

BYLAW #1546

A BYLAW OF THE TOWN OF CARDSTON RELATING TO THE REGULATION AND KEEPING OF DOGS

WHEREAS Section 7 of the Municipal Government Act, Being Chapter M-26.1, Statutes of Alberta, 1994 provides for the passing of bylaws to regulate and control animals within the municipality;

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

1. This bylaw shall be referred to as “Dog Control Bylaw”.
2. In this bylaw:
 - a) “Aggressive Dog” means any dog, whatever its age, whether on public or private property which has:
 - (i) caused the demise of a person; or
 - (ii) without provocation caused the demise of a domestic animal while off the property of the property owner; or
 - (iii) Without provocation, chased, injured or bites a person or any other domestic animal; or
 - (iv) Without provocation, threaten or created the reasonable apprehension of a threat to a person or to any other domestic animal; or
 - (v) Without provocation, damaged or destroyed any public or private property; or
 - (vi) Which represents a continuing threat of serious harm to persons or animals.
 - b) “Animal” refers to a dog.
 - c) “Dog Pound” means the town facility established for the holding of impounded animals as set out in this bylaw
 - d) “Bylaw Enforcement Officer” means the person in care and control of the dog pound or their designate.
 - e) “Altered” means spayed, neutered or otherwise incapable of reproduction as certified by a qualified professional.
 - f) “Assistance Dogs” are highly trained professional dogs who work in partnership with disabled persons to increase the independence, safety and mobility of the human partner. These include guide, hearing and service dogs.
 - g) “Bylaw Enforcement Officer” means a person appointed by the Town pursuant to provisions of Section 555 of the Municipal Government Act, S.A. (1994), Chapter M-26.1.
 - h) “Town” means the Town of Cardston

- i) “Dog” shall mean either male or female or the Canine family.
 - j) “Dog Fanciers License” shall mean a dog license issued annually to an owner permitting the keeping or harboring, on land or premises occupied by the owner of up to four (4) licensed dogs over the age of six months.
 - k) “Leash” means a chain or other material capable of restraining animal.
 - l) “Marked for Identification” means the placement of a traceable microchip or a recognizable tattoo upon an animal.
 - m) “Owner” means any person who owns the dog or who has charge, care, custody, or control of, or has a right to control an animal for thirty (30) or more consecutive days, except veterinarian caring for an animal in the regular practice of veterinary medicine.
 - n) “Parkland” means all recreational land areas owned or controlled by the and lying within the Town limits.
 - o) “Provincial Court” means the Provincial Court of Alberta.
 - p) “Running at Large” means an animal which is not under control of a person by means of a leash and is actually upon property other than the property in respect of the owner of the animal has the right of occupation, or upon any highway, thoroughfare, street, road, trail, avenue, parkway, lane, alley, square, bridge, causeway, trestle, sidewalk, (including boulevard portion of the sidewalk) park or other place.
 - q) “Tag” means a device as approved by the Municipal Administrator and issued by the town, or its designate, showing that a license fee has been paid for a dog.
 - r) “Ticket” means any ticket which is authorized by the Municipal Government Act, S.A. (1994), Chapter M-26.1 or under the Provincial Offences Procedures Act, S.A. (1988), Chapter P-21.5, issued for any bylaw offence in which a penalty may be paid out of court in lieu of appearing to answer a summons.
 - s) “Unsuitable Pet Owner” means a person who appears to be impaired, abusive or unable to provide the proper care and sustenance to an animal.
3.
 - a) Except as provided in Subsection (c) the owner of a dog shall not permit such a dog to run at large.
 - b) Where a dog is found running at large the owner thereof shall be deemed to have failed or refused to comply with the requirements of Subsection (a).
 - c) The Town may designate areas where dogs are permitted to run when off leash, and may designate areas where organized and controlled canine events may be held causing signs to be posted in such areas indicating such designation.
 4.
 - a) The owner of a dog shall ensure that such dog shall not:
 - (i) bite a person or persons;

- (ii) do any other act that injures a person;
 - (iii) chase or otherwise threaten a person whether on the property of the owner or not, unless the person chased or threaten is a intruder on the property of the owner;
 - (iv) bite, or chase other animals, livestock, bicycles, automobiles, wildlife or other vehicles;
 - (v) bark and or howl excessively or unnecessarily, or otherwise creates a disturbance;
 - (vi) cause damage to property or other animals;
 - (vii) upset waste receptacles, scattering the contents in or about the streets, lanes or other public property or in or about a premise not belonging to the owner of the dog.
5. It is as offence to stage a dog fighting exhibition or to train and keep dogs for the purpose of staging a dog fighting exhibition.
6. a) Any owner whose dog defecates on any public or private property other than the property of its owner shall remove forthwith any defecated matter deposited.
- b) A register owner and or tenant shall not allow the accumulation of dog defecates on their property to become injurious or dangerous to the public health, or that might hinder in any manner the prevention or suppression of disease.
- c) A blind owner of a registered dog guide, or a blind person being assisted by a registered dog guide is not subject to the obligations imposed in Subsection (a).
7. Every owner of a female dog shall confine and house such female dog during the period the dog is in heat.
8. a) No person shall own, keep, maintain or harbor a dog of known aggressive propensity.
- b) A Bylaw Enforcement Officer may declare a dog to be an aggressive dog. As soon as convenient, after declaring a dog to be an aggressive dog the Bylaw Enforcement Officer shall deliver a notice to the owner of the dog, if the owner can be located, indicating that the dog will be destroyed or that conditions pursuant to Subsection 9(i) shall be placed on the ownership of the dog unless a notice of objection is delivered in accordance with Subsection (d). The owner shall also be required to obtain an aggressive dog license and conform to the conditions pursuant to Section 10, Subsection (n).
- c) A dog has been declared a aggressive dog may be seized and impounded until a Bylaw Enforcement Officer deems the dog may be returned to the owner or until the Aggressive Dogs Committee instructs that the dog shall be returned to the owner with or without condition.
- d) The owner of a dog who has received a notice under Subsection (b) may object the determination that the dog is an aggressive dog

by delivering a written notice of objection addressed to the Bylaw Officer at the Town office #67 3 Avenue West, Cardston Alberta. The notice shall be accompanied by a deposit of \$100.00 that will be returned to the owner if an appeal is successful in reversing the declaration that the dog is an aggressive dog.

- e) The objection shall be heard by the Aggressive Dog Appeal Committee providing the owner has deposited concurrently with the notice of objection, the \$100.00 deposit.
- f) The Aggressive Dog Appeal Committee shall be composed of three (3) members appointed by Council. The members shall be:
 - (i) two (2) members of the Town Animal Control Advisory Committee
 - (ii) an employee of the RCMP police service or Municipal Enforcement Service.
- g) The Aggressive Dog Committee may do any of the following after hearing the objection:
 - (i) reverse an Euthanasia order
 - (ii) vary the conditions imposed by the Bylaw Enforcement Officer
 - (iii) declare the dog not to be an aggressive dog and release the dog to the owner without any conditions
 - (iv) uphold the Bylaw Enforcement Officer's order in respect of the dog
- h) Should the Aggressive Dog Committee return the dog to the owner with conditions attached, the dog shall continue to be classified as an aggressive dog and the owner shall be required to obtain an aggressive dog license and comply with the provisions under Section 10, Subsection (n).
- i) A Bylaw Enforcement Officer and/or the Aggressive Dog appeals Committee may place any or all, but not limited to, the following conditions on the owner of a dog declared to being an aggressive dog:
 - (i) the payment of an annual aggressive dog license fee pursuant to Schedule D
 - (ii) require that the dog be confined indoors and under control of the owner.
 - (iii) require that the dog if outdoors is locked in an approved locked pen, dog run or other structure constructed to prevent the escape of the aggressive dog and capable of preventing entry by any person not in control of the dog.
 - (iv) require the dog to undergo a rehabilitation program
 - (v) require at all times when off the property of the owner that such dog is muzzled

- (vi) require at all times when off the property of the owner that such dog is harnessed or leashed on a lead which length shall not exceed one (1) meter 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 that the dog is under the control of a person over the age of eighteen (18) years
- 9.
- a) The owner of a dog shall apply to the Town of Cardston or its delegate for an annual license for such dog, and shall pay therefore an annual fee as set out in Schedule “D” of this Bylaw. On payment of the license fee the Town of Cardston or its delegate shall issue a tag with respect to that dog.
 - b) The owner of every dog shall obtain a license for such dog, the first day on which the License office is open for business after he becomes the owner of the dog, or the dog has attained the age of six (6) months and thereafter annually.
 - c) An owner shall ensure that any tag issued by the Town as evidence of a dog License is attached to a collar worn by the dog whenever the dog is off the premises ordinarily occupied by the owner.
 - d) Subsection (c) does apply even when that dog has been marked for identification.
 - e) The fees payable for a license are set out in schedule “D”. The fees are payable at the time of application of renewal and are non-refundable unless the Municipal Administrator determines that a full or partial refund is appropriate.
 - f) The Town shall not issue any license for a dog alleged to be altered, marked for identification, or both, without proof in a form satisfactory to the Town that the dog has been so altered or marked for identification.
 - g) Every License expires Dec. 31 of the year it is issued, regardless the month it was purchased that same year and requires to be renewed Jan 01 of the following year and is valid only for the year purchased.
 - h) In case a tag is lost or destroyed, a replacement tag may be issued by the Town of Cardston or its delegate upon presentation by the owner of a receipt showing payment of the sum of ONE (\$1.00) DOLLAR for the issuance of a replacement tag.
 - i) Tags are not transferable from one dog to another and no refund shall be made on any paid up dog license because of death, loss or sale of the dog or upon the owner’s leaving the Town before expiration of the license period.
 - j) In any prosecution or proceeding for a contravention of this section the burden of proof relating to the age of the dog shall be upon the owner and unless the contrary is proven the dog shall be presumed to have attained the age of six (6) months of age.
 - k) The full amount of the license fee shall be payable for any dog older than six (6) months of age.
 - l) The maximum number of dogs in a single-family dwelling or

household shall be restricted to two (2) dogs over the age of six months except in the case where an owner is in receipt of a Dog Fancier's License.

- m)
 - (i) Any person requesting a Dog Fancier's License shall submit an application to the Bylaw Enforcement Officer .
 - (ii) All applications shall disclose:
 - a) location for license
 - b) Purpose
 - c) breed and sex of dogs
 - d) type of facilities
 - e) consent of adjacent landowners
 - (iii) A Bylaw Enforcement Officer shall not issue a Dog Fancier's License without first inspecting the proposed location.
 - (iv) The Bylaw Enforcement Officer shall not issue a Dog Fancier's License if in his opinion the site or conditions are unsuitable.
 - (v) Any person may appeal the decision of the Bylaw Enforcement Officer to the Municipal Administrator provided such appeal is submitted in writing within fourteen (14) days of the date of the Bylaw Enforcement Officers' decision.
 - (vi) Any approved license shall be issued upon the payment of the fee specified in schedule "D" of this Bylaw. Each dog owned under a Dog Fancier's License shall be licensed.
 - (vii) A Bylaw Enforcement Officer may remove the Dog Fancier's License upon receipt of bona fide complaints from two (2) or more neighbors residing within sixty (60) meters of the residence of the license.
- n) The owner of a dog declared to be an aggressive dog shall:
 - (i) be over the age of eighteen (18) years;
 - (ii) obtain an aggressive dog license pursuant to the provisions of Subsection (o) with in five (5) business days after the dog has been declared as aggressive; or
 - (iii) obtain the annual license for the aggressive dog on such day specified by the Town Manager every year;
 - (iv) notify the Bylaw Enforcement Officer should the dog be sold, gifted, die or be transferred to another person;
 - (v) remain liable for the actions of the dog until formal notification of sale, gift or transfer is given to the Bylaw Enforcement Officer;

- (vi) notify the Bylaw Enforcement Officer if the dog is running at large
 - o) The owner of an aggressive dog shall within three (3) business 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 or the information contained thereon to the Bylaw Enforcement Officer prior to a license being issued.
 - p) Where a license required pursuant to this Section has been paid for by the tender of an uncertified cheque the license:
 - (i) 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
 - (ii) is automatically revoked if the cheque is not accepted and cashed by the bank on which it is issued.
10. A Bylaw Enforcement Officer may capture and impound any animal which is:
- a) actually or apparently over the age of six (6) months and for which no current license has been issued pursuant to the provisions of this Bylaw when such an animal is off the premises of its owner;
 - b) running at large;
 - c) named or described or otherwise designated in a complaint made pursuant to the Dangerous Dogs Act;
 - d) named or described or otherwise designated in a complaint alleging the animal to be aggressive;
 - e) chasing, worrying or annoying any wildlife, livestock or domestic animal on property other than that belonging to the owner of the animal;
 - f) a public nuisance, including but not limited to barking, howling excessively or unnecessarily, or otherwise creating disturbance whether the animal is on the property of the owner or not;
 - g) is required to be impounded pursuant to the provisions an any Statue of Canada or of the Province of Alberta or any regulation made thereunder.
11. In the enforcement of this bylaw the Bylaw Enforcement Officer or Peace Officer may, after giving reasonable notice to the owner or occupier of land to be entered to carry out the inspection, remedy, enforcement or action enter any privately owned land at any reasonable time, provided however, that in this section the word “premises” does not include a building and provided the provisions of the Section 542 of the Municipal Government Act, S.A. (1994) Chapter M-26.1 are complied with.
12. Trapping devices may be used to capture Dogs within the Town provided they are used humanely under the direction of a Bylaw Enforcement Officer.
13. No person shall:

- a) interfere with or attempt to obstruct a Bylaw Enforcement Officer or Peace Officer who is attempting to capture, or who has captured any animal in accordance with the provisions of this bylaw;
 - b) induce any animal to enter a house or other place where it may be safe from capture, or otherwise assist the animal to escape capture;
 - c) falsely represent himself as being in charge or control of an animal so as to establish that the animal is restrained as the term is defined by this bylaw;
 - d) unlock or unlatch or otherwise open the vehicle or trap in which animals captured for impoundment have been placed so as to allow or attempt to allow any animal or animals to escape therefrom;
 - e) remove or attempt to remove any animal from the possession of the Bylaw Enforcement Officer or Peace Officer;
 - f) untie, loosen or otherwise free an animal which has been tied or otherwise restrained;
 - g) 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 an animal to run at large in the Town of Cardston
14. a) If a Bylaw Enforcement Officer knows or can ascertain the name of the owner of any impounded animal he shall serve the owner with a copy of the Notice in Schedule "C" of this Bylaw, either personally or by leaving it, or by mailing it to the last known address of the owner.
- b) An owner of an animal to whom a notice is mailed pursuant to subsection (a) is deemed to have received a Notice within seventy-two (72) hours from the time it is mailed.
15. a) The owner of any impounded animal or aggressive dog that is being released with conditions may reclaim the animal or aggressive dog from the Bylaw Enforcement Officer by paying the fines associated with this Bylaw, and by obtaining the license for such animal or aggressive dog should a license be required under this Bylaw.
- b) Where an animal is claimed, the owner shall provide proof of ownership of the animal.
- c) The owner of an animal who has been found not guilty of committing an offence under this Bylaw may request the return of any fees paid by him for reclaiming his animal.
16. The Bylaw Enforcement Officer shall have the authority to refuse the adoption of any animal, housed at the Dog Pound, to a person he or she deems as an unsuitable pet owner. The Bylaw Enforcement Officer may also refuse the adoption if the dog deems to be unsuitable to be adopted.
17. The Bylaw Enforcement Officer shall not sell or destroy an impounded animal until the following conditions are met:
- a) After an animal is retained in the Dog Pound for:

- (i) two (2) business days after the owner has received notice or is deemed by Section 15 to have received notice that the animal is in the Dog Pound, or
 - (ii) three (3) business days, if the name and address of the owner is not known, or unless a person having the authority orders the retention or the destruction of the animal, or unless the owner of the animal makes arrangements with the Bylaw Enforcement Officer for the further retention of the animal the Bylaw Enforcement Officer may cause the animal to be sold or destroyed.
 - b) Notwithstanding Subsection (a) the Animal Services Manager may:
 - (i) retain an animal for a longer period; or
 - (ii) euthanasia an animal after a shorter period if humane purposes warrant.
 - c) The Bylaw Enforcement Officer may offer for sale all unclaimed animals which have been in the Dog Pound for:
 - (i) Two (2) business days or longer after the owner has received notice or is deemed by Section 15 to have received notice when the name and address of the owner are known; and
 - (ii) Three (3) business days or longer if the name and address of the owner are not known.
 - d) No impounded animal shall be sold by the Bylaw Enforcement Officer:
 - (i) to any resident of the Town until a license has first been purchased for the animal 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 animal shall be kept outside the Town.
 - e) The Bylaw Enforcement Officer may, before selling an unclaimed animal require that the animal be spayed or neutered.
 - f) The purchaser of an animal from the Dog Pound pursuant to the provisions of this
 - g) Section shall obtain full right and the title to it and the right and title of the former owner of the animal shall cease.
 - h) When the Bylaw Officer agrees to euthanasia an animal the owner shall pay to the
 - i) Bylaw Enforcement Officer a fee as set out in Schedule “B” of this Bylaw.
18. a) The owner of an animal which is suffering from any communicable disease shall not permit the animal to be in any public place, and shall not keep the animal in contact with or in proximity of any other animal free of such disease.

- b) Any person who owns or who harbors, maintains or keeps and animal which he knows or has reason to know is or may be suffering from rabies, or which he knows or believes has been exposed to rabies:
 - (i) shall endeavor to keep the animal locked up or tied up;
 - (ii) shall not permit another animal to come in contact with it;
 - (iii) shall immediately report the matter to the medical officer of health of the Chinook Health Region, the Federal Veterinarian and the Bylaw Enforcement Officer

- 19. Any person leaving an animal unattended in a motor vehicle must ensure suitable ventilation and water is provided for the animal.

- 20. No animal shall be permitted in the following areas without a permit being first obtained from the Town Manager.
 - a) a cemetery
 - b) a school ground
 - c) within 100 feet of playground equipment on Parkland

- 21. a) Where any Bylaw Enforcement Officer or Peace Officer believes that any person has committed a breach of any provision of this bylaw he may serve upon such persons a ticket or he may commence proceedings by issuing a summons by means of a violation ticket in accordance with Part 2 of the Provincial Offences Procedures Act S.A. 1988, Chapter P-21.5

- b) A notice or ticket shall be deemed to have sufficiently served;
 - (i) if served personally on the accused; or
 - (ii) if served by registered mail; or
 - (iii) if left at the accused usual place of abode with a resident thereof who appears to be at least eighteen (18) of age; or
 - (iv) where the accused is an association, partnership, corporation or registered kennel, if served by registered mail or if left with a person who appears to be at least eighteen (18) years of age and who is an employee or an officer of the association, partnership, corporation, or registered kennel

- c) Upon production of any such notice or ticket within twenty-one (21) days from the date of service of such notice, together with the payment of the sum specified in Schedule "A", to a person authorized by the Town of Cardston to receive such payment, an officer receipt for such payment shall be issued, and subject to the provisions of this Section, such payment shall be accepted in lieu of prosecution.

- d) If the person upon whom any such notice or ticket is served fails to pay the said sum within the time allotted, the provisions of this section shall no longer apply.

- e) Nothing in this section shall:
 - (i) prevent any person from exercising his right to defend any charge of committing a breach of this Bylaw
 - (ii) prevent any person from laying an information and Complaint against any other persons for committing a breach of any of the provisions of this Bylaw
 - (iii) prevent any Bylaw Enforcement Officer or Peace Officer from laying an information and complaint against any other person or owner for an alleged breach of this Bylaw whether or not such other persons or owner has made payment under this Bylaw

- 22. a) Where a Bylaw Enforcement Officer or Peace Officer believes that a person had contravened any provision of this Bylaw, he may commence proceedings by issued summons by means of a violation ticket in accordance with Part 2 of the Provincial Offences Procedures Act, S.A. 1988, Chapter P-21.5.
- b) The specified penalty payable in respect of a contravention of a provision of this Bylaw is the amount shown in Schedule “A” of this Bylaw in respect of that provision.
- c) Notwithstanding Subsection (b);
 - (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 “A” 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 “A” of this Bylaw in respect of that provision
- d) 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.

- 23. 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) and in default of payment is liable to imprisonment for a term not exceeding six (6) months.
- c) 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 “A”
- 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.

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

25. Bylaw No. 1476 and amendments thereto is hereby repealed.

26. This Bylaw shall take full force and effect on the Third and Final Reading.

Received First Reading this _____ day of _____ 2005.

Received Second Reading this _____ day of _____ 2005.

Received Third and Final Reading this _____ day of _____ 2005.

SIGNED by the CEO and Chief Administrative Officer this _____ day of _____ 2005.

Mayor

Municipal Administrator