

**TOWN OF CLARESHOLM
PROVINCE OF ALBERTA
BYLAW # 1416**

A bylaw of the Town of Claresholm in the Province of Alberta to control the running at large of dogs in the Town.

WHEREAS Section 7 of the Municipal Government Act RSA 1994 Chapter M-26.1, as amended, allows Council to pass a Bylaw for the regulating and controlling of domestic animals.

NOW THEREFORE the Council of the Town of Claresholm duly assembled hereby enacts as follows:

1. This Bylaw may be cited as the "The Dog Bylaw."
2. In this Bylaw:
 - a) "Town" means the Municipal Corporation of the Town of Claresholm.
 - b) "Dog" shall mean either the male or female of the canine family, and includes, without limiting the generalities thereof, a neutered male dog or a spayed bitch.
 - c) "Animal Control Officer" means a Bylaw Enforcement Officer or person or persons appointed as such from time to time, by the Town to do any act or perform any duties under this bylaw.
 - d) "Running at Large" refers to a dog which is off the premises of the owner and is not on a leash or under other immediate, continuous and effective control of some competent person.
 - e) "Council" shall mean the Council of the Town of Claresholm.
 - f) "Dog Breeding Facility" means the physical premises where dogs are harbored by a dog breeder.
 - g) "Dog Breeder" means any person, group of persons or corporation engaged in the commercial business of breeding, buying, selling, or boarding of Dogs.
 - h) "Vicious 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 human; or
 - 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 other domestic animals or humans and which in the opinion of a Justice, presents a threat of serious harm to other domestic animals or humans; or
 - iv) has been previously determined to be a vicious dog under the Provincial Dog Act or by the Courts.
 - i) "Owner" means a natural person or body corporate that has legal title to the dog, and includes any person who has possession or custody of the dog.
3. Anyone who keeps an animal must provide:
 - i) clean, potable water at all times, and suitable food of sufficient quantity and quality to ensure normal growth and the maintenance of normal body weight;
 - ii) food and water receptacles kept clean and disinfected and located so as to avoid contamination by excreta;
 - iii) the opportunity for periodic exercise sufficient to maintain good health, including the opportunity to be unfettered from a fixed area, and exercised regularly, under appropriate control;
 - iv) necessary veterinary medical care when the animal exhibits signs of pain or suffering.
4. No owner of any dog shall permit or allow such dog to **run at large**(2(d) in the Town except in those areas designated by Council as loose dog runs.
 - a) A loose dog run area is established by this bylaw bounded by 5th Street East on the east, by Division Avenue on the North, by 2nd Street East on the West and by Patterson Heights Blvd on the south. A loose dog run area on the west side of town shall be bounded by Westlynn Drive and east of 8th Street and south of Westover Avenue.

Bylaw # 1416: Dogs

- b) The owner of a dog using the said designated area, must before use arrive prepared to clean up their dog's defecated matter. The Town will provide a supply of bags and garbage cans at each loose dog run for the purpose of disposing of the defecated matter.
5. No person shall own, keep or harbor any dog within the Town limits unless such dog has been licensed, registered, numbered and described as to color, age, breed and sex, at the office of the Secretary-Treasurer of the Town. At the time of licensing the owner shall be required to sign a contract with the Town indicating that he or she will properly provide for the clean up of dog feces on and off their property. (Schedule E)
6. The owner of every dog over the age of six (6) months in the Town shall, obtain a license and pay a license fee for the current year as determined from time to time by the Town Council.
7. Every person who becomes the owner of a dog over the age of six (6) months or takes up residence within the Town and who is the owner of a dog which is over the age of six (6) months and which is not currently licensed in accordance with this bylaw, shall register the same and pay the license fee, within one (1) month after becoming owner of the said dog; or taking up residence within the Town.
8. Every person who becomes the owner of a dog which is currently licensed in accordance with the provisions of this bylaw shall provide the Town with his name, street address and license number of the dog within fifteen (15) days after becoming the said owner.
9. The owner of every dog on the 2nd of January in each year, or within Fourteen (14) days of the time he or she becomes the owner of a dog, shall purchase a licenses at the Town Office. Upon payment of the required license fee, as set out in Section 12 of this Bylaw, and upon producing proof of a valid rabies certificate or tag, the owner will be supplied with a license tag stamped with a number and the year of the license. Every owner shall ensure that the license tag is securely fastened to a collar or harness which must be worn by the dog at all times when the dog is off the premises of the owner.
10. No person shall engage in a commercial business of breeding, buying or selling of dogs.
11. Where the owner of a dog provides for a dog run or enclosure on the property that dog run or enclosure shall be no closer than one (1) foot from the adjoining property. This dog run must be secure and of an adequate height and size for the dog being housed.
- a) If the dog is to be kenneled in the dog run for more than four (4) hours, then a shelter must be provided.
12. Residences or grounds where any dogs are kept shall at all times be maintained in a clean, sanitary and inoffensive condition, satisfactory to the Bylaw Enforcement Officer. An owner or occupant of private property must not allow animal feces to accumulate on the property so as to create a health hazard. The Bylaw Enforcement Officer may serve an owner or occupant of private property with a notice to remove all animal feces from the property within 72 hours of service of the notice. If a notice is not served personally on an owner or occupant of private property, then a copy of the notice shall be sent by registered mail to the owner of the property at the mailing address shown on the las rvised assessment roll of the Town. A notice sent by registered mail is deemed to have been received on the fifth day following the date of its mailing.
- The Town may remove the feces from the property if the person to whom the request is made fails to remove the feces within 72 hours; or after reasonable inquiry, the whereabouts of the owner or occupant of the property cannot be determined. If the Town carried out the work, the costs and expenses by action in a court of competent jurisdiction; in the same manner as municipal taxes; or by adding the costs and expenses to, and thereby they form part of the taxes on the land on which the work was done.
13. The owner of every dog shall:

- a) Pay the following license fee annually:

Neutered male dog or spayed female dog	\$10.00
Un-Neutered male dog or unspayed female dog	\$30.00
- b) Pay a license fee of one half the annual rate set out in Section 13(a) if such dog is acquired on or after the 1st of October in any one year with the minimum fee to be \$5.00.

Bylaw # 1416: Dogs

- c) No refund of license fees shall be made during any one year, except that a refund of \$20.00 will be given if documentation is provided from a veterinarian that the dog was neutered or spayed after the purchase of the license.

14. The Town shall:

- a) Maintain a dog pound of such size and in such location as the Council shall from time to time direct.
- b) Establish such number of pounds and appoint such pound keepers by resolution of Council as are necessary to provide reasonable facilities for the impounding of dogs running at large within the Town.

15. The Animal Control Officer shall be under the direction of the Town Coordinator and shall:

- a) Carry out all instructions in respect of or applicable to the dog pound, his duties hereunder, or the provisions of this bylaw.
- b) Have general supervision and control of the dog pound.
- c) Maintain the dog pound in a sound and sanitary condition.
- d) Capture and impound or cause to be captured and impounded pursuant to the provisions of this bylaw or any Statute of Canada or the Province of Alberta or of any regulations made thereunder.
- e) Supervise and direct the duties of any agent, assistant or employee engaged, appointed or employed to assist the Animal Control Officer in the performance of his duties.
- f) Subject to this bylaw have control of all dogs in the pound.
- g) Provide that the dogs impounded in the pound receive adequate care and sufficient food and water.
- h) Report any apparent illness, communicable disease, injury or unhealthy condition of any dog to a veterinarian, if he deems that the condition of the dog warrants the examination and care of a veterinarian.
- i) Immediately segregate from other animals and restrain any dog brought to the pound if it has or appears to have rabies or any other communicable disease; and in the case of rabies, report such condition to a veterinarian without delay or to any official designated for the purpose pursuant to The Animals Contagious Diseases Act of Canada.
- j) Collect from the person or persons liable all fees and charges levied pursuant to the provisions of this bylaw where no other person is permitted or authorized to collect such fees and charges, and remit all fees and charges to the office of the Town of Claresholm at such intervals as the Secretary-Treasurer shall direct and issue a temporary receipt for all monies received with an official receipt to be issued by the

Town of Claresholm.

- k) Maintain adequate records of:
 - i) Any complaint made under the provisions of this bylaw and the disposal of such complaint.
 - ii) Any complaint made under The Dangerous Dogs Act when such complaint has been reported to the Animal Control Officer and the action taken on such complaints.
 - iii) Daily operation of the pound.
 - iv) Each dog impounded and disposition made of such dog.
 - v) Notices sent to owners of dogs and others pursuant to the provision of this bylaw.
- 16. An agent, assistant or employee of the Animal Control Officer may do any act which the Animal Control Officer is obliged or permitted to do.
- 17. a) When any dog wearing a dog license tag is impounded, the Animal Control Officer shall determine the number of the license and shall ascertain from the records of the office of the Town of Claresholm, the name and address of the owner of the dog.

Bylaw # 1416: Dogs

- b) If after a dog is impounded the Animal Control Officer is able to ascertain the name and address of the owner of the dog, the Animal Control Officer shall serve the owner with a copy of the notice in Form “B” of the Schedule hereto either personally or by leaving it at or mailing it to the address of the owner.
 - c) If a dog license tag is not attached to the collar of a dog when it is brought into the pound, the Animal Control Officer, at his discretion, may endeavour to ascertain the ownership of a dog by other means; and if he succeeds in so doing, he shall serve the owner with a copy of Form “B” in the manner provided in subsection (b).
 - d) An owner of a dog to whom a notice is mailed pursuant to the provisions of subsection b) or c) is deemed to have received the notice within forty-eight (48) hours of the time it is mailed.
- 18. The Animal Control Officer shall, when the name and address of the owner of a dog are not known, post the notice in Form “C” on the door or gate of the pound, at the Town Office, and at the Veterinary Clinic.
 - 19. The owner of any dog impounded shall, before redeeming the said dog, pay to the Animal Control Officer the sum of Thirty-Five Dollars (\$35.00) for the impounding of such dog for a first offence, and the sum of Sixty Dollars (\$100.00) for a second offence and each subsequent offence, together with the sum of Five Dollars (\$10.00) per day for each day the dog has been impounded and shall further satisfy the Animal Control Officer that he has complied with Section 4, 5 and 6 of this Bylaw.
 - 20. The Animal Control Officer may, in his discretion, continue to keep a dog in the pound for a longer period than the seventy-two (72) hour period provided if:
 - a) The owner requests that the dog be kept there for a longer period or advises the Animal Control Officer of his ownership but fails to pick up the dog from the pound within the time provided.
 - b) There is sufficient room to continue to keep the dog there without congestion because of the number of dogs required to be kept therein.

- c) The dog is not vicious, rabid, suffering from a communicable disease, ill or injured.
 - d) The dog is not one required to be destroyed pursuant to the provisions of The Dangerous Dogs Act or of this bylaw; and
 - e) The Animal Control Officer is satisfied that the owner can and will pay all fees and charges for which such owner is or will become liable.
 - f) If the owner of the dog does not claim the animal after the seventy-two (72) hour period, the Bylaw Officer may allow another party to adopt the said dog upon collection of all boarding fees accrued.
21. The Animal Control Officer, his agent, or the Town Bylaw Enforcement Officer, shall give notice in the form set forth in Schedule "D" of this Bylaw to the owner, possessor, or harbourer at the office of the Town of Claresholm, of voluntary fines as follows:
- a) In respect of a 1st offence for such dog a warning ticket.
 - b) In respect of a 2nd offence for such dog the sum of Fifty Dollars (\$50.00) plus the cost of a valid dog tag.
22. The Animal Control Officer, his agent, or the Town Bylaw Enforcement Officer may issue a ticket to the owner for any of the following infractions and if necessary may capture and impound any dog:
- a) A dog running at large.
 - b) A dog named or described or otherwise designated in a complaint made pursuant to The Dangerous Dog Act.
- Bylaw # 1416: Dogs
- c) A dog which has bitten, is biting or is about to bite or attempting to bite any person.
 - d) A dog actually or apparently affected with rabies or any other contagious disease.
 - e) A dog chasing, worrying or annoying any domestic animal on property other than that belonging to the owner of the dog.
 - f) A dog which causes damage to private or public property within the Town or becomes a public nuisance.
 - g) A dog which barks at or chases pedestrians upon the streets, parks or other public places of the Town.
 - h) A dog which has bitten, bites any person upon any street, park or other public place within the Town.
 - i) A dog which has bitten, bites, or chases horses, bicycles, automobiles, or other vehicles upon the streets, parks or other public places of the Town.
 - j) A dog which barks, howls or otherwise disturbs any person or persons, other than the owner, in the Town.
 - k) The owner who fails to remove defecated matter which the owner has permitted or caused the dog to deposit on public property or upon the lands or premises of any person other than the owner.
23. The owner of a dog shall ensure that such dog shall not:

- i) bite a person or persons whether on the property of the owner or not;
- ii) do any other act that injures a person or persons whether on the property of the owner or not;
- iii) chase or otherwise threaten a person or persons whether on the property of the owner or not, unless the person chased or threatened is a trespasser on the property of the owner;
- iv) bite, bark at, or chase stock, bicycles, automobiles, or other vehicles;
- v) bark, howl, or otherwise disturb any person;
- vi) cause damage to property or other animals;
- vii) upset any waste receptacles 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;
- ix) bite a person or persons unless an unlawful act is being committed.

24. When a complaint is made either to the Town Office or the Animal Control Officer in respect of a dog which does any of the things set out in Section 22, **except 22(h)** the Animal Control Officer, his agent or the Bylaw Enforcement Officer shall give notice in the form set forth in Schedule "D" of this Bylaw to the owner, possessor, or harbourer of such dog providing for the payment by the owner, possessor or harbourer at the office of the Town of Claresholm, of voluntary fines as follows:

- a) In respect of a 1st offence for such dog a warning ticket.
- b) In respect of a 2nd offence for the same dog the sum of One Hundred Dollars (\$100.00.)
- c) In respect of a 3rd offence for the same dog and each subsequent offence the sum of Two Hundred Fifty Dollars (\$250.00).
- d) In respect of a 4th offence for the same dog and each subsequent offence the sum of Five Hundred Dollars (\$500.00).
- e) The fees listed in paragraphs a), b) and c) above shall be for violations committed in any consecutive 12 month period from January 1st to December 31st.

Bylaw # 1416: Dogs

25. When a complaint is made either to the Town Office or the Animal Control Officer in respect of a dog which does any of the things set out in Section 22(h) the Animal Control Officer, his agent or the Bylaw Enforcement Officer shall give notice in the form set forth in Schedule "D" of this Bylaw to the owner, possessor, or harbourer of such dog providing for the payment by the owner, possessor or harbourer at the office of the Town of Claresholm of voluntary fines as follows:

- a) In respect of a first offence for such dog the sum of One Hundred Fifty Dollars (\$150.00.)
- b) In respect of a 2nd offence for the same dog the sum of Three Hundred Dollars (\$300.00.)
- c) In respect of a 3rd offence for the same dog and each subsequent offence the sum of Five Hundred Dollars (\$500.00.)

26. a) In the event that payment of the voluntary fines imposed in this Bylaw is not made within the time limit set forth in the notice, the Animal Control Officer, his agent or the Town of Claresholm Bylaw Enforcement Officer may proceed to lay any information before a Police Magistrate or Justice of the Peace in order to have a summons issued to the person owning, keeping, harbouring or maintaining the dog requiring him to appear before a Magistrate or Justice of the Peace to answer to the causes set out in the

complaint or such of them as are prohibited by Section 22.

- b) Upon summary conviction of the offence by a Court Judge, he shall be deemed guilty of an offence against the provisions of this Bylaw and liable in addition to any other fees payable by reason of an impoundment to a minimum fine of not less than One Hundred Dollars (\$100.00) and in default of payment of such fine and costs, to imprisonment for a period not exceeding 30 days in a provincial jail. Provided further that upon conviction for a second or subsequent offence under this Bylaw, the minimum fine imposed shall not be less than Two Thousand Five Hundred Dollars (\$2,500.00) and cost and in default of payment of such fine and costs to imprisonment for a period not exceeding sixty (60) days in a provincial jail.
27. The notice provided for in Section 24 and 25 hereof shall be deemed served if:
- a) Handed to the owner, possessor or harbourer of such dog.
 - b) Delivered by registered mail to the owner, possessor or harbourer of such dog.
28. a) The owner of a dog, which is suffering any communicable disease shall not permit or allow the dog to be in any public place and shall not keep the dog in contact with or in proximity to any other dog free of such disease.
- b) A person who owns or who harbours, maintains or keeps a dog, 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 keep the dog locked or tied up.
 - ii) Shall not permit another animal to come in contact with it.
 - iii) Shall immediately report the matter to a veterinarian.
 - iv) Shall report the matter to the Animal Control Officer and the Town detail for the Royal Canadian Mounted Police.
- c) Any dog known to be rabid shall be immediately destroyed.
29. No owner of any female dog shall permit or allow any such dog to be on or upon any public lands or highway while in heat.
30. Any person who:
- a) Removed or attempts to remove any dog, irrespective of age or sex, from the possession of the Animal Control Officer while in the pound or while being transported to the pound; or
 - b) Hinders, delays or obstructs any such Animal Control Officer in the performance of any duty imposed upon him by this bylaw; is

Bylaw # 1416: Dogs

guilty of an offence and is liable upon summary conviction in addition to any fees payable by reason of any impoundment to a fine not exceeding Two Hundred Fifty Dollars (\$250.00) and costs and in default of payment of such fine and costs to imprisonment for a period not exceeding Thirty (30) days.

Provided further that upon conviction for a second or subsequent offences under this section, the minimum fine imposed shall not be less than One Thousand Dollars (\$1,000.00) and costs, and in default of payment of such fine and costs to imprisonment for a period not exceeding Six (6) months.

31. Bylaw #1228 and all amendments thereto are hereby repealed.

32. This Bylaw shall take effect on the date of final passage.

Read a first time in Council this _____ day of _____ 2002 A.D.

Read a second time in Council this _____ day of _____ 2002 A.D.

Read a third time in Council and finally passed in Council this _____ day of
_____ 2002 A.D.

Larry Flexhaug, Town Coordinator

E. R. Patterson, Mayor