

Town of Spirit River Animal Control

Bylaw No. 930

A Bylaw of the Town of Spirit River to license and control dogs and other animals within the corporate limits of the Town of Spirit River, Alberta.

WHEREAS, the Municipal Government Act, R.S.A. 2000 c M-26 of Alberta, authorizes a municipality to pass bylaws respecting the safety, health, and welfare of people and the protection of people and property and respecting wild and domestic animals and activities relating to them; and

AND WHEREAS, the Municipal Government Act: R.S.A. 2000 c. M26, authorizes a Municipality to pass bylaws regulating, licensing, and controlling dogs and other animals.

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

1. DEFINITIONS

- a) "Animal" shall mean any cats, dogs, and small household caged animals, unless otherwise stated in this Bylaw
- b) "Assistance Dog" means any professionally trained dog, including a guide, hearing, or service dog that works in partnership with a disabled person to increase his or her independence, safety and mobility.
- c) "Attack" means an assault resulting in bleeding, bone breakage, sprains, abrasions, serious bruising, or multiple injuries.
- d) "Barking" means howling, whining, whimpering, crying, baying, or barking.
- e) "Bite" means a wound to the skin causing it to bruise, puncture, or break.
- f) "Day" means a continuous period of twenty four (24) hours.
- g) "Animal License" means a license issued by the Town pursuant to the Bylaw.
- h) "Animal Tag" means the tag issued by the Town to the Owner for an Animal that has been licensed by the Town.
- i) "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.
- j) "Muzzle" means a device of sufficient strength placed over an Animals mouth to prevent biting.
- k) "Neutered Animal" means a male Animal certified by a licensed veterinarian to be sexually sterile.
- l) "Owner" means the Owner of an Animal which includes any person or group of people:
 - i. named as Owner on an Animal License application;
 - ii. in possession or control of an Animal; or
 - iii. in possession or control of the property where an Animal appears to reside, either temporary or permanently.

- m) "Peace Officer" means:
 - i. a member of the Royal Canadian Mounted Police,
 - ii. a Peace Officer appointed under the Peace Office Act,
 - iii. a person appointed as a Bylaw Enforcement Officer or Animal Control Officer.
- n) "Permitted Leash" means a leash that is less than two (2) meters in length made of material capable of restraining the Animal on which it is being used.
- o) "Playground" means any part of a Park and Recreation Area on which children's play apparatus is located, and includes the part of such area within twenty (20) meters of any piece of such apparatus.
- p) "Posted Area" means an area posted with a sign which prohibits dogs from being in that area.
- q) "Pound" means a facility established for the holding of impounded Animals.
- r) "Running at Large" means an Animal which is off the premises of its Owner and is not on a leash or other immediate continuous control of some competent person.
- s) "Service Dog" means an RCMP Service dog, or any other mobility aid or assistance dog.
- t) "Spayed" means a female Animal certified by a licensed veterinarian to be sexually sterile.
- u) "Town" means the Town of Spirit River.
- v) "Unlicensed Animal" means any Animal for which a License has not been obtained as provided for under this bylaw, or to which the tag provided for in the said bylaw is not attached.
- w) "Vicious Dog" means any dog, whatever its age, whether on public or private property, show a propensity, disposition, or potential to Attack without provocation or a dog which has:
 - i. chased, injured, or bitten any other Animal or human,
 - ii. Damaged or destroyed any public or private property, or
 - iii. threatened or created a reasonable apprehension of a threat to any other animal or human, of which in the opinion of a justice or magistrate, presents a threat of serious harm to other Animals or humans, or
 - iv. has previously been determined to be a Vicious Dog by any other jurisdiction.

2. ANIMAL LICENSING

- a) No person shall own or keep any Animal over the age of six (6) months within the Town unless such Animal is licensed in accordance to this bylaw.
- b) The Owner of an Animal License must be at least eighteen (18) years of age.
- c) The Owner of an Animal shall ensure that the Animal wears the current Animal Tag issued for the Animal. The Animal Tag must be securely attached to the Animal, and visible at all times.
- d) The Owner of the Animal shall obtain an annual License from the Town and pay for the License fee as outlined in the Animal Control Master Rates Policy "License Fees". The Animal license will expire December 31st of each year.
- e) An Animal shall not be licensed as a neutered/spayed Animal unless the applicant procedures a certificate acceptable to the Town certifying that such Animal is sterile.
- f) An Animal License and an Animal Tag is specific to an individual Animal and may not be transferred to another Animal.

- g) If an Animal Tag is lost, it is the responsibility of the owner to notify the Town and obtain a new Animal Tag for a fee of \$3.00.
- h) 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) dogs and three (3) cats in total. Other animals will be by situation only in specified considerations. any Animals in excess of this number are to be disposed of by the owner and the owner shall be solely responsible for the cost 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.
- i) 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.

3. NUISANCES

3.1) EXCESSIVE BARKING

- a) The Owner or any person having care or control of a dog, shall ensure it does not bark in a manner that is reasonably likely to annoy or disturb the peace or quality of life for others.
- b) In determining whether barking is reasonably likely to annoy or disturb the peace or quality of life of others, consideration may be given to, but is not limited to:
 - i) Proximity of the property where the dog resides;
 - ii) Duration of the Barking;
 - iii) Time of day and day of the week;
 - iv) Nature and use of the surrounding area.

3.2) DEFICATION/URINATION

- a) The Owner or nay person having care or control of an Animal, shall forthwith remove any defecation left by it on public or private property other than that of the Owner.
- b) The Owner or any person having care or control of an Animal, shall ensure that defecation left by it 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.
- c) The Owner or any other person having care or control on an Animal, shall do their best to ensure that the animal does not urinate on private property other than that of the Owner.

3.3) RUNNING AT LARGE

- a) No person owning, possessing, or harbouring an Animal shall permit, to suffer, or allow an Animal to run at large within the Town.
- b) No Owner, possessor, harbourer of any Animal shall permit, suffer, or allow any animal to be on any street or other public place unless the Animal is under full custody and control of a competent person by means of a lea^h except in subsection (d).
- c) No Owner, possessor, or harbourer of any Animal shall permit, suffer, or allow any unattended Animal to be tied to any object when off the property of the Owner.

- d) No Owner, possessor, or harbourer of any Animal shall permit, suffer or allow any Animal to be in a vehicle in a manner in which the Animal may come into physical contact with any other animal or person passing the vehicle.
- e) No Owner, possessor, or harbourer of any Animal shall permit, suffer, or allow any Animal to trespass on private property whether on or off a leash.
- f) In an event of a home-ordered quarantine, the Owner of a quarantined Animal shall not allow the Animal to run at large. For the purpose of this section, run at large shall mean when a quarantined Animal is left unsupervised and unrestrained while outside the dwelling house of the Owner.

3.4) PLAYGROUNDS/POSTED AREAS

- a) An Owner who suffers, permits, or allows his or her Animal to be on any school property, Playground, or Posted Area is guilty of an offence.

3.5) SCATTERING GARBAGE

- a) The Owner of an Animal shall ensure that the Animal does not upset any waste receptacle or scatter the contents thereof either in or about a street, lane, or other public place, or in or about premises not belonging to or in the possession of the Owner of the Animal.

3.6) THREATENING BEHAVIOIRS

- a) The Owner of an Animal shall ensure that such Animal shall not:
 - i) Bite, bark at, or chase dogs, livestock, Animals, bicycles, automobiles, or other vehicles.
 - ii) Chase or otherwise threaten a person.
 - iii) Cause damage to property or other dogs or Animals.
 - iv) Do any act that injures a person, such as bite or attack.
 - v) Cause death to another Animal.
- b) A Peace Officer who has reasonable grounds to believe that an Animal has bitten, may quarantine the Animal for a period of ten (10) calendar days for the purposes of determining or eliminating the threat of Rabies.

3.7) ANIMALS IN HEAT

- a) Notwithstanding subsections (b), an Owner of an Animal in heat shall, during the entire period that such Animal is in heat, keep such Animal confined and housed in the residence of the said Owner, or in a licensed Kennel.
- b) Where an Animal in heat is confined and housed in the residence of its Owner, such Animal shall be permitted outside the said residence for the sole purpose of permitting such Animal to urinate or defecate on the property of the residence of said Owner.

4. **ANIMAL CONTROL OPERATION - AUTHORITY**

- a) A Peace Officer may capture or impound any Animal found Running At Large in respect of which he has reasonable grounds to believe an offense under this bylaw is being or has been committed.
- b) A Peace Officer may enter onto any land in pursuit of an Animal which is Running at Large.
- c) A Peace Officer may, in any case where the Owner of the Animal can be identified through the municipality's records, return such Animal to its Owner where practicable instead of impounding the Animal.
- d) A Peace Officer may use any humane method to capture an Animal. Should the Animal be hurt during capture or attempted capture, neither the Town nor the Peace Officer shall be held liable for such injury.
- e) A Peace Officer may delegate his powers to any person for the purpose of assisting the Peace Officer in the capture of any Animal in contravention of this Bylaw. Any person delegated or assisting a Peace Officer shall not be held liable as per subsection (d).

5. OWNER IDENTIFICATION

- a) An Owner on any Animal found in violation of any provisions of this Bylaw shall, on demand, produce forthwith suitable identification to the Peace Officer.
- b) For the purpose of this section, suitable identification shall mean any document or documents, or verbal communication, verifying the name, date of birth, and current address of the Owner.

6. OBSTRUCTION

- a) No person shall:
 - i) Interfere with or attempt to obstruct a Peace Officer who is attempting to capture an Animal which is subject to being impounded pursuant to the provisions of this bylaw.
 - ii) Induce an Animal to enter a house or other place where it may be safe from capture or otherwise assist an Animal to escape capture.
 - iii) Unlock, unlatch, or otherwise open the Peace Officer's vehicle to allow or to attempt to allow any Animal to escape.
 - iv) Tamper with, unlock, unlatch, or otherwise open a kennel, humane live trap, or any other animal control equipment.

7. NEGLIGENCE

- a) No person shall:
 - i) Untie, loosen, or otherwise free an Animal which has been tied or otherwise restrained, or
 - ii) Negligently or wilfully open a gate, door, or other opening in a fence or enclosure in which an Animal has been confined thereby allowing an Animal to run at large within the Town.

8. TORMENT

- a) No person shall tease, torment, annoy, abuse, or injure an Animal.

9. VICIOUS DOG

- a) If a Peace Officer determines, on reasonable or probable grounds, that a dog is a Vicious Dog, he may:
 - i) Give the Owner a verbal and/or written notice that the dog has been deemed to be a Vicious Dog, and
 - ii) Require the Owner to keep such dog in accordance with the provisions of Section 10 of this Bylaw, and
 - iii) Inform the Owner that if the Vicious Dog is not kept in accordance with Section 10 of this Bylaw, the Owner may be fined, or subject to other action as determined under this Bylaw, and
 - iv) Require the Owner to obtain a Vicious Dog License from the Town.

10. VICIOUS DOG REQUIRMENTS

- a) The Owner of a Vicious Dog shall take all necessary steps to ensure that the dog does not Bite, chase, or Attack any person whether the person is on public or private property or in a dwelling house.
- b) The Owner of a Vicious Dog shall take all necessary steps to ensure that the dog does not bite, chase, or Attack any dog or Animal whether the dog or Animal is on public or private property or in a dwelling house.
- c) When a Vicious Dog is in the dwelling house of its Owner, it shall be restrained or kept confined in such a manner as to prevent the escape of the dog and to secure the public from harm.
- d) When a Vicious Dog is not in a dwelling house it must be confined in a pen with a secure bottom effectively attached to the sides, or the side shall be embedded in the ground a minimum depth of thirty (30) centimetres. The pen must be located at a point no closer than 1.5 metres to the apparent boundary of the property.
- e) When a Vicious Dog is off the premises of the Owner, it shall be securely muzzled, and shall be either harnessed or on a permitted leash held and controlled by the Owner or a competent person capable of controlling the dog at all times.

11. INSURANCE REQUIRMENTS FOR VICIOUS DOGS

- a) An Owner shall maintain in force a policy of liability insurance in a form satisfactory to the Town providing third party liability coverage in a minimum amount of \$500,000.00.
- b) The Owner shall notify the Town in writing should the policy expire or be cancelled or terminated. Upon cancellation, expiry, or termination of the liability policy the Restricted Dog License is null and void.

12. FARM ANIMALS

- a) No person shall keep Farm Animals within the Town boundaries without the approval of Town Council.

13. IMPOUNDMENT/QUARANTINE

- a) An Animal that is impounded pursuant to this Bylaw may be taken and held for a period of seventy-two (72) hours. Saturday, Sunday, and Statutory Holidays shall not be included in the computation of the 72 hour period.

- b) At the end of the 72 hour impoundment period, the Animal will become the property of the SPCA unless the Animal Owner complies with subsection (c) and pays the required impound fees.
- c) If all legal requirements have not been met under this Bylaw, the Peace 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 Peace Officer deems necessary.
- d) An Animal that is quarantined pursuant to this Bylaw may be released back to the Owner on conclusion of the ten (10) day period provided all the requirements of this Bylaw have been met.
- e) Impoundment fees will not be charged for a quarantined Animal.
- f) If the Owner fails to reclaim the Animal on expiry of the 10 day period, the Animal will become an impounded Animal and the conditions of Section 10(a) will apply.

14. FINES AND PENALTIES

- a) Any person who contravenes the provisions of this Bylaw, or direction given by a Peace Officer pursuant to this Bylaw, is guilty of an offence and may be issued with a Violation Ticket.
- b) A person who is guilty of an offence is liable upon summary conviction to a fine in an amount not less than one hundred dollars (\$100.00) and not exceeding ten thousand dollars (\$10,00.00).
- c) A Provincial Court Judge, Commissioner or Justice, in addition to the penalties provided by this Bylaw, may if he considers the offence sufficiently serious, direct or order the Owner of the Animal to prevent such Animal from doing mischief or causing a disturbance or a nuisance complained of or to have the Animal removed from the Town or to have the Animal destroyed.
- d) Providing no offence has occurred within the previous twelve (12) months, an offence shall be considered to be a first offence.
- e) The specified penalty payable in respect of a contravention of a provision of this Bylaw is the amount shown in Animal Control Animal Rates Policy in respect of that provision.

15. EXEMPTIONS

- a) This Bylaw does not apply to a Service Dog while it is in active services.

16. SEVERABILITY

- a) Each section of this Bylaw shall be read and constructed 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.

17. RESCIND BYLAW

Bylaw ___ is hereby rescinded.

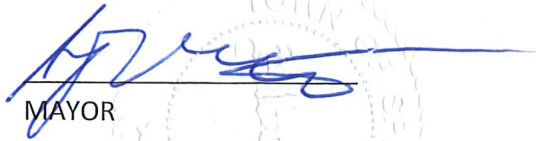
18. EFFECTIVE DATE

This Bylaw shall come into full force and effect on final passage thereof.

Read a first time this 12 day of AUGUST, 2013.

Read a second time this 15 day of SEPTEMBER, 2014.

Read a third and finally passed this 15 day of SEPTEMBER, 2014.



MAYOR



CHIEF ADMINISTRATIVE OFFICER