

BYLAW NO. 25-07 TOWN OF FALHER

A BYLAW OF THE TOWN OF FALHER, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF LICENSING AND REGULATING DOMESTICATED ANIMALS

WHEREAS pursuant to Section 7 (a) of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, Council may pass bylaws respecting the safety, health and welfare of people and the protection of people and property; as well as wild and domestic Animals and activities in relation to them; and

WHEREAS pursuant to Section 7 (h) of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, Council may pass bylaws respecting the safety, health and welfare of people and the protection of people and property; as well as wild and domestic Animals and activities in relation to them; and

WHEREAS, pursuant to Section 8 of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, Council may in a bylaw regulate, prohibit and to provide a system of licenses, permits and approvals; and

WHEREAS, pursuant to Section 7 of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, Council may pass bylaws for municipal purposes respecting the enforcement of bylaws made under the Act or any other enactment; and

WHEREAS, Council of the Town of Falher has deemed it necessary to adopt a new bylaw to regulate the keeping of Animals within the municipality, to ensure the protection of public health, safety and welfare of residents;

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

1. TITLE

This Bylaw may be referred to as the "Animal Control & Licensing Bylaw".

2. PURPOSE

The purpose of this Bylaw is to establish a system of licensing, regulating, and controlling the keeping of Animals within the Town of Falher.

3. DEFINITIONS

- a. "Act" means the Municipal Government Act, RSA 2000, c M-26, and amendments thereto;
- b. "Animal Control Officer" means a person appointed by the Town to enforce the provisions of this Bylaw, and may include any or all of the following: (i) the Chief Administrative Officer of the Town; (ii) a member of the Royal Canadian Mounted Police; (iii) an independent contractor who is under contract with the Municipality to provide bylaw enforcement services; and (iv) when authorized, a Special Constable.
- c. "Animal Shelter" means premises designated by the Town for the impoundment and care of Animals and includes premises supplied by an independent contractor under contract with the Town to provide such premises.
- d. "Animal" means any vertebrate, but excluding the following:
 - i. humans and fish;
 - ii. a wildlife Animal, as defined in the Wildlife Act, R.S.A. 2003 Chapter W-10, and which is held live under a permit issued pursuant to the Wildlife Act, or the keeping of which is otherwise subject to permit requirements under the Wildlife Act, as amended from time to time;
 - iii. the following organisms, commonly used as domestic pets: hamsters, rabbits, domestic mice, gerbils, ferrets, hedgehogs, canaries, parrots, budgies or similar household birds.
- e. "At Large" means and includes a situation whereby: (i) an Animal is found at any place other than the Owner's property or a permitted property; and (ii) while on such a place, is not being carried by any person or is otherwise not restrained by a Permitted Leash held by a person, and that Permitted Leash is attached to a choke chain, collar or harness securely holding that Animal. (iii) If it is difficult for a person to restrain the Animal with a Permitted Leash, then the Animal shall be deemed to be "At Large", notwithstanding the presence of a Permitted Leash.

- f. "Cat" means any domesticated member of the feline family;
- g. "Controlled Confinement" means the confinement of an Animal in a pen, cage or building or securely tethered in a manner that will not allow the Animal to bite, harm or harass any person or Animal;
- h. "Council" means the council of the Town of Falher;
- i. "Damage to property" means damage to property other than the Owner's property, and includes, but is not limited to: defecating or urinating on such property;
- j. "Dog" means any domesticated member of the canine family, other than a High Supervision Dog, as defined in this Bylaw;
- k. "Dwelling Unit" means a self-contained unit comprised of one or more rooms accommodating sitting, sleeping, sanitary facilities, and a principal kitchen for food preparation, cooking, and serving. A dwelling unit is used permanently or semi permanently as a residence for a single household.
- l. "High Supervision Dog" means any dog that is a Restricted Dog or a Vicious Dog;
- m. "Large Animal" means any animal other than a human being, Dog, High Supervision Dog, or Cat which in the adult form regularly weighs more than 10 kg.
- n. "Length of Stay" means the number of consecutive days a patron or their animal is present in the Campground, beginning on the date of initial arrival. The term applies to the patron or the animal as required by the specific regulation in which it appears;
- o. "License Fee" means the applicable annual fee payable in respect of a License for any particular Animal as set out in Schedule "A" of this Bylaw;
- p. "License Tag" means an identification tag supplied by the Town, showing the license number for a specific Animal;
- q. "License" means a License issued by the Town pursuant to this Bylaw;
- r. "Licensee" means a person named on a License;
- s. "Municipal Violation" means a ticket alleging an offence issued pursuant to the authority of a Bylaw of the Town;
- t. "Off leash Area" means an area designated by the Town where a Dog is permitted but not required to be held by a Leash;
- u. "Owner's Property" means any property in which the Owner of an Animal has a legal or equitable interest or over which the owner of an Animal has been given control or use of, by the legal or equitable owner of the property, and which property shall include, without limiting the generality of the foregoing, land, buildings and vehicles.
- v. "Owner" means a person or corporate body who:(i)owns or claims any proprietary interest in an Animal; or(ii)has the care, charge, custody, possession or control of an Animal; and/or(iii)is named on a License issued pursuant to Bylaw. iv - For the purposes of this Bylaw, an Animal may have more than one (1) registered Owner.
- w. "Permitted Leash" means a leash, chain, or other material capable of controlling or restraining the Animal on which it is being used and is attached to; and which leash shall not exceed three (3) metres in length.
- x. "Permitted Property" means private property upon which the Owner of an Animal has the express permission of the owner of that property to allow the Owner's Animal to be At Large thereon.
- y. "Restricted Dog" means any dog, regardless of its age, which has been identified and certified by a Veterinarian licensed to practice veterinary medicine in the Province of Alberta to be primarily of the breed(s):

- i. Rottweiler;
 - ii. Pit Bull;
 - iii. Pit Bull Terrier;
 - iv. American Staffordshire Bull Terrier;
 - v. American Staffordshire Terrier;
 - vi. American Pit Bull;
 - vii. Staffordshire;
 - viii. Doberman, Doberman Pinscher;
 - ix. Mastiff;
 - x. Rhodesian Ridgeback;
 - xi. Chow Chow; or
 - xii. Any dog of mixed breeding, which can be identified through physical characteristics as a dog partially of the above-mentioned breeds as verified by a licensed veterinarian.
- z. "Serious Wound" means an injury to a human or Animal resulting from the action of an Animal which causes the skin to be broken or flesh to be torn.
- aa. "Town" means the corporation of the Town of Falher;
- bb. "Vicious Dog" means a Dog of any age, which when on or off the property of its owner, shows a propensity, disposition or potential to attack or injure, without provocation, humans or other Animals, or a Dog which:
 - i. has, without provocation, threatened, chased, any other Animal or humans;
 - ii. has injured or bitten any other Animal or humans;
 - iii. has damaged or destroyed any private or public property;
 - iv. poses a continuing threat of serious harm to humans or other Animals;
 - v. is deemed to be dangerous by a Justice under the provisions of the Dangerous Dogs Act., R.S.A. 2000, Chapter D-3 and amendments thereto;
 - vi. has previously been determined to be a Vicious Dog by another other jurisdiction;
 - vii. is owned or harboured for the purpose of Dog fighting;
- cc. "Violation Ticket" has the same meaning as in the *Provincial Offences Procedure Act*.

LICENSING REQUIREMENTS

4. Licensing requirements shall only be applicable to Dogs and Cats and are not required for other Animals not prohibited in this Bylaw.
5. Licensing requirements provides important benefits for both the community and pet owners by helping to ensure identification of animals at large or lost in order to return them to their owners. Reuniting animals with their families reduces household stress. Animal Control regulation also assists with public safety and pet ownership accountability. Collected Licensing Fees assist in offsetting the cost of Animal Control Services offered by the Town.
6. The Owner of an Animal that is three (3) months of age or older, in Town , and is not prohibited in this Bylaw, shall apply for a License for that Animal by submitting an application to the Town Office.
7. Upon approval of an application for a License, the Owner shall pay the applicable License Fee, as set out in Schedule "A" of this Bylaw.
8. License Fees shall be paid by January 31st of each year.
9. Notwithstanding Section 7 above, where
 - a. the Animal reaches the age of three (3) months after January 31st;
 - b. the person becomes the Owner of that Animal after January 31st; or
 - c. the Owner takes up residence in the Town after January 31st;
 The Owner shall apply for the License within seven (7) days of that time.
10. Pursuant to Section 5, if an animal owner spends a regular or predictable, and consequential amount of time within the Town, they may be required to license said animal, regardless of residency within the Town, upon direction of the Town or the Animal Control Officer.
11. The Owner shall provide, with each application for a License, the information as may be required by the Town or the Animal Control Officer.
12. The Town and/or Animal Control Officer shall consider all applications or renewals for Licenses, and, at their discretion, may:
 - a. require the applicant to submit such information as the Animal Control Officer deems appropriate, including but not limited to information pertaining to the Animal, a photo of the Animal, Veterinary records identifying the breed of the Animal, proposed Controlled Confinement of the Animal, the lands where the Animal is to be kept, availability and

- nature of insurance, a site plan of the lands, and the number of Animals to be kept;
- b. reject or refuse the application with reasons; or
 - c. approve the application, with or without any conditions relevant to the presence of the Animal(s) on the property.
13. Pursuant to Section 12(b) above, if the application is refused, the Owner shall be required to remove the Animal from the Town. Failure to do so may result in the Town taking actions to have the animal removed. The Owner responsible for the Animal of said rejected or refused application shall be responsible for any costs associated with said actions.
14. A Licensee shall notify the Animal Control Officer of any changes with respect to any information provided as part of an application for a Licensee before or after a License has been issued, as the case may be.
15. A License issued pursuant to this Bylaw shall expire on December 31st in the year in which it was issued.
16. No person is entitled to a refund or a rebate for any License Fee.
17. A License issued pursuant to this Bylaw is not transferable from one Animal to another, or from one Owner to another.
18. If the application for a License is approved, and the required License Fee is paid, the Owner shall be supplied with a License Tag, which shall have a unique number registered to that Animal.
19. The following regulations apply to all patrons and/or visitors of any Campground owned or operated by the Town, as well as to any animals accompanying them:
- a. Animals that are classified as "High Supervision Dog" or generally Prohibited under this or any other Town Bylaws or applicable legislation are prohibited from entering or remaining in the Campground.
 - b. Animals with a Length of Stay of one (1) to six (6) consecutive days in the Campground are not required to register with the Municipality; however, voluntary registration is permitted.
 - c. Animals with a Length of Stay in the Campground of seven (7) days or more are required to apply for registration with the Municipality.
 - d. For animals with a Length of Stay of one (1) to twenty-seven (27) days, no registration fees shall apply. Standard registration fees shall apply to any animal with a Length of Stay of twenty-eight (28) days or more.

GENERAL REGULATIONS

Prohibited Animals

20. No person shall keep or harbour any of the following genus of Animals within the corporate limits of the Town:
- a. Swine (Pig);
 - b. Equine (Horse);
 - c. Bovine (Cow);
 - d. Poultry (Chickens, etc);
 - e. Caprine (Goats, etc);
 - f. Pigeons;
 - g. Poisonous/Venomous snakes, reptile or insects;
 - h. Large Animals or the young thereof
 - i. Other domesticated Animals raised in captivity for the purposes of meat, dairy, or other agricultural production.
21. For clarity, the above list and any supplemental lists contained within this Bylaw are not exhaustive of all prohibited animals, but are intended to reflect their most common categories. This prohibition extends to any domesticated or farmed animal equivalent, including but not limited to: pigs, hogs, boars, horses, ponies, donkeys, mules, cattle, bison, buffalo, oxen, goats, sheep, lambs, deer (or other small ruminants of a similar nature), and all domesticated or farmed bird species such as chickens, ducks, geese, turkeys, quail, pheasants, guinea fowl, and similar species.
22. Sections 20 & 21 do not apply to Animals temporarily brought into the Town for parades, carnivals, rodeo, chuckwagon events or exhibits under the care and supervision of qualified persons.

Restrictions on Number of Animals

23. No person shall keep or harbour more than two (2) animals of each genus (i.e., cats and dogs) per dwelling unit. The total number of animals per dwelling unit shall not exceed four (4).
- a. Exemptions: The Chief Administrative Officer (CAO) may, in exceptional or limited circumstances, grant an exemption to the limits in this Section. Such exemptions may be considered where but are not limited to:
 - i. New residents recently moving to the Town who require additional time to comply with the limits and the animals in question have demonstrated good behaviour and responsible ownership
 - ii. Other special circumstances deemed reasonable by the CAO.

Exemptions under this section are intended to be used sparingly and are not to be interpreted as routine approval for exceeding the limits set out in this Bylaw.

24. Section 23 above does not apply to Animals under the age of three (3) months.

Responsibilities and Standards of Care

25. An Owner of a licensed Animal is guilty of an offense if that Animal is not wearing a License Tag while that Animal is on property other than the Owner's Property unless it is not possible to securely fasten the License Tag (directly or indirectly) to the Animal.
26. An Owner or a person in charge of a Licensed Animal shall:
 - a. ensure that the Animal has adequate food and water;
 - b. provide the Animal with reasonable protection from injurious heat or cold;
 - c. provide the Animal with adequate care when the Animal is ill or wounded;
 - d. not confine the Animal to an enclosure or area with inadequate space, unsanitary conditions, inadequate ventilation or without providing an opportunity for exercise, so as to significantly impair the Animal's health or wellbeing;
 - e. ensure that the Animal receives regular grooming and claw care to avoid knots, skin damage, skin lesions and discomfort to the Animal; and
 - f. not allow the Animal to be present at any place, private or public, where there are signs prohibiting the presence of Animals, regardless of whether or not the Animal is under control;
27. No person shall cause an Animal to be in distress.
28. For the purposes of this Bylaw, an Animal is considered to be in distress, if that Animal is:
 - a. deprived of food, water, adequate shelter, ventilation, space, veterinary care or reasonable protection from injurious heat or cold;
 - b. injured, sick, in pain or suffering; and/or
 - c. abused or subjected to undue hardship, privation or neglect.
29. Section 28 above does not apply if the distress, or any pain, suffering or injury to the Animal result from an activity carried on in the practice of veterinary medicine, or in accordance with reasonable and generally accepted practices of Animal management, husbandry or slaughter.
30. Pursuant to Sections 26, 27, and 28 above, in the event that the Town does not have direct ability and/or capacity for enforcement of such items, the Town may receive complaints and concerns from citizens for items related to Responsibilities and Standards of Care, and as deemed necessary and able address the item or may forward such matters to the appropriate channels at the regional, Provincial, or Federal level as deemed necessary.
31. The Owner of a female Animal shall keep the Animal housed and confined in a building or a licensed kennel during the entire period that the Animal is in heat, except that the female Animal may be allowed outside any such building or kennel for a reasonable period for the sole purpose of eliminating on the Owner's Property.
32. The Owner or person in charge of an Animal shall ensure that any defecation apparently left on the Owner's Property from the Animal does not accumulate in such a manner as to cause a disturbance or pose a health risk to others.
33. If an Animal defecates on a property other than the Owner's Property, the Owner shall cause such defecation to be removed immediately and disposed of in a sanitary manner.
34. No person shall untie, loosen or otherwise free an Animal which is not in distress, unless such a person has the authorization of the Owner.
35. The Owner of an Animal that is suffering from any communicable disease shall:
 - a. not permit the Animal to be in a public place;
 - b. not keep the Animal confined; and
 - c. immediately report the disease to the appropriate authorities, where required by law.
36. The Town may loan a trap to any person for a period not exceeding five (5) days and in every such case the Town shall obtain from the person borrowing the trap, a cash deposit of fifty dollars (\$50.00) and shall refund the deposit upon return of the trap in the same condition as it was when loaned, reasonable wear and tear expected.
37. A person who takes control of a stray Animal shall forthwith notify the Animal Control Officer and provide any required information.
38. Unless otherwise permitted by law, no person shall capture any Animal by means of a leg hold or foot hold trap.
39. No person shall violate any term or condition attached to a License issued pursuant to this Bylaw.
40. No person shall provide false or misleading information to the Animal Control Officer.

41. No person shall interfere with, hinder or impede an Animal Control Officer in the performance of their duties authorized by this Bylaw.

Regulations Applying to all Dogs and Cats

42. The Owner of an Animal shall obtain and keep force a License for the Dog, pursuant to Section 4 of this Bylaw.
43. The Animal Control Officer may not issue or renew an Animal License, unless the Officer is satisfied that:
 - a. at least one person named on the License is at least eighteen (18) years of age;
 - b. all applicable fees have been paid; and
 - c. all required information has been provided.
44. Notwithstanding Sections 6, where the Animal Control Officer is satisfied that a person with disabilities is the Owner of a Dog that is trained and used to assist the disabled person, there shall be no License fee payable by the person for that Dog.
45. Notwithstanding Section 15, the Animal Control Officer may issue or renew a License for a shorter or longer period than one year only in exceptional circumstances as determined by the Officer. Proportional fees for partial-year licenses shall not be calculated for standard registration purposes, except as may be determined by the Animal Control Officer in exceptional circumstances.
46. License fees shall generally be for a full calendar year. Standard fees shall apply to licenses issued or renewed on or after October 1 with the registration being valid for the remainder of the current calendar year and the following year with an expiration of December 31st, pursuant to Section 15.
47. The Owner or a person having care or control of an Animal shall, at all times when the Animal is off the Owner's Property:
 - a. have it under control; and
 - b. held on a leash not exceeding three (3) metres in length.
48. The Owner or person having control of an Animal shall ensure that the Animal does not become a public nuisance by permitting or otherwise allowing the Animal to:
 - a. run At Large;
 - b. enter onto any private property other than the Owner's Property, unless it is a Permitted Property as defined in this Bylaw; or
 - c. cause damage to public or property or another Animal;
 - d. chase, attack, harass, bite or attempt to chase, attack or bite any person, Animal, or any automobiles, bicycles or any other vehicles, whether on the Owner's property or not;
 - e. bark, howl, yowl or otherwise disturb the peace of any person;
 - f. worry or annoy any other Animal;
 - g. be left unattended in a motor vehicle, unless the Dog is restricted so as to prevent access to persons, and so long as the restraint used provides suitable ventilation;
 - h. upset waste receptacle or scatter the content of any garbage receptacle; or
 - i. defecate on a property other than the Owner's Property.
49. Special consideration may be provided for Section 44(a), (b), (c), (d) and (e) in matters where a chase, attack, bite, damage or injury is a direct result of the Animal being provoked with intent.
50. Nothing in this Section removes the obligation to have a Animal under control when the Animals is off the Owner's Property.

Regulations Applying to High Supervision Dogs

51. Where an Owner disputes the designation of their Dog as a "Restricted Dog" due to the basis of animal breed, the Town may require the owner to provide a written certificate from a Veterinarian confirming the breed or mixed breed of the owner's dog. The Owner shall be responsible for any fees or costs associated with the issuance of the certificate.
52. If the Animal Control Officer determines that a Dog is a Vicious Dog, either through personal observation or after an investigation initiated by a complaint, he or she may in writing:
 - a. inform the Owner that their Animal has been determined to be a Vicious Dog;
 - b. require the owner to keep such dog in accordance with the provisions of this Bylaw; and
 - c. inform the Owner that if the Vicious Dog is not kept in accordance with provisions of this Bylaw, the owner will be fined, or subject to appropriate enforcement action(s) provided for in this Bylaw.
53. The Owner of a High Supervision Dog shall obtain and keep in force a High Supervision Dog license for their Animal.

54. The Owner of a High Supervision Dog shall have the Animal tattooed or photographed to the satisfaction of the Animal Control Officer, for the purpose of identifying such Dog as being a High Supervision Dog.
55. The Owner of a High Supervision Dog shall maintain in force a policy of liability insurance in a form satisfactory to the Town of Falher providing third party liability insurance coverage in a minimum amount of \$500,000.00 for injuries caused by High Supervision Dog.
56. The liability policy shall contain a provision requiring the insurer to immediately notify the Town in writing should the policy expire or be cancelled or terminated.
57. The Owner of a High Supervision Dog shall provide to the Animal Control Officer proof that such liability policy is in force before they may obtain a High Supervision Dog.
58. Upon cancellation, expiry or termination of the liability policy, the High Supervision Dog License is null and void.
59. At all times, while a High Supervision Dog is on the premises of its Owner, the Owner shall:
 - a. keep the Dog confined indoors under the effective control of a person over the age of sixteen (16) years;
 - b. keep the Dog confined in a securely enclosed and locked pen; or
 - c. keep the Dog confined in other structure, constructed to prevent the escape of the High Supervision Dog, and capable of preventing the entry of young children.
60. A pen purchased or constructed for keeping a High Supervision Dog 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 one (1) foot.
61. The Owner of a High Supervision Dog shall not permit or allow the Animal to be on any public property or private property that is not owned or under the control of the Owner, unless the High Supervision Dog is:
 - a. muzzled;
 - b. on a leash; and
 - c. under the effective control of the Owner or someone over the age of sixteen (16) years acting on behalf of, and with the authority of, the Owner as required by this Bylaw.
62. Section 59 shall not apply when the High Supervision Dog is in a pen meeting the requirements of Section 60.

ENFORCEMENT

Offences and Penalties

63. Any person who contravenes any provision of this Bylaw is guilty of an offence.
64. A person who is guilty of an offence is liable to a fine in an amount not less than that established in this Bylaw and not exceeding \$10,000.
65. Under no circumstance shall any person contravening any provisions of this Bylaw be subject to the penalty of imprisonment.
66. In the case of an offence of a continuing nature, a contravention constitutes a separate offence pertaining to each day, or part of day, in which the offence continues, and the person guilty of the offence is liable to a fine in an amount not less than that established in this Bylaw for that offence for each such day.
67. Without restricting the generality of Section 71, fines and penalties are those amounts established in Schedule B of this Bylaw, as amended from time to time by Council.
68. Where there has been a breach of this Bylaw, an Animal Control Officer may issue:
 - a. a Municipal Violation ; or
 - b. a Violation Ticket pursuant to Part 2 of the *Provincial Offences Procedure Act*, S.A., 1988, c.P-21.5, as amended
 - c. as deemed appropriate.
69. If a Municipal Violation is issued for an offence, the Tag shall specify the exact fine amount established in this Bylaw for that offence.
70. A person who has been issued a Municipal Violation for an offence committed under this Bylaw may pay the fine amount and, if the amount is paid on or before the required date, the person shall not be prosecuted for the offence.
71. If a Violation Ticket is issued in respect for an offence, the Violation Ticket may:
 - a. specify the fine amount established by this Bylaw for that offence; or
 - b. require the person to appear in court without the option of making voluntary payment.
72. A person who has been issued a Violation Ticket that specifies the fine amount for an offence committed under this Bylaw may make a voluntary payment equal to the fine amount on or before the required date.

Seizure and Impounding of Animals

73. The Animal Control Officer may capture, seize and impound any Animal that is:
 - a. At Large;
 - b. alleged to have killed or seriously injured a person or another Animal;

- c. alleged to have damaged property;
 - d. alleged to have created a disturbance or other forms of nuisance;
 - e. unlicensed contrary to the provisions of this Bylaw; and/or
 - f. prohibited from being kept or raised in the Town.
74. In capturing, seizing and impounding any Animal, the Animal Control Officer must consider whether the Animal was acting in self defence or attempting to prevent a person from committing an unlawful act.
75. In capturing, seizing and impounding any Animal, the Animal Control Officer may take such reasonable measures as are necessary to subdue the Animal, including the use of tranquillizer equipment and materials.
76. An impounded Animal may be kept in a Shelter. If the Animal is injured in the process of being impounded, the Animal may be taken to a registered veterinarian for treatment and then to the Animal Shelter.
77. An impounded Animal may be kept in the Animal Shelter for a period of ninety-six (96) hours. Sundays and Statutory holidays shall not be included in the computation of the ninety-six (96) hour period.
78. An impounded Animal may be redeemed by its Owner upon making payment to the Town or its authorized agent:
- a. the appropriate impoundment fee, as set out in Schedule "A" of this Bylaw;
 - b. the appropriate License Fee, if the Animal is not licensed; and
 - c. the cost of any veterinary treatment to relieve pain or bleeding of the Animal that is found to be injured when picked up or injured in the process of capture.
79. Notwithstanding Section 83 above, the Animal Control Officer is not obliged to release the Animal to its Owner, if:
- a. no License has been obtained for the Animal in violation of this Bylaw;
 - b. the application for a License for the Animal was submitted but refused;
 - c. the conditions of the License issued for the Animal have not been met;
 - d. the Animal has been impounded on multiple occasions;
 - e. the Animal Control Officer has reasonable grounds to believe that returning the Animal to its Owner is not in the interest of the Animal or the public; and/or
 - f. the Animal is prohibited from being kept or raised in Town;
80. Upon the expiration of the ninety-six (96) hour period prescribed in Section 81 of this Bylaw, the Animal Control Officer may:
- a. offer the Animal for sale, or for gift;
 - b. destroy the Animal in a humane manner;
 - c. allow the Animal to be redeemed by its Owner in accordance with the provisions of Section 83; or
 - d. continue to impound the Animal for an indefinite period of time or for such further period of time as the Animal Control Officer may decide at their discretion.

Controlled Confinement

81. A person or Owner who has received a Serious Wound from an Animal, and the Owner of an Animal which has inflicted the Serious Wound, shall promptly report the Animal to an Animal Control Officer who may thereupon place the Animal under Controlled Confinement.
82. Upon demand made by the Animal Control Officer, the Owner shall forthwith surrender for quarantine any Animal:
- a. which has inflicted a Serious Wound to any person;
 - b. which the Animal Control Officer has reasonable and probable grounds to suspect of having been exposed to rabies or other contagious disease(s).
83. At the discretion of the Animal Control Officer, a Controlled Confinement may be on the premises of the Owner, a registered Veterinarian within the Town, or the Animal Shelter.
84. An Animal placed under Controlled Confinement shall not be released to the Owner unless:
- a. by written permission from a registered Veterinarian;
 - b. the Animal is adjudged free of rabies or other contagious disease(s), if applicable;
 - c. the Owner has paid any confinement expenses incurred, if applicable; and
 - d. upon compliance with the licensing provisions of this Bylaw, if applicable.
85. Notwithstanding Section 84 above, where the Animal Control Officer determines that there is no License issued for the Animal and/or a License will not be issued for the Animal, then the Animal shall be treated pursuant to Section 85 of the Bylaw.

Revocation of Licence

86. The Animal Control Officer may revoke a License if:
- a. the applicant fails to comply with the conditions of the License;

- b. the License was issued on the basis of incorrect information or misrepresentation by the applicant;
- c. the License was issued in error; and/or
- d. the Owner breaches a provision of this Bylaw.

Compliance with Other Legislation and Legal Redress

- 87. The Owner or person in control of an Animal is responsible for, and is not excused from, ascertaining and complying with the requirements of any applicable Federal, Provincial or other Municipal legislation, including the Town's Land Use Bylaw.
- 88. Where the keeping of an Animal would not comply with any Federal, Provincial or other Municipal legislation, the Animal Control Officer may refuse to issue a license.
- 89. Nothing in this Bylaw limits the right of any person to prosecute a claim or seek legal redress for damages suffered by reason of injuries to a person or property resulting from the action(s) or inaction(s) of the Owner of any Animal or their agent.

FEES AND FINES

- 90. The following fees and penalties are hereby established:
 - a. For licenses, the amount set out in Schedule A of this Bylaw;
 - b. For any impound and required veterinary treatment, including drugs and medicines, the actual cost of the treatment;
 - c. For fines and penalties, the amount set out in Schedule B of this Bylaw.

SEVERABILITY

- 91. Should any provision of this Bylaw be invalid, then such invalid provision may be severed and the remaining Bylaw shall be maintained.

ENACTMENT

- 92. This Bylaw shall come into effect on the date of it finally being passed.
- 93. Bylaw No. 09-06, Cats and Dog Bylaw; Bylaw No. 09-07 Vicious Dog Bylaw; and Bylaw No. Animal Control By-law 10-03, and any amendments thereto, are hereby repealed.

READ a first time this ____ day of _____, 2025

READ a second time this _____ day of _____, 2025

SIGNED COPY AVAILABLE FOR VIEWING IN PERSON AT MUNICIPAL OFFICE

READ a third time and finally passed this _____ day of _____, 2025

MAYOR

MUNICIPAL ADMINISTRATOR

SCHEDULE 'A'

FEES

1. License Fee for each Animal (including License Tag):
 - (a) Dog (male) License: \$20.00
 - (b) Dog (female – spayed) License: \$20.00
 - (c) Dog (female – non-spayed) License: \$30.00

 - (d) Cat (male) License: \$20.00
 - (e) Cat (female – spayed) License: \$20.00
 - (f) Cat (female – non-spayed) License: \$30.00

 - (g) High Supervision/Restricted/Vicious Dog License: \$150.00

NOTE: The prorating of License Fees may be applied for #1 as set out in #2 below.

2. Applications for Licenses made between:
 - (a) January 1 and October 31 in any given year shall be subject to the complete License Fee as set out in #1 above.
 - (b) November 1 to December 31 in any given year may be subject to the complete License Fee as set out in #1 above with licensing being valid from the date of registration until December 31st of the following year.
3. Replacement License Tag: \$5
4. Impoundment Fees (Shelter and Care):

Shelter: Those charges rendered by the Animal Shelter.
Any required veterinary treatment: Actual Cost

**SCHEDULE ‘B’
FINES**

Bylaw Ref.	Nature of Violation	Fines
Section 19	Prohibited Animal or High Supervision Dog within a Campground	\$500.00
Section 20	Owner of a Prohibited Animal within Corporate Limits (Large Animal)	\$500.00/large animal
Section 23	Harbouring or keeping more Animals than permitted	\$300.00
Section 25	Owner of a licensed Animal not wearing License Tag while off the owner’s property	\$100.00
Section 26 (f)	Owner of an Animal which is present in an area where the presence of Animals is prohibited by sign	\$200.00
Section 31	Failure of Owner to keep a female Animal in heat housed and confined to building or kennel	\$200.00
Section 32	Accumulation of defecation on an Owner’s property posing a health risk to others.	\$250.00
Section 33	Failure of Owner to remove defecation immediately from property which is not the Owner’s property.	\$250.00
Section 34	Untying, loosening or otherwise freeing an Animal without the Owner’s authorization	\$200.00
Section 40	Providing false or misleading information	\$500.00

Section 41	Interfering with, impeding or hindering an Animal Control Officer's enforcement of this Bylaw	\$1,000.00
Section 48	Owner of an Animal at large	\$100.00
Section 48	Owner of an Animal which bites, attacks, threatens, harasses, barks at, chases or injures any person.	\$500.00
Section 48	Owner of an Animal which bites, attacks, threatens, harasses, barks at, chases, kills, or injures any animals or pets belonging to other persons	\$250.00
Section 48	Owner of an Animal which bites, barks at, or chases any vehicle	\$200.00
Section 48	Owner of an Animal which causes damage to Property	\$500.00
Section 48	Teasing, tormenting, annoying, abusing or injuring any Animal	\$500.00
Sections 4-19	Failure to obtain license	\$200.00
Second or subsequent offence within one year of the first offence	Double the amount of the specified penalty prescribed for a first offence	
An offence for which a penalty is not otherwise provided in Schedule "B" of this Bylaw	\$200.00	