

BYLAW No. 975

BEING a Bylaw of the Town of Carstairs, in the Province of Alberta, the purpose of this Bylaw is to regulate and control dogs within the limits of the Town of Carstairs.

WHEREAS, Section 7. (a) of the Municipal Government Act, Chapter M-26RSA 2011 as amended; A council may pass bylaws for municipal purposes respecting the following matter of the safety, health and welfare of people and the protection of people and property;

WHEREAS, Section 7. (i) of the Municipal Government Act, Chapter M-26RSA 2011 as amended; A council may pass bylaws for municipal purposes respecting the following matter of wild and domestic animals and activities in relation to them;

WHEREAS it is deemed expedient to enact a Bylaw for the regulation and control of dogs within the boundaries of the Town of Carstairs:

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

1. This Bylaw shall be named "The Dog Control Bylaw".
2. In this Bylaw:
 - a. "Animal Control Officer" means a person engaged by the Town to administer and enforce the provisions of this Bylaw;
 - b. "Bylaw Enforcement Officer" means a person appointed by the Town in accordance to the provisions of 555.1 of the Municipal Government Act.
 - c. "Device" means any equipment or mechanical contrivance capable of restraining the dog on which it is being used;
 - d. "Former Owner" means a person who at the time of impoundment was the owner of a dog which has subsequently been sold or destroyed;
 - e. "Owner" means a person who has legal title to a dog, and includes any person who has actual or apparent possession or custody of a dog, either permanently or temporarily or harbors a dog or allows a dog to remain on his or her premises;
 - f. "Leash" means a chain or other material capable of restraining the dog on which it is being used;
 - g. "Person" means a natural person, partnership or body corporate;
 - h. "Restricted Breed" means breeds of dogs which are deemed dangerous by motion of council.
 - i. "Restricted Dog" means a dog that's conduct of which has resulted in its owner being convicted of a contravention of subsection 3 (a) and 4 (a-d) of this Bylaw.
 - j. "Running at Large" means:
 - (i) A dog or dogs which are not under the control of a person responsible by means of a leash or other device 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, street, alleyway boulevard, sidewalk, park, playground or other public place, or
 - (ii) A dog or dogs which are under the control of a person responsible by means of a leash or other device and which cause damage to persons, property or other animals;
 - k. "Town" means the Town of Carstairs or the area contained within the boundaries thereof, as the context requires;

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Responsibilities of Dog Owners

3. The owner of a dog shall:
 - a. Ensure that dog is not running at large;
 - b. Ensure if dog defecates on any public or private property other than the property of its owner, the owner shall remove such defecation immediately;
 - c. Not allow the premise to become littered with dog feces to an extent that the Premise becomes objectionable, either visually or because of foul odors, to residents of neighboring properties.

The owner of a dog shall ensure that such dog shall not:

- d. Bite a person or persons whether on the property of the owner or not;
 - e. Do any other act to injure a person or persons whether on the property of the owner or not;
 - f. 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;
 - g. Bite, bark at, or chase stock, bicycles, automobiles, or other vehicles;
 - h. Bark, howl or otherwise disturb any person;
 - i. Cause damage to property or other animals;
 - j. Upset any waste receptacles or scatter the contents thereof either in or about a street, lane, or other public property on, in or about premises not belonging to or in the possession of the owner of the dogs;
 - k. Be in an area of a park cultivated for floral plant display;
 - l. Be in any swimming, bathing or wading pool that is provided for the use of the public;
4. In addition to any other penalties imposed under this Bylaw an owner who contravenes subsection 3 & 4 of this Bylaw is civilly liable to the Town for any expense directly or indirectly incurred by the Town in connection with such contravention.

Restricted Dog

5. No owner shall own, keep or harbor within the municipal boundaries of the Town a Restricted Dog unless such Restricted Dog is licensed.
 - a. The owner of every Restricted Dog required to be licensed under this Bylaw shall pay by January 31 in each calendar year or within 30 days of the dog becoming a Restricted Dog, as the case may be, an annual license fee, for a Restricted Dog as set out in The Rates & Fees Bylaw.
 - b. No owner shall keep or harbor a Restricted Dog on premises owned or controlled by him or her unless such Restricted Dog is kept securely confined so that escape is not possible.
 - c. The owner of a restricted dog shall ensure that whenever such restricted dog is off property of the owner it is controlled by a leash or harness in a manner that prevents it from biting, chasing or attacking a person or other animal;
 - d. An Animal Control Officer under this Bylaw is authorized to capture and impound a dog may seize and impound any dog believed by him or her to be a restricted dog found running at large in the Town and he or she may take any reasonable measures necessary to subdue such a dog including the use of tranquilizer equipment and materials.
 - e. The obligations contained in sections 5 of this Bylaw are in addition to all other obligations contained in this Bylaw.
 - f. Notwithstanding a dog of a restricted breed will not be classified as a restricted dog, unless it displays behaviors referred to by the definition of a restricted dog and is so classified a restricted dog by the Animal Control Officer

Communicable Disease

6. An owner of a dog known to have or suspected of having rabies:
 - a. Shall immediately report the matter to Agriculture Canada, Veterinary Inspection Directorate or to an Animal Control Officer.

- b. Shall confine or isolate the dog, in such a manner as prescribed by the persons in subsection 7 (a) so as to prevent further spread of the disease;
 - c. Shall keep the dog confined for not less than ten (10) days.
7. An owner of a dog knowingly suffering from a communicable disease other than rabies shall:
- a. Not permit the animal to be in any public place;
 - b. Not keep the dog in contact with or proximity to any other animal free of such disease;
 - c. Unless on a leash under the control of a person responsible for the dog, keep the dog confined in an enclosed area or fenced yard or tied up on the property of the owner.

Licensing

8. By January 31st of each year, the owner of a dog shall obtain a license for such dog (3 months of age or older) and shall pay for such license an annual fee as set out in the Rates & Fees Bylaw.
- a. Upon payment of the license fee by the owner the Town Office shall issue to the owner a metallic tag for each dog license.
 - b. Every owner shall provide his or her dog with a collar to which the owner shall affix the metallic tag for such dog and the owner shall ensure that the collar and tag are worn by such dog whenever the dog is off such owner's premises.
 - c. Upon losing a dog license the owner of a dog shall contact the Town Office Staff who will issue a new tag to the owner.
 - d. Any one who becomes owner of a dog for which a license has been obtained for the current calendar year shall advise the Town Office of such change or ownership on the first day the Town Office is open after he or she becomes owner of the dog but no additional license fee is payable in such event.
 - e. No person shall be entitled to a license rebate under this Bylaw.
 - f. The municipality shall keep current records of:
 - (i) the name and address of each owner;
 - (ii) the breed, color and sex of each owner's dog
 - (iii) the number on each metallic tag issued to the owner for his or her dog; and
 - (iv) the license fees paid by each owner
 - g. A dog license is not required by persons temporarily in the Town for a period not exceeding two weeks in any calendar year.
 - h. Any person temporarily in the Town for a period of greater than two weeks in any calendar year and who would otherwise be required to obtain a license for a dog under this Bylaw, may apply to the Chief Administrative Officer for an extension of the two week grace period described in subsection 9 (j).
 - i. Except as provided in Bylaw #896, no more than three (3) dogs for which a license is required under this Bylaw shall be owned, harbored or possessed by an owner.

Animal Control Authority

9. An Animal Control Officer may enter onto any private land, other than buildings located thereon, in pursuit of a dog found running at large.

Obstruction and Interference

10. No person, whether or not he or she is the owner of a dog which is being or has been pursued or captured shall;

- a. Interfere with or attempt to obstruct an Animal Control Officer, who is attempting to capture or who has captured a dog which is subject to impoundment pursuant to the provisions of this Bylaw.
- b. Entice the animal to enter a building or other place where it may be safe from capture or otherwise assist the animal to escape capture;
- c. Falsely represent himself or herself 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 any vehicle in which any dog which has been captured for impoundment has been placed so as to allow or attempt to allow any dog to escape.

Interference With Animals

11. No person shall:

- a. Untie, loosen or otherwise free an animal which has been tied or otherwise restrained; or
- b. 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.
- c. Tease, torment or annoy an animal.

Notifications

- 12. If an Animal Control Officer knows or can ascertain the name of the owner of the impounded dog, he or she shall serve the owner Notice, either personally or by leaving it at or mailing it to the last known address of the owner.
- 13. An owner of a dog to whom a Notice is mailed pursuant to the provisions of section 15 is deemed to have received a Notice within forty-eight (48) hours of the time it is mailed.
- 14. An Animal Control Officer is not required to make any investigations as to the owner of an impounded dog other than to search the Town's records of licensing for the current year for a dog fitting the description of the impounded dog.

Reclaiming

- 15. The owner of any impounded dog may reclaim the dog from the Town by paying the fees as set out in the Rates & Fees Bylaw.
- 16. An Animal Control Officer shall report any apparent illness, communicable disease, injury or unhealthy condition of any impounded dog its owner, if known, and to a veterinarian and an Animal Control Officer shall take into account any recommendations of such veterinarian in dealing with the dog while the dog is impounded.
- 17. An owner of an impounded dog shall be liable to the Town Office for any fees or expenses incurred in consulting with a veterinarian or providing any care recommended by a veterinarian in respect of such impounded dog.

Disposal

- 18. An Animal Control Officer shall not sell, destroy or otherwise dispose of an impounded dog until following conditions are met:
 - a. The impounded dog has been retained by the Town for at least five (5) days after the owner has received or has been deemed to have received notice that his or her dog has been impounded, where the name and address of the owner is known:
 - b. The impounded dog has been retained by the Town for seventy-two (72) hours, where the name of the owner is not known; or
 - c. A person having the authority orders the destruction of the impounded dog.
- 19. When the conditions described in subsection 21 have been met, an Animal Control Officer may cause the dog to be sold, destroyed or otherwise disposed of unless the owner has made arrangements with an Animal Control Officer for further retention of the dog or a person having the authority orders the further retention of the impounded dog.

20. An Animal Control Officer shall have destroyed any impounded dog when ordered to do so by a person having the authority.
21. Notwithstanding the provisions of section 19 and 20 but subject to the provisions of section 21 and Animal Control Officer may retain an impounded dog for any length of time he or she deems appropriate in the circumstances.

Penalties – Voluntary Payment

22. Where an Animal Control Officer, believes that a person has contravened any provisions of this Bylaw, he or she may in his or her absolute discretion serve upon such a person a ticket as provided by this section either personally or by mailing by ordinary mail addresses to or leaving the tag at the last known address of such person and such service shall be good and sufficient for the purpose of this Bylaw;
23. A ticket under this section shall in such form as determined by the Town and shall state the section of this Bylaw which the person to whom such ticket is issued is accused of having violated, and the amount from the Rates & Fees Bylaw that will be accepted by the Town in lieu of prosecution;
24. Upon the production of a ticket issued pursuant to this section within ten (10) days from the issue thereof together with the payment to the Town of the fee provided in the Rates & Fees Bylaw. The person to whom the ticket was issued shall not be liable for prosecution for the contravention in respect of which the ticket was issued;
25. Nothing in this section shall prevent a person to whom a ticket has been issued from defending any prosecution commenced by the Town for any contravention of the provisions of this Bylaw.
26. If an Animal Control Officer believes that a person has contravened any provision of this Bylaw, he or she 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.
27. The specified penalty payable in respect of a contravention of a provision of this Bylaw in proceedings commenced under The Provincial Offences Procedure Act is the amount shown in the Rates & Fees Bylaw in respect of that provision.
28. This Bylaw is to repeal Bylaw No. 728

READ A FIRST TIME THIS 13TH DAY OF JUNE A.D., 2011.

READ A SECOND TIME THIS 13TH DAY OF JUNE A.D., 2011.

READ A THIRD TIME AS AMENDED THIS 13TH DAY OF JUNE A.D., 2011

Mayor, Lance Colby

CAO, Carl McDonnell