

**TOWN OF PROVOST
BYLAW NO 09/2016**

**BEING A BYLAW OF THE TOWN OF PROVOST RESPECTING THE
REGULATION, LICENSING AND CONTROL OF ANIMALS IN THE TOWN OF
PROVOST**

WHEREAS the Municipal Government Act enables a Council to pass bylaws respecting Animals;

AND WHEREAS the purpose of municipality includes providing services that, in the opinion of Council are necessary and desirable;

AND WHEREAS it is desirable to pass a bylaw dealing with the licensing and regulation of Animals in the Town;

**NOW THEREFORE THE COUNCIL OF THE TOWN OF PROVOST ENACTS
AS FOLLOWS:**

1. This Bylaw may be cited as the "Responsible Pet Ownership Bylaw".

INTERPRETATION

2. (1) When not inconsistent with the context word used in the present tense include the future, words in the plural shall include the singular and vice versa and all words and terms are considered to be gender neutral.
- (2) In this bylaw unless the context otherwise requires the following terms are hereby defined as:
 - (a) "Animal" means any mammal excluding humans, or any bird, reptile or amphibian;
 - (b) "Animal Services Centre" means the Town Facility established for the holding of impounded Animals as set out in this Bylaw;
 - (c) "Attack " means an assault resulting in bleeding, bone breakage, sprains, serious bruising, or multiple injuries;
 - (d) "Bite" means wound to the skin causing it to bruise, puncture, or break;
 - (e) "Campground" means a Park or a portion of a Park that has been designated by the Town where overnight camping is permitted;

- (f) "Director of Enforcement Services" means the person appointed by the Town to oversee all Enforcement Services Departments within the Town;
- (g) "Former Owner" means the person who at the time of impoundment was the Owner of an Animal which has subsequently been sold or destroyed;
- (h) "Golf Course" means land which is set aside for the playing of the game of golf and upon which the game of golf is played;
- (i) "Justice" has the meaning as defined in the Provincial Offences Procedures Act, R.S.A. 2000, c.P-34, as amended or replaced from time to time;
- (j) "Leash" means a chain or other material capable of restraining the Animal on which it is being used;
- (k) " License" means a Dog License issued by the Town in accordance to the provisions of this bylaw;
- (l) "License Fee" means the fee for a yearly Dog License as set out in Schedule "A" of this bylaw;
- (m) "License Tag" means an identification tag issued by the Town showing the License number for a specific Dog.
- (n) "Livestock" means:
 - (i) a horse, mule, ass, swine, emu, ostrich, camel, llama, alpaca, sheep or goat,
 - (ii) domestically reared or kept deer, reindeer, moose, elk, or bison,
 - (iii) farm bred fur bearing Animal including foxes or 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 cats, dogs, or other domesticated household pets;
- (o) "Muzzle" means a device of sufficient strength placed over an Animal's mouth to prevent it from biting;

- (p) "Officer" means a Community Peace Officer appointed by the Town, a Bylaw Officer appointed by the Town to enforce Town bylaws, an Animal & Pest Control Officer appointed by the Town and includes any member of the Royal Canadian Mounted Police;
- (q) "Owner" means any natural person or body corporate:
- (i) who is the Licensed Owner of the Animal;
 - (ii) who has legal title to the Animal;
 - (iii) who has possession or custody of the Animal, either temporarily or permanently; or
 - (iv) who harbors the Animal, or allows the Animal to remain on his premises;
- (r) "Park" means a public space controlled by the Town and set aside as a park to be used by the public for rest, recreation, exercise, pleasure, amusement, and enjoyment and includes:
- (i) playgrounds,
 - (ii) cemeteries,
 - (iii) natural areas,
 - (iv) sports fields,
 - (v) pathways,
 - (vi) trails, and
 - (vii) park roadways,
- but does not include golf courses.
- (s) "Playground" means land within the Town and controlled by the Town upon which apparatus such as swings and slides are placed;
- (t) "Provincial Court" means The Provincial Court of Alberta;
- (u) "Running at Large" means:
- (i) an Animal or Animals which are not under the control of a person responsible by means of a Leash and is or are actually upon property other than the property in respect of which the Owner of the Animal or Animals has the right of occupation, or upon any highway, thoroughfare, street, road, trail, avenue, parkway, lane, alley, square, bridge, causeway, trestle way, sidewalk (including the boulevard portion of the sidewalk), park or other public place,

- (ii) an Animal or Animals which are under the control of a person responsible by means of a Leash and which cause damage to persons, property or other Animals;
- (v) "Severe Injury" means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery;
- (w) "Town" means the Municipal Corporation of the Town of Provost in the Province of Alberta or the area contained within the Town boundaries as the context requires;
- (x) "Town Manager" means the Chief Administrative Officer for the Town of Provost and whatever subsequent title may be conferred on that Officer by Council or statute; or his/her designate;
- (y) "Vicious Animal" means any Animal, whatever its age, whether on public or private property, which has
 - (i) chased, injured or bitten any other Animal or human,
 - (ii) damaged or destroyed any public or private property,
 - (iii) threatened or created the reasonable apprehension of a threat to a human,
 - (iv) has been deemed to be dangerous by a Justice, under the provisions of the Dangerous Dogs Act of Alberta, as amended,
 - (v) been deemed to be dangerous by at least two of the following individuals, one of which must be a Peace Officer:
 - A) Bylaw Enforcement Officer;
 - B) Community Peace Officer;
 - C) Animal or Pest Control Officer;
 - D) Member of the R.C.M.P.;
 - E) Public Services Superintendent;
 - F) Town Manager
- (z) "Violation Tag" means a tag or similar document approved by the Town and which is payable at the Town Administration Office;
- (aa) "Violation Ticket" means a ticket issued pursuant to Part II of the Provincial Offences Procedures Act;
- (3) Nothing in this bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, other Bylaw or any requirement of any lawful permit, order or License.

- (4) Any heading, sub-headings, or tables of contents in this Bylaw are included for guidance purposes and convenience only, and shall not form part of this bylaw.
- (5) Where this bylaw refers to another act, bylaw, regulation or agency, it includes reference to any act, bylaw, regulation or agency that may be substituted therefore.
- (6) All the schedules attached to this bylaw shall form part of this bylaw.

LICENSING REQUIREMENTS

DOG LICENSING

3. (1) No person shall own or keep any Animal within the Town unless such Animal is licensed as provided in this bylaw.
- (2) The owner of an Animal shall ensure that prior to the end of February of each calendar year (January 1 - December 31), a License is purchased by making application at the Town Office and paying the prescribed License Fee as set out in the **Rates & Fees bylaw**. Upon paying the License Fee prescribed in the Rates & Fees bylaw, a License Tag shall be issued by the Town.
- (3) A Animal Owner shall provide the Town with the following information with each application for a Animal License.
 - (a) Name and street address of the Owner;
 - (b) Name and description of the Animal to be Licensed;
 - (c) The breed or breeds of the Animal;
 - (d) Certificate of neutering or spaying of the Animal at the first application only;
 - (e) Such other relevant information as may be required by the Town in respect to the License application.
- (4) The Owner of a Animal shall:
 - (a) Be over the age of eighteen (18) years;
 - (b) Subject to the provisions of Section 3(2) obtain a License for such Animal on the first day on which the Town office is open for business after the Animal becomes three months of age;
 - (c) Obtain a License on the first day on which the Town office is open for business after he becomes the Owner of a new Animal;

- (5) No person shall give false information when applying for a License pursuant to this bylaw.
- (6) A License issued under this bylaw shall not be transferable from one Animal to another, nor from one Owner to another.
- (7) The owner of an Animal which has been Licensed under this bylaw may obtain a replacement License Tag to replace one which has been lost or damaged, upon payment of the replacement License Tag fee as set out in the **Rates & Fees bylaw**.
- (8) Every Owner shall ensure that the issued License Tag is securely fastened to the Animal's collar, and the License Tag shall be worn by the Animal at all times when the Animal is on property other than the property of the Animal Owner or property controlled by him.
- (9) An Owner shall forthwith notify the Town office of any change with respect to any information provided in an application for a License under this bylaw.
- (10) No person shall be entitled to a License rebate or refund under this bylaw.
- (11) Where a License required pursuant to this bylaw has been paid for by the tender of an uncertified cheque the License:
 - (a) is issued subject to the cheque being accepted and cashed by the bank without any mention of this condition being made on the License; and
 - (b) is automatically revoked if the cheque is not accepted and cashed by the bank on which it is issued.
- (12) Notwithstanding Section 3(2), where the Director of Enforcement Services is satisfied that a person who is handicapped is the Owner of a Animal trained and used to assist such handicapped Person, there shall be no fee payable by the Owner for a License under the Rates & Fees Bylaw.
- (13) The Owner of an Animal who is applying for exemption under Section 3(12) shall complete the application form set out in Schedule "F" of this bylaw and provide all required documentation before an exemption will be granted.

VICIOUS ANIMAL LICENSING

4. (1) No person shall own or keep any Vicious Animal within the Town unless such Animal is Licensed as provided for in this bylaw.
- (2) The Owner of a Vicious Animal shall ensure that his Animal wears the current License purchased for that Animal, when the Animal is off the property of the Owner.
- (3) The Owner of a Vicious Animal shall obtain a dog License for such Vicious Animal at such times and in the manner as specified in Section 3 of this bylaw and shall pay the annual fee as set out in the **Rates & Fees Bylaw**.

RESPONSIBILITIES OF OWNERS

5. (1) The Owner of an Animal shall ensure that such Animal is not Running at Large.
- (2) The Owner of an Animal shall ensure that such Animal does not enter or remain in or on a school ground, playground, sports field, golf course, cemetery, or other areas where Animals are prohibited by posted signs.
- (3) An Owner who harbors an Animal in a front yard or an unfenced rear yard shall ensure such Animal is kept a minimum of three (3) meters from the public sidewalk, roadway or property line.
- (4) An Owner whose Animal is damaging public or private property within the Town is guilty of an offence.
- (5) The Owner of an Animal shall ensure that such Animal not be left unattended while tethered or tied on premises where the public has access, whether the access is express or implied.
- (6) The Owner of an Animal shall ensure that such Animal shall not be left unattended in any motor vehicle unless the Animal is restricted so as to prevent access to persons as long as such restraint provides for suitable ventilation.
- (7) Any person who harbors, boards, permits or shelters more than three (3) Animals (dogs or cats) over the age of three (3) months on any property within the Town is guilty of an offence.
- (8) The Owner of an Animal suspected of having rabies shall immediately report the matter to Agriculture Canada, Veterinary Inspection Directorate or the Director of Enforcement Services.

- (9) An Owner of an Animal suspected of having rabies shall confine or isolate the Animal, in such a manner as prescribed so as to prevent further spread of the disease.
- (10) An Owner of an Animal suspected of having rabies shall keep the Animal confined for not less than ten (10) days at the cost of the Owner.
- (11) The Owner of an Animal shall ensure that if such Animal defecates on any public or private property other than the property of its Owner, the Owner shall remove such feces immediately.
- (12) The Owner of an Animal shall ensure that such Animal shall not bark, howl, or otherwise makes or causes a noise or noises which disturbs any person.
- (13) The Owner of any Animal shall ensure that such Animal shall not upset any waste receptacles or scatter the contents thereof either in or about a street, lane, or other public property or in or about premises not belonging to or in the possession of the Owner of the Animal.
- (14) The Owner of an Animal shall ensure that such Animal not:
 - (a) Bite, bark at, or chase stock, Animals, bicycles, automobiles, or other vehicles;
 - (b) 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;
 - (c) do any act that injures a person or persons whether on the property of the Owner or not;
 - (d) Bite a person or persons, whether on the property of the Owner or not;
 - (e) Attack a person or persons, whether on the property of the Owner or not;
 - (f) Attack a person or persons, whether on the property of the Owner or not, causing severe physical injury;
 - (g) cause death to another Animal.
- (15) (a) Cats May be permitted where neighbors are in agreement and caregivers are present to run at large for rodent control. Such cats are property of the Town of Provost and can be identified by a tattoo in the left ear. These cats have received their rabies vaccine and are sterilized.

(b) The Provisions of this section shall not apply to all cats kept in the ordinary course of business by proprietors of the following businesses:

- (i) Veterinary hospital, clinic, boarding kennel or grooming parlor;
- (ii) A public pound;
- (iii) A shop whose business included the sale of pets and is licensed as such;
- (iv) A shelter operated by an association or society incorporated for the purpose of the protection and humane treatment of animals.

(16) Any Animal that contravenes any part of Section 5(14) of this bylaw may be declared a Vicious Animal as per Section 2(2)(y) of this bylaw.

(17) Any Animal that contravenes any part of Section 5(14) of this bylaw on a second or subsequent offence will automatically be deemed to be a Vicious Animal as per Section 2(2)(y) of this bylaw.

VICIOUS ANIMALS

6. (1) The Owner of an Animal that has been declared Vicious as per section 2(2)(y) of this bylaw shall be provided with a notice of declaration as set out in Schedule "C" of this bylaw.
- (2) The Owner of an Animal that has been declared Vicious as per section 2(2)(y) of this bylaw shall be provided with an appeal notice as set out in Schedule "D" of this bylaw.
- (3) Any Owner wishing to appeal the declaration of a Vicious Animal must return the appeal notice in writing to the Town Office within ten (10) clear days of the declaration being served. Upon receipt of the notice of appeal, the Owner of the alleged Vicious Animal will receive an appeal date in writing. All appeals shall be heard by the Town Council, and any decision made by the Council shall be final, with the requirements of this bylaw coming into force upon the outcome of such hearing.
- (4) Upon hearing the evidence the Council may make an order declaring the Animal as a Vicious Animal if in the opinion of the Council:
- (a) the Animal has caused severe physical injury to a person, whether on public or private property;
 - (b) the Animal has, while off its Owner's property, killed an Animal;

- (c) the Animal is found to have been justifiably declared a Vicious Animal as per section 5(15) or 5(16) of this bylaw.
- (5) Upon hearing the evidence the Council may, after declaring an Animal as a Vicious Animal, make an order to destroy the Animal, if in the opinion of the Council the Animal is likely to cause serious damage or injury, taking into account the following factors:
 - (a) whether the Animal has chased any person or Animal;
 - (b) whether the Animal has attempted to Bite, or bitten any person or Animal;
 - (c) whether the Animal has wounded, Attacked or injured any person or Animal;
 - (d) the circumstances surrounding any previous biting, Attacking, or wounding incidents; and
 - (e) whether the Animal, when unprovoked, has shown a tendency to pursue, chase or approach in a menacing fashion persons upon the street, sidewalk or any public or private property.
- (6) The declaration of an Animal as a Vicious Animal shall embody all of the requirements in Sections 6 (8),(9),(10),(11),(12),(13), (14),(15),(16) of this bylaw.
- (7) A Vicious Animal order pursuant to this Bylaw continues to apply if the Animal is sold, given or transferred to a new Owner.
- (8) The Owner of a Vicious Animal shall:
 - (a) notify the Town Office should the Animal be sold, gifted, or transferred to another person or die; and
 - (b) remain liable for the actions of the Animal until formal notification of sale, gift or transfer is given to the Town Office.
- (9) The Owner of a Vicious Animal shall ensure that such Animal does not:
 - (a) chase a person or other Animals;
 - (b) injure a person or other Animals;
 - (c) Bite a person or other Animals;
 - (d) Attack a person or other Animals.
- (10) The Owner of a Vicious Animal shall ensure that such Animal does not damage or destroy public or private property.
- (11) The Owner of a Vicious Animal shall ensure that such Animal is not running at large.

- (12) The Owner of a Vicious Animal shall notify the Town Office if the Animal is running at large.
- (14) The Owner of a Vicious Animal shall ensure that when such Animal is on the property of the Owner such Animal is:
- (a) confined indoors and under the control of a person over the age of eighteen (18) years;
 - (b) when such Animal is outdoors such Animal is securely:
 - (i) in a locked pen or other structure, constructed pursuant to section 6(15) in order to prevent the escape of the Vicious Animal and capable of preventing the entry of any person not in control of the Animal; or
 - (ii) Muzzled, and under the control of a person over the age of eighteen (18) years by means of a harness or lead which length shall not exceed one (1) meter in a manner that prevents it from chasing, injuring or biting other Animals or humans as well as preventing damage to public or private property.
- (15) The Owner of a Vicious Animal shall ensure that at all times, when off the property of the Owner, such Animal is securely:
- (a) Muzzled;
 - (b) harnessed or Leashed on a lead which length shall not exceed one (1) meter in a manner that prevents it from chasing, injuring or biting other Animals or humans as well as preventing damage to public or private property; and
 - (c) under the control of a person over the age of eighteen (18) years.
- (16) The Owner of a Vicious Animal shall ensure that the locked pen or other structure:
- (a) shall have secure sides and a secure top, and if it has no bottom secured to the sides, the sides must be embedded in the ground to a minimum depth of thirty (30) centimeters;
 - (b) shall provide the Vicious Animal with shelter from the elements;
 - (c) shall be of the minimum dimensions of one and one-half (1.5) meters by three (3) meters and be a minimum one and one-half (1.5) meters in height;
 - (d) shall not be within one (1) meter of the property line or within five (5) meters of a neighboring dwelling unit.

- (17) (a) The Owner of a Vicious Animal shall, within ten (10) days of the date of the order declaring the Animal to be vicious, display a sign on his premises warning of the presence of the Animal in the form illustrated in Schedule "H".
- (b) A sign required by section 6(16) (a) shall be placed at each entrance to the premises where the Animal is kept and on the pen or other structure in which the Animal is confined.
- (c) A sign required by section 6(16)(a) shall be posted to be clearly visible and capable of being seen by any person accessing the premises.

ANIMAL CONTROL OPERATIONS

SEIZURE

7. (1) An Officer may capture and impound any Animal or Vicious Animal:
 - (a) found running at large;
 - (b) which has bitten, or is alleged to have bitten a person, pending the outcome of an application to declare the Animal vicious or to destroy the Animal;
 - (c) if an Animal Control Officer reasonably believes that a dog or cat is ill or injured, the Animal Control Officer shall report to a Veterinarian of choice and act upon his/her recommendations with respect to treatment or possible immediate euthanasia. The Owner, if known shall be responsible for payment of all costs incurred by the Town with respect to any medical treatment received by the owners dog or cat pursuant to this paragraph. The owner will be responsible whether or not the dog or cat is retrieved from the pond;
 - (d) which is required to be impounded pursuant to the provisions of any Statute of Canada or of the Province of Alberta, or any Regulation made thereunder.

NOTIFICATION

8. A person who takes control of any stray Animal, or Vicious Animal, shall forthwith notify the Town Office and provide any required information.

OBSTRUCTION AND INTERFERENCE

9. (1) No person, whether or not he is the Owner of an Animal or Vicious Animal which is being or has been pursued or captured shall:
 - (a) interfere with or attempt to obstruct an Officer who is attempting to capture or who has captured an Animal which is subject to impoundment;
 - (b) open the vehicle in which an Animal has been captured for impoundment; or

- (c) remove, or attempt to remove any Animal from the possession of an Officer.
- (2) No person shall:
 - (a) untie, loosen or otherwise free an Animal which has been tied or otherwise restrained;
 - (b) negligently or willfully open a gate, door or other opening in a fence or enclosure in which an Animal has been confined and thereby allow an Animal to run at large in the Town;
 - (c) entice an Animal to run at large;
 - (d) tease an Animal caught in an enclosed space;
 - (e) throw or poke any object into an enclosed space when an Animal is caught or confined therein.
 - (3) Section 9 shall not apply to an Officer of the Town who is attempting to capture or who has captured an Animal which is subject to impoundment pursuant to this bylaw.

NOTIFICATIONS

- 10. (1) If an Officer knows or can ascertain the name of the Owner of any impounded Animal, he shall serve the Owner with a copy of the notice in Schedule "E" of this Bylaw, either personally or by leaving it, or by mailing it to the last known address of the Owner.
- (2) An Owner of an Animal to whom a notice is mailed pursuant to section 10(1) is deemed to have received a notice within forty-eight (48) hours from the time it is mailed.

RECLAIMING

- 11. (1) The Owner of any impounded Animal or Vicious Animal may reclaim the Animal or Vicious Animal by:
 - (a) paying to the Town the costs of impoundment as set out in the Rates & Fees Bylaw; and
 - (b) where a License is required under this Bylaw, obtaining the License for such Animal or Vicious Animal.
- (2) Where an Animal or Vicious Animal is claimed, the Owner shall provide proof of ownership of the Animal.
- (3) The Owner of an Animal or Vicious Animal who has been found not guilty of committing an offence under this bylaw may request the return of any fees paid by him for reclaiming his Animal.

INSPECTIONS

12. Subject to the entry notice provisions of the Municipal Government Act, R.S.A. 2000 c.M-26, a designated Officer of the Town, bearing proper identification, may enter a premises to conduct an inspection in order to determine whether or not this bylaw or an order issued pursuant to this bylaw is being complied with.

AUTHORITY OF THE TOWN

13. (1) The Town may:
- (a) receive Animals into protective care pursuant to fire, flood, or other reasons;
 - (b) retain the Animals temporarily;
 - (c) charge the Owner fees pursuant to the Rates & Fees Bylaw for costs of impoundment; and
 - (d) at the end of the protective care period, if no other arrangements are made between the Owner and the Town, treat such Animals as impounded Animals.
 - (e) Trap any cat running at large, have it inspected by a Veterinarian for any, disease spay/neuter if required, then either release to the area in which the animal was found or take it to a location or a farm where person(s) are willing to receive them.
- (2) The Town may offer for sale, euthanize, or otherwise dispose of an impounded Animal or Vicious Animals which have been received at the Animal Services Centre.
- (3) The Town shall not sell, euthanize, or otherwise dispose of an impounded Animal or Vicious Animal until an Animal is retained in the Animal Services Centre for:
- (a) seven (7) days after the Owner has received notice or is deemed by section 10(2) to have received notice that an Animal is in the Animal Services Centre;
 - (b) seventy-two (72) hours, if the name and address of the Owner is not known.
- (4) The Town may retain an Animal for a longer period if in the opinion an Officer the circumstances warrant the expense or he has Reasonable grounds to believe that the Animal is a continued danger to persons, Animals, or property.
- (5) Any outside Municipality may enter into a Memorandum of Understanding (M.O.U.) as set out in Schedule "G" of this bylaw, with the Town pertaining to the use of the Town's Animal Services Centre, and shall be liable to pay any fees as outlined in the **Rates & Fees Bylaw** for the use of the facility.

- (6) Any outside Municipality that has entered into an M.O.U. with the Town for use of the Animal Services Centre shall assume all liability for the Animal that has been impounded.

FEE FOR EUTHANIZING

14. When the Town agrees to euthanize an Animal the Owner shall pay to the Town a fee set out in the **Rates & Fees Bylaw**.

FULL RIGHT AND TITLE

15. The purchaser of an Animal from the Town pursuant to the provisions of this bylaw shall obtain full right and title to it and the right and title of the Former Owner of the Animal cease thereupon.

OFFENCES AND PENALTIES LICENSED OWNER

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

GENERAL PENALTY PROVISIONS

17. (1) Every Owner of an Animal who contravenes any provisions of this bylaw by:
- (a) doing any act or thing which the person is prohibited from doing,
 - (b) failing to do any act or thing the person is required to do, is guilty of an offence.
- (2) Any person who is convicted of an offence pursuant to this bylaw is liable on summary conviction to a fine not exceeding \$10,000.00 and in default of payment of any fine imposed, to imprisonment for not more than six (6) months.

VIOLATION TICKETS AND PENALTIES

18. (1) Where an Officer believes that a person has contravened any provision of this Bylaw, he may commence proceedings by issuing a summons by means of a Violation Ticket in accordance with Part 2 of the Provincial Offences Procedure Act, R.S.A. 2000, c-P34, or a Violation Tag.
- (2) The specified penalty payable in respect of a contravention of a provision of this bylaw is the amount shown in Schedule "A" of this bylaw in respect of that provision.

- (3) Notwithstanding Section 18(2) where any person contravenes the same provision of this Bylaw on a second or subsequent offence within on twenty four (24) month period, the specified penalty payable in respect of the second or subsequent contravention is double the amount shown in Schedule "A" of this Bylaw in respect of that provision.

VICIOUS ANIMAL FINES

19. (1) Section 18 does not apply to Vicious Animals.
- (2) The specified penalty payable in respect of a contravention of this Bylaw with respect to Vicious Animals shall be the same amounts shown in Schedule "B" regarding Vicious Animals.
- (3) Notwithstanding Section 19(2):
where any person contravenes the same provision of this bylaw on a second or subsequent offence within one twenty-four (24) month period, the specified penalty payable in respect of the second or subsequent contravention is double the amount shown in Schedule "B" of this Bylaw in respect of that provision.

CONTINUING OFFENCES

20. 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 the offence continues and any 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.

MANDATORY COURT OR INFORMATION

21. This Section shall not prevent any Officer from issuing a Violation Ticket requiring the court appearance of the defendant, pursuant to the provisions of the Provincial Offences Procedure Act, R.S.A. 2000, c.P-34, or from laying an information instead of issuing a Violation Ticket.

LIABILITY OF FEES

22. The levying and payment of any fine or the imprisonment for any period provided in this bylaw shall not relieve a person from the necessity of paying any fees, charges or costs from which he is liable under the provisions of this bylaw or any other bylaw.

ORDERS BY A JUSTICE

23. (1) A Justice, in addition to the penalties provided for in this bylaw, may if he considers the offence sufficiently serious direct or order the Owner of the Animal to stop the Animal from doing mischief or causing the disturbance or nuisance complained of, or to have the Animal removed from the Town, or have the Animal destroyed.

- (2) A Justice, after convicting the Owner of an Animal of an offence under this bylaw, may, in addition to any other penalties imposed or orders made, and without further notice or hearing, declare the subject Animal a Vicious Animal, pursuant to the provisions of this bylaw.

PROOF OF LICENSE

24. (1) The onus of proving a person has a valid and subsisting License is on the person alleging the License.
(2) The onus of proving the age of an Animal is on the person alleging the age.

SEVERABILITY

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


ENACTMENTS AND REPEALS

- 26.1 This bylaw shall come into force upon third and final reading and signing of the bylaw.
26.2 Bylaws 04/2016 is hereby repealed upon passage of this bylaw.

READ A FIRST TIME THIS 20th DAY OF December 2016.

READ A SECOND TIME THIS 20th DAY OF December 2016.

READ A THIRD TIME THIS 20th DAY OF December 2016.


MAYOR


TOWN MANAGER

**TOWN OF PROVOST
BYLAW 09/2016**

SCHEDULE "A"

ANIMAL FINES – NON VICIOUS ANIMALS

SECTION	OFFENCE	PENALTY 1st OFFENCE	PENALTY SUBSEQUENT OFFENCES
3(1)	Fail to have current Animal License	\$100	\$200
3(5)	Give false information when applying for animal License	\$250	\$500
3(8)	Licensed animal not wearing License tag	\$50	\$100
5(1)	Animal Running at Large	\$100	\$200
5(2)	Animal in prohibited area	\$100	\$200
5(3)	Harboring animal within three (3) meters of sidewalk, roadway or property line	\$125	\$250
5(4)	Animal causing damage to public or private property	\$100	\$200
5(5)	Leave Animal unattended while tethered in a public place	\$100	\$200
5(6)	Leave Animal unattended in vehicle	\$100	\$200
5(7)	Harboring three (3) or more animals over the age of three (3) months	\$100	\$200
5(8)	Fail to report suspected case of rabies	\$250	\$500
5(9)	Fail to confine Animal suspected of rabies	\$250	\$500
5(10)	Fail to confine Animal suspected of rabies for ten (10) days	\$250	\$500
5(11)	Fail to remove Animal feces	\$100	\$200
5(12)	Animal disturbing the peace	\$100	\$200
5(13)	Animal scatter garbage	\$100	\$200
5(14)(a)	Animal bite, bark at, chase Animals, bicycles or vehicles	\$100	\$200
5(14)(b)	Animal chase or threaten a person	\$250	\$500
5(14)(c)	Animal injure a person	\$250	\$500
5(14)(d)	Animal bite a person	\$500	\$1000

5(14)(e)	Animal attack a person	\$500	\$1000
5(14)(f)	Animal attack a person causing severe injury	\$500	\$1000
5(14)(g)	Animal cause death to another Animal	\$500	\$1000
9(1)(a)	Interfere/obstruct an Officer	\$250	\$500
9(1)(b)	Open vehicle containing impounded Animal	\$100	\$200
9(1)(c)	Remove/attempt to remove impounded Animal	\$100	\$200
9(2)(a)	Untie, loosen or free an Animal	\$100	\$200
9(2)(b)	Open gate, door or opening allowing Animal to Run at Large	\$100	\$200
9(2)(c)	Entice an Animal to Run at Large	\$100	\$200
9(2)(d)	Tease an Animal in an enclosure	\$100	\$200
9(2)(e)	Throw or poke at an Animal in an enclosure	\$100	\$200

*D.C.
JWL*

**TOWN OF PROVOST
BYLAW 09/2016**

SCHEDULE "B"

ANIMAL FINES – VICIOUS ANIMALS

SECTION	OFFENCE	PENALTY 1st OFFENCE	PENALTY SUBSEQUENT OFFENCES
4(1)	Fail to have current License for Vicious Animal	\$250	\$500
4(2)	Licensed Vicious Animal not wearing License Tag	\$100	\$200
6(8)(a)	Fail to notify Town office of sale of Vicious Animal	\$100	\$200
6(9)(a)	Vicious Animal - chase a person or Animal	\$500	\$1000
6(9)(b)	Vicious Animal - injure a person or Animal	\$500	\$1000
6(9)(c)	Vicious Animal - Bite a person or Animal	\$750	\$1500
6(9)(d)	Vicious Animal - Attack a person or Animal	\$750	\$1500
6(10)	Vicious Animal cause damage to public or private property	\$250	\$500
6(11)	Vicious Animal Running at Large	\$500	\$1000
6(12)	Owner of Vicious Animal fail to notify Town office of Animal Running at Large	\$250	\$500
6(13)(a)	Fail to keep Vicious Animal confined indoors under control of an adult	\$250	\$500
6(13)(b)(i)	Fail to keep Vicious Animal confined in pen or structure	\$500	\$1000
6(13)(b)(ii)	Fail to keep Vicious Animal Muzzled, harnessed or leashed properly	\$500	\$1000
6(14)(a)	Fail to keep Vicious Animal Muzzled when in a public place	\$500	\$1000
6(14)(b)	Fail to keep Vicious Animal harnessed or leashed properly in a public place	\$500	\$1000
6(14)(c)	Fail to keep Vicious Animal under control of an adult in a public place	\$500	\$1000
6(15)	Improper pen or structure	\$500	\$1000
6(16)	Fail to post Vicious Animal sign	\$250	\$500

*D.C.
M.C.*

TOWN OF PROVOST
BYLAW 09/2016

SCHEDULE "C"

DECLARATION OF VICIOUS ANIMAL

Date: _____

Time: _____

Address: _____

Owner Name: _____

You are hereby notified that an Animal bearing License No. _____ for 20_____,
and registered to the above name and at the above address, has been declared
VICIOUS pursuant to the provisions of Bylaw No.09/2016 of the Town of Provost.

Reasons: _____

Attached is an Appeal Notice of this declaration. If you choose to appeal this
order, you may complete the attached form and return it to the Town Office.

Also included is a copy of Bylaw No.09/2016 for your review, all sections
pertaining to the keeping of Vicious Animals must be complied with.

Signed: _____

Date: _____

Position: _____

Signed: _____

Date: _____

Position: _____

*D.C.
HLL*

TOWN OF PROVOST
BYLAW 09/2016

SCHEDULE "D"

APPEAL NOTICE - VICIOUS ANIMAL DECLARATION

(If you want to appeal the Directive you must serve this Appeal Notice by delivering it to the Town Office within 10 days after the Direction was served on you)

DATED: _____

TO: The Town of Provost
Box 449, 4904 - 51 Ave
Provost, AB, T0B 3S0
(780)753-2261

I am appealing the Directive dated (_____), and
(Date on Directive)
issued to me at the following address:

(Property Address)

The reasons for my appeal are:

(Use a separate sheet if necessary)

Signature

Name Printed

Street Address

Phone Numbers
Home: _____

Postal Code

Work: _____

NOTE: ONLY appeals filed WITHIN THE 10 DAY PERIOD will be heard by Town Council. You will be notified by mail of the date of the Appeal Hearing.

*D.C.
FWC*

TOWN OF PROVOST
BYLAW 09/2016

SCHEDULE "E"

NOTICE OF ANIMAL SEIZURE

Name: _____

Address: _____

Date: _____

Time: _____

You are hereby notified that an Animal bearing Town of Provost License No:
_____ for 20_____ and registered to the above name and address, was
impounded on _____, A.D. 20_____ pursuant to the provisions of
Bylaw No. 09/2016 of the Town of Provost.

Unless the said Animal is claimed and all impoundment charges are paid, on or
before _____, 20_____, the said Animal will be sold, destroyed or
otherwise disposed of pursuant to the said Bylaw.

Signed by: _____

Date: _____

Position: _____

Time: _____

TOWN OF PROVOST
BYLAW 09/2016

SCHEDULE "F"

APPLICATION FOR EXEMPTION - HANDICAPPED PERSONS

Name: _____

Address: _____

Date: _____

Dog Breed: _____ Dog Sex: _____

Dog Name: _____ License Tag No: _____

Disability: _____

Special Dog Abilities: _____

Signature of Applicant

(For Town of Provost Use Only)

Application Approved: Y/N: _____ Date: _____

Signed: _____
(Director of Enforcement Services)

*D.C.
3/26/16*

**TOWN OF PROVOST
BYLAW 09/2016
"Responsible Pet Ownership Bylaw"**

SCHEDULE "G"

MEMORANDUM OF UNDERSTANDING (M.O.U.)

**PERTAINING TO THE USE OF THE TOWN OF PROVOST'S ANIMAL
SERVICES CENTRE**

Name of Outside Municipality: _____

Address: _____

Rates & Fees Bylaw

IMPOUNDMENT FEES AS APPLICABLE TO OTHER MUNICIPALITIES

Dog Impoundment Fee – Other Municipality	\$80.00
Daily Care and Sustenance – Other Municipality	\$60.00
Dog Impoundment Fee – Vicious Other Municipality	\$300.00
Daily Care and Sustenance – Vicious Other Municipality	\$350.00
Veterinary Charges	\$ at cost
Destruction Fees	\$ at cost

All fees will be charged to the Outside Municipality and it is their responsibility to collect from their rate payers. Use is contingent on space availability as determined by the Town of Provost Animal & Pest Control Officer.

This Agreement may be terminated by either party with 30 (thirty) days written notice.

Other Municipality
Position

Town of Provost
Administrator

Date Signed: _____

Date Signed: _____

SCHEDULE "H"

VICIOUS ANIMAL SIGN

Form required for a Vicious Animal sign pursuant to the Bylaw



Town of Provost
Enforcement Services

Responsible Pet Ownership
Bylaw 09/2016

*D.C.
3/16*