

Bylaw No. 152/2011

A Bylaw of the Town of Bentley, in the Province of Alberta, to provide for the regulation and control of animals within the Town.

WHEREAS, pursuant to the Municipal Government Act, R.S.A. 2000 c. M-26, a Council may pass by-laws for municipal purposes respecting wild and domestic animals and activities in relation to them.

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

This Bylaw is cited as the "**Animal Control Bylaw**".

PART 1 – DEFINITIONS

For the purposes of this Animal Control By-law, the following definitions shall apply;

1. "**Aggressive Dog**" means any dog with a known propensity, tendency or disposition to attack any person or animal.
2. "**Animal Control Officer**" means the person employed by the Contractor under the contract between the Town and the Contractor to enforce all or any part of the provisions of this Bylaw, or a person so appointed by the Town including a member of the Royal Canadian Mounted Police or By-law Enforcement or Peace Officers.
3. "**Animal**" means any live animal, including but not limited to exotic and domestic animals, exotic and domestic birds, and livestock;
4. "**Barking**" shall mean the continuous barking of a dog for five minutes or longer, more than two times per hour.
5. "**Biting**" shall mean the grabbing, holding, bruising or breaking of skin of any person or other animal
6. "**Cat**" shall mean a male or female cat
7. "**Contractor**" means a person employed or under contract by the Town to enforce the provisions of this Bylaw and maintain and administer an impound facility for dogs;



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8. **"Control"** means that the animal(s) are on a leash or tether or subject to immediate response on command of the owner;
9. **"Damage to Property"** means damage to property other than the Owner's Property, and includes defecating or urinating on such property;
10. **"Defecation"** shall mean the discharge of feces from the body of an animal onto another's property
11. **"Distress"** means the state of being in need of proper care, food or shelter, of being injured, sick or in pain, or suffering, or being abused or subject to undue or unnecessary hardship, privation or neglect;
12. **"Dog"** means any domesticated dog;
13. **"Domestic Animal"** means an animal kept in a domestic situation as a pet, including but not limited to dogs, cats, rabbits, parakeets, iguanas, ferrets, lizards, gerbils, and other similar animals kept as domestic pets.
14. **"Domestic Bird"** means any tame poultry typically raised for food or as a pet, including but not limited to chickens, turkeys, geese, ducks and other similar bird;
15. **"Exotic Animal"** means non-indigenous animals including, but not limited to llamas, alpacas, emus, ostriches, pigs (Vietnamese Potbellied pigs), non-indigenous fur bearing animals and other similar animals and related species;
16. **"Exotic Bird"** means a non-domestic bird, including but not limited to, partridge, quail, pheasants, peafowl, doves, swans, cranes, and other similar fowl and/or other related species of bird;
17. **"Feral Dogs / Cats"** means free-ranging dogs or cats that are of a domestic breed origin but have escaped from domestication and returned, partly or wholly, to a wild state;
18. **"License"** means a yearly dog or cat registration, dated & sequentially numbered to correspond with the license tag.
19. **"License Tag"** means the annual tag issued by the Town to an Owner for each dog or cat licensed by the Town of Bentley, designed to be affixed to a collar that may be worn by a dog or cat;
20. **"Livestock"** means any type of cattle, horses, pigs, poultry and fowl, sheep, goats, chickens and other similar animals related species;



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21. **"Nuisance"** means the keeping of any animal(s) that is or becomes injurious or obnoxious to an individual, property or community at large by reason of:
- ◆ accumulation and/or disposal of animal waste, or
 - ◆ accumulation and/or disposal of material contaminated by animal waste, or
 - ◆ trespass of the animal upon property, or
 - ◆ barking or other excessive or persistent howling or other noise; or
 - ◆ threat from the animal to public health and/or safety, or
 - ◆ be left unattended in any motor vehicle unless the dog is restricted so as to prevent access to person as long as such restraint provides suitable ventilation;
22. **"Owner"** means any person, partnership, association or corporation
- ◆ owning or possessing or having charge of or control over any animal; or
 - ◆ harbouring any animal; or
 - ◆ permitting any animal to remain about his house or premises, or
 - ◆ in the case of a dog, a person whom a license tag has been issued.
23. **"Parks and Playground"** includes all lands used for picnic grounds, campgrounds, playgrounds, playing fields, school grounds or any open space, including bicycle or walking paths/trails, under the control, care, custody or management of the Town, whether located within the boundaries of the Town of Bentley or not.
24. **"Running at Large"** means an animal that is off the premises of the Owner and is not under the control of any person.
25. **"Threatening Behaviour"** means behaviour that creates a reasonable apprehension of a threat of physical injury and may include aggressiveness, growling, lunging, snarling or chasing in a menacing fashion.
26. **"Town"** shall mean the Municipal Corporation of the Town of Bentley;
27. **"Council"** shall mean the Town Council for the Municipal Corporation of the Town of Bentley in the Province of Alberta;



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PART 2 LICENSING AND PROVISIONS

1. The owner of every dog and cat in the Town, over the age of 6 months, shall each year, register such dog or cat with the Town and for such registration shall pay an annual license fee as set out in Schedule "A" and may be amended from time to time by amendment of this By-law;
2. Upon receipt of payment of the license fee for each dog and cat, a license tag indicating a number corresponding to the number in the master register, shall be issued to the owner;
3. The license tag issued shall be attached to the collar worn by such dog or cat and the owner shall ensure that the collar and tag are worn during those occasions when the dog or cat is not on the owner's premises;
4. License tags are not transferrable from one dog or cat to another and no refund shall be made on any license fee due to death or sale of the dog or cat or upon the owner's relocating from the Town before expiration of the license period;
5. A license tag shall be issued free of charge annually to the owners of dogs showing proof of certification as a "service dog", pursuant to Government of Alberta Service Dog Regulation 197/2008 and amendments thereto;
6. A license tag is valid only for the period January 1 to December 31 in the year for which it is issued.

PART 3 RESPONSIBILITIES OF ANIMAL OWNERS

1. No person shall allow any animal under their control to run at large;
2. No more than three (3) dogs over the age of six (6) months shall be kept on any property within the Town;
3. No person shall keep cats over the age of six (6) months in greater numbers than three (3) on any property within the Town;
4. The owner of a dog or cat shall ensure that such dog or cat is licensed for the current year;
5. The owner of a dog or cat shall ensure that the dog or cat is not off the premises without a collar, with the license tag attached and a leash;



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7. The owner is responsible to provide identification (name, address, date of birth and license tag number or proof thereof) upon request of any Animal Control, Police, By-law or Peace Officer;
8. No person shall beat, cruelly ill treat, torment, overload or otherwise abuse an animal or otherwise cause or allow the animal to be in distress;
9. No person shall abandon his/her animal(s);
10. The owner of a dog, cat or other animal shall ensure that such animal does not:
 - a. act in a threatening behaviour towards a person that causes that person to fear for his safety, while on public or private property, except where that person is actually trespassing on the property of the dog owner, or chase another animal, bicycle, motor vehicle, other vehicle or otherwise engage in any activity that causes injury to a person or another animal, or
 - b. cause damage to public, or private property; or
 - c. 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 suitable ventilation, or
 - d. cause garbage retained in waste receptacles or other containers to be scattered on public or private property, or
 - e. enter into or upon the immediate area of playground equipment in a playground, or
 - f. defecate on any public or private property other than the property of its owner. In the event defecation does occur, the owner shall remove such defecation immediately, or
 - g. bark or howl so as to disturb the peace of others, or
 - h. a female dog or cat in heat shall be confined and housed in the residence of the owner or person having control of the dog or cat, or have it taken to a licensed kennel, during the whole time that it is in heat.



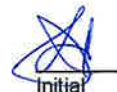
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PART 4 OTHER ANIMALS AND FOWL

1. No person shall keep or maintain any livestock, exotic birds, poultry, or exotic animals on a parcel of land except for the following;
 - a. Agricultural animals may be kept within a residential parcel of a size larger than 1 acre provided that no complaints are received or damage proven to another's property as a consequence of said animal(s) being kept within the said residential parcel,
 - b. Agricultural animals may be kept within the boundaries of a land use district classified as Urban Reserve in the Town of Bentley Land Use By-law, if such keeping is listed as allowable in the said Land Use By-law for that specific district, provided that no complaints are received or damage proven to another's property as a consequence of said animal(s) being kept within the boundaries of the said Urban Reserve district,
 - c. Fowl may be kept within the boundaries of a land use district classified a Urban Reserve in the Town of Bentley Land Use By-law, if such keeping is listed as allowable in the said land Use By-law for that specific district, provided that no complaints are received or damage proven to another's property as a consequence of said fowl being kept within the boundaries of the said Urban Reserve district,
 - d. Notwithstanding the above, animals in the Town for parades, gymkhanas, exhibitions and rodeos duly authorized or permitted by the Town are not subject to the provisions of this By-law, provided that in all instances, such animals are under the direct care and supervision of competent persons and the area the animals are held is left clean and feces is removed.

PART 5 RESPONSIBILITIES OF THE TOWN

1. The Town of Bentley shall arrange for a compound to be established for the keeping and impounding of dogs and cats and the Animal Control Officer shall make all rules and regulations not inconsistent with this Bylaw pertaining to the administration of such pound.
2. The Animal Control Officer shall keep an up-to-date record of all complaints, notices, and reports and a similar record for their dispositions.



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3. The Animal Control Officer may seize and impound:
 - a) every dog or cat running at large
 - b) every dog or cat not wearing a collar and license tag when off the premises of the owner
 - c) every unleashed dog or cat found on parks and playgrounds
 - d) every female dog or cat in heat not confined and housed.
4. In the act of pursuit of any animal in violation of this Bylaw, any officer empowered to apprehend is hereby authorized to enter upon private property at all reasonable times, provided however, that in this section, private property shall not include any building occupied as a residence.
5. The control of dangerous animals by use of tranquilizer guns will be restricted to the local Veterinarian Clinic and / or Animal Control Officer.
6. Any person having a problem with an animal on his property may apply to the Town for the use of a tender trap, provided by the Town or the Animal Control Officer to catch the animal. Any animals obtained in this manner are the responsibility of the person using the trap and no person shall hold the Town responsible whether financially, civilly or criminally as a result of the capture, removal or impoundment of any animal.

PART 6 INTERFERENCE

1. No person, whether or not he or she is the owner of an animal which is being or has been pursued or captured shall:
 - a) Interfere with or attempt to obstruct an Animal Control Officer who was attempting to capture or who has captured any animal in accordance with the provisions of this Bylaw;
 - b) Unlock or unlatch or otherwise open the van or vehicle in which animals captured for impoundment have been placed, so as to allow or attempt to allow any animal to escape there from;
 - c) Remove or attempt to remove any animal from the possession of the Animal Control Officer,
 - d) Provide false or misleading information to any Animal Control Officer.



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- e) The owner or occupier of any private property may apprehend an animal found running at large over his property and shall immediately thereafter notify the Animal Control Officer of the fact. The Animal Control Officer shall as soon as possible after receipt of such notice arrange to take delivery of the animal(s).
- f) Where there are more than three (3) dogs or cats are kept on any property, the Animal Control Officer may order the owner of such animals to be removed, within a reasonable time period.

PART 6 IMPOUNDED ANIMALS

1. The Animal Control Officer shall keep all impounded animals for a period of not less than 72 hours, including the day of impounding. Sundays and Statutory holidays shall not be included in the computation of the 72 hour period. During this period any healthy dog or cat may be redeemed by its owner, upon payment to the Animal Control Officer of:
 - a) The appropriate fine where applicable; and
 - b) The appropriate license fee when a dog or cat is not licensed; and
 - c) Kennel fees as specified from time to time in the contract between the Town and the Animal Control contract.
 - d) Notwithstanding the foregoing, the owner of any dog impounded may not redeem the same if the impounded dog was vicious and had been impounded for being vicious to any person or animal. If the dog impounded was vicious at the time it was picked up, then the Animal Control Officer shall make application under the Dangerous Dog Act for an order directing that the dog be destroyed. No dog having a vicious or annoying record may be resold by the Animal Control Officer.
2. At the expiration of the 72 hour period any dog or cat not redeemed may be destroyed or sold;
3. The Animal Control Officer shall report any apparent illness, communicable disease, injury, or unhealthy condition of any dog or cat to a veterinarian and act upon his recommendation. The owner, if known, shall be held responsible for all expenses so incurred.



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PART 7 CONTROL OF RABIES

1. Any animal suspected of being rabid shall be taken to a veterinary surgeon for further action and determination of the fate of the animal.

PART 8 PENALTIES

1. Any person who contravenes any provision of this Bylaw is guilty of an offence and liable for payment of the penalty as specified in Schedule "B" of this By-law.
2. The Animal Control Officer, may enforce the provisions of this Bylaw, and may issue an offence ticket to an owner of a dog or cat alleged to have committed one or more of the above offences and require a payment of the appropriate fine as provided in this Part and per Schedule "B".
3. A person whom an offence ticket has been issued shall pay the penalty therein specified within the time therein stated:
 - a) Should a person not pay the penalty as provided in subparagraph(a) hereof, and a prosecution has been entered against him, then he shall be liable on summary conviction to pay the minimum fine equal to the penalty stated in the said offence ticket plus Court costs;
 - b) Notwithstanding anything therein contained, if a prosecution had been entered against any person for any offence under the Bylaw for which an offence ticket has been issued, the Town may accept payment of the penalty therein specified.
4. The offence ticket may be served upon a person in accordance with the provisions of the Provincial Offences Procedures Act of Alberta.
5. Should any person be guilty of an offence for which no penalty is specified then such person shall be liable upon summary conviction to a fine of not more than five thousand dollars (\$5,000.00) and not less than five hundred dollars (\$500.00), and in default of payment to imprisonment for a period not exceeding sixty (60) days.


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PART 9 – GENERAL

In this By-law, the singular may be read as though the plural were expressed and the masculine gender may be read as though the feminine or neuter were expressed, wherever the context in which this By-law has application is required.

The headings in this Bylaw may be used as aids to interpret the provisions following the headings.

It is the intention of the Council of the Town of Bentley that each separate provision of this By-law will be deemed independent of all other provisions and it is further the intention of the Council that if any provision of this By-law be declared invalid for any reason by a Court of competent jurisdiction, then all other provisions of this By-law will remain valid and enforceable.

PART 9 RESCINDED BY-LAWS

By-laws No. 63/01, 75/03, 70/03, 105/06 and 122/2007 are hereby rescinded.

This By-law shall come into effect of the date of the final passing thereof.

Read a first time this 20th day of September, 2011.

Read a second time this 11th day of October, 2011.

Read a third and final time this 11th day of October, 2011.



Mayor



Chief Administrative Officer

Animal Control By-law No. 152/2011

SCHEDULE "A" **License Tags**

1. license tags issued prior to January 31 in the year the license is issued will be as follows:

Male or female Unaltered	\$35.00
Spayed or Neutered	\$25.00

2. license tags issued after January 31 in the year the license is issued will be as follows:

Male or female Unaltered	\$45.00
Spayed or Neutered	\$35.00

SCHEDULE "B" **Penalties**

		<u>First Offence</u>	<u>Second Offence</u>	<u>Third Offence</u>
Part 2.1	Failure to license dog or cat	75.00	100.00	125.00
Part 3.2	Keeping more than 3 dogs over the age of 6 months	100.00	125.00	150.00
Part 3.3	Keeping more than 3 cats over the age of 6 months	100.00	125.00	150.00
Part 3.4	Dog or cat running at large	75.00	150.00	200.00
Part 3.5	Dog or cat off premises without license tag	75.00	150.00	200.00
Part 3.8	Abusing an animal	100.00	200.00	300.00
Part 3.9	Abandoning an animal	100.00	200.00	300.00


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		<u>First Offence</u>	<u>Second Offence</u>	<u>Third Offence</u>
Part 3.10 (a)	Threatening behaviour or cause injury to a person or other animal	200.00	500.00	1,000.00
Part 3.10 (b)	Damage to public or private property	100.00	200.00	300.00
Part 3.10 (c)	Left unattended in a motor vehicle	100.00	150.00	200.00
Part 3.10 (d)	Scatter garbage	75.00	100.00	125.00
Part 3.10 (e)	enter into or upon area of playground equipment	75.00	100.00	125.00
Part 3.10 (f)	defecate on public or private property	100.00	150.00	200.00
Part 3.10 (g)	barking or howling	100.00	125.00	150.00
Part 3.10 (h)	female dogs in heat not confined	100.00	150.00	200.00
Part 6.1				
a) b) c) d)	Interference/false information	100.00	200.00	300.00


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