

BYLAW NO 04-2021

THE ANIMAL CONTROL BYLAW

A Bylaw of the Town of Barrhead, in the Province of Alberta, for the purpose of regulating and controlling of animals within the Town.

WHEREAS, the Council of the Town of Barrhead has deemed it desirable, expedient and in the best interest of developing and maintaining a safe and viable community to pass a Bylaw to control and regulate the ownership and activities of animals within the Town,

NOW THEREFORE the Council of the Town of Barrhead, in the Province of Alberta, in an open meeting hereby enacts as follows:

1. TITLE

This Bylaw shall be referred to as the “Animal Control Bylaw”.

2. DEFINITIONS:

In this Bylaw:

- a) **“Animal”** means any animal, feral or domesticated.
- b) **“Animal Shelter”** means the premises designated by the Town of Barrhead for the impoundment and care of dogs and cats, includes but not limited to premises provided by a veterinary clinic or independent contractor under contract to the Town to provide an animal shelter.
- c) **“CAO”** means the Chief Administrative Officer or designate of the Town of Barrhead.
- d) **“Cat”** means a male or female of the feline species.
- e) **“Council”** means the Council of the municipal corporation of the Town of Barrhead.
- f) **“Dangerous Dog”** means any Dog, regardless of age, whether on public or private property, which has:
 - (i) without provocation, chased, injured, or bitten another animal or human, or
 - (ii) without provocation destroyed any public or private property that is not the owners, or
 - (iii) without provocation threatened or created the reasonable apprehension of a threat to a human, another domestic animal, which in the opinion of the Animal Control Office, or Peace Officer, presents a serious threat of serious harm to humans, other domestic animals.
- g) **“Dog”** means a male or female of the canine species and includes all canine hybrids such as a canine species crossed between a wolf or coyote.
- h) **“Former Owner”** means the person who at the time of impoundment was the owner of the animal.
- i) **“Housed and Confined”** means to confine a female dog or female cat during the whole period of time that such dog or cat is in heat in such a manner that the dog or cat will not be a source of attraction to the other dogs or cats.
- j) **“License Tag”** means an identification tag issued by the Town in accordance with the provision of this bylaw.
- k) **“Livestock”** means those animals which have been domesticated for and are associated with agriculture or ranching including but not limited to horses, ponies, cattle, chickens, birds, sheep, swine, goats and mules, but excluding cats and dogs.
- l) **“Municipal Tag”** means a ticket alleging an offence issued pursuant to the authority of a bylaw of the Town.
- m) **“Off-Leash Area”** means, an area designated and signed by Town Administration where Owners may legally have their Dog At Large and unleashed or leashed.
- n) **“Owner”** means
 - a. a person who has care, charge, custody, possession or control of an animal;
 - b. a person to whom a license was issued for the animal;
 - c. a person who harbours, shelters, permits or allows an animal to remain in or about a person’s land or premises.
- o) **“Peace Officer”** has the same meaning as the Provincial Offence Procedures Act, as amended.
- p) **“Permitted Leash”** means a humane and reasonably employed restraint adequate to control the dog or cat it is used on, and which shall not exceed three (3) meters in length
- q) **“Person”** includes a corporation, an individual, and the heirs, executors, administrators or other legal representatives of an individual.

- r) **“Running At Large”** means a dog or cat found on any public land within the Town of Barrhead or on private property without the consent of the landowner or occupant thereof and is not controlled by a any person by means of a leash or other similar devise for that purpose.
- s) **“Service Dog”** has the same meaning as defined in the Service Dogs Act, as amended.
- t) **“Violation Ticket”** means a ticket issued pursuant to the Provincial Offences Procedure Act as amended.

3. **QUANTITY OF ANIMALS**

- (a) No person residing within the Town shall keep or harbour more than two (2) dogs and /or three (3) cats for a total of five (5) animals of whatever sex, aged six (6) months or more at the same time in any house, shelter, room or place within the Town.
- (b) This Section shall not apply to premises lawfully used for the care and treatment of dogs or cats or other animals operated by and in charge of a licensed veterinarian, nor to premises for which permission has been granted by the Town for temporary use for the purpose of a dog or cat show, nor to any person who has been granted a permit to operate a kennel within the Town.

4. **REQUIREMENT FOR LICENSING**

- (a) All dogs or cats within the Town aged six (6) months or more must be licensed.
- (b) The owner of a dog or cat shall obtain an annual license for each dog or cat that he/she owns and pay the required fee as set out in Schedule “B”, attached to this Bylaw.
- (c) The owner is required to obtain the license tag on the first business day of January each year, or on the first business day after which he/she becomes the owner of the dog or cat.
- (d) The owner shall ensure that the license is secured to the dog or cat, by means of a collar or harness, when the dog or cat is off the premises of the owner.
- (e) The license is issued for the calendar year and no refunds shall be issued for reason of the death of the dog or cat, change of ownership, or moving.
- (f) The provision of section (a) shall not apply to the following:
 - (i) dogs or cats accompanying a person temporarily in Town on business or vacation for a period not exceeding 14 days;
 - (ii) holders of a valid development permit issued under the Land Use Bylaw for a kennel;
 - (iii) service dogs as defined in the Service Dogs Act;
 - (iv) police dogs.

5. **AT LARGE:**

- (a) The owner of a dog or cat shall not permit or otherwise allow the dog or cat to run at large within the jurisdiction of the Town.
- (b) Any dog or cat left in a vehicle off the premises of the owner shall be deemed to be at large unless the animal is contained within an enclosed portion of the vehicle or is securely fastened within and unable to exit that vehicle to any area surrounding the said vehicle.

6. **RESPONSIBILITY OF THE OWNER:**

- (a) The owner of a dog shall not permit the animal to be or become a public nuisance by:
 - (i) threatening, biting, and chasing any person;
 - (ii) biting, threatening, barking at and worrying or chasing livestock, bicycles, automobiles, or other vehicles;
 - (iii) barking, howling, or otherwise disturbing any person;
 - (iv) causing damage or injury to property or other animals.
- (b) The owner of a dog or cat who permits their animal to defecate on property other than their own shall immediately remove any matter deposited.
- (c) The owner of a female dog or cat, which is in heat shall keep the animal housed and confined.
- (d) The owner of a dog or cat who allows such dog or cat to upset waste receptacles or scatter the contents in and about a lane, street or other public or private property or in and about premises belonging to the owner of the animal is guilty of an offence.

7. DANGEROUS DOG:

- (a) If a Peace Officer determines on reasonable grounds, that a dog is dangerous, either through personal observation or on the basis of facts determined after an investigation initiated by a complaint, he/she may:
 - (i) give the owner of a dog written notice that the dog has been determined to be a dangerous dog and keep a record of notice on file at the Town office, with the name and address of the owner as well as a description of the dangerous dog for future reference;
 - (ii) require the owner to keep such a dog at all times while on the owner's property confined and secure by way of fence, enclosure or securely tethered in a manner that will not allow the dog to bite or harm any person or animal and not allow the dog outside the owner's property unless such a dog is on a leash held and under the control of the owner or another responsible person with the owner's consent;
 - (iii) inform the owner that if the dog is not confined in accordance with this bylaw the owner will be fined or subject to enforcement action pursuant to this bylaw;
 - (iv) require the dog to be muzzled when off the owner's property, with exceptions for bona fide dog shows or while on duty in an enclosed area for which it is responsible to protect livestock, humans or property.
- (b) An owner of a dangerous dog is guilty of an offence if such a dog:
 - (i) is on any public property or other private property unless the dog is on a leash and under the control of the owner or another responsible person with the owner's consent;
 - (ii) threatens or attacks any person;
 - (iii) chases any person on a bicycle, or while walking or running; or
 - (v) attacks, harasses, injures or kills another animal.

8. DOGS IN OFF-LEASH AREAS:

- (a) An owner of a dog is not required to have the dog on a leash in any area which has been designated as an "off-leash area" by the Town.
- (b) The owner of a dog in an "off-leash area" shall ensure that such dog is under control at all times.
- (c) A Peace Officer may order that a dog be put on a leash, and/or the dog be removed from an off-leash area;
 - i) if the dog has done any act that injures a person or another animal,
 - ii) chases or otherwise threatened a person, and
 - iii) causes damage to property
- (d) An owner who fails to restrain a dog on a leash and/or remove a dog from the off-leash area upon being directed to do so by the Peace Officer is guilty of an offence; and nothing in this section relieves a person from complying with any other provisions of this Bylaw.
- (e) No owner of a dangerous animal shall permit the animal to be in an off-leash area at any time.

9. PROHIBITED AREAS:

- (a) The owner of a dog, cat or other animal shall not place or allow such dog, cat or other animal to enter or remain in any swimming, bathing or wading pool within the Town which is open to the public.

10. OBSTRUCTION:

- (a) No person, whether or not they are the owner of a dog or cat which is being or has been pursued or captured, shall:
 - (i) Interfere with or attempt to obstruct an Peace Officer who is attempting to capture or has captured a dog or cat which is subject to being impounded pursuant to the provisions of this Bylaw.
 - (ii) Induce the dog or cat to enter a house or other place where it may be safe from capture or otherwise assist the dog to escape capture.
 - (iii) Falsely represent themselves as being in charge or control of a dog or cat so as to establish that the animal is not running at large.
 - (iv) Unlock or unlatch or otherwise open a vehicle in which dogs or cats seized for impoundment have been placed.
 - (v) Remove or attempt to remove a dog or cat from the possession or control of the Peace Officer.

11. OTHER CONTRAVENTIONS:

- (a) No person shall:
 - (i) Untie, loosen or otherwise free a dog or cat which has been tied or otherwise restrained.
 - (ii) Negligently or wilfully open a gate, door, or other opening in a fence or enclosure in which a dog has been confined and thereby allow a dog to run at large within the Town.
 - (iii) Cause unnecessary suffering to a dog, cat or other animal by neglect or deprivation nor punish or abuse a dog, cat or other animal in a manner or to an extent that is cruel or unnecessary
- (b) No Person shall:
 - (i) Keep livestock within the Town limits except the following:
 - a) in a veterinary clinic or hospital or as part of a cultural, recreational or agricultural event (such as a. rodeo, fair, 4-H or similar event.); and
 - b) at the discretion of the CAO or Peace Officer, in the Urban Reserve District of the Land Use Bylaw, provided the lot size is 5 acres or greater.

12. AUTHORITY TO IMPOUND:

- (a) A Peace Officer may capture and impound any dog or cat in respect of which they believe or have reasonable grounds to believe an offence under this Bylaw is being or has been committed.
- (b) A Peace Officer authorized by this Bylaw to enforce the provisions contained herein may enter onto the land surrounding any building in pursuit of any dog or cat which has been running at large and should the dog or cat attain the safety of its home, the owner, possessor or harboured may be charged for allowing the dog or cat to run at large whether the animal is captured by the Peace Officer or not.
- (c) Any person may seize a dog or cat found at large and deliver such dog or cat to a Peace Officer who, upon being satisfied that such dog or cat was at large, may deliver such dog or cat to the animal shelter for impoundment.

13. ESTABLISHMENT OF AN ANIMAL SHELTER:

- (a) It shall be the duty of the CAO to designate an animal shelter for the impounding and care of dogs cats or animals captured pursuant to this Bylaw, and the CAO is further authorized to make any such rules and regulations consistent with the provisions of this Bylaw as it considers necessary for the conduct in regulating such an animal shelter.

14. RECLAIMING:

- (a) The owner of any impounded dog may reclaim the dog or cat within seventy two (72) consecutive hours, excluding Saturdays, Sundays and Holidays from time of impoundment by paying to the Town, all penalties and fees as authorized by Council under Schedules "A" and/or "B" contained within this Bylaw.

15. SALE OR DESTRUCTION:

- (a) The animal shelter or peace officer may authorize the sale or destruction of a dog or cat in a humane manner after the dog or cat is retained for no less than seventy two (72) consecutive hours from the time of the impoundment, excluding Saturdays, Sundays and Holidays, unless the CAO or his representative orders the further retention or the destruction of the dog or cat, or the owner of the dog or cat makes arrangements with the animal shelter or peace officer for further retention of the dog or cat at the owners expense.
- (b) Notwithstanding subsection (a), if in the opinion of the animal shelter or peace officer the animal appears to be a purebred animal or if it bears an obvious identification tattoo, brand, mark, tag or license, the applicable time limit under subsection (a) is 10 days after the date on which the animal was delivered.
- (c) An owner who voluntarily relinquishes ownership of his animals to the animal shelter shall be responsible for any and all costs of retention or destruction of the animals while in the care of the shelter. The Town shall not be responsible for any costs associated with the above.
- (d) The purchaser of the impounded dog or cat from the animal shelter 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 dog or cat shall cease.
- (e) The animal shelter shall report any apparent illness, communicable disease, injury or unhealthy condition of any dog or cat to a veterinarian and act upon their recommendation. The owner, if known, shall be held responsible for all charges resulting.

16. ENFORCEMENT:

- (a) Where a Peace Officer believes that any person has contravened any provision of this Bylaw, they may serve upon such person a Municipal Tag as provided by this section by:
 - (i) either personally or by leaving a copy for them at their last or most usual place of abode with some person present who is apparently at least 16 years of age, or
 - (ii) by mailing a copy to the owner by registered or certified mail to their last known post office address.
- (b) 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 \$10,000.00.
- (c) A Peace Officer who is duly authorized may choose to serve a Violation Ticket pursuant to the Provincial Offenses Procedures Act RSA 2000 as amended upon any person the Peace Officer believes to be in contravention of any provision of this bylaw. A Violation Ticket may require a person to appear in court on a date specified, without the option of making a voluntary payment.
- (d) Notwithstanding the provisions of this Section, a person to whom a Municipal Tag or a Violation Ticket has been issued” pursuant to this Section may exercise his right to defend any charge of committing a contravention of any of the provisions to this Bylaw.
- (e) The CAO, or designate may, at their discretion, revoke the penalties and/or fees as provided in Schedule "A” and release any dog or cat in contravention of any provision of this Bylaw to the owner.

17. SUMMARY CONVICTION:

- (a) The levying and payment of any fine in this Bylaw shall not relieve a person from the necessity of paying any fees, charges or costs from which he is liable under the provisions of this Bylaw
- (b) If a court of competent jurisdiction determines that an offence is sufficiently serious, that the court may direct or order the person that owns, keeps, maintains or harbours a dog or cat to prevent such dog or cat from doing mischief or causing the disturbance or a nuisance complained of, or to have the animal removed from the Town, or to have the animal destroyed.

18. SEVERABILITY PROVISION:

- (a) It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is further the intention of Council that if any provisions of this Bylaw be declared invalid, all other provisions thereof shall remain valid and enforceable.

19. RESCIND:

- (a) Bylaw 01-2013 is hereby rescinded.

Read a first time this 23 day of March , 2021

Mayor, Dave McKenzie

CAO, Edward LeBlanc

Read a second time this 23 day of March , 2021

Mayor, Dave McKenzie

CAO, Edward LeBlanc

Read a third time this 13 day of April , 2021

Mayor, Dave McKenzie

CAO, Edward LeBlanc

SCHEDULE "A"

In lieu of prosecution the Town will accept the following payments.

SPECIFIED PENALTIES

OFFENCE	SECTION	PENALTY
Failure to hold a current dog or cat license	4	\$100.00 + License fee
Dog or Cat At Large:		
Unlicensed	5	\$150.00
Licensed	5	\$100.00
Dangerous Dog	5	\$400.00
Owner Responsibility		
Unlicensed	6(a) (iii-iv), (b), (d)	\$200.00
Dog Bite	6 (a) (i-ii)	\$300.00
Licensed	6	\$150.00
Dangerous Dog	7(b)	\$500.00
Off Leash Areas	8	\$200.00
Prohibited Area	8	\$200.00
Obstruction	9	\$500.00
Miscellaneous	3, 10	\$100.00

Contravention of any and each Bylaw provision:

Second Offence
within any twelve (12) month period

Double the above Penalties

Third and Subsequent Offence
within any twelve (12) month period

Triple the above Penalties

FEES

Fees shall be computed as follows for each day of impoundment in the animal shelter, commencing the day of seizure, in respect of each dog or cat impounded:

Per Day \$ 20.00

SCHEDULE "B"

RATES FOR THE PURCHASE OF AN ANNUAL DOG OR CAT LICENSE

- | | |
|---|---------|
| 1. Each spayed/neutered dog or cat (documentation required) | \$ 8.00 |
| 2. Each unspayed/unneutered dog or cat | \$20.00 |
| 3. Service Dog | \$ NIL |
| 4. Replacement of lost or destroyed dog tag | \$ 8.00 |