



BYLAW NO. 992

A BYLAW OF THE TOWN OF SPIRIT RIVER TO LICENSE AND CONTROL DOGS, CATS AND OTHER ANIMALS WITHIN THE CORPORATE LIMITS OF THE TOWN OF SPIRIT RIVER, ALBERTA.

Whereas, the Municipal Government Act, R.S.A. 2000 c M-26 of Alberta, authorizes a Municipality to pass Bylaws respecting the safety, health and welfare of people and the protection of people and property and respecting domestic animals and activities relating to them; and

Whereas, the Municipal Government Act, R.S.A. 2000 c M-26, authorizes a Municipality to pass a Bylaw regulating, licensing and controlling Dogs, Cats and other Animals.

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

1. This bylaw may be cited as the "Animal Control Bylaw".

2. DEFINITIONS

- a. "Animal" shall mean any domestic animal or small household pet including exotic pets, and shall not include domestic or wild Birds, Wildlife, or Livestock.
- b. "Animal Control Officer" means a person appointed by the Council of the Town of Spirit River to enforce the provisions of this bylaw.
- c. "Animal License" means an identification tag, issued after paying a licensing fee, by the Town of Spirit River showing the license number for a specific dog or cat intended to be worn on a collar attached to the dog or cat's neck.
- d. "Assistance Dog" means any professionally trained Dog, including a guide, hearing, or service dog that works in partnership with a person to increase his or her independence, safety and mobility.
- e. "Attack" means an assault resulting in bleeding, bone breakage, sprains, abrasions, serious bruising, or multiple injuries.
- f. "Barking" means howling, whining, whimpering, crying, baying, or barking.
- g. "Bite" means a wound to the skin causing it to bruise, puncture, or break.
- h. "Dangerous Dog" means any dog that has been declared by the Animal Control Officer to be dangerous pursuant to this bylaw.
- i. "Day" means a continuous period of twenty-four (24) hours.
- j. "Impound" means to lodge an Animal at as designated Pound within the Town.
- k. "Livestock" shall mean:
 - i. Any bovine, equine, porcine, or ruminant animal, or
 - ii. Save as hereinafter specified, any pigeons, rabbits, chickens, turkeys, goose, guinea, fowl, or poultry of any kind unless such birds or poultry are part of any Urban Hen policy or bylaw which is established with the approval of Town Council.
- l. "Muzzle" means a device of sufficient strength placed over an Animals mouth to prevent biting.
- m. "Neutered Animal" means a male Animal certified by a licensed veterinarian to be sexually sterile.

- n. "Owner" means the Owner of an Animal which includes any person or group of people:
 - i. named as Owner on an Animal License application;
 - ii. in possession or control of an Animal; or
 - iii. in possession or control of the property where an Animal appears to reside, either temporary or permanently
 - iv. who claims and receives an Animal from the custody of the Pound.
- o. "Permitted Leash" means a leash that is less than two (2) meters in length made of material capable of restraining the Animal on which it is being used.
- p. "Playground" means any part of a Park and Recreation Area on which children's play apparatus is located, and includes the part of such area within twenty (20) meters of any piece of such apparatus.
- q. "Posted Area" means an area posted with a sign which prohibits dogs from being in that area.
- r. "Pound" means the premises designated by the Town for the purpose of impounding and caring for dogs, cats and other animals regulated under this bylaw.
- s. "Running at Large" means an Animal which is off the premises of its Owner and is not on a leash or other immediate continuous control of some competent person.
- t. "Service Dog" means an RCMP Service dog, or any other mobility aid or assistance dog.
- u. "Spayed" means a female Animal certified by a licensed veterinarian to be sexually sterile.
- v. "Town" means the Town of Spirit River.
- w. "Unlicensed Animal" means any Animal for which a License has not been obtained as provided for under this bylaw, or to which the tag provided for in the said bylaw is not attached.
- x. "Violation Tag" means a municipal notice issued by the Town pursuant to the authority of Section 7 of the *Municipal Government Act* for the purpose of providing a person with an opportunity to acknowledge the contravention of a Bylaw and to pay a penalty directly to the Town, in order to avoid prosecution for the contravention.
- y. "Violation Ticket" means a ticket issued under Part 2 and Part 3 of the *Provincial Offences Procedure Act*, R.S.A. 2000, c.P-34 as amended or repealed and replaced from time to time.

3. ANIMAL LICENSING

- a. No person shall own or keep any Animal over the age of six (6) months within the Town unless such Animal is licensed in accordance with this bylaw.
- b. The Owner of an Animal License must be at least eighteen (18) years of age.
- c. Every person residing within the jurisdiction of the Town who is the Owner of a dog or cat over the age of six (6) months shall obtain, on an annual basis, a license for that dog or cat by:
 - i. paying the license fee, as set out in Schedule "A"; and
 - ii. submitting a completed application on the form approved by Council (Schedule "C").

- d. Upon receipt of the license fee and the completed application form, the application may be approved and the owner will be issued a license pursuant to this bylaw, and provided with a License Tag having a unique number.
- e. The Owner of an Animal shall ensure that the Animal wears the current Animal Tag issued for the Animal. The Animal Tag must be securely attached to the Animal.
- f. No person is entitled to a refund, rebate or prorating for any license fee, **however prorating may be permitted for a new license.**
- g. Every license shall expire on December 31st in the year in which it was issued.
- h. An Animal shall not be licensed as a neutered/spayed Animal unless the applicant procures a certificate acceptable to the Town certifying that such Animal is sterile.
- i. An Animal License and an Animal Tag is specific to an individual Animal and may not be transferred to another Animal.
- j. If an Animal Tag is lost, it is the responsibility of the owner to notify the Town and obtain a new Animal Tag for a replacement fee of set out in Schedule "A" of this Bylaw.

4. KEEPING OF ANIMALS

- a. No more than two (2) dogs and two (2) cats shall be harboured or permitted to remain upon any land, in any house, room or place, building, or premises within the Town unless:
 - i. The premises are temporarily being used for the purposes of a dog or cat show;
 - ii. Persons desiring to keep more than the number of Animals allowed in this Bylaw shall be considered owners of a business and shall be required to obtain a parcel of land outside of the residential area and approval by the Town for the boarding and harbouring of such Animals and shall be liable for the licensing of same.
- b. Notwithstanding section 4.a. a person may harbor more than two (2) dogs or two (2) cats, where those dogs or cats are in excess of the maximum are under three (3) months of age, and are the progeny of a licensed dog or cat resident in the same premises.

5. EXCESSIVE BARKING

- a. The Owner or any person having care or control of a dog, shall ensure it does not bark in a manner that is reasonably likely to annoy or disturb the peace or quality of life for others.
- b. In determining whether barking is reasonably likely to annoy or disturb the peace or quality of life of others, consideration may be given to, but is not limited to:
 - i. proximity of the property where the dog resides;
 - ii. duration of the Barking;
 - iii. time of day and day of the week;
 - iv. nature and use of the surrounding area.

6. DEFECATION/URINATION

- a. The Owner or any person having care or control of an Animal, shall forthwith remove any defecation left by it on public or private property other than that of the Owner.
- b. The Owner or any person having care or control of an Animal, shall ensure that defecation left by it on the property of the Owner does not accumulate to such an extent that it is reasonably likely to annoy or pose a health risk to others.
- c. The Owner or any other person having care or control on an Animal, shall do their best to

ensure that the animal does not urinate on private property other than that of the Owner.

7. RUNNING AT LARGE

- a. The Owner or any person having care or control of an Animal shall permit or allow it to run at large within the Town.
- b. The Owner or any person having care or control of an Animal shall permit any animal to be on any street or other public space unless the Animal is under full custody and control of a competent person by means of a leash.
- c. The Owner or any person having care or control of an Animal shall permit or allow any unattended Animal to be tied to any object when off the property of the Owner.
- d. The Owner or any person having care or control of any Animal shall permit or allow it to be in a vehicle in a manner in which it may come into physical contact with any other animal or person passing the vehicle.
- e. The Owner or any person having care or control of any Animal shall permit or allow it to trespass on private property whether on or off a leash.
- f. An Owner of an Animal that damages public or private property is guilty of an offense.
- g. The Owner of an Animal is guilty of an offence if that Animal:
 - i. Bites, chases or attacks any other Animal or human;
 - ii. Kills any other Animal;
 - iii. Chases a motor vehicle; or
 - iv. Creates the reasonable apprehension of a threat to any other Animal or human.
- h. In an event of a home-ordered quarantine, the Owner of a quarantined Animal shall not allow the Animal to run at large. For the purpose of this section, run at large shall mean when a quarantined Animal is left unsupervised and unrestrained while outside the dwelling house of the Owner.

8. PLAYGROUNDS/POSTED AREAS

- a. The Owner or any person having care or control of any Animal shall permit or allow it to be on any school property, Playground, or Posted Area.

9. SCATTERING GARBAGE

- a. The Owner or any person having care or control of an Animal shall ensure that the Animal does not upset any waste receptacle or scatter the contents thereof either in or about a street, lane, or other public place, or in or about premises not belonging to or in the possession of the Owner of the Animal.

10. ANIMALS IN HEAT

- a. Notwithstanding subsections (b), an Owner of an Animal in heat shall, during the entire period that such Animal is in heat, keep such Animal confined and housed in the residence of the said Owner, on in a licensed Kennel.
- b. Where an Animal in heat is confined and housed in the residence of its Owner, such Animal shall be permitted outside the said residence for the sole purpose of permitting such Animal to urinate or defecate on the property of the residence of said Owner.

11. THREATENING BEHAVIORS

- a. The Owner or any person having care or control of an Animal shall ensure that such Animal shall not:
 - i. bite, bark at or chase dogs, livestock, Animals, bicycles, automobiles, or other vehicles.
 - ii. chase or otherwise threaten a person.
 - iii. cause damage to property or other dogs or Animals.
 - iv. do any act that injures a person, such as bite or attack.
 - v. cause death to another Animal.
- b. An Animal Control Officer who has reasonable grounds to believe that an Animal has bitten, may quarantine the Animal for a period of ten (10) calendar days for the purposes of determining or eliminating the threat of Rabies.

12. DANGEROUS DOGS

- a. An Animal Control Officer may declare a dog dangerous, if the officer has reasonable grounds to believe that, either through recorded personal observation or on the basis of facts determined after an investigation of a complaint, the dog has:
 - i. A known propensity, tendency or disposition to attack, chase or bite without provocation other Animals or humans;
 - ii. Killed another Animal;
 - iii. Created the reasonable apprehension of a threat to a human or any other Animal; or
 - iv. Been the subject of an order or direction of a Justice, pursuant to the *Dangerous Dogs Act*.
- b. Where an Animal Control Officer has deemed a dog to be dangerous the officer shall:
 - i. Provide the Owner with a written notice of the Animal Control Officer's decision setting out:
 1. The basis upon which the decision was made;
 2. The obligations for control and restraint to keep a Dangerous Dog provided under this bylaw in the Town of Spirit River;
 3. Deadlines in which obligations must be met;
 4. The consequences for failing to comply with the Dangerous Dog provisions of this Bylaw, the Dangerous Dog could be surrendered or removed by the Town of Spirit River;
 5. Advise that the Owner may, within fourteen (14) days of the date of the notice, request in writing a review of the decision of the Animal Control Officer.
- c. A request for Council's review of the Animal Control Officer's decision shall:
 - i. Be made in writing;
 - ii. Set out the grounds on which the Owner is requesting the review;
 - iii. Filed with the Town no later than fourteen (14) days from the postage date stamped on the notice declaring the dog to be dangerous.
- d. Council may conduct its review of the Animal Control Officer's decision through written material provided by the officer and the Owner. Nothing in this bylaw entitles an Owner to an oral hearing.

13. KEEPING DANGEROUS DOGS

- a. The Owner of a Dangerous Dog shall take all necessary steps to ensure that the Dangerous Dog does not:
 - i. Kill any other Animal;

- ii. Bite, chase or attack any other Animal or human; or
 - iii. Create the reasonable apprehension of a threat of any other Animal or human.
- b. When on the premises of its Owner, a Dangerous Dog shall:
 - i. Be confined indoors; or
 - ii. Be, if outdoors:
 - 1. Restrained by a Leash and controlled by a person of age 18 years or older; or
 - 2. Confined with a securely enclosed and locked pen or other structure, constructed and secured in such a fashion as to prevent the escape of the Dangerous Dog, and to prevent entry into the pen or access to the Dangerous Dog by children or other persons not authorized by the Owner to have access.
- c. A securely enclosed, locked pen or other structure as described in s. 11.b.ii.2 shall, at a minimum:
 - i. Have a secure bottom permanently attached to its sides, or be constructed with its sides embedded into the ground to a minimum of thirty (30) centimeters;
 - ii. Be constructed with a dimension of 6'x8', walls that are 6' in height, and roof covering;
 - iii. Be maintained in a clean and sanitary manner.
- d. The Owner of a Dangerous Dog shall post signs warning any person that there is a Dangerous Dog on the premises at all gated entrances to the property where a Dangerous Dog is kept.
- e. When a Dangerous Dog is off the premise of the Owner, it shall at all times wear a secure Muzzle and be constrained by a harness or collar connected to a leash and securely under the control of a person of at least 18 years of age.
- f. Every person residing within the jurisdiction of the Town who is the Owner of a Dangerous Dog shall obtain, on an annual basis, a license for that dog as set out in Schedule "A".

14. NEGLIGENCE AND ABUSE

- a. No person shall negligently or willfully open any gate, door or other opening in a fence, enclosure or otherwise to release an Animal which has been confined, thereby allowing said Animal to run At-Large in the Town.
- b. No person shall untie, loosen or otherwise free an Animal which is not in distress unless such person has the authorization of the Owner.
- c. No person shall tease, torment, abuse or injure or neglect any Animal.

15. ANIMAL CONTROL OPERATION – AUTHORITY

- a. An Animal Control Officer may seize and capture or impound any Animal found Running At Large in respect of which he has reasonable grounds to believe an offense under this bylaw is being or has been committed.
- b. An Animal Control Officer may enter onto any land in pursuit of an Animal which is Running at Large.
- c. An Animal Control Officer may, in any case where the Owner of the Animal can be identified through the municipality's records, return such Animal to its Owner where practicable instead of impounding the Animal.

- d. To assist in the seizure or capture of an Animal Running at Large or loose, an authorized Animal Control Officer may utilize live traps. Said traps shall be used in a humane manner.
- e. An Animal Control Officer may use any humane method to capture an Animal. Should the Animal be hurt during capture or attempted capture, neither the Town nor the Animal Control Officer shall be held liable for such injury.
- f. An Animal Control Officer may delegate his powers to any person for the purpose of assisting the Animal Control Officer in the capture of any Animal in contravention of this Bylaw. Any person delegated or assisting an Animal Control Officer shall not be held liable as per subsection (d).

16. OWNER IDENTIFICATION

- a. An Owner on any Animal found in violation of any provisions of this Bylaw shall, on demand, produce forthwith suitable identification to the Animal Control Officer.
- b. For the purpose of this Bylaw, suitable identification shall mean any document or documents, or verbal communication, verifying the name, date of birth, and current address of the Owner.

17. OBSTRUCTION

- a. No person shall:
 - i. interfere with or attempt to obstruct an Animal Control Officer who is attempting to capture an Animal which is subject to being impounded pursuant to the provisions of this bylaw.
 - ii. induce an Animal to enter a house or other place where it may be safe from capture or otherwise assist an Animal to escape capture.
 - iii. unlock, unlatch, or otherwise open the Animal Control Officer's vehicle to allow or to attempt to allow any Animal to escape.
 - iv. tamper with, unlock, unlatch, or otherwise open a kennel, humane live trap, or any other animal control equipment.

18. LIVESTOCK

- a. No person shall keep Livestock within the Town boundaries without the approval of Town Council.

19. IMPOUNDMENT

- a. An Animal that is impounded pursuant to this Bylaw may be taken and held for a period of seven (7) days. During this period, any healthy animal may be redeemed by its Owner, or agent of the Owner, upon payment of:
 - i. The appropriate license fee specified in Schedule "A" when a cat or dog is found At Large not currently in possession of a license issued pursuant to this bylaw;
 - ii. The boarding fee specified in Schedule "A";
 - iii. Any associated medical costs that may have been required.
- b. At the end of the seven (7) day impoundment period, the Animal shall become the property of the Town and if kept for less than fourteen (14) days shall be available for adoption.
- c. On the 15th day, any Animal not claimed may be humanely euthanized or adopted to a person other than the Owner.

- d. An Animal Control Officer shall seek veterinary treatment of any Animal, in order to relieve pain or bleeding if that animal is found to have been injured or, is injured during the process of capture.
- e. If in the opinion of a licensed veterinarian, an Animal impounded pursuant to the bylaw, because of injuries sustained or its medical health should be euthanized for humane reasons, an Animal Control Officer may authorize that veterinarian to euthanize the Animal.
- f. No action shall be taken against any person, including an Animal Control Officer, employee, agent or volunteer of the Pound acting under the authority of this bylaw, for damages as a result of the destruction or other disposal of any Animal.

20. FINES AND PENALTIES

- a. Any person who contravenes the provisions of this Bylaw, or direction given by an Animal Control Officer pursuant to this Bylaw, is guilty of an offence and may be issued with a Violation Tag.
- b. A Violation Tag may be issued to such person:
 - i. Personally;
 - ii. By registered mail to the person at his or her last known post office address; or
 - iii. By leaving it with a person apparently over eighteen (18) years of age at the place of residency of the person to whom the Violation Tag is addressed.
- c. The Violation Tag issued pursuant to this bylaw shall be in a form approved by Council and shall state:
 - i. The name of the Owner to whom the Violation Tag is issued;
 - ii. The section number of the bylaw provision breached and a brief description of the offence;
 - iii. The appropriate specified penalty for the offence as set out at Schedule "B" of this bylaw;
 - iv. That the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag.
- d. Where a Violation Tag is issued pursuant to this bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Town office the penalty specified on the Violation Tag.
- e. Where a Violation Tag has been issued and the specified penalty not paid within the specified time, the Animal Control Officer is authorized to issue a Violation Ticket pursuant to Part 2 of the *Provincial Offences Procedure Act*, to any person that the Animal Control Officer has reasonable grounds to believe has contravened a provision of this bylaw.
- f. Notwithstanding Section 23.d., an Animal Control Officer may immediately issue a Violation Ticket to any person whom the Animal Control Officer has reasonable grounds to believe has contravened any provision of this bylaw, regardless of whether a Violation Tag has first been issued.
- g. When a clerk records the receipt of a voluntary payment pursuant to Section 23.a. and the *Provincial Offences Procedure Act*, the act of recording receipt of that payment constitutes acceptance of the guilty plea and also constitutes the conviction and the imposition of a fine in the amount of the specified penalty.
- h. Notwithstanding Section 23.a. and 23.b. above, an Animal Control Officer may issue a Violation Ticket without listing a specified penalty, and require that the person charged makes a mandatory court appearance.

21. EXEMPTIONS

- a. This Bylaw does not apply to a Service Dog or Assistance Dog while it is in active service.

22. SEVERABILITY

- a. Each section of this Bylaw shall be read and constructed as being separate and servable from each other Section. Furthermore, should any Section or Part of this Bylaw be found to have been improperly enacted for any reason, then such Section or Part shall be regarded as being severable from the rest of the Bylaw and the Bylaw remaining after such severance shall be effective and enforceable.

23. RESCIND BYLAW

- a. Bylaw 930 is hereby repealed upon the third and final reading of this bylaw.

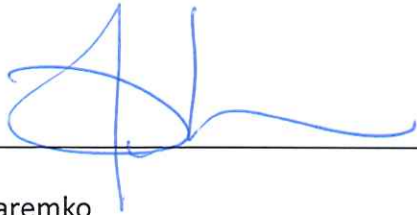
24. EFFECTIVE DATE

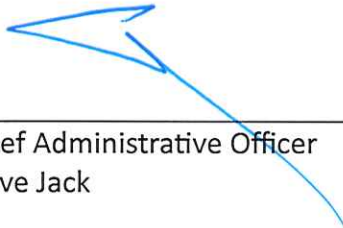
This Bylaw shall come into full force and effect on the third and final reading.

READ A FIRST TIME ON THIS 5 DAY OF SEPTEMBER, 2023

READ A SECOND TIME ON THIS 5 DAY OF SEPTEMBER, 2023

READ A THIRD AND FINAL TIME THIS 18 DAY OF SEPTEMBER, 2023.



Mayor
Tammy Yaremko

Chief Administrative Officer
Steve Jack

ATTACHMENTS:

Schedule "A" Fees

Schedule "B" Specified Penalties

Schedule "C" Animal Licensing Fee

Schedule “A”

FEES

Section	Description	Amount
3.b.i	Yearly Dog/Cat License	\$30.00
	Yearly Dog/Cat License (Spayed/Neutered)	\$20.00
3.i	Replacement Tags	\$3.00
13.f	Dangerous Dog License	\$500.00
14.d	Cat Trap Deposit / Rental	\$10.00
18.a.ii	Boarding Fees	\$10.00/day
18.a.iii	Medical Fees	As incurred

Schedule “B”

SPECIFIED PENALTIES

Section	Description	Amount
3.a.	Fail to obtain valid dog license	\$50.00
3.b.	Fail to obtain valid cat license	\$30.00
3.d.	Fail to ensure license tag is worn by dog	\$50.00
3.d.	Fail to ensure license tag is worn by cat	\$15.00
4.	Keep more than the maximum number of animals allowed	\$200.00
5.	Allow Animal to bark/howl excessively or otherwise disturb quiet	
	First offense	\$50.00
	Second offense	\$100.00
	Third offense	\$200.00
	Fourth and subsequent offense, within 1 year period, no less	\$400.00
6.a.	Fail to immediately remove Animal defecation from public/private property	\$50.00
6.b.	Fail to keep residence/grounds clean/sanitary/inoffensive	
	First offense	\$50.00
	Second offense	\$125.00
	Third offense	\$300.00
	Fourth and subsequent offense, within 1 year period, no less	\$500.00
7.	Allow dog/other animal to run at large	
	First offense	\$50.00
	Second offense	\$125.00
	Third offense	\$300.00
	Fourth and subsequent offense, within 1 year period, no less	\$500.00
7.f.	Allow animal to damage public/private property	
	First offense	\$50.00
	Second offense	\$125.00
	Third offense	\$300.00
	Fourth and subsequent offense, within 1 year period, no less	\$500.00
7.g.i.	Allow animal to chase/threaten a person or other animal	\$200.00
7.g.i.	Allow animal to bite/attack a person or other animal	\$1,000.00
7.g.ii.	Allow animal to kill another animal	\$1,000.00
7.g.iii.	Allow animal to chase motor vehicle	\$200.00
12.a.i.	Dangerous Dog kills another animal	\$1,500.00
12.a.ii.	Dangerous Dog bite/chase/attack person or animal	\$1,000.00
12.b.i.	Fail to confine Dangerous Dog when on the owner’s premises	\$300.00
12.b.ii.1.	Fail to confine Dangerous Dog by leash and controlled by person of 18 years	\$300.00
12.b.ii.2.	Fail to confine Dangerous Dog in securely enclosed locked pen or structure	\$300.00
12.d.	Fail to attach appropriate signage warning of Dangerous Dog	\$300.00
12.e.	Fail to muzzle or otherwise secure Dangerous Dog when off the premises of the owner.	\$300.00
16.	Interfere with, impeding or hindering an Animal Control Officer	\$500.00
17.	Have livestock in Town boundaries	\$100.00

Schedule "C"
Animal License Form



Town of Spirit River

Box 130
Spirit River, Alberta
T0H 3G0
Phone: (780) 864-3998
Fax: (780) 864-3433
www.townofspiritriver.ca

Animal License

Applicant's Information

Applicants Name: _____	Application Date: _____
Mailing Address: _____	Civic Address: _____
Phone (Primary): _____	Phone (Secondary): _____

Animal Information

Animal's Name: _____	Gender: Male Female
Animal's Breed: _____	Species: Dog Cat
Color/Marking: _____	Vaccinated: Yes No
_____	Spayed Neutered
_____	License Number: _____
_____	License Fee: _____

Applicant Signature: _____

For Office Use Only

CR #: _____	RENEWAL	NEW
Payment: Cash Debit Cheque		

Please bring this completed form to the Town of Spirit River to obtain an Animal License.