

## **ANIMAL CONTROL**

### **BYLAW NO. 888**

Being a bylaw of the Municipal Council of the Town of Sexsmith in the Province of Alberta to restrain and regulate the control of animals within the Municipal boundaries of the Town of Sexsmith

**WHEREAS** the Council has the authority pursuant to the provisions of the Municipal Government Act Revised Statutes of Alberta 2000 Chapter M-26 and amendments thereto provides that a municipality may pass a bylaw regulating the control of animals.

**NOW THEREFORE,** the Municipal Council in the Town of Sexsmith in open assembly duly enacts as follows:

#### **SHORT TITLE**

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

#### **INTERPRETATION**

2. In this Bylaw;
  - a) "Act" or "said Act" shall mean the Municipal Government Act Chapter M-26 Revised Statutes of Alberta 2000 and amendments thereto.
  - b) "Animal" shall mean any animal, wild or domesticated unless otherwise stated in this Bylaw.
  - c) "Animal Control Officer" or "Officer" shall mean:
    - I. any person or persons appointed or authorised by the Town or under contract by the Town to enforce the provisions of this Bylaw.
    - II. a Peace Officer
  - d) "Council" shall mean the Council for the Town of Sexsmith in the Province of Alberta.
  - e) "Farm Animal" shall mean:
    - I. any bovine, equine, porcine or ruminant animal, or
    - II. save as hereinafter specified, any pigeons, rabbits, chickens, turkeys, goose, guinea, fowl, or poultry of any kind unless such birds or poultry are part of any commercial undertaking which is established with the approval of Town Council.
  - f) "Owner" shall mean any person who owns, harbours, possesses, has the charge, control, or custody of any animal or farm animal or permits any animal or farm animal to remain about his or her premises.
  - g) "Peace Officer" a Bylaw Enforcement Officer, a member of the Royal Canadian Mounted Police or a Municipal Enforcement Officer, or any other person appointed to enforce the provisions of this Bylaw.
  - h) "Running at large" shall mean that an animal is found on any public street, lane, alley, sidewalk, or other public place in the Town or is on any private property without the consent of the owner or occupant

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thereof, and which that animal is not controlled by any person by means of a leash or other similar device for that purpose.

- i) "Town" shall mean the municipal boundaries of the Town of Sexsmith in the Province of Alberta.
  - j) "Town boundaries" shall mean all lands within the Municipal boundaries of the Town of Sexsmith in the Province of Alberta
3. Animals unless otherwise specified in this Bylaw, within the Town boundaries in private residences within a residential area, shall be limited in number to two (2) in total. Any animals in excess of this number are to be disposed of by the owner and the owner shall be solely responsible for the costs incurred as a result of the said disposal and shall not hold the Town responsible in any manner whether civilly or criminally as a result of an order for the removal of said animal or animals.
  4. Persons desiring to keep more than the number of animals allowed in this Bylaw shall be considered owners of a business and shall be required to obtain a parcel of land outside of the residential area and approval by the Town for the boarding and harbouring of such animals and shall be liable for the licensing of same.
  5. The owner of a dog shall apply for a license for each dog he owns.
  6. No person shall own, possess or harbour an unlicensed dog.
  7. Every owner of a dog aged three (3) months or more, who resides in the Town of Sexsmith in any year, shall forthwith cause the dog to be registered at the Town Office and shall cause such dog to wear around his neck a collar to which shall be attached in a secure manner, a metallic tag, to be issued to the owner upon registration for a fee as set out by the Town.
  8. No owner shall transfer or allow to be transferred a dog license from the dog for which it was obtained to any other dog.
  9. No person shall give false information when applying for a dog license.
  10. Upon losing a dog license an owner of a dog shall notify the Town Office and a new tag will be issued for a fee of \$1.00.
  11. No person shall keep or cause to be kept any farm animal within the town boundary.
  12. Any animals or farm animals in the Town for the sole purpose of a parade or exhibition, under the care and supervision of competent persons are not subject to the provisions of this bylaw.
  13. In the event that any animal or farm animal causes damage to another person's property, a Peace Officer may direct the owner of that animal to pay compensation to the aggrieved party, or may direct the owner of that animal to restrain or destroy the said animal.
  14. No person shall allow any animal or farm animal to run at large within

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the municipal boundaries of the Town.

15. No person shall allow any animal to disturb the peace and quiet of any person.
16. No person shall allow any animal to defecate on another person's property.
17. The owner of an animal who permits an animal to defecate on property other than his own shall remove forthwith any defecated matter.
18. The owner of an animal that allows an animal to upset waste receptacles or scatter the contents thereof, either in or about a lane, street, or other public property or in or about premises not belonging to the owner of the animal is guilty of an offence and upon conviction thereof shall in addition to any penalty imposed upon him, be civilly liable to the Town for any expense directly or indirectly incurred by the animal in connection with the cleanup of the upset waste scattered about.
19. Any person having a problem with animals on his property may apply to the Town for the use of a tender trap or live trap provided by the Town to catch the animals. Any animals obtained in this manner are the responsibility of the person using the trap and no person shall hold the Town responsible whether financially, civilly or criminally as a result of the capture and removal of any animal.
20. Any person that obtained a trap from the Town shall return the trap within a period of time agreed to by both parties, and any trap that is damaged shall be repaired or replaced at the discretion of the Town and at the expense of the person requesting the use of trap.
21. For the purposes of effecting seizure or obtaining control of an animal, a Peace Officer may employ the use of a "live trap" or other such device as is necessary to obtain the animal, or may delegate the responsibility to any person to effect the control and seizure of an animal.
22. Where an animal cannot be captured and the owner cannot be ascertained or located, an officer may destroy the animal. A form shall be completed by the officer stating the efforts made to catch the animal and ascertain the owner, and shall be kept for the balance of the calendar year and thereafter may be destroyed.
23. Where the owner of a dog shall ensure that such dog shall not become a nuisance by:
  - a) biting or chasing a person or persons whether on the property of the owner or not;
  - b) biting, barking at, or chasing domestic animals, bicycles, automobiles or other vehicles
  - c) barking, howling or otherwise disturbing the quiet of any person;
  - d) causing damage to property or other dogs or domestic animals;
  - e) keeping a female dog which is estrus at any location where the dog is

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a source of attraction to other dogs.

- f) allowing dog in park area where children may play with exception of Heritage Park where dogs must be on leash and confined to camper stall area

Any person violating any of the provisions of Section 17, shall be liable to a voluntary penalty as laid out in this bylaw.

- 24. Where an animal is deemed to be a nuisance, unduly noisy by day or night or is repeatedly running at large, and the owner of the animal has been notified on two (2) previous occasions by way of complaints, a Peace Officer may destroy the animal.

**POWERS**

- 25. An Officer may capture and impound any animal in respect of which he believes an offence is being or has been committed under this Bylaw.
- 26. An animal running at large may be pursued onto private property without the loss of jurisdiction of the officer or should the animal attain the safety of its home, the owner, possessor or harbourer may be prosecuted for allowing the animal to run at large whether possession of the animal is obtained by the officer or not.
- 27. An Officer, in order to enforce the provisions contained herein may enter onto the land surrounding any dwelling in pursuit of any animal which has been in violation of this Bylaw irrespective of any "No Trespassing" signs posted on the premises.
- 28. A Peace Officer may delegate his powers to any person for the purposes of assisting the Peace Officer in the apprehension of any animal in contravention of this Bylaw.
- 29. Where an Officer or other person authorised to carry out the provisions of this Bylaw believes that a person has contravened any provisions of this Bylaw he may serve upon such person a notice, or form of intention to prosecute by way of an offence ticket, or by way of a summons to appear in court. The notice shall set out the name of the offender, time, location and date of offence, briefly describing the nature of the offence and the section, applicable penalty and the court date on which the accused has the option of appearing to enter a plea.
- 30. A notice, ticket, or summons shall be deemed to have been sufficiently served if:
  - a) served personally on the accused, or
  - b) served by registered mail, or
  - c) left at the accused usual place of residence with an inmate thereof who appears to be at least sixteen (16) years of age, or
  - d) where the accused is a corporation, association, partnership, or registered kennel, is served by registered mail or left with a person who is an employee or officer of the corporation,

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association, partnership or registered kennel.

31. For the purposes of enforcing this Bylaw, the owner, possessor, or harbourer of an animal shall provide his or her correct name and resident address to an Officer upon demand. Failure or refusal to do so upon first demand of the Officer shall constitute an offence under this Bylaw.
32. No person whether or not he is the owner of an animal which is being pursued or captured shall:
- a) interfere with or attempt to obstruct an Officer who is attempting to capture or has captured an animal which is subject to being impounded pursuant to the provisions of the Bylaw, or
  - b) induce an animal to enter a house or other place where it may be safe from capture or otherwise assist the animal to escape capture, or
  - c) falsely represent himself as being in charge or control of an animal so as to establish that the animal is not running at large, or
  - d) unlock or unlatch or otherwise open the pound vehicle in which animals kept for impoundment have been placed so as to allow or attempt to allow any animal to escape therefrom, or
  - e) remove or attempt to remove any animal from the possession of an Officer or anyone assisting him.

**LEGAL RIGHTS**

33. Nothing in this Bylaw shall prevent;
- a) any person from exercising his right to defend any charge of committing a breach of any of the provisions of the Bylaw, or
  - b) any person from laying an information or complaint against any other persons for committing a breach of any of the provisions of this Bylaw, or
  - c) any Officer appointed specifically to enforce the provisions of this Bylaw from laying an Information and Complaint against any other person or owner for an alleged Bylaw for a breach of this Bylaw whether or not such a person or owner has made payment under this Bylaw for a breach of this Bylaw, or
  - d) any Officer being saved harmless and not subject to prosecution by reason of his doing anything for the purpose of enforcing this Bylaw, and for so doing acting on reasonable and probable grounds to do whatever he does in honest belief that it is legal and in accordance with this Bylaw.

**PENALTIES**

34. Every person who violates a provision of this Bylaw is guilty of an

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offence and is liable upon summary conviction:

- a) for first offence to a fine of not less than seventy-five (\$75.00) dollars and not more than two hundred (\$200.00) dollars or to imprisonment for not more than six (6) months or to both fine and imprisonment.
- b) for a second or subsequent offence to a fine of not less than one hundred fifty (\$150.00) dollars and not more than five hundred (\$500.00) dollars or to a term of imprisonment of not more than six (6) months or to both fine and imprisonment.
- c) for a third and subsequent offence to a fine of not less than three hundred (\$300.00) dollars and not more than one thousand (\$1000.00) dollars or to a term of imprisonment of not more than six (6) months or to both fine and imprisonment.

35. In lieu of prosecution pursuant to Section 27 of this Bylaw, an Officer may issue a Violation Ticket in the form accepted for use by the Town for contravention of its Bylaws to any person who violates a provision of this Bylaw and such person may, within twenty one (21) calendar after receipt of the said Violation Ticket, pay to the Provincial Court a sum calculated as follows;

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|-------------------------|----------|
| a) for a first offence  | \$75.00  |
| b) for a second offence | \$150.00 |
| c) for a third offence  | \$300.00 |

**AGREEMENT**

This Bylaw shall come into effect as the final passing thereof.

Bylaw 801 is hereby repealed.

**READ A FIRST TIME THIS 7<sup>TH</sup> DAY OF JUNE, 2010**

**READ A SECOND TIME THIS 7<sup>TH</sup> DAY OF JUNE, 2010**

**READ A THIRD AND FINAL TIME THIS 7<sup>TH</sup> DAY OF JUNE, 2010**

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Claude Lagace, Mayor

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Carolyn Gaunt, Town Administrator