



Bylaw Number 863

A BYLAW OF THE MUNICIPALITY OF THE TOWN OF STAVELY IN THE PROVINCE OF ALBERTA FOR THE LICENSING, CONTROL, AND REGULATION OF ANIMALS WITHIN THE TOWN OF STAVELY TO PROMOTE RESPONSIBLE OWNERSHIP.

WHEREAS pursuant to Section 7 (a) of the *Municipal Government Act*, R.S.A 2000 c M-26, and amendments thereto, a council may pass bylaws respecting the safety, health and welfare of people and the protection of people and property;

WHEREAS pursuant to Section 7(h) of the *Municipal Government Act*, a council may pass bylaws respecting wild and domestic animals and activities in relation to them;

WHEREAS pursuant to Section 7(i) of the *Municipal Government Act*, a council may pass bylaws respecting the enforcement of bylaws made under the Act or any other enactment including any or all of the matters listed therein; and

WHEREAS pursuant to Section 8 of the *Municipal Government Act*, a council may in a bylaw regulate or prohibit, and provide for a system of licences, permits or approvals including any or all of the matters listed therein; and

WHEREAS the Council of the Town of Stavely considers it expedient to promote responsible animal ownership and to control, regulate, and license animals within the Town of Stavely;

NOW THEREFORE THE COUNCIL OF THE TOWN OF STAVELY, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

PART 1 – PURPOSE, DEFINITIONS AND INTERPRETATION

1. PURPOSE:

1.1 The purpose of this Bylaw is to promote responsible Animal ownership and to control, regulate and license Animals within the Town.

2. CITATION:

2.1 This Bylaw may be cited as the “Animal Control Bylaw”.

3. DEFINITIONS:

3.1 In this Bylaw, unless the context otherwise requires:

- a) “Animal” means any live creature, both domestic and wild, and includes fowl (excluding chickens), fish, and reptiles, but does not include a human;
- b) “Animal Control Officer” means any Person, or their designate, in charge of the administration and enforcement of this Bylaw in conjunction with the operation of an Animal Services Centre, and includes a Bylaw Enforcement Officer, Peace Officer, an employee of the Town of Stavely or an independent contractor appointed by the Town to enforce the provisions of the Town bylaws;
- c) “Town of Stavely” means either an employee of the Town of Stavely authorized to issue Licenses in respect to this Bylaw, or an employee of an Animal Services Centre under the direct management of the Animal Control Officer;
- d) “Animal Services Centre” means a facility that adheres to all Provincial, Federal and applicable registered animal humane and protection society regulations in accordance with best practices and standards for animal welfare designated by the Town of Stavely for the impoundment or seizure, confinement and care of Animals and includes a facility that may be supplied by an independent contractor, under contract with the Town to provide such facility;
- e) “At Large” means an Animal that is present at any place other than the Owner’s Property which is not being carried by a person or which is not otherwise restrained or under physical control of a Person by means of some form of restraining device securely holding that Animal.

- f) **“Attack”** means an assault by an Animal upon a Person or other Animal resulting in bleeding, bone breakage, sprains, abrasions, bruising, or multiple injuries;
- g) **“Bee”** means the insect *Apis mellifera*, commonly referred to as “honeybees”;
- h) **“Brand Inspector”** is a person designated or appointed to enforce the provisions of the Brand Act, the Livestock Identification and Brand Inspection Act, the Livestock and Livestock Products Act and the Stray Animals Act.
- i) **“Business Day”** is any day of the week, excluding Saturday, Sunday or holidays.
- j) **“Bylaw”** is the Town of Stavely Animal Control Bylaw.
- k) **“Cat”** means any Animal of the domesticated feline species;
- l) **“Chief Administrative Officer”** or **“CAO”** means the Person designated by Council as the chief administrative officer of the Town or his/her designate;
- m) **“Contractor”** means a Person that carries out work for the Town of Stavely under a written agreement for an independent business-contractor relationship for services;
- n) **“Council”** is the Council of the Town of Stavely in the Province of Alberta.
- o) **“Court”** means a court of competent jurisdiction in the Province of Alberta;
- p) **“Dangerous Dog”** means:
- (i) any Dog designated as such in accordance with Section 12 of this Bylaw;
 - (ii) any Dog designated as such pursuant to the *Dangerous Dogs Act*
- q) **“Dog”** means either a male or female member of the domestic canine family, either intact, neutered or spayed;
- r) **Domestic Animal”** is and including any dog, cat or any animal reclaimed from a wild state and adapted to live with man, not including “livestock” and poultry” as defined herein;
- s) **“Former Owner”** is the person, who, at the time of impoundment, was the owner of an animal, including domestic, livestock and poultry which has subsequently been sold, given away or destroyed.
- t) **“Impounded”** means an Animal that has been apprehended, caught, trapped in a live trap, or is otherwise caused to come into the care and custody of an Animal Control Officer pursuant to an investigation or apparent breach of this Bylaw or other Federal or Provincial Legislation concerning Animals;
- u) **“Livestock”** includes, but is not limited to:
- (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 Animals including foxes or mink,
 - (iv) Animals of the bovine species,
 - (v) rabbits raised for meat,
 - (vi) Animals of the avian species intended for human consumption, including turkeys, ducks, geese, or pheasants, and
 - (vii) all other Animals or insects that are kept for agricultural purposes;
- excepting specific livestock that may be permitted by Town of Stavely bylaw;
- v) **“License Officer”** is any person, firm or corporation appointed to process to process dog registrations, maintain records and collect fees pursuant to the provisions of the bylaw.
- w) **“Municipal Tag”** means a tag or similar document issued by the Town under the Municipal Government Act that alleges a bylaw offence and provides a Person with the opportunity to pay an amount to the Town in lieu of prosecution for the offence;
- x) **“Off Leash”** means a public area or Park designated by the Town where Dogs are permitted to have the

Dog's restraining device removed while in that area, subject to the provisions of this Bylaw.

- y) **"Owner"** means any Person;
- Who has legal title to the Animal; or
 - Who has possession or custody, or care and control of the animal, either temporarily or permanently, or
 - Who claims and receives an Animal from the custody of the Animal Services Centre; or
 - To whom a license tag was issued for an Animal in accordance with this Bylaw; or
 - Who harbours the Animal, or allows the Animal to remain on his premises; or
 - Who is the registered owner of a motor vehicle in which the animal is found or any motor vehicle that is transporting an Animal in or on;
- z) **"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:
- playgrounds,
 - cemeteries,
 - natural areas,
 - Sports Fields, and
 - pathways and trails;
- aa) **"Peace Officer"** has the meaning provided in the *Provincial Offences Procedure Act*;
- bb) **"Person"** means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative;
- cc) **"Provincial Offences Procedure Act"** means the *Provincial Offences Procedure Act*, RSA 2000, Chapter P-34 and the regulations thereunder;
- dd) **"Register"** is to register with the Town of Stavely;
- ee) **"Registered Service Dog"** means a dog that is specially trained to assist individuals with disabilities with everyday activities and is registered with the Government of Alberta under the Service Dogs Act;
- ff) **"Restraining Device"** means a leash, tether, line, strap or other material of sufficient length and strength capable of restraining, without breaking, the Animal on which it is being used;
- gg) **"Running at Large"** is a Dog within the meaning of this bylaw that is off the premises of its owners or the person in possession thereof and not under the immediate and continuous control of the person capable of effectively controlling it;
- hh) **"Service Dog"** has the same meaning as in the *Service Dogs Act*, SA 2007, Chapter S-7.5 and regulations thereunder;
- ii) **"Sports Field"** means an outdoor area which is set apart and used for general fitness or the playing of sporting activities, including:
- courts (for example, basketball, tennis, or pickleball courts),
 - fields, meaning land within and controlled by Town which is set apart and used for the playing of a sport, whether formal or informal or competitive or recreational, including baseball diamonds, field hockey or cricket pitches, and rugby, soccer or football fields;
 - running tracks,
 - fitness parks, where outdoor fitness equipment has been installed for public use, and
 - a playground; an outdoor area upon which apparatus such as swings, slides, and other children's play equipment are placed,
 - outdoor skating rink,
 - skate or bike park; an outdoor area which is designed and intended specifically for the use of skateboards, in-line skates, bicycles, scooter, or other similar devices,
 - spray park; an outdoor water park or splash pad, or
 - any similar outdoor play spaces;
- jj) **"Tag"** means the physical tag issued by the Town of Stavely as a means of identification of an Animal licensed pursuant to this Bylaw;
- kk) **"Town"** means the municipal corporation of the Town of Stavely or the area contained within the boundary thereof as the context requires;
- ll) **"Vicious"** means a domestic animal, whatever age, whether on public or private property which;
- Shows a propensity, disposition or potential to attack or injure, without provocation humans or other animals and;

- Is a continuing threat of serious harm to humans or another animal Or;
- Without provocation, chase any person in a threatening manner or;
- Has inflicted a wound upon a human or upon a domestic animal without provocation or;
- Is deemed to be dangerous by a Justice under the provisions of the Dangerous Dogs Act.,

mm) “Violation Ticket” has the same meaning as in the *Provincial Offences Procedure Act*.

nn) “Wildlife” means big game, birds of prey, fur-bearing Animals, migratory game birds, non-game Animals, non-license Animals and upland game birds as defined within the *Alberta Wildlife Act*;

4. INTERPRETATION

- 4.1 The use of nouns and pronouns within this Bylaw are gender neutral and, accordingly, any reference to one gender includes the other. Also, words in the singular include the plural and conversely, words in the plural include the singular.
- 4.2 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.

PART 2 - PERMITTED AND PROHIBITED

5. OWNERSHIP AND EXCEPTIONS

- 5.1 Subject to the provisions of this Bylaw, Animals that may be kept within the Town of Stavely include domestic pets, such as Dogs and Cats.
- 5.2 It is not the intention of this Bylaw to prohibit other domestic pets such as small caged pets or birds that fall within provincial and federal guidelines; however, licensing requirements, as per this Bylaw, do not apply to such domestic pets.
- 5.3 No person shall keep or have any of the following within the Town:
- Livestock;
 - Wildlife;
 - Bees; or
 - poisonous snakes, reptiles or insects,
- excepting where expressly permitted by an applicable Town of Stavely bylaw.
- 5.4 Exceptions to Subsection 5.3 include:
- facilities where Livestock are temporarily housed for educational, veterinary, scientific, or civic purposes;
 - for permitted Special Events, such as parades or filming, and
 - specific areas as designated within the Town of Stavely Land Use Bylaw, or any other current bylaw.
- 5.5 The Owners of any Livestock temporarily entering the Town of Stavely as permitted by the provisions of this Bylaw must hygienically dispose of any feces produced by such Livestock in accordance with the *Environmental Protection and Enhancement Act*, RSA 2000 c E-12, as amended from time to time.
- 5.6 Where livestock trespasses within the Town of Stavely on any:
- Public land owned by the Town, including highways;
 - Public lands owned by the crown; or
 - Lands privately owned without the consent of the owner of those lands;
- While the livestock are on such lands, an animal control officer may capture and confine such livestock
- 5.7 When branded livestock has been captured and secured pursuant, the animal control officer will report the capture and relinquish responsibility for the livestock to a Brand Inspector.
- 5.8 No more than three (3) Dogs shall be harboured, suffered or permitted to remain upon or in any land, house, shelter, room or place, building structure, or property within the Town; and
- notwithstanding the three Dog limit, no more than one (1) Dangerous Dog shall be harboured, suffered or permitted to remain upon or in any land, house, shelter, room or place, building structure, or property within the Town.

- 5.9 The restrictions in subsection 5.6 shall not apply where:
- (a) the property is lawfully used for the care and treatment of Animals, operated by or under the charge of a licensed veterinarian;
 - (b) the Owner is the holder of a valid and subsisting development permit which authorizes the keeping of Dogs in excess of the applicable limit established in 5.6;
 - (c) the Dogs in excess of the limit are under three (3) months of age and are the offspring of a licensed Dog residing at the same location;
 - (d) the Owner is a not-for-profit association, not-for-profit corporation or government organization engaged in the provision of specialized Dog services, including but not limited to guide or assistance Dogs, police Dogs, and search and rescue Dogs; or
 - (e) the Owner whose Dog is in excess of the limit is temporarily visiting a resident of the Town for a period not exceeding four (4) consecutive weeks.
- 5.10 The CAO may impose terms and conditions on a License issued pursuant to this section, including but not limited to terms and conditions regulating:
- (a) the location where the animals are to be kept;
 - (b) the maximum number of animals that may be kept;
 - (c) the manner in which the animals must be kept;
 - (d) restrictions on the sale or use of animal products;
 - (e) the term of the License;
 - (f) mandatory husbandry training; or
 - (g) any other matter the CAO determines is in the public interest.

PART 3: LICENSING

6. LICENSING OF DOGS

Requirement to License

- 6.1 Every Person who resides within the Town and who is the Owner of a Dog that is over the age of three (3) months shall apply for a licence as set out in this Part, by:
- (a) paying the required License fee as set out in Schedule "A" of this Bylaw; and
 - (b) providing the following information:
 - (i) the name, telephone number and Street and rural address of the Owner;
 - (ii) the name of the Animal to be licensed;
 - (iii) a description of the Animal to be licensed;
 - (iv) the breed or breeds of the Animal to be licensed; and
 - (v) such further information as may be required by the Town.
- 6.2 Every Person who resides in the Town who becomes an Owner of a Dog that is over the age of three (3) months, or who takes up residence within the Town and who is the Owner of a Dog that is over the age of three (3) months, shall apply for a licence as set out in this Part, within thirty (30) days of becoming the Owner of such Dog or of taking up residence in the Town.
- 6.3 Upon payment of the required licence fee as set out in Schedule "A" to this Bylaw and providing the information required pursuant to section 6(1)(b), the Owner will be supplied with a Licence Tag having a number which will remain registered to that Dog.
- 6.4 Upon receipt of the completed application and payment of the prescribed fee as per Schedule "A" of this Bylaw, the Town of Stavely may issue a receipt that is deemed to be the license, and a corresponding license Tag for the Dog, which will be applicable for that calendar year.
- 6.5 Every license shall expire on December 31st in the year in which it was issued

- 6.6 The Owner shall pay the license fee by January 31st of each year, or a late fee may be applied in addition to the annual license fee. Any Person who fails to renew a License within this time limit is guilty of an offence.
- 6.7 The Owner of a Dog that has been duly licensed under this Bylaw may obtain a replacement Licence Tag for one that has been lost or damaged upon payment of the replacement Licence Tag fee as set out in Schedule "A" of this Bylaw.
- 6.8 The onus of proving a Person has a valid and subsisting licence is on the Person alleging its existence.
- 6.9 No Person is entitled to a refund or a rebate for any licence fee.
- 6.10 An Owner of an unlicensed Dog is guilty of an offence.

Transferability, Possession of Licence Tag

- 6.11 A licence issued under this Bylaw is not transferable from one Dog to another, nor from one Owner to another.
- 6.12 Every Owner shall ensure that the Licence Tag is securely fastened to a collar or Harness worn by the Dog at all times while the Dog is off of the Owner's Property.
- 6.13 An Owner of a licensed Dog is guilty of an offence if the Dog is not wearing a Licence Tag while off of the Owner's Property.

Exemptions from Licensing Requirement

- 6.14 The provisions of this Part shall not apply to the following:
- (a) Owners of Dogs temporarily visiting the Town for a period not exceeding four (4) consecutive weeks;
 - (b) Not-for-profit associations, not-for-profit corporations and government organizations engaged in the provision of specialized Dog services, including but not limited to, Service Dogs, police Dogs, or search and rescue Dogs;
 - (c) Persons holding an identification card proving ownership of a Service Dog for their use; and
 - (d) Dogs under three (3) months in age.
- 6.15 No Person shall give false or misleading information when applying for a license pursuant to this Bylaw.
- 6.16 The Owner applying for a Dog license must be at least eighteen (18) years of age. A License must not be issued to, or in the name of, any Person under the age of 18 years.
- 6.17 Where a license is required pursuant to this Bylaw and has been paid by the tender of an uncertified cheque, the License 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 is automatically revoked if the cheque is not accepted and cashed by the bank on which it is issued.
- 6.18 The Town of Stavely may revoke a licence if:
- a) the license was issued on the basis of incorrect information or misrepresentation by the applicant;
 - b) the license was issued in error; or
 - c) the Owner contravenes any provision of this Bylaw or of the Dangerous Dogs Act of Alberta.
- 6.19 Notwithstanding the foregoing, the Town of Stavely may refuse to issue a license where a reasonable belief exists that issuing the license will exceed the maximum number of Dogs permitted, as set out in Section 5.6 of this Bylaw.
- 6.20 The act of engaging in dog breeding and/or having a dog breeding facility must comply with the Town of Stavely Land Use Bylaw and Business License Bylaw.

PART 4 – RESPONSIBLE OWNERSHIP

7. GENERAL

- 7.1 An Owner of an Animal is responsible for the behaviour of their Animal on private and public property.
- 7.2 An Owner of an Animal is responsible for the necessary care, shelter and welfare of the Animal.
- 7.3 The Owner of any Animal shall:
- a) ensure that such Animal is kept in a safe, clean and healthy environment according to Provincial, Federal and any Agency provisions or regulations in accordance with best practices
 - b) ensure that the Animal is not At Large;
 - c) ensure that the Animal does not trespass on any private property;
 - d) ensure that defecation apparently left by such Animal 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;
 - e) when the Animal defecates on any public or private property other than the property of the Owner, immediately remove all feces;
 - f) carry a suitable means of removing feces at all times while the Animal is in the custody of the Owner on property other than the Owner's property;
- 7.4 No Person who has removed Animal excrement may deposit same into a public litter receptacle except where the excrement is securely contained in an impermeable bag or other impermeable container so as not to ooze, leak or fall out in the in public litter receptacle.

8. OFF LEASH AREAS

- 8.1 The CAO is hereby delegated the power to:
- a) designate the location, placement and regulations regarding the use for any Off Leash Area for Dogs on Town owned lands; and
 - b) designate any locations on Town owned lands that Dogs are prohibited; and
 - c) to keep or cause to be kept a record of such locations and placement and ensure adequate signage is posted advising the public of the designations.
- 8.2 In a designated Off Leash Area, the Owner of a Dog is not required to have the Dog on a leash or other restraining device, provided the Dog is under effective control of a Person such that the Dog will obey verbal or hand commands and ensure that such Dog is under control at all times, in particular, to come when directed to do so. The Owner must; however, have a leash or restraining device in hand for immediate use if required.
- 8.3 The Owner in charge of a Dog utilizing an Off Leash Area shall have in their possession a suitable means of facilitating the removal of the Animal's feces.
- 8.4 No Person shall allow an Animal other than a Dog to enter or remain in an area that has been designated by the CAO as an Off Leash Area.
- 8.5 A Dog is not permitted to be in an Off Leash Area if that Dog:
- a) Is in heat,
 - b) Is suffering from a communicable disease, or
 - c) Has been designated a Dangerous Dog.
- 8.6 An Animal Control Officer may:
- a) order that a Dog be put on a leash; and
 - b) order that a Dog be removed from an Off Leash Area;



should the Animal Control Officer have reasonable belief that a Dog is not under effective control by the Owner or Person in charge of the Dog in the Off Leash Area.

- 8.7 The Animal Control Officer or the Court shall consider the following factors when determining whether a Dog is under sufficient control in an Off Leash Area:
- a) whether the Dog is at such a distance from its owner so as to be incapable of responding to voice, sound or sight commands;
 - b) whether the Dog has responded to voice, sound or sight commands from the Owner;
 - c) whether the Dog has bitten, attacked or done any act that injured a person or another Dog;
 - d) whether the Dog has chased or otherwise threatened a person; or
 - e) whether the Dog caused damage to property.
- 8.8 An Owner who fails to immediately restrain and remove the Dog from the Off Leash Area upon it engaging in any of the activities listed in Section 10.1, by restraining the Dog with a restraining device and removing the Dog from the Off Leash Area, is guilty of an offence.
- 8.9 Nothing in this Section relieves a Person from complying with any other provisions of this Bylaw.

9. DOGS IN PROHIBITED AREAS:

- 9.1 The Owner of a Dog shall ensure that such Dog does not enter or remain in a Park or any part of a Park which has been designated by the CAO as an area where Dogs are prohibited.
- 9.2 The Owner of a Dog shall ensure that such Dog does not enter or remain in or on:
- a) any Sports Field;
 - b) Cemetery spaces;
 - c) Within 5 metres of play structures within a park;
 - d) Within 5 metres of any shelter or ornamental structure with a park; or
 - e) any other area where Dogs are prohibited by posted signs.
- 9.3 The Owner of a Dog shall ensure that such Dog does not enter or swim in any body of water within a Park where the Dog disturbs or is likely to disturb any Wildlife.



10. ANIMAL BEHAVIOURS:

- 10.1 The Owner of any Animal, including a Dog deemed as a Dangerous Dog, must ensure that such Animal shall not:
- a) chase or otherwise threaten any Person, whether on the property of the Owner or not, unless the person chased or threatened is a trespasser on the property of the Owner;
 - b) bite, attack or do any other act that injures a Person whether on the property of the Owner or not;
 - c) bite, bark at, chase or otherwise molest in any way Animals, bicycles, automobiles, or other vehicles;
 - d) cause damage to property or other Animals, whether on the property of the Owner or not;
 - e) cause death to another Animal;
 - f) cause noise (such as barking, howling, yowling, etc.) in a manner or unreasonable amount of time that is reasonably likely to annoy or disturb the peace or the quality of life for others;
 - g) upset any waste receptacles, scattering the contents in or about the streets, highways, lanes or other public places in the Town;
 - h) enter flower or garden beds of any park or public place in the Town.
- 10.2 When an Animal Control Officer is determining whether the noise is reasonably likely to annoy or disturb the peace or the quality of life for others consideration may be given to, but is not limited to:
- a) proximity of the property where the Animal resides;
 - b) duration of the noise;

- c) time of day and day of the week;
- d) nature and use of the surrounding area.

- 10.3 The Owner of a female Animal that is in heat shall ensure such Animal is not allowed in any location where it is a source of attraction to male Animals of the same species.
- 10.4 Any Animal that an Owner, or any other Person, suspects may have contracted, or have been exposed to, a communicable disease such as rabies, parvovirus, distemper or other similar serious contagious infection shall take all reasonable measures to confine or isolate the Animal, in such a manner as prescribed so as to prevent further spread of the disease.

11. GUARD DOGS:

- 11.1 Every Owner of a Dog that is kept at a specific location within the Town for the purpose of guarding that location against unauthorized entry or theft, must:
- a) ensure that the guard Dog is securely confined in an area within the Owner's property, or the premises being guarded, that is adequate to ensure the guard Dog cannot escape; and
 - b) ensure that the property or the premises being guarded are reasonably secure against unauthorized entry where the guard Dog is outdoors, this includes:
 - i) completely enclosing the area where the guard Dog will be kept by means of a 2-metre high fence constructed in accordance with Town bylaws and ensuring any gates in that fence are reasonably secured against unauthorized entry;
 - c) post warning signs on the property or the premises being guarded, at each driveway or entranceway and all exterior doors, advising of the presence of a guard Dog, with lettering clearly visible from the lesser of the curb line or 15 metres from the Owner's property or premises; and
 - d) notify the Town of Stavelly of the address of the property which the guard Dog will be guarding, the approximate hours during which the guard Dog will be performing guard duties, the breed, age, sex and license number of the guard Dog and the full names, address and telephone numbers of the Owner and any other individual who will be responsible for the guard Dog while it is on guard duty.



PART 5 – DANGEROUS DOGS:

12. DECLARATION OF DANGEROUS DOG

- 12.1 The Chief Administrative Officer may declare a Dog to be a Dangerous Dog if the Chief Administrative Officer has reasonable grounds to believe, either through personal observation or on the basis of facts determined after an investigation of a complaint, that the Dog:
- (a) has a known propensity, tendency, or disposition to threaten, attack, chase or bite, without provocation, other Animals or humans;
 - (b) has, inflicted a Serious Wound upon another Animal or human;
 - (c) has been the subject of an order or direction of a Justice or Judge, pursuant to the *Dangerous Dogs Act*; or
 - (d) is a continuing threat of serious harm to any human or other Animal.
- 12.2 Where the Chief Administrative Officer determines that a Dog is a Dangerous Dog, he or she shall:
- (a) serve the Owner with a written notice that the Dog has been declared to be a Dangerous Dog;
 - (b) direct the Owner to keep the Dangerous Dog in accordance with the provisions of section 12.11 of this Bylaw, and provide the Owner with a time limit for compliance; and
 - (c) inform the Owner that, if the Dangerous Dog is not kept in accordance with section 12.1 of this Bylaw, the Owner may be fined, or subject to enforcement action pursuant to this Bylaw.
- 12.3 A written notice under subsection (2) above shall include a summary of the applicable provisions regulating Dangerous Dogs under this Bylaw.

12.4 The Owner of a Dog declared a Dangerous Dog pursuant to section 12.1 may, within fourteen (14) days of receiving written notice of the declaration, request in writing and upon payment of the fee as set out in Schedule "B" to this Bylaw that the declaration be reviewed by Council. Council is not obligated to conduct an oral hearing of the review and may instead conduct the review based on written material provided by the Chief Administrative Officer and the Owner.

12.5 Upon a request to review pursuant to 12.1, Council may:

- (a) uphold the declaration of the Dog as a Dangerous Dog;
- (b) reverse the decision of the Chief Administrative Officer and deem that the Dog is not a Dangerous Dog; or
- (c) uphold the declaration of the Dog as a Dangerous Dog and vary the conditions of harbouring the Dog within the Town.

The decision of Council shall be provided to the Owner in writing within fourteen (14) days of Council conducting the review and may be served personally or by registered mail on the Owner, at the address appearing on the Town's assessment roll for the Owner's Property.

12.6 The Owner of a Dangerous Dog shall within ten (10) Days after the Dog has been declared a Dangerous Dog register the Dangerous Dog with the Town of Stavelly and pay the fee, in addition to a regular License fee to the Town, as per Schedule A this Bylaw.

12.7 No Person shall own or keep any Dangerous Dog within the Town unless such Dog is licensed and registered as provided in this Bylaw.

12.8 No Person shall permit any Dangerous Dog to be At Large.

12.9 Any Owner of a Dangerous Dog shall immediately notify the Town if such Dangerous Dog is At Large

12.10 In addition to the requirements of Subsection 12.1, an Owner of a Dangerous Dog shall supply the following documentation to the Town when first registering a Dangerous Dog:

- (a) written confirmation from a licensed veterinarian that the Dog has been neutered or spayed as is required,
- (b) proof that the Dog has permanent identification, with the details of the permanent identification outlined on the application
- (c) full body color photos of the Dog; and
- (d) payment of the Dangerous Dog License fee as outlined in Schedule "A" of this Bylaw.

12.11 The Owner of a Dangerous Dog shall ensure that:

- (a) when such Dog is on the property of the Owner:
 - i) either such Dog is confined indoors and under the control of a Person over the age of eighteen (18) years, or
 - ii) when the Dog is outdoors, it is in a locked pen or other structure constructed to prevent the escape of the Dangerous Dog and capable of preventing the entry of any Person not in control of the Dog. Such locked pen shall:
 - 1. 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;
 - 2. provide the Dangerous Dog with shelter from the elements and be of the minimum dimensions of one and one-half (1.5) metres by three (3) metres and be a minimum one and one-half (1.5) metres in height; and
 - 3. be within one (1) metre of the property line or within five (5) metres of a neighbouring dwelling unit.
- (b) when such Dog is off the property of the Owner, such Dog is, at all times securely:
 - i) muzzled;
 - ii) harnessed or Leashed on a lead which length shall not exceed one (1) metre in a manner that prevents it from chasing, injuring or biting other domestic Animals or humans as well as preventing damage to public or private property; and

iii) under the control of a Person over the age of eighteen (18) years.

(c) if the Dog is in an unaltered state, the Dog is neutered or spayed within thirty (30) days of being declared a Dangerous Dog.

12.12 The Owner of a Dangerous Dog must, within ten (10) days of the date of the order declaring the Dog to be Dangerous, display a sign on their premises warning of the presence of the Dangerous Dog in the form illustrated in Schedule "E".

(a) The sign must be placed at each entrance to the premises where the Dangerous Dog is kept and, on the pen, or other structure in which the Dangerous Dog is confined.

(b) The sign must be posted to be clearly visible and capable of being seen by any person accessing the premises.

(c) This sign must not be altered, removed or tampered with in any way.

PART 6 – ENFORCEMENT & IMPOUNDMENT

13. AUTHORITY

13.1 Without restricting any other power, duty or function granted by this Bylaw, the Chief Administrative Officer may:

(a) establish investigation and enforcement procedures the purposes of this Bylaw;

(b) establish forms for the purposes of this Bylaw;

(c) delegate any powers, duties or functions under this Bylaw to an employee of the Town.

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

(a) capture and impound in an Animal Shelter any Animal that is At Large;

(b) take any reasonable measures necessary to subdue any Animal that is At Large, including the use of traps and tranquilizer equipment and materials;

(c) enter onto lands surrounding any building in pursuit of an Animal while it is At Large; and

(d) if an Animal is in Distress, whether or not as a result of enforcement action taken pursuant to this Bylaw, to take the Animal to a Registered Veterinarian for treatment and, once treated, to transfer the Animal to an Animal Shelter.

13.3 The Town of Stavelly will process registrations for Licenses and maintain records with respect to:

(a) Name and municipal address of the Owner.

(b) Breed, color, sex and sterilization information for each Animal registered.

(c) Tag numbers assigned to each Licensed Animal.

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13.3 The Town of Stavelly will collect:

(a) All fees for the Animal Licenses and fees for replacement Tags.

(b) All fees and charges levied pursuant to the provisions of this Bylaw for impoundment, care and sustenance, veterinary care and/or euthanasia.

13.4 The Town may establish one or more Animal Services Centre for the keeping and impounding of Dogs and other Animals

13.5 The Town may employ or enter into an agreement with any Person, organization or Contractor to act as an Animal Control Officer for the establishment, maintenance, operation, and regulation of an Animal Control Centre and the enforcement of any of the provisions of this Bylaw, including licensing, and/or for the administration of a Cat identification program and/or the administration of a stray Cat control program.

- 13.6 An Animal Control Officer may:
- receive Animals into protective care pursuant to disasters such as fire, flood, or other reasons;
 - retain the Animals temporarily;
 - charge the Owner fees relating to costs of impoundment, or as set by the Animal Control Contractor, in accordance with the Town of Stavelly fee schedule,
 - at the end of the protective care period, if no other arrangements are made between the Owner and the Animal Control Officer, treat such Animals as Impounded Animals;

14. IMPOUNDMENT

- 14.1 Any Animal found At Large as defined within this Bylaw may be seized and Impounded by the Animal Control Officer.
- 14.2 A Person who finds and takes possession of an Animal At Large in the Town shall immediately provide the Animal Control Officer with a description and photo of the Animal, where possible, and provide that Person's name and address for contact purposes.
- 14.3 Any Animal seized or taken into the Town's possession by the Animal Control Officer shall be Impounded for a minimum period of five days from the time its is Impounded, exclusive of the day on which the Animal was Impounded, and days on which the Animal Control Centre is closed, during which time the Owner shall be entitled to reclaim the Animal. Statutory holidays shall not be included in the computation of the five calendar days period.
- 14.4 Where an Animal seized and Impounded by the Animal Control Officer is injured or ill and received veterinary care necessary for the well-being of the Animal, the Animal Control Officer shall, in addition to any amount charged pursuant to Section 14.7, be entitled to charge the Person claiming the dog under this article the cost of the veterinary care to the Animal Control Officer.
- 14.5 Where, in the opinion of the Animal Control Officer, an Animal seized and Impounded is injured or ill and should be euthanized without delay for humane reasons or the safety of persons, the Animal may be euthanized by the Animal Control Officer without permitting any person to reclaim the Animal.
- 14.6 If an Animal Control Officer knows or can ascertain the name of the Owner of any seized or Impounded Animal, the Officer shall serve the Owner with a copy of the Notice in Schedule "D" of this Bylaw, either personally or by leaving it, or by mailing it to the last known address of the Owner.
- 14.7 The Animal Control Centre may set fees in regards to Impounded Animals for:
- (a) Impoundment (intake) of Animals plus any additional fees for after hours intake;
 - (b) Release of Animals, plus any additional fees for after hours release;
 - (c) Care and Sustenance;
 - (d) Adoption fee;
 - (e) Recovery of any other fees or service charges including veterinary.
- 14.8 If all legal requirements have not been met under this Bylaw, or other provincial or federal Animal legislation, the Animal Control Officer will not be required to release the Animal to the Owner and may continue to impound the Animal for such further period of time as the Animal Control Officer deems necessary.
- 14.9 If a dog is not reclaimed within the time period referred to in Section 14.3 the dog shall become the property of the Town and the town may:
- (a) Provide for the adoption of the dog for a fee in the amount specified in Schedule "A"
 - (b) Transfer ownership of the dog; or
 - (c) Euthanize the dog.
- 14.10 The Animal Control Officer may, before selling an unclaimed Animal, require that the Animal be spayed or neutered.
- 14.11 The purchaser of an Animal from the Animal Services Centre, 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 (i.e., the Person who at the time of impoundment or seizure of the Animal was the Owner of the Animal) shall cease thereupon.
- 14.12 The Owner of any seized Animal or Dangerous Dog may reclaim the Animal by:
- (a) providing proof of Ownership of the Animal prior to release, and this proof of Ownership must be to the satisfaction of the Animal Control Officer,

- (b) paying to the Town any costs of impoundment, any care, subsistence, or veterinary charges incurred as set out in Schedule "A" of this Bylaw,
- (c) where a License is required under this Bylaw, obtaining the License for the Animal or Dangerous Dog, or
- (d) complying with any and all provisions which may be imposed in accordance with this Bylaw.

15. OBSTRUCTION

- 15.1 No Person shall interfere with or attempt to obstruct an Animal Control Officer who is, in accordance with this Bylaw:
- (a) attempting to capture, or who has captured any Animal, or
 - (b) conducting an investigation or an inspection regarding an Animal;
- 15.2 No Person shall:
- (a) act in a manner that assists an Animal in escaping or evading capture by an Animal Control Officer that is in pursuit of that Animal;
 - (b) falsely represent themselves as being in charge or control of an Animal so as to establish that the Animal is not At Large;
 - (c) Unlock, unlatch or otherwise open any vehicle or containment structure where Animals are kept in relation to being Impounded or attempt to allow any Animal to escape being Impounded,
 - (d) remove or attempt to remove any Animal from the possession of the Animal Control Officer
- 15.3 No Person will untie, loosen or otherwise free an Animal that has been tied or otherwise restrained.
- 15.4 No Person will 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 the Animal to run At Large within the Town.
- 15.5 A Person must not use, set or maintain a trap or device that is designed to capture an Animal by the foot, leg, or neck.
- 15.6 Notwithstanding any other provision of this Bylaw, no Person shall:
- (a) abandon any Animal;
 - (b) in any way use poison, air pellet guns, bows and arrows, firearms, sling shots, or similar on any Animal;
 - (c) tease, torment, beat, kick, choke, or provoke an Animal;
 - (d) cause, permit or allow an Animal to suffer; or
 - (e) train or allow any Animal to fight.

PART 7 - OFFENCES

16 FINES AND PENALTIES

- 16.1 A Person who is guilty of an offence is liable upon summary conviction to a fine in an amount:
- (a) not less than the specified penalty established in Schedule "B" and "C"; and
 - (b) not exceeding \$10,000.00.
- 16.2 Without restricting the generality of subsection (1) above the fine amounts set out in Schedules "B" and "C" are established as specified penalties for use on Municipal Tags and Violation Tickets, if a voluntary payment option is offered.
- 16.3 Notwithstanding 16.1 of this Bylaw, any Person who commits a second or subsequent offence under this Bylaw, within one (1) year of conviction of a first offence under this Bylaw, is liable on summary conviction to a fine not less than the increased amount set out in Schedules "B" and "C" to this Bylaw.
- 16.4 Under no circumstances shall any Person contravening any provision of this Bylaw be subject to a penalty of imprisonment.

17 MUNICIPAL TAGS

- 17.1 An Animal Control Officer is hereby authorized and empowered to issue a Municipal Tag to any Person whom the Animal Control Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

- 17.2 A Municipal Tag shall be issued and served to a Person:
- (a) either personally; or
 - (b) by mailing a copy, via registered mail, to such Person at their last known postal address.
- 17.3 A Municipal Tag shall be in a form approved by the Chief Administrative Officer and shall state:
- (a) the name of the Person to whom the Municipal Tag is issued;
 - (b) particulars of the contravention under this Bylaw;
 - (c) the specified penalty for the offence as set out in Schedules "B" and "C" herein;
 - (d) that the specified penalty shall be paid within thirty (30) days of the issuance of the Municipal Tag to avoid prosecution; and
 - (e) any other information as may be required by the Chief Administrative Officer.
- 17.4 Where a Municipal Tag has been issued under this Bylaw, the Person to whom the Municipal Tag has been issued may, in lieu of being prosecuted for the offence, pay to the Town the penalty specified on the Municipal Tag.
- 17.5 If a Municipal Tag has been issued and the specified penalty on the Municipal Tag has not been paid within the prescribed time, a Bylaw Enforcement Officer may issue a Violation Ticket to the Person to whom the Municipal Tag was issued.
- 17.6 Notwithstanding the above, a Bylaw Enforcement Officer may immediately issue a Violation Ticket to any Person whom the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

18. VIOLATION TICKETS

- 18.1 An Animal Control Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act* to any Person who the Animal Control Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 18.2 If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
- (a) state the specified penalty for the offence as set out in Schedule "B" and "C" herein; or
 - (b) require a Person to appear in Provincial Court without the alternative of making a voluntary payment.
- 18.3 A Person who commits an offence may:
- (a) if a Violation Ticket is issued in respect of the offence; and
 - (b) if the Violation Ticket states the specified penalty established by this Bylaw for the offence, as set out in Schedule "B" and "C" herein;
- make a voluntary payment by submitting to a Clerk of the Provincial Court, on or before the initial appearance date indicated on the Violation Ticket, the specified penalty set out on the Violation Ticket.
- 18.4 When a Clerk of the Provincial Court records the receipt of a voluntary payment pursuant to 18.3 above and the *Provincial Offences Procedure Act*, the act of recording constitutes acceptance of the guilty plea and also constitutes a conviction and the imposition of a fine in the amount of the specified penalty.

PART 8 – GENERAL PROVISIONS

19. GENERAL

- 19.1 An Animal Control Officer may pursue any and all remedies set out in this Bylaw, the *Municipal Government Act* and any other law in the Province of Alberta. Nothing in this Bylaw shall restrict, limit or preclude the Town from taking multiple steps to regulate Animals in the Town.
- 19.2 Each Section of this Bylaw shall be read and construed as being separate and severable 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.

- 19.3 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.
- 19.4 The Town is not required to enforce every breach or contravention of this Bylaw. In deciding whether or not to enforce the Bylaw, the Town may take into account any practical concerns or considerations, including but not limited to the nature and extent of the breach or contravention, any financial or budgetary considerations and the availability of personnel or human resources.
- 19.5 Where this Bylaw refers to another Act, Bylaw, regulation or agency, it includes reference to any Act, bylaw, regulation or agency that may amend or be substituted, therefore.
- 19.6 All the schedules attached to this Bylaw shall form a part of this Bylaw.


20. READINGS AND REPEALS

- 20.1 This Animal Bylaw No. #863 shall take effect upon third and final reading.
- 20.2 The Animal Control Bylaw, being Bylaw #761 & #829 is hereby repealed.

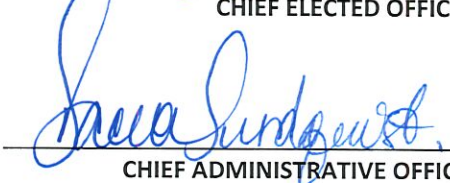
21. READINGS

- 21.1 Read a first time this 29th day of May, 2023.
- 21.2 Read a second time this 29th day of MAY, 2023.
 Unanimous consent given to present for third reading this 29th day of MAY, 2023.
- 21.3 Read a third time this 29th day of MAY, 2023.

TOWN OF STAVELY



 CHIEF ELECTED OFFICIAL



 CHIEF ADMINISTRATIVE OFFICER

Bylaw # 863 - SCHEDULE 'A'

Fee Schedule

DOG LICENSES:

The Owner of a dog, male or female, must pay the following annual license fee for each calendar year:

PRIOR TO DEADLINE
(before January 31st)

Sterilized - \$20.00
Unsterilized - \$35.00

AFTER DEADLINE
(after January 31st)

Sterilized - \$30.00
Unsterilized - \$45.00

Notwithstanding the foregoing, the license fee may be prorated as follows:

Newly Acquired Dog - License Purchase - After June 30:

Sterilized - \$15.00 Unsterilized - \$25.00

New Acquired Dog - License Purchase - After September 30:

Sterilized - \$10.00 Unsterilized - \$20.00

Service Dog (Sterilized) - EXEMPT



Registration fee for Dangerous Dog - \$250.00 in addition to applicable annual License fee
(Payable annually, prorated registration will not be considered)

MISCELLANEOUS FEES:

Replacement Tag - \$ 5.00

Veterinary Fees - \$ Amount Expended by Animal Services Centre

Euthanasia Fees - \$ Amount Expended by Animal Services Centre

Impound Fees - \$ Amount Established by Animal Services Centre

Bylaw # 863 - SCHEDULE 'B'

Penalty Offence Fees

<u>Section</u>	<u>Offence</u>	<u>1ST Offence</u>	<u>2nd Offence</u>	<u>3rd/Subsequent</u>
5.3	Have livestock	\$100.00	\$200.00	\$300.00
5.6	Livestock Trespassing	\$100.00	\$200.00	\$300.00
6.1	Unlicensed dog	\$100.00	\$200.00	\$300.00
6.13	No tag on collar	\$50.00	\$100.00	\$150.00
5.6	Exceed maximum # of dogs per household	\$100.00	\$200.00	\$300.00
7.3(b)	Running at large	\$100.00	\$200.00	\$300.00
10.3	Female dog a nuisance while in heat	\$50.00	\$100.00	\$150.00
7.3 (f)	Failure to remove Defecation	\$200.00	\$300.00	\$500.00
7.3(g)	Failure to provide means for removal of feces	\$100.00	\$200.00	\$300.00
10	Animal's Behaviour Disturbing public	\$100.00	\$200.00	\$300.00
10.4	Communicable disease	\$100.00	\$200.00	\$350.00
10.1 (a),(b)	Biting	\$250.00	\$500.00	\$1000.00
15.1	Interference	\$200.00	\$400.00	\$500.00
15.2	Free a confined animal	\$100.00	\$200.00	\$300.00
15.4	Torment / tease an animal	\$100.00	\$200.00	\$300.00

Offences will be sequentially designated as 2nd or 3rd/subsequent, if they occur within one year of the first offence.

Municipal Tag Fees will not exceed the amount stated for any stated Violation Ticket penalty.

Bylaw # 863 - SCHEDULE 'C'

Penalty Offence Fees for Dangerous Dogs

<u>Section</u>	<u>Violation</u>	<u>1st Offence</u>	<u>2nd Offence</u>	<u>3rd Offence</u>
10.1	Chase/Bite/Injure	\$1000.00	\$2000.00	\$3000.00
12.11(a)(i)	Not in control by Person 18 yrs or older	\$500.00	\$1000.00	\$2000.00
12.11(a)(ii)	Not in Proper Pen	\$500.00	\$1000.00	\$2000.00
12.11(b)(i)	Not Muzzled	\$500.00	\$1000.00	\$2000.00
12.11(b)(ii)	Lead exceeds one meter	\$500.00	\$1000.00	\$1000.00
12.8	Running At Large	\$1000.00	\$2000.00	\$3000.00
12.7	Fail to register as Dangerous Dog	\$500.00	\$1000.00	\$2000.00
12.9	Fail to notify Town that dog is running At Large	\$250.00	\$500.00	\$1000.00



Offences will be sequentially designated as 2nd or 3rd/subsequent if they occur within one year of the first offence.

Municipal Tag Fees will not exceed the amount stated for any stated Violation Ticket penalty.

Schedule "D"

Form of Notice of Animal Seizure and/or Impoundment

TO: (Insert name of Owner and address of Owner as shown on the records of the Town of Stavely or designated Animal Services Centre)

TAKE NOTICE than an Animal bearing Town of Stavely Dog Tag Number / Cat Identification number _____

registered under the above name and address was impounded on _____

_____, pursuant to the provisions of Bylaw No. 863 of the Town of Stavely (the "Animal Bylaw") and that,

unless this Animal is reclaimed and all applicable fees are paid on or before _____

_____, the Animal may be sold, destroyed or otherwise disposed of pursuant the Animal Bylaw without

further notice to you.

The Animal may be reclaimed at the Animal Services Centre located at:

Name of Facility: _____

Physical location: _____

Phone Number: _____

Town of Stavely

Date of Notice



BEWARE !

DANGEROUS DOG

ON PROPERTY



