

BY-LAW NO. 1665

OF THE TOWN OF FORT MACLEOD IN THE PROVINCE OF ALBERTA

BEING A BYLAW OF THE TOWN OF FORT MACLEOD TO PROVIDE FOR THE LICENSING REGULATION AND CONTROL OF DOGS IN THE TOWN OF FORT MACLEOD

WHEREAS the Municipal Government Act, being Chapter M 26, RSA 2000, provides a municipality may pass By-Laws respecting wild and domestic animals and activities in relation to them

AND WHEREAS the Council deems it expedient to license and control dogs in the Town of Fort Macleod,

NOW THEREFORE, the Council of the Town of Fort Macleod duly assembled enacts as follows:

TITLE

1. This Bylaw may be cited as the "Dog Control Bylaw".

INTERPRETATION AND APPLICATION

2. In this Bylaw unless the context otherwise requires:
 - (a) "*Aggressive Dog*" means any dog, whatever its age, whether on public or private property which has:
 - (i) without provocation, chased, injured or bitten any other domestic animal or person;
 - (ii) without provocation, damaged or destroyed any public or private property; or
 - (iii) without provocation, threatened or created the reasonable apprehension of a threat to another domestic animal or person; or
 - (iv) has been previously determined to be a Aggressive dog under under this bylaw.
 - (b) "*animal*" includes a dog, fowl and horse.
 - (c) "*Bylaw Enforcement Officer*" means a person appointed by the Town.
 - (d) "*excessively*" means continually for a period of one half hour or longer
 - (e) "*former owner*" means the person who at the time of impoundment was the owner of an animal which has subsequently been sold or destroyed.
 - (f) "*fowl*" includes chickens, ducks, turkeys, and geese.
 - (g) "*Judge*" means a Judge of the Provincial Court of Alberta.
 - (h) "*leash*" means a chain or other material capable of restraining the dog on which it is being used.
 - (i) "*owner*" means a natural person or body corporate who has legal title to the animal, and includes any person who has possession or custody of the animal, either temporarily or permanently, or harbours the animal, or allows the animal to remain on his premises.
 - (j) "*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:
 - (i) Playgrounds;
 - (ii) Cemeteries;
 - (iii) Natural Areas;
 - (iv) Sports Fields;
 - (v) Pathways;
 - (vi) Trails; and
 - (vii) Park roadways;

INTERPRETATION AND APPLICATION (cont'd.)

- (k) *"Peace Officer"* means:
 - (i) a member of the Royal Canadian Mounted Police, while he is in the exercise or discharge of his powers or duties;
 - (ii) a By-Law Officer for the Town of Fort Macleod, while he is in the exercise or discharge of his powers or duties;
- (l) *"pound"* means a place or places that Council of the Town of Fort Macleod shall provide or designate for the confinement of dogs impounded.
- (m) *"Provincial Court"* means The Provincial Court of Alberta.
- (n) *"running at large"* means:
 - (i) a dog or dogs which are not under the control of an owner responsible by means of a leash and is or are actually upon property other than the property in respect of which the owner of the dog or dogs has the right of occupation, or upon any highway, thoroughfare, street, road, trail, avenue, parkway, lane, alley, sidewalk (including the boulevard portion of the sidewalk) Park or other public place which has not been designated as an off leash area by the Town: or
 - (ii) a dog or dogs which are under the control of a person responsible by means of a leash and which cause damage to persons, property or other animals.
- (o) *"Town"* means the municipal corporation of the Town of Fort Macleod or the area contained within the boundary thereof as the context requires.

RUNNING AT LARGE

- 3 (i) Except in areas of the Town which have been designated as an "Off Leash Area" by the Town, the owner of a dog shall ensure that such dog is not running at large.
- (ii) The owner of a dog shall ensure that such dog is under control at all times even in an "Off Leash Area".

IMPOUNDING AUTHORITY

- 4. A Peace Officer may capture and impound any Dog which is:
 - (i) off the premises of it's Owner or when it is pursued on to the premises of it's Owner;
 - (ii) running at large;
 - (iii) named or described or otherwise designated in a complaint made pursuant to *The Dangerous Dogs Act, Alberta*;
 - (iv) biting or attempting to bite any person while running at large;
 - (v) actually or apparently affected with rabies or any other contagious disease;
 - (vi) chasing, worrying or annoying any fowl or domestic animal on property other than that belonging to the Owner of the Dog;
 - (vii) a Nuisance;
 - (viii) or, in the opinion of a Peace Officer, the Owner is in breach of any provision of this Bylaw;
 - (ix) declared "Aggressive" and in violation of any provision of this By-Law. Said dog may be kept in impound until such time as a Provincial Judge has made a final determination of the matter in accordance with Section 18.

ENTERING

- 5. For the purpose set out in Section 4 herein a Peace Officer may enter any privately owned premises, provided however, that in this Section the word "premises" does not include a building used as a dwelling house.

NUISANCE

6. (a) The owner of a dog shall ensure that the dog shall not:
- (i) bite a person or persons;
 - (ii) do any other act that injures a person or persons;
 - (iii) chase or otherwise threaten a person or persons, unless the person chased or threatened is a trespasser on the property of the owner
 - (iv) bite, bark at, or chase livestock, bicycles, automobiles, or other vehicles;
 - (v) bark, howl excessively or otherwise disturb any person
 - (vi) cause damage to property or other animals;
 - (vii) upset any waste receptacle or scatter the contents thereof either in or about a street, lane or other public property or in or about premises not belonging to or in the possession of the owner of the dog.
 - (viii) be left unattended in any motor vehicle unless the dog is restricted so as to prevent access to persons as long as such restraint provides for suitable ventilation.
- (b) If a dog defecates on any public or private property other than the property of its owner, the owner shall remove such defecation immediately.

AGGRESSIVE DOGS

7. The owner of a dog alleged to be aggressive shall be provided notice of a hearing for the determination by the Provincial Court, a minimum of ten (10) clear days before the date of the hearing.
- 7.1 Upon application, if it appears to the Judge that the dog should be declared to be an Aggressive dog, he shall make an order in a summary way declaring the dog an aggressive dog.
- 7.2 The owner of an aggressive dog shall ensure that:
- (a) the dog does not, without provocation:
 - (i) chase a person; or
 - (ii) injure a person; or
 - (iii) bite a person; or
 - (iv) chase other domestic animals; or
 - (v) injure other domestic animals; or
 - (vi) bite other domestic animals.
 - (b) the dog does not damage or destroy public or private property,
 - (c) when the dog is on the property of the owner:
 - (i) the dog is either confined indoors, or
 - (ii) when the dog is outdoors it is in a locked pen or other structure, constructed to prevent the escape of the Aggressive dog and capable of preventing the entry of any person not in control of the dog, or
 - (iii) the dog is kept as if the provisions of Section 7.2(e) applied to such dog while on the property of the owner.
 - (d)
 - (i) the locked pen or other structure 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 thirty (30) centimeters.
 - (ii) the locked pen or other structure shall provide the Aggressive 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.
 - (iii) the locked pen or other structure shall not be within one (1) metre of the property line or within five (5) metres of a neighboring dwelling unit.

AGGRESSIVE DOGS (cont'd.)

- (e) at all times, when off the property of the owner, the dog is securely
 - (i) muzzled, and;
 - (ii) harnessed or leashed on a leash which length shall not exceed one (1) metre in a manner that prevents the dog 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.
- (f) such dog is not running at large.

MAXIMUM NUMBER OF DOGS PERMITTED

- 8.1 A maximum number of two (2) dogs are permitted to be kept, housed, or boarded in or on a residential property within corporate limits unless the owner is in receipt of a Dog Fanciers License
- 8.2 An owner may acquire a maximum of two Dog Fanciers licenses by paying the fee set out in Schedule A.

PROHIBITED AREAS AND RELAXATION OF LEASH REQUIREMENT

- 9. (a) For the purposes of this Section "Parkland" shall mean all recreational areas within the boundaries of the Town of Fort Macleod.
 - (i) The owner of any dog shall not permit that dog to be in any parkland unsupervised, unleashed and not under direct control of the owner or person in custody and control of the dog.
 - (ii) The owner of any dog shall not place, permit or allow said Dog to enter into, or remain in any Public swimming area, bathing or wading pool, or other area generally used for this purpose.
- (b) Notwithstanding Sections 3(i) and 9 (a) (i), a "Leash Free" area is hereby established in the north east quadrant of the River Valley Wilderness Park. More specifically, that area identified as "Area 1" on Appendix A to By-Law 1546. In this area, a dog owner may allow their dog to run off the leash provided the dog remains under their control and within their sight. The owner is still responsible for their dog's actions and must comply in all other respects to the requirements of this By-Law.

COMMUNICABLE DISEASES

- 10. An owner of a dog suspected of having rabies:
 - (a) shall immediately report the matter to Agriculture Canada, Veterinary Inspection Directorate or to the Bylaw Enforcement Officer;
 - (b) shall confine or isolate the dog, in such a manner as prescribed so as to prevent further spread of the disease; and
 - (c) shall keep the dog confined for not less than ten (10) days at the cost of the owner.
- 10.1 An owner of a dog that does not comply with the provisions of this Section 10 shall be subject to a penalty as provided for in this Bylaw for each consecutive demand made by a Peace Officer.

LICENSING

- 11.1 (a) The owners of all dogs shall obtain an annual license for each dog at such times as specified in this Bylaw in accordance with Schedule "A".
- (b) Every owner, when requested by a Peace Officer, shall submit to the Peace Officer a spay/neuter certificate or if unavailable a statutory declaration or other acceptable documentation establishing the dog's or the Aggressive dog's age or that the dog or the Aggressive dog is neutered or spayed and such other information as the Peace Officer may require in order to determine the license payable by that owner.
- (c) No person shall give false information when applying for a dog license or Aggressive dog license.

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- 11.2 The owner of a dog shall:
- (a) obtain a license for all dogs on the first day on which the Town Office is open for business after the dog becomes six months of age;
 - (b) obtain a license on the first day on which the Town Office is open for business after he becomes owner of the dog;
 - (c) obtain a license for a dog notwithstanding that it is under the age of six months, where the dog is found running at large;
 - (d) obtain an annual license for the dog on the first business day in January each year.
- 11.3 The owner of an Aggressive dog shall:
- (a) be over the age of eighteen (18) years;
 - (b) obtain an Aggressive dog license pursuant to the provisions of Section 11.2 on the first day on which the Town Office is open for business after the dog has been declared Aggressive;
 - (c) in the event an Aggressive dog is sold, obtain a license on the first day on which the Town Office is open for business after becoming the owner of an Aggressive dog;
 - (d) notify the Bylaw Enforcement Officer should the dog die, be sold, gifted, or transferred to another person;
 - (e) remain liable for the actions of, the dog until formal notification of sale, gift or transfer is given to the Bylaw Enforcement Officer;
 - (f) notify the Town Office if the dog is running at large.
- 11.4 The owner of a dog shall ensure that his dog wears the current license purchased for that dog, when the dog is off the property of the owner.
- 11.5 The owner of an Aggressive dog shall within three (3) days after the dog has been declared Aggressive have a licensed veterinarian tattoo or implant an electronic identification microchip in the animal and provide the copy of the information contained thereon to the Bylaw Enforcement Officer prior to a license being issued.
- 11.6 Upon losing a dog license, an owner of a dog shall present the receipt for payment of the current year's license fee to a Bylaw Enforcement Officer, who will issue a new tag to the owner for the fee set out in Schedule "A" of this Bylaw.
- 11.7 No person shall be entitled to a license rebate under this Bylaw.

HANDICAPPED OWNERS

12. Notwithstanding Section 11, where the Bylaw Enforcement Officer is satisfied that a person who is handicapped is the owner of a dog trained and used to assist such handicapped person, there shall be no fee payable by the owner for a license under Section 11.

OBSTRUCTION

13. No person, whether or not he is the owner of a dog or an Aggressive dog which is being or has been pursued or captured shall interfere with or attempt to obstruct a Peace Officer who is attempting to capture or who has captured a dog which is subject to impoundment.

INTERFERENCE WITH ANIMALS

14. No person shall:
- (a) untie, loosen or otherwise free an animal which has been tied or otherwise restrained; or
 - (b) negligently or wilfully open a gate, door or other opening in a fence or enclosure in which an animal has been confined and thereby allow an animal to run at large in the Town.

RECLAIMING

15. (a) The owner of any impounded dog or Aggressive dog may, after paying any fines and/or charges levied under this By-Law:
- (i) reclaim the dog or Aggressive dog from the Town Office, or
 - (ii) where it is deemed feasible by a Peace Officer prior to taking the animal into impoundment, reclaim the dog or Aggressive dog when it is returned to the owner.
- (b) Where a dog is claimed, the owner shall, upon request provide proof of ownership of the dog.

SALE OR DESTRUCTION

- 16 (a) Unless the owner of a dog makes arrangements with a Peace Officer for the further retention of the dog, a Peace Officer may sell or destroy all unclaimed dogs which have been in impoundment for:
- (i) seven (7) days if the dog has a current licence; or
 - (ii) seventy-two (72) hours, if the dog does not have a current license.
- (b) Notwithstanding subsection (a) a Peace Officer may:
- (i) retain a dog for a longer period if in his opinion the circumstances warrant the expense; or
 - (ii) euthanize a dog after a shorter period if humane purposes warrant.
- (c) A Peace Officer may, before selling an unclaimed dog, require that the dog be spayed or neutered,
- (d) The purchaser of a dog from the Town pursuant to the provisions of this Section shall obtain full right and title to it and the right and title of the former owner of the dog shall cease thereupon;
- (e) No impounded dog shall be sold pursuant to this Bylaw:
- (i) to any resident of the Town until a license has first been purchased for the dog by the resident; or
 - (ii) to any non-resident of the Town until they have provided an affidavit that they are not a resident of the Town and that the dog shall be kept outside the town as provided in Schedule D.
- (f) When a Peace Officer agrees to put a dog to death the owner shall pay to the Town a fee as set out in Schedule "B" of this Bylaw.

PENALTIES

17. (a) Where a Peace Officer believes that a person has contravened any provision of this Bylaw, he may commence proceedings by issuing a summons by means of a violation ticket in accordance with Part 2 of the Provincial Offences Procedure Act.
- (b) Where a Peace Officer believes a person has contravened any provision of this By-Law, he may commence proceedings by issuing a Town of Fort Macleod By-Law ticket with a specified penalty.
- (c) The specified penalty payable in respect of a contravention of a provision of this Bylaw is the amount shown in Schedule "C" of this Bylaw in respect of that provision.
- (d) Notwithstanding Section 17(c):
- (i) where any person contravenes the same provision of this Bylaw twice within one twelve month period, the specified penalty payable in respect of the second contravention is double the amount shown in Schedule "C" of this Bylaw in respect of that provision, and
 - (ii) where any person contravenes the same provision of this Bylaw three or more times within one twelve month period, the specified penalty payable in respect of the third or subsequent contravention is triple the amount shown in Schedule "C" of this Bylaw in respect of that provision
- (e) Subsection 17 (d) does not apply to Aggressive dogs.

SUMMARY CONVICTION

- 18.1 (a) Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine of not more than TWO THOUSAND, FIVE -HUNDRED DOLLARS (\$2,500.00) and in default of payment is liable to imprisonment for a term not exceeding six (6) months.
 - (b) The minimum fines on summary conviction in respect to a contravention of this Bylaw with respect to Aggressive dogs shall be the same amounts as shown in Schedule "D" regarding Aggressive dogs.
 - (c) The levying and payment of any fine or the imprisonment for any period provided 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.
 - (d) A Judge, in addition to the penalties provided in this Section, may if he considers the offence sufficiently serious direct or order the owner of the dog to stop the animal from doing mischief or causing the disturbance or nuisance complained of, or to have the animal removed from the Town, or have the animal destroyed.
- 18.2 A Judge, after convicting the owner of a dog of an offence under this Bylaw, may in addition to any other penalties imposed or orders made, and without further notice or hearing, declare the subject dog an Aggressive dog, pursuant to the provisions of this Bylaw.

EFFECTIVE DATE AND REPEAL OF BYLAWS

- 19. This Bylaw shall come into effect upon third reading.
- 19.1. The Town of Fort Macleod Bylaw #1598 and all ammendments thereto is hereby repealed upon this bylaw coming into effect.

READ a first time this 14th day of March 2005, A.D.

MAYOR

SECRETARY-TREASURER

READ a second time this 11th day of April 2005, A.D.

MAYOR

SECRETARY-TREASURER

READ a third time and finally declared passed by Council this 11th day of April 2005, A.D.

MAYOR

SECRETARY-TREASURER

SCHEDULE "A"**The Animal Control Bylaw Annual Licence Fee**

<u>DOG LICENCE</u>	<u>AMOUNT</u>
1. Male or Female unaltered dogs	\$ 40.00
2. Neutered Male or Spayed Female dogs	\$ 20.00
3. Aggressive dog licence fee	\$250.00
4) Dog Fanciers License, unaltered	\$ 80.00
5) Dog Fanciers License, altered	\$ 40.00
5. Replacement tag	\$ 5.00

SCHEDULE "B"

AMOUNT TO BE PAID TO TOWN OF FORT MACLEOD BY OWNER OF ANIMAL IN ORDER TO RECLAIM OR DESTROY AN IMPOUNDED DOG

	<u>AMOUNT</u>
1. Care and sustenance (per day or portion thereof. To commence at midnight on the day of impoundment)	\$5.00
2. Veterinary Fees	Amount Expended
3. Destruction of Dog	Amount Expended

SCHEDULE "C"

<u>SECTION</u>	<u>OFFENCE</u>	<u>PENALTY</u>
Section 3. (i)	Running at Large	\$50.00
Section 3 (ii)	Dog not under Control	\$50.00
Section 6(a)	(i) Biting a person (s)	\$200.00
	(ii) Injure a person (s)	\$100.00
	(iii) Chasing a person(s)	\$100.00
	(iv) Biting, barking at, chasing stock, bicycles, automobiles or other vehicles	\$100.00
	(v) Barking, howling or disturbing	\$100.00
	(vi) Damage to property or other animal	\$100.00
	(vii) Upsetting waste receptacles	\$50.00
Section 6(b)	Defecation	\$50.00
Section 8	Exceed maximum number of dogs permitted Per dog over the limit per month	\$100.00
Section 10.0	Failure to have any dog or Aggressive dog examined by a licenced veterinarian for Rabies on the demand of a Bylaw Enforcement Officer	\$500.00 Per Demand
Section 11(a)	Unlicenced dog	\$100.00
	Unlicensed Aggressive dog	\$250.00
Section 11(c)	Giving false information when applying for a dog license	\$100.00
	Giving false information when applying for an Aggressive dog license	\$500.00
Section 11.3	Dog not wearing license	\$ 25.00
Section 13	Obstruction	\$500.00
Section 14	Interference	\$500.00
Minimum Penalties with respect to Aggressive dogs:		
Section 7.2(a)	Aggressive dogs chasing, injuring or biting a person or animal	\$750.00
Section 7.2(b)	Aggressive dog damaging or destroying public or private property	\$500.00
Section 7.2(e)(iii)	Failure to keep an Aggressive dog under the control of an adult person	\$500.00
Section 7.2(c)	Failure to keep an Aggressive dog confined	\$1,000.00
Section 7.2(c)(iii),(e)	Failure to keep an Aggressive dog muzzled, harnessed or leashed properly	\$500.00
Section 7.2(d)	Improper pen or other structure	\$500.00
Section 7.2(f)	Aggressive dog running at large	\$500.00
Section 11.2(e)	Failure to notify By-Law Officer if the dog is sold, gifted, transferred or dies	\$125.00
Section 11.3	Failure to wear correct license	\$200.00
Section 11.4	Failure to tattoo or implant dog with Electronic identification microchip	\$500.00

SCHEDULE "D"

AFFIDAVIT OF NON-RESIDENT

CANADA	}	I, _____
	}	
PROVINCE OF ALBERTA	}	of the _____ of
	}	_____
TO WIT:	}	in the Province of Alberta,
	}	_____
		(occupation)

MAKE OATH AND SAY:

1. THAT I am not a resident of the Town of Fort Macleod.
2. THAT I reside at:

 (mailing and civic address)

SWORN AT _____ of _____	}
	}
In the Province of Alberata, this _____	}
	}
day of _____	}
	}
A.D. _____, BEFORE ME	}

 A COMMISSIONER FOR OATHS IN AND
 FOR THE PROVINCE OF ALBERTA