

**TOWN OF CHESTERMERE
ANIMAL CONTROL BYLAW # 018-09**

WHEREAS the Municipality deems it necessary to pass a bylaw to regulate, license and control animals running at large in the Town of Chestermere; and

WHEREAS Section 7 and 8 of the Municipal Government Act R.S.A. 2000, c. M-26 and amendments thereto authorize the Town to pass bylaws to license and regulate wild and domestic animals and activities in relation to them.

NOW THEREFORE, the Municipal Council of the Town of Chestermere, in the Province of Alberta, duly assembled, enact as follows:

SECTION 1: TITLE

1.1 This Bylaw may be cited as the “Animal Control Bylaw”.

SECTION 2: DEFINITION

2.1 In this Bylaw unless the context otherwise requires:

2.1.1 “Animal” means any vertebrate, excluding the following:

- (i) Humans, fish and birds of flight
- (ii) Any animal as described under the Alberta Wildlife Act R.S.A. 2000, c. W-10 sec. 1(II) as amended from time to time, and which is held live under a valid permit issued pursuant to the Wildlife Act R.S.A. 2000, c. W-10 or the keeping of which is otherwise subject to permit requirements under sec. 55 of the Wildlife Act R.S.A. 2000, c. W-10.
- (iii) Domestic mice, gerbils, guinea pigs, hamsters, hedgehogs, rabbits, ferrets, chinchillas and reptiles and domesticated rats.

2.2 “Cat” means either male or female of the feline family;

2.3 “Children’s Play Apparatus” means swings, roundabouts, climbing frames, and any other equipment specifically intended for children’s play.

2.4 “Communicable Disease” means such diseases that can be passed from dog, cat, or domestic animal to a human being and shall include but not be limited to distemper, rabies, parvo, and parainfluenza as per the current Animal Protection Act in the Province of Alberta.

- 2.5 “Contractor” means the Organization that the Town of Chestermere has an agreement with for purposes of impounding an animal.
- 2.6 “Day” means a continuous period of twenty-four (24) hours.
- 2.7 “Dog” means either a male or female dog, spayed or neutered or bitch or male intact.
- 2.8 “Enforcement Officer” means a Municipal Enforcement Officer or Community Peace Officer employed by the Municipality and includes a member of the R.C.M.P. who is authorized to enforce Bylaws of the Town of Chestermere.
- 2.9 “Highway” means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestle way or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles, and includes:
- (a) a sidewalk (including the boulevard portion of the sidewalk),
 - (b) if a ditch lies adjacent to and parallel with the roadway,
 - (c) if a highway right of way is contained between fences or between a fence and one side of the roadway, all the land between the fence and the edge of the roadway, as the case may be, but does not include a place declared by the Lieutenant Governor in Council not to be a highway.
- 2.10 “Kennel” means the keeping of dogs for the purposes of boarding, breeding, and rearing of dogs pursuant to obtaining a Development Permit under Land Use Bylaw as amended from time to time.
- 2.11 “Kennel License” means a license issued with respect to a kennel in accordance to the Land Use Bylaw.
- 2.12 “Leash” means a chain or other material capable of humanely restraining a dog;
- 2.13 “Leash Only Area” means an area designated by signs where animals are permitted on leash at all times.
- 2.14 “License Tag” means an identification tag issued by the municipality showing the license number for a specific animal and is intended to be worn on a collar attached to the animal’s neck at all times.
- 2.15 “Municipality” means the corporation of the Town of Chestermere or the area contained within the boundaries thereof.

- 2.16 “Neighbor(s)” means a person who is an owner, renter or person otherwise authorized by an owner of privately owned land adjacent to property to where it is alleged an offence has occurred.
- 2.17 “Off Leash Area” means an area established by resolution of Council as being an area where a dog, that is under the control of a competent person, is permitted without such dog being on a leash;
- 2.18 “Owner” means a natural person or corporate body that has legal title to the animal and includes any person who has possession or custody of the animal, either temporarily or permanently or harbors the animal, or restrains the animal to remain on his premises.
- 2.19 “Park” means any municipal reserve within the Town of Chestermere or lands designated by the municipally as a park area.
- 2.20 “Person” means an individual and includes a firm, partnership, joint venture, proprietorship, corporation, association, society and any other legal entity.
- 2.21 “Playground” means any part of a park or school ground on which children’s play apparatus is located, and includes the part of such area within (20m) of such apparatus.
- 2.22 “Previous Owner” means the person who at the time of impoundment was the owner of an animal which has subsequently been sold or destroyed.
- 2.23 “Registered Veterinarian” means a veterinarian registered and entitled to practice in Alberta as shown in the Alberta Veterinary Medical Association pursuant to the Veterinary Surgeons Act, R.S.A. 2000. c. V-2 sec. 1(o).
- 2.24 “Running at Large”
- (i) means an animal or animals which are not under the control of a person responsible and is or are actually upon property other than the property in respect of which the owner of the animal or animals has the right of occupation, or upon any highway, street, boulevard, sidewalk, park, public walkway, playground, school ground, or other public place, or
 - (ii) means an animal or animals which are under the control of a person responsible and which cause damage to property or other animals.
 - (iii) means an animal or animals which are not under the control of a person responsible within an area designated as a leash only area and is posted as such.

- 2.25 “School Ground” means property within the municipally owned or operated by any school district or private school.
- 2.26 “Serious wound” means an injury to a human or animal resulting from the action of an animal, which causes the skin to be broken or flesh to be torn.
- 2.27 “S.P.C.A. – means Society for the Prevention of Cruelty to Animals.
- 2.28 “Specified Penalty” means a penalty specified under Schedule “C” of this bylaw which may be paid in response to a Violation Ticket, for an alleged offence of any section of this bylaw.
- 2.29 "Vicious dog" means a dog of any age, including a restricted dog, which when on or off the property of its owner:
- i) shows propensity, disposition or potential to attack or injure, without provocation, other animals or humans; or
 - ii) without provocation, chases persons who approach it; or
 - iii) is a continuing threat of serious harm to other animals or humans; or
 - iv) without provocation, has attacked persons or other animals.
- 2.30 “Violation Tag” means a form used by the Town to enforce its bylaws pursuant to the Municipal Government Act, R.S.A. 2000, c.M-26, as amended
- 2.31 “Violation Ticket” means a ticket issued pursuant to Part 2 of the Provincial Offences Procedure Act, R.S.A., 2000 c. P-34.

SECTION 3 – INTERPRETATION

- 3.1 Unless otherwise defined, the words and phrases used in this bylaw have their normal and ordinary meaning.
- 3.2 Words in the singular include the plural and words in the plural include the singular.
- 3.3 Headings are inserted for convenience of reference purposes only, form no part of this bylaw and shall not affect in any way the meaning or interpretation of the provisions of this bylaw .
- 3.4 This bylaw is gender-neutral and, accordingly, any reference to one gender includes the other.

- 3.5 Animals in the Town for parades or exhibitions, under the care and supervision of competent persons are not subject to the provisions of this bylaw.

SECTION 4: GENERAL PROVISIONS (RESPONSIBILITY OF ANIMAL OWNERS)

- 4.1 The owner of an animal shall:

- a) Ensure that the animal is not running at large.
- b) Take all reasonable precautions to either
 - i. secure the animal so that it is not able to leave the premises of the owner, or
 - ii. ensure himself or herself that the animal is on a leash and under constant supervision and control of a person competent to control said animal at all times when it was off the premises owned or occupied by the owner.
- c) No owner shall allow or permit his animal to damage public property or the property of any other person.
- d) An owner whose animal defecates on property shall remove the defecated matter.

SECTION 5: RESPONSIBILITY OF ENFORCEMENT OFFICER

- 5.1 The Enforcement Officer shall keep an up to date record of all complaints, notices, and reports regarding animals and a similar record of their disposition.
- 5.2 The Enforcement Officer may seize and impound any animal running at large.

SECTION 6 : INTERFERENCE, OBSTRUCTION AND ENFORCEMENT OF A BYLAW

- 6.1 No person, whether or not he is the Owner of an animal which is being or has been pursued or captured shall:
- a) Interfere with or attempt to obstruct an Enforcement Officer who is attempting to capture or who has captured any animal in accordance with the provisions of this bylaw; or
 - b) Open the van or vehicle in which animal captured for impoundment have been placed, so as to allow or attempt to allow any animal to escape there from; or

- c) Remove or attempt to remove any animal from the possession of the Enforcement Officer.

6.2 No person whether or not he is the owner of an animal which is being or has been pursued or captured shall

- (a) induce the animal to enter a house or other place where it may be safe from capture or otherwise assist the animal to escape capture.
- (b) falsely represent themselves as being in charge or control of an animal so as to establish that the animal is not running at large.
- (c) unlock or unlatch or otherwise open the vehicle used in controlling or transporting the said animal so as to allow or attempt to allow any animal to escape there from.
- (d) provide false information such as to identity (name) and address of owner of animal who is in contravention of this Bylaw.

SECTION 7: OTHER ANIMALS

7.1 No person shall keep any cattle, horse, swine (with the exception of pot belly pigs) or sheep within the limits of the Town of Chestermere.

7.2 Notwithstanding 8.1, this bylaw does not apply to agricultural animals on areas designated as agricultural under the Land Use Bylaw.

7.3 Pigeons and Rabbits and Fowl

7.3.1 The keeping of pigeons and rabbits in the Town of Chestermere is not permitted in numbers greater than four on residential property and provided that the pens are kept in a clean and sanitary condition. In the event that damage is proven on another's property by pigeons or rabbits, then in such event Council may direct the person owning said pigeons or rabbits to restrain or destroy same. Special approval may be granted by Council for the keeping of rabbits or pigeons on larger parcels of land within the Town.

7.3.2 The keeping of fowl in the Town of Chestermere is not permitted unless it is permitted under the Land Use Bylaw.

7.4 Horses

7.4.1 (a) No person shall allow a horse owned or controlled by him to be in a park except as hereinafter provided.

(b) Council may designate areas where horses are permitted.

- (c) Subsection (a) shall not apply to horses owned or ridden by the Royal Canadian Mounted Police or in a local parade.

SECTION 8: NUISANCE

8.1 The owner of an animal shall ensure that such animal shall not

- (a) chase a person
- (b) bite, bark excessively, or chase livestock, bicycles, automobiles, or other vehicles,
- (c) excessively and unreasonably bark, howl or otherwise disturb any neighbor(s) or person,
- (d) cause damage to property or other animals, and/or cause the death of any other animal, and/or
- (e) cause injury to a person or persons
- (f) keep a female animal which is in season at any location where the animal is a source of attraction to another animal.

8.2 An owner of an animal shall ensure that such animal does not go into any flower beds of any park.

8.3 An owner whose animal defecates on property shall remove the defecated matter.

8.4 An owner of an animal which is found upsetting waste receptacles or scattering the contents, the owner of the animal is guilty of an offence and subject to the penalties imposed on Schedule C of this bylaw, and upon summary conviction thereof shall in addition to any penalty imposed upon him be civilly liable to additional costs in connection with the receptacle being upset or the waste scattered abroad.

SECTION 9: COMMUNICABLE DISEASES

9.1 An owner of an animal which is suffering from a communicable disease shall:

- (a) not permit the animal to be in any public place,
- (b) not keep the animal in contact with or in proximity to any other animal free of such disease,
- (c) keep the animal locked or tied up, and
- (d) immediately report the matter to the Veterinarian Inspector of the Health of Animals Branch of the local office of the Federal Department of

Agriculture, and the Town of Chestermere Protective Services.

SECTION 10: LICENSING - DOGS

- 10.1 The owner of a vicious / restricted dog shall apply for an annual license as per the annual fee as set out in Schedule C.
- 10.2 Any dog in active service with a recognized Police Agency or other disabled service dog shall be exempted from having a license while so employed.
- 10.3 No owner shall transfer or allow to be transferred a dog license from the dog for which it was assigned or purchased, to any other dog.
- 10.4 No person shall give false information to the Town when applying for a dog license.
- 10.5 Animals licensed under any other municipal authority residing within the Town of Chestermere longer than two months will be licensed.
- 10.6 The owner of a dog(s) shall:
 - (a) The owner of a dog shall obtain an annual license for each dog, and shall pay therefore an annual fee as set out in Schedule "A" of this Bylaw.
 - (b) License the animal(s) within 60 days of full time residency within the Town of Chestermere.
 - (c) Obtain a license on the first day when the Town of Chestermere office is open for business after the dog becomes six months of age.
 - (d) Obtain the license on the first day on which the Town of Chestermere office is open for business after he becomes owner of the dog.
- 10.7 Upon losing a dog license an owner of a dog shall advise the Town office whereby a new tag will be issued to the owner for a fee as stated in Schedule "A" of this Bylaw.
- 10.8 The Owner of a dog shall ensure that his/her dog wears a collar and current license tag purchased or assigned for that dog.
- 10.9 No person shall be entitled to a license rebate under this Bylaw.
- 10.10 Where a license has been paid by the tender of an uncertified cheque the license is revoked if the cheque is not accepted and cashed by the Bank of which it is issued.

- 10.11 No more than three (3) dogs shall be kept or maintained on any premise as of the date Council approved this bylaw.
- 10.12 Where the Enforcement Officer of the Town of Chestermere is satisfied that a person who is blind or whose vision is impaired is the owner of a dog, trained and used as a guide dog, there shall be no fee payable by the owner for a license under this section.
- 10.13 Where any person becomes an owner as defined herein after July 1st, in any year, the license fee payable for any such dog shall be one half of the fee set out in Schedule "A" of this Bylaw.
- 10.14 Every owner, when requested by an Enforcement Officer, shall submit to the said Officer or Officers acceptable documentation establishing that the dog is neutered or spayed and such other information as the Officer or Officers may require in order to determine the license fee payable by that owner.

SECTION 11: ANIMAL CONTROL AUTHORITY - CAPTURE AND IMPOUND

- 11.1 An Enforcement Officer may capture and impound any animal;
- (i) in respect of which he believes or has reasonable grounds to believe an offence under this Bylaw is being or has been committed.
 - (ii) which is required to be impounded pursuant to the provisions of any statute of Canada or of the Province of Alberta, or any regulation made hereunder.

SECTION 12: NEGLIGENCE

- 12.1 No person shall:
- (i) untie, loosen or otherwise force an animal which has been tied or otherwise restrained.
 - (ii) 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 Chestermere.
 - (iii) deprive any animal of food, shelter and water as a basic necessity for the survival of the animal.

SECTION 13: TORMENT

- 13.1 No person shall tease, torment, abuse or annoy an animal.

SECTION 14: NOTIFICATION

- 14.1 If the 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 "B" of this Bylaw, either personally or by leaving or mailing it to the last known address of the owner.
- 14.2 An owner of an animal to whom a notice is mailed pursuant to the provisions of Subsection 16.1 is deemed to have received a Notice within five (5) business days of the time it is mailed.

SECTION 15: RECLAIMING

- 15.1 The owner of any impounded animal may reclaim the animal from the place of impoundment by paying the person in authority the fees as set out in Schedule "C" of this Bylaw, as amended from time to time and obtaining the license for such animal should a license be required under this Bylaw.

SECTION 16: SALE OR DESTRUCTION

- 16.1 The Enforcement Officer shall not sell or destroy an impounded animal until the following conditions are met.
- (a) An animal will be retained in a place of impoundment as per the agreement between the Town of Chestermere and the Contractor.
 - (b) The Enforcement Officer may retain an animal for a longer period if in his opinion the circumstances warrant the expense.
 - (c) The Enforcement Officer or agent with the Contractor to which the animal has been surrendered to by an Enforcement Officer or member of the public may offer for sell all unclaimed animals which have been in impoundment for:
 - i. Ten (10) days or longer (dogs).
 - (d) The purchaser of an animal from impoundment pursuant to the provisions of this section shall obtain full right and title to it and the former owner of the animal shall cease thereupon
 - (e) When the Enforcement Officer decides that an animal is to be euthanized the owner shall pay to the designated cashier a fee as set out in Schedule A of this Bylaw, as amended from time to time.

SECTION 17: ENFORCEMENT

- 17.1 Where a Enforcement Officer believes that a person has contravened any provision of this bylaw, he may serve upon such person a Violation Ticket in accordance with Part 2 of the Provincial Offences Procedure Act, R.S.A. 2000 Chapter P-34, or a notice as provided by this section either personally or by mailing or leaving the same at his/her last known address and such service shall be adequate for the purpose of this Bylaw.
- 17.2 A notice shall state the section of the Bylaw which was contravened and the amount which is provided in Schedule C of this Bylaw, as amended from time to time that will be accepted by the Town of Chestermere in lieu of prosecution.
- 17.3 Upon production of a notice issued pursuant to this section within ten (10) days from the issue thereof together with the payment to the designated cashier of the Town of Chestermere of the fee as provided in Schedule C of this Bylaw, as amended from time to time the person to whom the notice was issued shall not be liable for prosecution for the contravention in respect of which the notice was issued.
- 17.4 Notwithstanding the provisions of this section, a person to whom a notice has been issued pursuant to this section may exercise his right to defend any charge of committing a contravention of any of the provisions of this Bylaw.
- 17.5 Where any person contravenes the same provision of this bylaw twice within one twenty-four (24) month period, the specified penalty payable in respect of the second contravention shall double in the amount as shown in accordance with Schedule C of this Bylaw.
- 17.6 Where any person contravenes the same provision of this bylaw three or more times within one twenty-four (24) month period, the specified penalty payable in respect of the third or subsequent contravention is triple the amount shown in accordance with Schedule C of this Bylaw.

SECTION 18: GENERAL PENALTY PROVISIONS

- 18.1 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 (\$2,500.00).
- 18.2 The levying and payment of any fine 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.
- 18.3 Where an Enforcement Officer believes that a person has contravened any provision of this bylaw, he may serve upon such person a Violation Tag, or a notice as provided by this section either personally or by mailing or leaving the same at his/her last known address and such service shall be adequate for purpose of this bylaw.
- 18.4 A tag or notice in such form as determined by the Town of Chestermere Council and shall state the section of the Bylaw which was contravened and the amount which is provided in Schedule C that will be accepted by the Town of Chestermere in lieu of prosecution.
- 18.5 Upon production of a tag or notice issued pursuant to this section within the (10) days from the issue thereof together with the payment to the designated cashier of the Town of Chestermere of the fees as provided in Schedule C the person to whom the tag or notice was issued shall not be liable for prosecution for the contravention in respect of which the tag or notice was issued.
- 18.6 In those cases where a violation tag has been issued and the penalty specified on the violation tag has not been paid within the prescribed time, then an Enforcement Officer may issue a violation ticket specifying that a voluntary payment be made as described in Schedule C of this bylaw
- 18.7 An Enforcement Officer may immediately issue a violation ticket to any person who the Enforcement Officer has reasonable grounds to believe has contravened any provisions of this bylaw, or has permitted, allowed or otherwise caused a person to contravene any provision of this bylaw, specifying that if it is in the public interest to compel the accused to appear before a Judge, issue a summons respecting any offense for which a voluntary payment may be made requiring the accused to appear before a Provincial Court Judge on the initial appearance date without the alternative of making a voluntary payment.

SECTION 19: SEVERABILITY

19.1 Each provision of this Bylaw is independent of all other provisions. If any such provision is declared invalid by a Court of competent jurisdiction, all other provisions of this Bylaw will remain valid and enforceable.

SECTION 20: EFFECTIVE DATE

20.1 That bylaw 2002-202/2 be repealed.

20.2 This Bylaw shall come into force and effect upon final reading.

READ A FIRST TIME ON the 19th of October, 2009.
READ A SECOND TIME ON the 11th of January, 2010.
READ A THIRD TIME ON the 15th of March, 2010.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

Resolution #:

SCHEDULE "A"

**THE ANIMAL CONTROL BYLAW
ANNUAL LICENSE FEES AND IMPOUNDMENT COSTS FOR DOGS**

Amount to be paid to the designated cashier of the Town of Chestermere by owner of animal in order to licence, neuter, reclaim or destroy an animal that has been impounded.

1)

1.	Dog License (Male or Female)	\$50.00
2.	Dog License (Neutered Male or Spayed Female)	\$30.00
3.	Impoundment Fees (Dogs)	\$40.00/day
4.	Care & Subsistence (to commence at midnight on the day of impoundment)	\$15.00/day
5.	Veterinary Fees	Amount Expended
6.	Destruction of Dog	Amount Expended

- 2) It shall be the responsibility of the owner of any animal to provide a certificate from a veterinarian indicating an animal has been spayed or neutered.
- 3) If the license is being purchased in the month of December, the amount paid shall be for the next year.
- 4) If the license tag is lost, it can be replaced by the town for ten dollars (\$10.00) for dogs.
- 5) If any resident is new to the Town of Chestermere or is a first time dog owner, they shall pay the same rate as anyone paying prior to December 31st.

SCHEDULE "B"

**THE ANIMAL CONTROL BYLAW
OFFICIAL NOTICE**

You are hereby notified that an animal bearing License No. _____ for 20 _____ registered under the above name and address, has been impounded as of _____ 20 _____ pursuant to the provisions of Bylaw 018-09 of the Town of Chestermere, and that, unless the said animal is claimed and all impoundment charges are paid, on or before _____, 20 _____, the said animal will be sold, destroyed or otherwise disposed of pursuant to the said Bylaw.

ENFORCEMENT OFFICER
TOWN OF CHESTERMERE

SCHEDULE "C"
THE ANIMAL CONTROL BYLAW

Amounts which will be accepted by the Town of Chestermere in lieu of prosecution for contravention of this Bylaw.

Section 4.1(a) Animal running at large	\$250.00
Section 4.1(c) Damage public property by animal	\$500.00
Section 6.1(a) Obstruction of Enforcement Officer	\$250.00
Section 6.1(b) Attempt to allow a captured animal to escape	\$250.00
Section 6.1(c) Remove a captured animal from an Enforcement Officer	\$250.00
Section 8.1 (a) chase a person	\$250.00
Section 8.1 (b) Animal bite, bark or chase livestock, bicycles or vehicles	\$250.00
Section 8.1 (c) Animal cause public disturbances or barking/howling	\$250.00
Section 8.1 (d) Animal causes damage/death to other animals/property	\$250.00
Section 8.1 (e) Animal causes injury to a person(s)	\$250.00
Section 8.1 (f) Female animal in season causing nuisance	\$250.00
Section 8.2 Animal cause damage in park flower beds	\$250.00
Section 8.3 Defecates on property	\$250.00
Section 8.4 Animal upsets waste receptacle	\$250.00
Section 9 Animal with communicable disease	\$250.00
Section 10.1 Vicious/restricted dog license	\$250.00/\$200.00
Section 10.4 Give false information when applying for a license	\$500.00
Section 10.5 Animals residing in Chestermere for more than 2 months	\$150.00
Section 10.6(a-d) Failure to obtain dog license(s)	\$150.00
Section 10.8 Dog to wear licence tag	\$50.00
Section 12 Negligence	\$500.00
Section 13 Torment of an animal	\$500.00
Section 17.5 Second offence within 24 months	Double first offence specified penalty
Section 17.6 Third offence within 24 months	Triple first offence specified penalty