

Town of McLennan
Animal Control Bylaw No. 2015-07

A BYLAW OF THE TOWN OF McLENNAN, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF REGULATING AND CONTROLLING DOMESTIC ANIMALS IN THE CORPORATE LIMITS OF THE TOWN OF McLENNAN.

Whereas, pursuant to section 7(a) of the *Municipal Government Act*, a council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property; and

Whereas, pursuant to section 7(h) of the *Municipal Government Act*, a council may pass bylaws for municipal purposes respecting wild and domestic animals and activities in relation to them; and

Whereas, pursuant to section 7(i) of the *Municipal Government Act*, a council may pass bylaws for municipal purposes respecting the enforcement of bylaws made under the *Municipal Government Act* or any other enactment including any or all of the matters listed therein; and

Whereas, pursuant to section 8 of the *Municipal Government Act*, a council may in a bylaw:

- (a) regulate or prohibit; and
- (b) provide for a system of licences, permits or approval including any or all of the matters listed therein.

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

TITLE

1. This Bylaw may be cited as “The Animal Control Bylaw”.

DEFINITIONS

2. In this Bylaw, unless the context otherwise requires:
 - (a) **Animal Control Officer** – means a Peace Officer appointed by the Town of McLennan, a member of the Royal Canadian Mounted Police or a Fish and Wildlife Officer or a Sheriff or the Chief Administrative Officer of the Town or his delegate to enforce the provisions of this Bylaw.
 - (b) **At Large** – means off the premises of the owner or harbourer and not on a leash held by a person able to control the animal.
 - (c) **Cat** – means male or female of the feline family.

- (d) **Chief Administrative Officer** - means the Chief Administrative Officer for the Town of McLennan or his delegate.
- (e) **Council** – means the council of the Town of McLennan.
- (f) **Dangerous Dog** – means any dog that attacks a person or other animal, causing serious physical injury or death, or a dog that the animal control officer determines on reasonable grounds to be a dangerous dog, either through personal observation or on the basis of facts determined after an investigation initiated by a complaint.
- (g) **Dog** - means either male or female of the canine family.
- (h) **Domestic Animal** – means an animal and without restricting the generality of the foregoing, shall include a dog, cat, swine, equine, bovine, ruminant, skunk, rabbit, ferret and pigeon.
- (i) **Kennel** - means an establishment run by any person, group of person or corporation engaged in the business of breeding, buying, selling, training or the boarding animals of any kind.
- (j) **Livestock** – means such animal that has domesticated for agricultural use or pets including but not limited to; horse, cattle, chicken, sheep, swine, rabbit, goat, or mule but does not include dogs or cats.
- (k) **Nuisance Dog** – means any dog that has been the subject of three or more convictions within the previous three years for any combination of the following offences under this bylaw:
- i) excessive barking
 - ii) defecation
 - iii) off property of owner
- (l) **Offence Ticket** - means a document that is a Municipal Violation Ticket issued on behalf of the Town of McLennan pursuant to the *Municipal Government Act*, R.S.A. 2000, c. M-26.
- (m) **Owner** – means:
- i) a person who has the care, charge, custody, possession or control of the animal;
 - ii) a person whom owns or who claims any proprietary interest;
 - iii) a person who harbours or permits an animal to be present on any property owned or under his control;
 - iv) a person to whom is named on a license

- (n) **Peace Officer** - means a Bylaw Enforcement Officer, an Animal Control Officer or a Peace Officer as defined by the *Peace Officer Act*, S.A. 2006, c. P-3.5, as amended or a Police Officer as defined by the *Police Act*, R.S.A. 2000 c. P-17., as amended.
- (o) **Pound** – means a place designated by Council as a place where dogs and other animals may be placed and kept impounded.
- (p) **Service Dog** – means a dog trained as a guide for a person who requires the assistance of a “seeing eye dog”, “seizure dog”, “hearing dog” or “quadriplegic dog”.
- (q) **Tag** - means a numbered metal tag issued by the Town to the Owner of a dog or cat when the Owner obtains a Licence from the Town.
- (r) **Threaten** – means to show an intention to do harm.
- (s) **Town** - means the Town of McLennan.
- (t) **Violation Ticket** - means a violation ticket issued pursuant to the *Provincial Offences Procedures Act*, R.S.A 2000 c. P-34, as amended.

LICENSING

- 3.1 No person shall own or keep any cat or dog within the Town unless such cat or dog is licensed as provided in this Bylaw.
- 3.2 Every owner of a cat or dog over the age of six (6) months shall within fifteen (15) days of taking upon residence within the Town or becoming the owner obtain a license for each cat or dog.
- 3.3 The Owner shall provide the following information with each application to obtain a license:
 - (a) name, mailing address, street address and phone number of the owner;
 - (b) a description of the cat or dog, including breed, name, gender and age;
 - (c) document for proof of neutering or spaying (to benefit from the reduced license fee);
 - (f) photo of the cat or dog.
- 3.4 The owner shall be supplied with a tag stamped with a number and a receipt for payment of the license fee when a license is issued.

- 3.5 The owner of a cat or dog shall ensure that the cat or dog wears a collar to which is attached a valid license tag whenever the cat or dog is off the premises of the owner.
- 3.6 The permanent license tag is not transferable from one dog or cat or another or from one owner to another.
- 3.7 A permanent license tag shall be valid for the life of the dog or cat, until the dog or cat no longer resides in Town.
- 3.8 If said license tag is not associated with current ownership and animal information, it shall be deemed invalid.

LICENSE FEES

- 4.1 The permanent Licence fee for a dog or cat that is either spayed or neutered is set out in Schedule A.
- 4.2 Where a dog or cat tag issued pursuant to the provisions of this by-law has been lost, or destroyed, the owner may be issued a new dog tag upon payment of the replacement fee as set out in Schedule A.

LIMIT ON DOGS, AND CATS

- 5.1 No person shall keep or have more than a maximum of three (3) animals older than six (6) months of which a maximum of two (2) animals can be Dogs at one and the same time, in any house, shelter, room, property or place within the Town.
- 5.2 Section 5.1 shall not apply to:
 - (a) any premises that may be used for the purpose of a dog or cat show;
 - (b) to any veterinary clinic;
 - (c) when an organization is offering a recognized training or obedience class for training dogs or cats, or
 - (d) any person in possession of a valid business license to operate a “Pet Store” or “Animal Grooming Parlor” as long as said person adheres to said Business license conditions.
- 5.3 No person shall operate a kennel in any residential district in the Town.

- 5.4 Provided that an owner with three (3) dogs is licensed in accordance with Animal Control By-Law 2005-05 prior to this bylaw coming into force, an owner with three (3) licensed dogs will be grandfathered in for the life of the licensed dogs.
- 5.5 Section 5.4 shall not apply if the town receives two written complaints within a one year period of an owner who contravenes any provisions of this Bylaw.
- 5.6 Any person who receives Notice pursuant to section 5.5 stating that they are to reduce the number of dogs they own to two(2) may appeal to Town Council within 14 days of receiving the notice by delivering an Appeal Notice in person or sending it by mail to:

Town of McLennan
Administration Office
19 – 1st Avenue NW
PO Box 356
McLennan, AB T0H 2L0

Town Council may confirm or cancel the Notice to reduce the number of dogs. Prior to making a decision Council will review the number of years the dog has been in the Town of McLennan, any compliance issues on file or any other relevant information.

The Town must serve written notice of Town Council's decision by delivering the notice or sending it by mail to the Appellant and the Owner.

RESPONSIBILITIES OF ALL DOG AND CAT OWNERS

EXCESSIVE BARKING

- 6.1 No owner or any other person having care or control of a dog or cat shall permit the cat or dog to bark or howl so as to create a nuisance.
- 6.2 The factors in determining whether barking or howling has become a nuisance are as follows:
- (a) proximity of the property where the dog or cat resides;
 - (b) duration of the barking or howling;
 - (c) time of day or night the barking or howling occurs and day of the week;
 - (d) the land use, nature and zoning of the area from which the barking or howling emanates and the area where it is received or perceived;
 - (e) whether the barking or howling is recurrent, intermittent or constant.
- 6.3 The following acts are deemed nuisance barking or howling violations of this Bylaw:

(a) in residential districts, barking or howling between the hours of 11 p.m. and 6 a.m. on a weekday, and 11 p.m. and 8 a.m. on a Sunday or statutory holiday which persists for a period of 10 consecutive minutes or longer; and

(b) in residential districts, barking or howling between the hours of 11 p.m. and 6 a.m. on a weekday, and 11 p.m. and 8 a.m. on a Sunday or statutory holiday which persist, intermittently, for a period of one hour or longer.

DEFECATION

- 7.1 If a dog or cat defecates on any public or private property other than the property of its owner, the owner shall cause such feces to be removed immediately.
- 7.2 Guide Dogs utilized by a person who is legally blind are exempt from section 7.1.
- 7.3 When a dog or cat defecates on its Owner's property to the extent that excessive smell results, the Owner shall immediately remove the defecation on notice of a Peace Officer, or Animal Control Officer or Health Authority having jurisdiction.

CATS AND DOGS AT LARGE

- 8.1 No owner of a cat or dog shall permit the cat or dog to be at large within the Town.
- 8.2 The Owner or any other person having care or control of a dog or cat shall, at all times when it is off the property of the Owner:
- (a) ensure that the animal was under a person competent to control it all times when it is off the property of the owner ; and
 - (b) held on a leash not exceeding two metres in length.
- 8.3 No Owner shall permit his or her cat or dog to damage public property areas.

ATTACKS

- 9.1 The Owner or any other person having care or control of a dog or cat shall ensure it does not:
- (a) damage property;
 - (b) threaten to chase, attack, or bite any person or animal; or
 - (c) chase, attack or bite any person or animal causing physical injury.
- 9.2 This section does not apply if the chase, attack, bite or damage is a direct result of the dog or cat being provoked.
- 9.3 An Animal Control Officer may seize and impound any dog or cat alleged to have seriously injured or killed a person or animal.

- 9.4 The Owner of any dog that bites a person shall promptly report the incident to the Animal Control Officer and the dog may thereupon be quarantined for a period of 10 days at the discretion of an Animal Control Officer and shall not be released from such quarantine except by written permission of a Public Health Officer. At the discretion of the Animal Control Officer, such quarantine may be on the premises of the Owner or at the Pound. In the case of a dog whose ownership is not known, such quarantine shall be at the Pound.
- 9.4 The Peace Officer or Animal Control Officer may make a complaint pursuant to the Dangerous Dogs Act for an Order directing that such Dog be controlled or destroyed.

DANGEROUS DOGS

- 10.1 Where a dog is deemed to be dangerous pursuant to the provisions of the Dangerous Dogs Act, or to the provisions of this Bylaw the Owner of such dog shall:
- 10.2 The Owner of a Dangerous Dog shall have liability insurance specifically covering any damages for personal injury caused by the Dangerous Dog in an amount not less than one million dollars (\$1,000,000) and shall provide proof of such insurance to the Chief Administrative Officer annually.
- 10.3 The owner of a Dangerous Dog shall take all necessary steps to ensure that it does not bite, chase or attack any human or other animal whether the animal is on the property of the owner or not.
- 10.4 (a) When a dog that has been declared a Dangerous Dog is on the premises of its owner, it shall be kept confined indoors under effective control of a person over the age of sixteen (16) years, or confined in a securely enclosed and locked pen, or other structure constructed and secured in such a fashion as to prevent the escape of the Dangerous Dog, and to prevent the entry of persons unauthorized by the owner.
- (b) Any such pen shall have a secure top and sides and either:
- (i) have a secure bottom effectively attached to the sides; or
- (ii) the sides shall be embedded in the ground to minimum of thirty (30) centimeters.
- (c) When a Dangerous Dog is off the premises of the owner, it shall be securely muzzled, and shall be either harnessed or leashed securely to effectively prevent it from attacking or biting a human or other animal; provided that this requirement shall not apply when the Dangerous Dog is in a building or enclosure in attendance at a bona fide dog show, or confined in a pen meeting the requirements of subsections (a) and (b).
- 10.5 (a) The owner of a dog, which the owner knows or ought to know is a Dangerous Dog, shall keep the Dangerous Dog in accordance with the provisions of section 10.3.

- (b) If a Peace Officer determines on reasonable grounds that a dog is a Dangerous Dog, either through personal observation or on the basis of facts determined after an investigation initiated by a complaint, he may:
 - (i) give the owner a written notice that the dog has been determined to be a Dangerous Dog.; and
 - (ii) require the owner to keep such dog in accordance with the provisions of section 10.3 of this Bylaw upon the owner's receipt of the notice; and
 - (iii) inform the owner that if the Dangerous Dog is not kept in accordance with section 10.3 of this Bylaw, the owner will be fined, or subject to enforcement action under this bylaw.
 - (c) Where the owner of a dog that has been determined to be a Dangerous Dog produces information to the Town, that may alter a determination made under subsection (b), the Town Chief Administrative Officer and the Peace Officer/s involved shall, as soon as is reasonably possible, cause the matter to be reviewed and make a final determination.
- 10.6 Provisions in this Bylaw which apply to Dangerous Dogs shall not apply to dogs owned by a Police service solely by reason of any events or actions which occur while the dogs are engaged in police work.

PROHIBITED ANIMALS

- 11.1 No person shall keep or have any livestock within the Town.
- 11.2 Animals in Town for parades or exhibitions, under the care and supervision of competent persons are not subject to the provisions of this by-law, however they are to ensure that such animals are tethered or penned and not running at large or they are in violation of this by-law and subject to fine under this bylaw.

ENFORCEMENT

**CAPTURE
AND IMPOUND**

- 12.1 An Animal Control Officer is authorized to capture and impound a dog or cat found to be at large or found to be in violation contrary to the provisions of this bylaw.
- 12.2 An Animal Control Officer may enter onto land for the purpose of observation, investigation or enforcement of this Bylaw,
 - (a) after reasonable notice to the Owner or occupant of the land; or
 - (b) with the consent of the Owner or occupant of the land; or

- (c) without reasonable notice or the consent of the Owner or occupant of the land in the event the circumstances constitute emergency or extraordinary circumstances.
- 12.3 No person, whether or not he or she is the Owner of a dog or cat which is being or has been pursued or captured shall not:
 - (a) interfere with or attempt to obstruct any person or persons engaged in enforcing any provisions of this Bylaw or who was attempting to capture or who has captured any dog or cat in accordance with the provisions of this Bylaw;
 - (b) unlock or unlatch or otherwise open the vehicle or device in which dog or cat captured for impoundment have been placed, so as to allow or attempt to allow any dog or cat to escape there from; or
 - (c) remove or attempt to remove any dog or cat from the possession of the Animal Control Officer.
- 12.4 A dog or cat that is impounded may be redeemed within seventy-two (72) hours of the time it was captured by its Owner upon payment to the Town of:
 - (a) the appropriate fine where applicable
 - (b) the appropriate license fee when a dog or cat is not licensed
 - (c) a per diem impounding fee, as established by this by-law for each and every day said dog cat is confined.
- 12.4 Any dog or cat which is impounded under the bylaw which is not carrying a current valid license on its body or is not redeemed within the seventy-two (72) hours of the time it was captured is subject to immediate destruction or may be delivered to an Animal Shelter for adoption purpose.

FINES AND PENALTIES

- 13.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable, upon summary conviction, to a fine as set out in Schedule B attached hereto.
- 13.2 A picture of the cat or dog at large will be taken and the cat or dog will be followed home and the owner may be given a ticket providing for voluntary penalty as set forth in this Bylaw, or the owner may be issued a fine via mail with a copy of the picture provided to them.
- 13.3 The Animal Control Officer may issue a notice, commonly called an offence ticket, to an Owner alleged to have committed an infraction of this Bylaw. The offence ticket shall state the alleged offence and required payment of the appropriate fine as provided in Schedule B attached hereto.

- 13.4 A penalty double the applicable fine as provided in Schedule B shall be levied against an Owner who commits, for a second time any infraction of this Bylaw and for third and subsequent offences the fine doubles from the previous infraction, providing that such infractions are committed within one (1) year of the committing of the first infraction regardless it is the same dog or domestic animal owned by the same person.
- 13.5 The offence shall be sufficiently served if served by:
- a) registered mail addressed to the Owner of the Dog or Domestic Animal concerned;
 - b) handing the offence ticket to the Owner of the Dog or Domestic Animal concerned or to any adult at the place of residence of the said Owner.
- 13.6 Where an offence ticket is issued, pursuant to this Bylaw, the following procedures shall apply:
- (a) every offence ticket shall provide for the payment to be made to the Town of McLennan within thirty (30) days from the date of issue of the offence ticket, if payment is made within the time limit, such payment shall be accepted in lieu of prosecution;
 - (b) if the penalty amount is not paid within thirty (30) days from the date of issue of the offence ticket, the right of the person named on the offence ticket as a violator of this Bylaw to pay the penalty amount in lieu of prosecution shall expire.
 - (c) in those cases where an offence ticket has been issued and if the penalty specified on an offence ticket has not been paid within the prescribed time, then a Peace Officer is hereby authorized and empowered to issue a violation ticket pursuant to Part II of the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-21.5 as amended.
 - (d) Animal Control Officer is hereby authorized and empowered to immediately issue a violation ticket pursuant to Part II of the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-21-5, as amended, to any person who the Animal Services Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

REPEAL

The Town of McLennan Bylaw #2005-05 and 2012-05 and any amendment thereto shall be repealed upon passage of this Bylaw.

EFFECTIVE DATE

This Bylaw shall come into full force and effect on January 1, 2016.

BY-LAW NO. 2015-07 IS HEREBY GIVEN FIRST READING THIS 13TH DAY OF OCTOBER, 2015

BY-LAW NO. 2015-07 IS HEREBY GIVEN SECOND READING THIS 13TH DAY OF OCTOBER, 2015

BY-LAW NO. 2015-07 IS HEREBY GIVEN THIRD READING AND PASSED THIS 13TH DAY OF OCTOBER, 2015

J. DORIS (SIGNED)

MAYOR

L. WILLIER (SIGNED)

CHIEF ADMINSTRATIVE OFFICER

SCHEDULE "A"

**LICENCE AND SERVICE FEES
ANIMAL CONTROL BYLAW # 2015-07**

Permanent Dog Licence – Un-neutered	\$40.00
Permanent Dog Licence - Neutered	\$25.00
Permanent Cat License	\$20.00
Replacement of Lost Licence Tag	\$10.00
Impoundment Fee	\$25.00 per day per animal

SCHEDULE "B"
SPECIFIED PENALTIES
ANIMAL CONTROL BYLAW # 2015 - 07

Offence	Penalty
Fail to obtain a valid Dog/Cat License	\$100.00
Fail to ensure the license tag is worn	\$100.00
Keep more than the maximum number of animal allowed	\$20.00/animal/day
Operate kennel in residential district	\$200.00
Allow a dog/cat to bark/howl excessively or otherwise disturb quiet	\$100.00
Fail to immediately remove dog/cat defecation from public/private property	\$100.00
Fail to keep residence grounds clean/sanitary/inoffensive	\$100.00
Allow dog/cat or other animal to damage public/private property	\$100.00
Allow dog/cat or other animal chase/bite/attack a Person or other animal	\$200.00
Allow dog/cat or animal to run at large	\$100.00
Fail to confine Dangerous Dog when on the owner's premises	\$300.00
Fail to muzzle or otherwise secure Dangerous Dog when off the premises of the owner	\$300.00
Unlawfully keep a Prohibited Animal	\$200.00
Allow a Prohibited Animal to run at large	\$200.00
Allow a dangerous dog to chase/bite/attack a Person or other animal	\$1,000.00
Fail to obtain insurance for a Dangerous Dog	\$1,500.00
Remove/attempt to remove a Dog from the Pound without consent	\$800.00
Interfere with/attempt to obstruct a Peace Officer/Animal Control Officer	\$400.00