

**TOWN OF CALMAR
BYLAW #2017-09**

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

WHEREAS, the Council of the Town of Calmar 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 of the Municipal Government Act, Chapter M-26, R.S.A. 2000 and amendments thereto, authorizes the Council to pass such a Bylaw;

NOW THEREFORE, the Council of the Town of Calmar, 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:
 - a) "Animal" means all species of fauna excluding humans.
 - 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 any male or female of the feline family.
 - d) "Cattery" means an approved and licensed establishment for the purposes of breeding and/or boarding cats.
 - e) "Communicable Disease" means a disease that affects animals and may be transmitted to human beings.
 - f) "Dangerous Dog" means any dog that a Peace 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 a male or female of the canine family.
 - h) "Kennel" means an approved and licensed establishment for the purposes of breeding and/or boarding of dogs.
 - i) "Livestock" means any such animal that has been domesticated for agricultural use or pets including but not limited to; horse, head of cattle, chicken, sheep, swine, goat, mule or ass, but does not include dogs or cats.
 - j) "Microchip" means an encoded electronic device, implanted in an animal by or under the supervision of a licensed veterinarian, which contains a unique code number that provides owner information and is stored in a central database.

- k) "Muzzle" means a humane fastening or covering device, of adequate strength, over the mouth of an animal to prevent it from biting.
- l) "Owner" means any person, partnership, association or corporation owning, possessing or having charge of or control over any animal or harbouring any animal or suffering or permitting any animal to remain about the Owner's house or premises.
- m) "Parkland" means all recreational land areas owned or controlled by the Town, lying within the Town limits, whether improved in whole or in part, or in its natural state, and includes areas administered by the Town's Parks and Facility Department and includes buildings or other improvements on these land areas.
- n) "Peace Officer" means a Bylaw Enforcement Officer, Animal Control Officer or Community Peace Officer for the Town or a Police Officer as defined under the Police Act.
- o) "Residential District" means a designated residential district pursuant to the Town of Calmar Land Use Bylaw.
- p) "Town" means the Town of Calmar.
- q) "Town Animal Shelter" means the premises designated by the Town for the purpose of impounding and caring for dogs, cats and other animals regulated under this Bylaw.
- r) "Violation Ticket" means as defined under the Provincial Offences Procedure Act.
- s) "Violation Tag" means a Municipal violation notice or tag allowing for a voluntary payment of a specified penalty to be paid out of Court to the Town in lieu of appearing in answer to a summons.

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. The owner of every dog or cat, over the age of six (6) months in the Town, shall obtain a license and pay a license fee, as set out in Schedule "A", for the current year of issue as determined from time to time by the Town.
- 5. Every person, who becomes the owner of a dog or cat over the age of six (6) months or takes up residence within the Town and who is the owner of a dog or cat which is over the age of six (6) months and which is not currently licensed in accordance with this Bylaw, shall license the same and pay the license fee within one (1) month after becoming the owner of the said dog or cat or of taking up residence within the Town.
- 6. Licenses issued under this Bylaw shall not be transferrable from one dog or cat to another or from one owner to another.
- 7. a) Upon payment of the required license fee, the owner shall be supplied with a license tag stamped with a number and the year the license was obtained.

- b) A license tag shall be valid for the life of the dog or cat or until the dog or cat no longer resides in Town.
 - c) If the said license tag is not associated with current ownership and animal information, it shall be deemed invalid.
 - d) If the said license tag is lost, a replacement tag can be purchased by the owner upon receipt of the payment of the fee as set out in Schedule "A".
8. Every 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.
 9. Dog and cat owners shall provide the Town with the following information with each application for a dog or cat license:
 - a) name, street address and phone number of the owner,
 - b) name and description of the dog or cat to be licensed,
 - c) proof of spaying/neutering,
 - d) such other information as required with respect to the application.
 10. No person shall keep or harbour more than a maximum of three (3) dogs and a maximum of three (3) cats of whatever sex, whether licensed or not and aged six months or more, at one time, in any house, shelter, room, property or place within the Town.
 11. Section 10 shall not apply to:
 - a) a premises lawfully used for the care and treatment of dogs or cats and operated by and in charge of a licensed veterinarian, or
 - b) any premises that may be temporarily used for the purpose of a dog or cat show, or
 - 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, animal grooming parlour, kennel or cattery as long as the said person adheres to the said business license conditions.
 12. No person shall operate a kennel or cattery in any residential district in the Town.

PART III – DANGEROUS DOGS

13. a) 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.
- b) 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, exclusive of any other civil actions or penalties.

14.
 - 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 a 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).
15.
 - 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 14.
 - 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 14 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 14 of this Bylaw, the owner will be fined or be 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 Manager and Peace Officer involved shall, as soon as is reasonably possible, cause the matter to be reviewed and make a final determination.
16. 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.

PART IV – RESPONSIBILITIES OF OWNER

17.
 - a) No owner shall suffer, permit or allow, for any reason, his or her dog or cat to be at large.

- b) Notwithstanding the provisions of subsection a), the Town Council may designate, by specific signage, lands where licensed dogs or cats are permitted to be at large which shall be sited as "off-leash" areas.
18. A female dog or cat in heat shall be confined and housed in the residence of the owner or taken to a licensed kennel during the whole period that the dog or cat is in heat except that a female dog or cat on a leash may be allowed outside the said residence for the sole purpose of permitting the dog or cat to defecate and/or urinate on the premises of the owner.
19. 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 or cats are kept shall at all times be maintained in a clean, sanitary and inoffensive condition, to the satisfaction of a Peace Officer.
- c) A blind owner of a registered guide dog or a blind person being assisted by a registered guide dog is not subject to the obligations imposed in subsection a).
20. No owner shall suffer, permit, allow or for any reason have his or her dog bark or howl excessively or in any other manner disturb the quiet of any person.
21. No owner shall suffer, permit, allow or for any reason have his or her cat to howl excessively or in any other manner disturb the quiet of any person.
22. No owner shall permit his or her dog, cat or livestock to damage public or private property.
23. No owner shall suffer, permit, allow or for any reason have his or her dog, cat or livestock, without provocation, cause injury by chasing, biting or attacking a person or other animal.
24. 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 or cat is leashed or harnessed and in control of a person able to control the dog or cat.
- c) Subsection a) and b) does not apply:
- (i) to parkland areas designated by Town Council as "off-leash" areas under the authority of section 17 b) of this Bylaw.
 - (ii) when the owner is attending a recognized training or obedience school for training his or her dog or cat 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 Facilities Department.

- d) Subsection a) does not apply to a blind owner of a registered guide dog or a blind person being assisted by a registered guide dog.

PART V – OTHER CONTRAVENTIONS

25. a) Unless otherwise permitted by a Peace Officer, no person shall have livestock in the residential districts within the Town.
- b) A Peace Officer is hereby authorized to issue a permit to a person under subsection a) and he or she can also impose conditions of that permit and if such person fails to meet the conditions of the permit, they are deemed to have not complied with this section.
26. No person shall negligently or willfully open any gate, door or other opening in a fence, enclosure or otherwise release a dog, cat, livestock or other animal which has been confined thereby allowing the said dog, cat, livestock or other animal to run loose in Town.
27. No person shall tease, torment, annoy or harm any dog, cat, livestock or other animal.
28. No person shall leave an animal unattended in or on a vehicle without proper protection from the atmospheric elements such as the sun, snow, rain, wind or other cold or hot temperatures.
29. Every owner shall provide sufficient food, water, medical attention when required and shelter, including protection from the atmospheric elements such as the sun, snow, rain, wind or other cold or hot temperatures, for their dog, cat, livestock or other animal.

PART VI – IMPOUNDMENT AND DISPOSITION

30. A Peace Officer may seize and capture any dog or cat found running at large or other animal including livestock found running loose and impound said animal(s) in the Town animal shelter.
31. To assist in the seizure or capture of a dog, cat, livestock or other animal running at large or loose, a Peace Officer may utilize live traps and the said traps shall be used in a humane manner.
32. a) A dog, cat, livestock or other animal impounded under section 29 shall be kept in the Town animal shelter for a period of at least seventy-two (72) hours. Saturdays, Sundays, Statutory Holidays and the day of impoundment shall not be included in the computation of the seventy-two (72) hour period. During this period, any healthy animal may be redeemed by its owner, or agent for the owner, upon payment of:
- (i) the appropriate license fee specified in Schedule "A" when a dog or cat is either found running loose and/or not currently licensed, and
 - (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 seventy-two (72) hour 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 said dog, cat or other animal and the right and the title of the former owner shall cease forthwith.
33. If in the judgement of a licensed veterinarian, an animal should be humanely euthanized for humane reasons, the said animal shall be euthanized.
34. No action, either civil or otherwise, shall be taken against any person acting under the authority of this Bylaw for damages for the euthanasia or disposal of any animal.

PART VII – DISEASE CONTROL

35. In the event of an outbreak or threatened outbreak of a communicable disease affecting animals, which may be transmitted to human beings, Council may, by resolution, order and direct that all animals be confined entirely to the owner's premises.
36. When an animal under quarantine has been diagnosed as rabid or suspected by a licensed veterinarian as being affected by a communicable disease and dies while under observation, a Peace Officer shall immediately send the complete body of such animal to the appropriate health department for pathological examination and shall notify the Medical Officer of Health for the Town of reports of human contact and the diagnosis made of suspected animal.
37. During such period of a communicable disease quarantine as herein mentioned, every animal bitten by an animal adjudged to be affected by said disease shall forthwith be humanely euthanized or, at the owner's expense and option, shall be treated for the disease infection by a licensed veterinarian or held under quarantine by the owner in the same manner as other animals are in quarantine.
38. 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 a Peace Officer.
39. The carcass of any dead animal exposed to a communicable disease shall, upon demand, be surrendered to a Peace Officer.
40. A Peace Officer shall direct the disposition of any animal found to be infected with a communicable disease.

PART VIII – PENALTIES AND ENFORCEMENT

41. Any person violating a provision of this Bylaw is liable to the specified penalty set out in Schedule "B" herein or, on summary conviction, to a fine not exceeding Two Thousand Dollars (\$2,000.00) and/or imprisonment for not more than six (6) months.

42. 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.
43. A Peace Officer is hereby authorized to issue a Municipal Violation Tag or a Violation Ticket with a specified penalty, pursuant to the Provincial Offences Procedure Act and regulations thereunder, for any contravention made under this Bylaw.
44. Nothing in this Bylaw shall prevent a Peace Officer from immediately laying an information or issuing a Violation Ticket for the mandatory Court appearance of any person who contravenes any provision of this Bylaw.

PART IX – REPEAL AND EFFECTIVE DATE.

45. Bylaw # 2006-09 and Bylaw # 2013-05 are hereby repealed on final reading of this Bylaw.
46. This Bylaw shall come into effect on the date of the third reading.

READ a first time this 15th day of May, 2017

READ a second time this 15th day of May, 2017

READ a third time, by unanimous consent, this 15th day of May, 2017

This bylaw signed on the 15th day of May, 2017

Mayor

Town Manager

**TOWN OF CALMAR
BYLAW # 2017-09**

SCHEDULE 'A'

FEES

Section 4.....	Lifetime Dog License.....	\$60.00
	Lifetime Dog License (spayed/neutered).....	\$40.00
	Lifetime Cat License (spayed/neutered).....	\$20.00
Section 7 b).....	Replacement Tags.....	\$10.00
Section 32 a) (ii).....	Boarding Fees.....	Costs determined by operators of Boarding facility used.
Section 32 a) (iii).....	Medical Fees.....	Associated medical costs that may Have been required.
Section 32 a) (iv).....	Transportation Fee.....	\$85.00

SCHEDULE 'B'

SPECIFIED PENALTIES

PART II – LICENSING

Section 3.....Fail to obtain valid dog license.....	\$100.00
Section 3.....Fail to obtain valid cat license.....	\$150.00
Section 8.....Fail to ensure license tag is worn by dog.....	\$100.00
Section 8.....Fail to ensure license tag is worn by cat.....	\$150.00
Section 10.....Keep more than the maximum number of animals allowed.....	\$100.00
Section 12.....Operate kennel/cattery in residential district.....	\$400.00

PART III – DANGEROUS DOGS

Section 13 b).....Dangerous Dog bite/chase/attack person or animal.....	\$500.00
Section 14 a).....Fail to confine Dangerous Dog when on owner's premises.....	\$300.00
Section 14 c).....Fail to muzzle or otherwise secure Dangerous Dog when off the premises of the owner.....	\$300.00

PART IV – RESPONSIBILITIES OF OWNER

Section 17 a)....Allow dog/other animal to run at large.....	\$100.00
Section 17 a)....Allow cat to run at large.....	\$150.00
Section 18.....Fail to confine female dog in heat.....	\$100.00
Section 18.....Fail to confine female cat in heat.....	\$150.00
Section 19 a)....Fail to immediately remove dog/cat defecation from public/ Private property.....	\$100.00
Section 19 b)....Fail to keep residence/grounds clean/sanitary/inoffensive.....	\$250.00
Section 20.....Allow dog to bark/howl excessively or otherwise disturb quiet...\$100.00	
Section 21.....Allow cat to howl excessively or otherwise disturb quiet.....	\$100.00
Section 22.....Allow dog/cat/livestock/or other animal to damage public/ private property.....	\$100.00
Section 23.....Allow dog/cat/livestock/or other animal to chase/bite/attack person or other animal.....	\$200.00
Section 24 a)....Permit dog/cat/livestock to be on parkland.....	\$100.00

PART V - OTHER CONTRAVENTIONS

Section 25 a)....Have livestock in residential district.....	\$100.00
Section 25 b)....Fail to comply with conditions of permit.....	\$100.00

SCHEDULE 'B' (continued)

- Section 26.....Release dog/cat/livestock or other animal from confined area, allowing to run loose.....\$100.00
- Section 27.....Tease/torment/annoy/harm a dog/cat/livestock.....\$100.00
- Section 28.....Leave animal unattended in vehicle without protection from elements.....\$500.00
- Section 29.....Fail to provide sufficient food/water/shelter/medical attention for animal.....\$500.00

PART VII – DISEASE CONTROL

- Section 35.....During disease outbreak, fail to comply with order to keep animal(s) confined.....\$200.00
- Section 37.....Fail to take appropriate actions with diseased animal...\$200.00
- Section 38.....Kill/cause to be killed/remove from Town an animal exposed to disease.....\$200.00
- Section 39.....Fail to surrender diseased animal to Peace Officer.....\$200.00

**** NOTE** - Second and subsequent offences, occurring within six (6) months of a first offence, shall be liable to double the specified penalty amount listed herein.**

SCHEDULE 'C'

ANIMAL IMPOUNDMENT PROCEDURE

1. Officer picks up animal. The Officer will:
 - Check for tags/license to identify owner. If the owner is identified, attempt to return animal to owner. Officer will issue charges at the Officer's discretion.
 - Check for obvious need for veterinarian assistance. If needed, bring animal to veterinarian clinic.
 - If owner cannot be found and animal does not require veterinarian assistance, O-proceed to step 2.
2. Officer brings the animal to the designated Town shelter. If out of regular office hours, Officer will provide animal with food and water.
3. Officer will take the animal to the Town animal shelter. Officer has shelter determine if the animal is feral or domesticated. If the animal is deemed domesticated by the shelter, the animal will stay a minimum of 72 hours. Shelter staff will check the animal for identifying information that may lead to its owner's identity. If deemed feral by the shelter, the Officer may take the animal to an animal facility where it may be euthanized. Officer may attempt to relocate the feral animal to a rescue home. The shelter will do its best to assess an animal to be domesticated or feral, but no cost, liability or related costs lies with the Town or the shelter.
4. Pursuant to Animal Control Bylaw 2017-09, an animal must be kept at the shelter for 72 hours to be available to be reclaimed by the owner.
5. There is an onus on the Officer to stay in regular contact with the shelter.
6. Owner can reclaim animals at the shelter themselves. Ideally, the Officer will meet the owner at the shelter to issue the necessary charges. On top of any charges the Officer may issue, the owner is required to pay the shelter fees as set by the shelter pursuant to Bylaw 2017-09. Also, a transportation fee may be issued at the Officer's discretion.
7. If the Officer does not meet the owner at the shelter at the time of reclaim, the shelter must scan or photocopy the owners photo identification or, at a minimum, take the name, address and phone number of the owner.
8. If an animal is not reclaimed after 72 hours, pursuant to Bylaw 2017-09, the animal will be surrendered and may be put up for adoption or humanely euthanized. Ideally, only sick or vicious animals will be euthanized. All attempts to adopt an animal should be provided by both the Officer and the shelter in partnership. No records of adopting home will be kept by the Town or the shelter as it will be understood an unclaimed animal has no owner.

ANIMAL OWNER PROCEDURES

1. If an owner of an animal believes that their animal may have been impounded by the Town, they shall:
 - Attempt to call the Officer complaint telephone number. The Officer can verify whether or not the animal is in custody of the shelter. The Officer may wish to meet the person at the shelter to directly issue charges.
 - If the Officer cannot be contacted, the person shall call the Town Office. The Town Office staff will be able to access the list of any impounded animals. If the Town Office knows that an Officer is on duty, they shall direct the person back to the complaint phone number and advise the Officer that someone inquired about their animal.
 - Lastly, the owner may contact the shelter to determine if their animal is in custody if the Officer and Town Office cannot be contacted.
2. If the person verifies that their animal is at the shelter, they may go during regular business hours of the shelter and reclaim their animal. At the shelter, they will be required to pay the reclaim/shelter fees and also provide a copy of their driver's license or their name, address and phone number. If a person refuses to provide the information, the Officer shall be called. If the person is violent and the Officer cannot be reached, the RCMP shall be called.

