

# **TOWN OF FAIRVIEW**

## **BYLAW No. 941/G/2009**

A BYLAW OF THE TOWN OF FAIRVIEW, IN THE PROVINCE OF ALBERTA, TO LICENCE AND CONTROL DOGS, CATS AND OTHER ANIMALS WITHIN THE TOWN OF FAIRVIEW.

**WHEREAS**, the Council deems it necessary to regulate the running at large of dogs and cats, to provide for the licensing of dogs and cats, to provide for the confinements of certain animals within the Town, and to regulate and control other animals;

**AND WHEREAS**, Section 7 (h) of the Municipal Government Act, R.S.A. 2000 with Amendments current as of September 1, 2008, for the Province of Alberta, gives the Council the authority to pass such a bylaw;

**NOW THEREFORE**, the council of the Town of Fairview in the Province of Alberta duly assembled, hereby enacts as follows:

### **PART I – TITLE AND DEFINITIONS**

1. This Bylaw may be cited as the “Animal Control Bylaw”
2. In this Bylaw, unless the context otherwise requires:

“Animal” means, all species of fauna excluding humans.

“At Large” means an animal that is located at any place other than the premises of its owner, is not being carried by any person, or is not otherwise restrained by a person controlling the animal by means of a securely fastened leash.

“Cats” means, either a male or female of the feline family.

“Communicable Disease” means, a disease that affects animals and may be transmitted to human beings.

“Dangerous Dog” means a Dog, which in the opinion of a Peace Officer, has a known propensity, tendency or disposition to attack, without provocation, other animals or humans.

“Dog” means, either a male or female of the canine family.

“Livestock” means those Animals which have been domesticated for, and are normally associated with, agriculture or ranching, including but not limited to horses, cattle, chickens, sheep, swine, goats and mules, but excludes Cats and Dogs.

“Microchip” means an encoded, electronic device implanted in an animal by or under the supervision of a licensed veterinarian, containing a unique code number for the purpose of identifying the Animal and its Owner.

“Muzzle” means a humane device used to cover or restrain the mouth of an Animal, of sufficient strength to prevent the Animal from biting.

“Off Leash Area” means an area designated by the Town where a Dog is permitted but is not required to be held by a leash.

“Owner” means:

- i. A Person who has the care, charge, custody, Possession or control of an Animal;
- ii. A Person who owns or claims a proprietary interest in an Animal;
- iii. A Person who harbours, suffers or permits an Animal to be present on any property owner or under that Person’s control;
- iv. A Person who claims and receives an Animal from the custody of the Town Animal Shelter or a Peace Officer; or
- v. The Person to whom a license has been issued under Part 2 of this Bylaw.

“Parkland” means all recreational land areas owned or controlled by the Town, within the jurisdictional boundaries of the Town, whether improved in whole or in part, or remaining in a natural state, and includes all areas administered by the Town’s parks and facilities department, including buildings or other improvements situated on those Lands.

“Person” includes a partnership or corporation.

“Possession” means:

- i. Exercising physical or effective control of an Animal;
- ii. Having been given physical or effective control of an Animal by its Owner for the purpose of controlling the Animal for a specific period of time;
- iii. Where one or more Persons with the knowledge and consent of the others, has physical or effective control of an Animal, it may be deemed to be in the control of each and all of them.

“Peace Officer” means a Bylaw Enforcement Officer appointed by the Town, a Special Constable or a member of the RCMP.

“Residential District” means, designated residential district as per The Town of Fairview’s Land Use Bylaw.

“Town” means, the Town of Fairview.

“Town Animal Shelter” means, the premises designated by the Town for the purpose of impounding and caring for Dogs, and other animals regulated under this bylaw.

“Violation Ticket” means a ticket issued under pursuant to Part 2 of the Provincial Offences Procedure Act, R.S.A. 2000, c.P-34, as amended or repealed and replaced from time to time.

“Violation Tag” means a municipal notice issued by the Town pursuant to s. 7 of the Municipal Government Act for the purpose of providing a Person with an opportunity

to acknowledge the contravention of a Bylaw and to pay a penalty directly to the Town, in order to avoid prosecution for the contravention.

## **PART II – LICENCING**

3. No person shall own, keep or harbour any Dog or Cat within the Town limits unless such Dog or cat is licensed.
4. Every person residing within the jurisdiction of the Town who is the owner of a Dog or Cat over the age of three months shall obtain, on an annual basis a license for that Dog by paying the license fee, within the appropriate time limit, as set out at Schedule “A”, as determined by council from time to time, and set out at Schedule “A”.
5. Licenses issued under this bylaw shall not be transferable from one Dog to another or from one Owner to another.
6. The Owner shall ensure that the license tag is securely fastened to a collar or harness that must be worn by the Dog or Cat at all times when it is off the premises of the Owner.
7. Dog and Cat Owners shall provide the Town with the following information with each application for a license:
  - (a) Name, street address and phone number of owner;
  - (b) Name and description of Dog or Cat to be licensed;
  - (c) Proof of spaying/neutering if applicable, and
  - (d) Such other information as may be required on the application form, as established By resolution of council or by the Chief Administrative Officer from time to time.
8. No more than two (2) Dogs and two (2) Cats shall be harbored, suffered or permitted to remain upon, in any land, house, shelter, room or place, building, structure or premises within the Town unless:
  - (a) The premises are lawfully used for the care and treatment of Animals, operated by and under the charge of a licensed veterinarian;
  - (b) The premises are temporarily being used for the purposes of a Dog or Cat show
  - (c) The premises are lawfully used for the provision of training or obedience classes, but only during the training or obedience classes and for a period of one (1) hour after the conclusion of those classes; or
9. Notwithstanding s.8, a person may harbor more than two (2) Dogs or two (2) Cats, where those Dogs or Cats in excess of the maximum are under six (6) months of age, and are the progeny of a cat or licensed dog resident in the same premises

### PART III – DANGEROUS DOGS

10. The Owner of a Dog which has a known propensity, tendency or disposition to attack, without provocation, other animals or humans shall take all necessary steps to ensure that it does not bite, chase or attack any other human or animal whether the animal is on the property of the owner or not.
- (a) If a Dangerous Dog bites chases or attacks a person or Animal, the Owner shall be guilty of an offence and be liable to a fine under this bylaw.
  - (b) When on the premises of its Owner, a Dangerous Dog shall:
    - (i) Be confined indoors;
    - (ii) Be restrained by a leash and controlled by a person of age 16 years or older; or
    - (iii) Confined within 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 entry into the pen or access to the Dangerous Dog by children or other persons not authorized by the Owner *to* have access
  - (c) A securely enclosed, locked pen or other structure as described in s. 10(b)iii shall, at a minimum:
    - (i) Have a secure bottom permanently attached to its sides, or
    - (ii) Be constructed with its sides embedded into the ground to a minimum of thirty (30) centimeters.
  - (d) When a Dangerous Dog is off the premises of the Owner, it shall at all times, wear a secure Muzzle and be constrained by a harness or collar connected to a leash and securely under the control of a person of at least 16 years of age or older, so as to prevent it from attacking, harassing or biting a person or other Animal.
  - (e) Subsection (c) shall not apply while the Dangerous Dog is participating in a Dog show.
11. (a) Where a Peace Officer determines, on reasonable grounds, either through personal observation or on the basis of facts determined after an investigation, that a Dog has a known propensity, tendency or disposition to attack other persons or Animals, without provocation, that Peace Officer may deem the Dog to be a Dangerous Dog for the purposes of this Bylaw.
- (b) Where a Peace Officer has deemed a Dog to be Dangerous pursuant to s.11(a), the Peace Officer shall:  
Provide the owner with a written notice of the Peace Officer's decision, setting out:
1. The basis upon which the decision was made;
  2. The mandatory obligations for control and restraint of a Dangerous Dog provided under this bylaw;
  3. The consequences for failing to comply with the Dangerous Dog provisions of the Bylaw; and
  4. Advising of the right to have the decision reviewed by council including the timeframe for doing so.

- (c) Where the owner of a Dog has received notice of a Peace Officers decision deeming it to be a Dangerous Dog, the Owner may, within twenty (20) days of receipt of the notice, request, in writing, a review of the decision of the Peace Officer.
- (d) Where council receives a written request for a review pursuant to subsection (c) above, council shall review the decision of the Peace Officer, the written comments of the Owner provided on the request for the review, and may confirm or revoke the decision of the Peace Officer.

#### **PART IV – RESPONSIBILITIES OF OWNER**

- 12. (a) The owner of a Dog or Cat that is at large is guilty of an offence.
- (b) A Dog or Cat is not at large when located within the confines of a marked Town Off-Leash Area and accompanied by its owner.
- 13. (a) A female Dog or Cat in heat shall be confined within the residence of its owner, or at a licensed kennel, during the period of time in which the Dog or Cat is in heat.
- (b) Notwithstanding subsection (a) above, a female Dog or Cat in heat, if controlled by a leash, may be allowed outside of its owner’s residence for the sole purpose of permitting the Dog or Cat to defecate or urinate on the premises of its Owner.
- 14. (a) 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.
- (b) Residences or grounds where any Dogs, Cats or Livestock are kept shall at all times be maintained in a clean, sanitary and inoffensive condition, to the satisfaction of a Peace Officer.
- (c) Subsection (a) shall not apply to a visually impaired Person guided by a registered guide Dog.
- 15. An Owner whose Dog or Cat barks or howls excessively, thereby unreasonably disturbing the quiet or repose of any person, is guilty of an offence.
- 16. The Owner of a Dog, Cat or of Livestock that damages public or private property, is guilty of an offence.
- 17. The Owner of a Dog, Cat or of Livestock is guilty of an offence if that Dog, or Livestock :
  - (a) Attacks any person;
  - (b) Threatens any person;
  - (c) Chases a motor vehicle
  - (d) Chases any person on a bicycle, horseback, or while walking or running; or
  - (e) attacks, harasses, injures or kills an Animal belonging to another person

18. (a) No Owner shall permit his or her Dog, Cat or Livestock to be on parkland areas.
- (b) Subsection (a) does not apply to surfaced walkways within the Town parkland, provided that the Dog is leashed or harnessed and controlled by a person able to control the Dog.
- (c) Subsection (a) and (b) does not apply:
- i to Parkland areas designated by Town Council as “off-leash” areas.
  - ii when the Owner is attending a recognized training or obedience school for training his dog at a time and place approved by the Town Parks and Facilities Department.
  - iii when the Dog, Cat, Livestock or other animal is in a bona fide show at a place and time approved by the Town Parks and Facility Department.
- Subsection (a) shall not apply to a visually impaired person guided by a registered guide Dog.

### **PART V – OTHER CONTRAVENTIONS**

19. (a) No person shall keep Livestock, within the Town boundaries.
- (b) A person may apply to a designated Peace Officer for a permit authorizing the keeping of Livestock within a residential district within the Town.
- (c) A designated Peace Officer , who receives an application under subsection (b) above, may issue the permit without conditions or with those conditions determined by the Peace Officer, in his or her discretion, to be warranted in the circumstances.
- (d) A person who fails to comply with conditions imposed under a permit issued pursuant to s. 19(c) above is guilty of an offence.
20. No person shall negligently or willfully open any gate, door or other opening in a fence, enclosure or otherwise to release a Dog, Cat or other animal which has been confined, thereby allowing said Dog, Cat or Livestock or animal to run loose in the Town.

### **PART VI – IMPOUNDMENT AND DISPOSITION**

21. A Peace Officer may seize and capture any Dog found running at large or other Animal including livestock found running loose and impound said Animal(s) in the Town Animal Shelter.
22. To assist in the seizure or capture of a Dog, Cat or Livestock or other Animals running at large or loose a Peace Officer may utilize live traps. Said traps shall be used in a humane manner.
23. (a) An Animal impounded under section 21 shall be kept in the Town Animal Shelter for a period of at least seven (7) days. During this period, any healthy animal may be redeemed by its Owner, or agent of the Owner, upon payment of:
- (i) The appropriate license fee specified in schedule “A”, when a Dog or Cat found at large is not currently in possession of a license issued pursuant to this bylaw.
  - (ii) The boarding fee specified in schedule “A”; and

- (iii) Any associated medical costs that may have been required, and
- (iv) The Transportation fee specified in schedule "A".
- (b) At the expiration of the thirty (30) day period, any Animal not claimed shall become the property of the Town and may be humanely euthanized or adopted to a person other than the owner.
- (c) Any person who adopts said Dog, Cat, or other Animal shall obtain full rights and title of the Dog, Cat, or Animal and the right and the title of the former Owner shall cease forthwith.
- (d) A Peace Officer, or operator or employee of a Town Animal Shelter shall seek veterinary treatment of any Animal impounded, in order to relieve pain or bleeding if that animal is found to have been injured or, is injured during the process of capture.

24. If in the opinion of a licensed veterinarian, an Animal impounded pursuant to this bylaw, because of injuries sustained or its medical health, should be euthanized for humane reasons, a Peace Officer may authorize that veterinarian to euthanize the Animal.

### **PART VII – DISEASE CONTROL**

25. The Owner of any Animal that the Owner has reason to suspect may have been exposed to a communicable disease shall, in addition to any other duty imposed under the "Provincial Health Act" R.S.A. 2000 c. P-7, and the regulations there under, as amended or repealed and replaced from time to time, immediately inform a Peace Officer
- (a) Of the suspicion of exposure to a communicable disease;
  - (b) Of the name and contact information for any person or the Owner of any Animal that may have received a bite from the Animal suspected of exposure to a communicable disease; and
  - (c) Whether the matter has been reported to the local community health centre, Public Health inspector or the Medical Officer of Health
26. A Peace officer that has reasonable grounds to believe that an Animal found at large, has been exposed to a communicable disease affecting Animals, may confine that animal at the Town Animal shelter, a veterinary clinic, or any other location as directed by the Medical Officer of Health or a Public Health Inspector.
27. A Peace Officer that has reasonable grounds to believe that an animal within the Town has, or has been exposed to, a communicable disease affecting Animals will report the matter to the Medical Officer of Health or a Public Health Inspector as soon as reasonable possible.
28. Except as herein provided, no person shall kill, or cause to be killed, any Animal, suspected of being exposed to a communicable disease or any Animal which has bitten a human, nor remove the same from the Town limits without written permission from the Medical Officer of Health or Public Health Inspector.
29. The carcass of any dead Animal exposed to a communicable disease shall

be surrendered to the Medical Officer of Health or Public Health Inspector.

### **PART VIII – PENALTIES AND ENFORCEMENT**

30. Any person who violates a provision of this bylaw is guilty of an offence, and liable, on summary conviction, to the specified penalties set out at schedule “B” of this bylaw.
31. It is the intention of the Town Council that each separate provision of this Bylaw shall be deemed independent of all other provisions, and it is further the intention of the Town Council that if any provisions of this Bylaw be declared invalid, all other provisions shall remain valid and enforceable.
32. (a) A Peace Officer is hereby authorized and empowered to issue a violation, tag, pursuant to s. 7 of the Municipal Government Act, to any person whom the Peace Officer has reason to believe has contravened any provision of this bylaw.
- (b) A Violation Tag may be issued to such persons:
- i Personally
  - ii By mailing a copy to the person at his or her last known post office address; or
  - iii In respect to a partnership or corporation, by mailing or delivering the Violation Tag to either the registered office or the business office of the partnership or corporation.
- (c) A Violation Tag issued pursuant to this bylaw shall be in a form approved by the Chief Administrative Officer and shall state:
- i The name of the Owner;
  - ii The section number of the bylaw provision breached and a brief description of the offence;
  - iii the appropriate specified penalty for the offence as set out at Schedule “B” of this bylaw ;
  - iv That the penalty for the offence is required to be paid within 30 days of the issuance of the Violation Tag; and
  - v Any other information as may be required by the Chief Administrative Officer from time to time.
- (d) Where a Violation Tag is issued pursuant to this bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Town office, the penalty specified on the Violation Tag.
- (e) Where a Violation Tag has been issued and the specified penalty not paid within the specified time, the Peace Officer is authorized to issue a Violation Ticket pursuant to part 2 of the Provincial Offences Procedure Act, to any person that the Peace Officer has reasonable grounds to believe has contravened a provision of this bylaw.
- (f) A person to whom a Violation Ticket is issued pursuant to this bylaw may, in accordance with the provisions of the Provincial Offences procedure Act, elect to plead guilty and make a voluntary payment of

the specified penalty indicated on the Violation Ticket, on or before the initial appearance date indicated on the Violation Ticket.

- (g) Notwithstanding section 43(e) of this bylaw, a Peace Officer is authorized and empowered to immediately issue a Violation Ticket pursuant to Part 2 of the Provincial Offences Procedure Act, R.S.A 2000 c.P-34, as amended or repealed and replaced from time to time, to any person whom the Peace Officer has reasonable grounds to believe has contravened any provision of this bylaw, regardless of whether a Violation Tag has first been issued.

### **PART IX – EFFECTIVE DATE AND REPEAL**

35. Bylaw No. 896/LIC/2005 is hereby repealed upon the third and final reading of this Bylaw.
36. This Bylaw shall come into force upon the third and final reading.

READ A FIRST TIME this 23rd day of June, A.D. 2009

\_\_\_\_\_  
Mayor Lloyd Campbell

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Chief Administrative Officer Martin Taylor

READ A SECOND TIME this 7th day of July, A.D. 2009

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Mayor Lloyd Campbell

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Chief Administrative Officer Martin Taylor

READ A THIRD TIME AND FINALLY PASSED this 7th day of July, A.D. 2009

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Mayor Lloyd Campbell

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Chief Administrative Officer Martin Taylor

**TOWN OF FAIRVIEW**

**BYLAW No. 941/G/2009**

**SCHEDULE "A"**

**FEES** As of January 2010:

Section 4.....Yearly Dog/Cat License	\$20.00
Yearly Dog/Cat License (Spayed/neutered)	\$10.00
Section 6.....Replacement Tags	\$10.00
Section 23(a) (ii)...Boarding Fees	\$10.00/day
Section 23(a)(iii)...Medical Fees...Associated medical costs that may have been required.	
Section 23(a)(iv)...Transportation of animal fee	\$50.00/ trip.

**TOWN OF FAIRVIEW****BYLAW No. 941/G/2009****SCHEDULE "B"****SPECIFIED PENALTIES****PART II - LICENCING**

Section 4.....Fail to obtain valid dog/cat license	\$100.00
Section 6.....Fail to ensure license tag is worn by dog/cat	\$100.00
Section 8.....Keep more than the maximum number of animals allowed	\$200.00

**PART III – DANGEROUS DOGS**

Section 10(a)...Dangerous Dog bite/chase/attack person or animal	\$500.00
Section 10(b)...Fail to confine Dangerous Dog when on the owner's premises	
(i)...Indoors	\$300.00
(ii)...By Leash and controlled by person of 16yrs old	\$300.00
(iii)...Securely enclosed locked pen or structure	\$300.00
Section 10(d)...Fail to muzzle or otherwise secure Dangerous Dog when off the premises of the owner	\$300.00

**PART IV – RESPONSIBILITIES OF OWNER**

Section 12(a)...Allow dog /other animal to run at large	\$100.00
Section 13(a)...Fail to confine female dog in heat	\$100.00
Section 14(a)...Fail to immediately remove dog defecation from public/private property	\$100.00
Section 14(b)...Fail to keep residence/grounds clean/sanitary/inoffensive	\$100.00
Section 15.....Allow dog to bark/howl excessively or otherwise disturb quiet	\$100.00
Section 16 .....Allow dog /livestock/or other animal to damage public/private property	\$100.00

**TOWN OF FAIRVIEW**

**BYLAW No. 941/G/2009**

**SCHEDULE “B”**

Section 17(a)...Allow dog /livestock/other animal chase/bite/attack	
Person or other animal	\$100.00
17(b)...Threaten person	\$100.00
17(c)...Chase Motor Vehicle	\$100.00
17(d)...Chase person/ bicycle / horse/ person walking or running	\$100.00

Section 18(a)...Permit dog to be on Parkland	\$100.00
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**PART V – OTHER CONTRAVENTIONS**

Section 19(a)...Have livestock in Town boundaries	\$100.00
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Section 19(d)...Fail to comply with conditions of permit	\$100.00
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Section 20.....Release dog /livestock from confined area, allowing to run loose	\$100.00
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**\* Second and subsequent offences occurring within six (6) months of first offence shall be liable to double the specified penalty amount listed.**