails to prevent nuisance	12.4	91.00	130.00	260.00
Failure to contain or restrain female Dog in estrust	12.5	91.00	130.00	260.00
Person teases, torments, provokes abuses or injures any Animal	13.1(a)	140.00	200.00	450.00
Person leaves an Animal in Motor Vehicle	13.1(b)	227.00	325.00	650.00
Person fails to secure an Animal in or on a Motor Vehicle	13.1(c)	227.00	325.00	650.00
Owner fails to comply with Aggressive Dog provisions	16.4	682.00	975.00	1950.00
Owner fails to comply with Disease Control provisions	17.5	227.00	325.00	650.00
Person fails to comply with provisions relating to Cat Traps	18.7	227.00	325.00	650.00
Person fails to notify of an Animal At Large	22.3	91.00	130.00	260.00