

**BYLAW NUMBER 2018 – 11  
BEING A BYLAW OF THE TOWN OF CALMAR  
RESPECTING THE REGULATION,  
LICENSING AND CONTROL OF ANIMALS  
IN THE TOWN OF CALMAR**

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**WHEREAS**, the *Municipal Government Act* enables a Council to pass bylaws respecting Animals;

**AND WHEREAS**, the purpose of municipality includes providing services that, in the opinion of Council, are necessary and desirable;

**AND WHEREAS**, it is desirable to pass a bylaw dealing with the licensing and regulation of Animals in the Town;

**NOW THEREFORE THE COUNCIL OF THE TOWN OF CALMAR, DUALY ASSEMBLED, ENACTS AS FOLLOWS:**

1. This Bylaw may be cited as the **“Responsible Pet Ownership Bylaw”**.

**INTERPRETATION**

2. (1) In this Bylaw unless the context otherwise requires:
- (a) “Animal” means any bird, reptile, amphibian or mammal excluding humans and wildlife;
  - (b) “Animal Services Centre” means the town facility established for the holding of impounded Animals as set out in this Bylaw;
  - (c) “Attack” means an assault resulting in bleeding, bone breakage, sprains, serious bruising, or multiple injuries;
  - (d) “Bite” means wound to the skin causing it to bruise, puncture, or break;
  - (e) “Bylaw Enforcement Officer” means a person appointed Bylaw Peace Officer by the Town of Calmar Town Manager;
  - (f) “Cemetery” means land within the Town and managed and controlled by The Town that is set apart or used as a place for the burial of dead human bodies or other human remains or in which dead human bodies or other human remains are buried;
  - (g) “Town” means the municipal corporation of the Town of Calmar or the area contained within the boundary thereof as the context requires;
  - (h) “Town Manager” means the person designated by Council as the chief administrative officer of the Town or that person’s designate;
  - (i) “Director, Calmar Community Standards” means the Town Manager or that person’s designate;
  - (j) “Former Owner” means the person who at the time of impoundment was the Owner of an Animal which has subsequently been sold or destroyed;
  - (k) “Golf Course” means land which is set aside for the playing of the game of golf and upon which the game of golf is played;

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- (l) "Justice" has the meaning as defined in the Provincial Offences Procedure Act, R.S.A. 2000, c.P-34, as amended or replaced from time to time;
- (m) "Leash" means a chain or other material capable of restraining the Animal on which it is being used;
- (n) "Livestock" includes, but is not limited to:
  - (i) a horse, mule, ass, swine, emu, ostrich, camel, llama, alpaca, sheep or goat,
  - (ii) domestically reared or kept deer, reindeer, moose, elk, or bison,
  - (iii) farm bred fur bearing Animals including foxes or mink,
  - (iv) Animals of the bovine species,
  - (v) Animals of the avian species including chickens, turkeys, ducks, geese, or pheasants, and
  - (vi) all other Animals that are kept for agricultural purposes, but does not include cats, dogs, or other domesticated household pets;
- (o) "Muzzle" means a device of sufficient strength placed over an Animal's mouth to prevent it from biting;
- (o.1) "Nuisance Animal" means an Animal declared to be a Nuisance Animal by the Director, Calmar Community Standards in accordance with;
- (p) "Owner" means any natural person or body corporate:
  - (i) who is the licensed Owner of the Animal;
  - (ii) who has legal title to the Animal;
  - (iii) who has possession or custody of the Animal, either temporarily or permanently; or
  - (iv) who harbours the Animal, or allows the Animal to remain on his premises;
- (q) "Park" means a public space controlled by The Town and set aside as a park to be used by the public for rest, recreation, exercise, pleasure, amusement, and enjoyment and includes:
  - (i) Playgrounds,
  - (ii) Cemeteries,
  - (iii) Natural areas,
  - (iv) Sports Fields, (v) Pathways,
  - (vi) Trails, and (vii) Park roadways, but does not include Golf Courses.
- (r) "Pathway" means a multi-purpose thoroughfare controlled by The Town and set aside for use by pedestrians, Cyclists and Persons using Wheeled Conveyances, which is improved by asphalt, concrete or brick, whether or not it is located in a Park, and includes any bridge or structure with which it is contiguous;
- (s) "Playground" means land within the Town and controlled by The Town upon which apparatus such as swings and slides are placed;
- (t) "Provincial Court" means The Provincial Court of Alberta;
- (u) "Running at Large" means:
  - (i) an Animal or Animals which are not under the control of a person responsible by means of a Leash 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, thoroughfare, street, road, trail, avenue, parkway, lane, alley, square, bridge, causeway, trestleway, sidewalk (including the boulevard portion of the sidewalk), Park or other public place which has not been designated as an off Leash area by the Director, Calmar Public Works, or (7M2016, 2016 February 18)

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- (ii) an Animal or Animals which are under the control of a person responsible by means of a Leash and which cause damage to persons, property or other Animals;
  - (v) "School Ground" means that area of land adjacent to a school and that is property owned or occupied by Black Gold Regional Schools and includes property owned or occupied with another party or the Town of Calmar;
  - (w) "Severe Injury" includes any injury resulting in broken bone or bones, disfiguring lacerations, sutures, cosmetic surgery and further includes any other injury as determined to be severe by a Court upon hearing the evidence; (48M2008, 2008 November 03)
  - (x) "Sports Field" means land within the Town and controlled by The Town which is set apart and used for the playing of a sport including baseball diamonds, field hockey or cricket pitches, and rugby, soccer or football fields;
  - (y) "Vicious Animal" means any Animal, whatever its age, whether on public or private property, which has:
    - (i) Chased, injured or bitten any other Animal or human,
    - (ii) Damaged or destroyed any public or private property, or
    - (iii) threatened or created the reasonable apprehension of a threat to a human, and which, in the opinion of a Justice, presents a threat of serious harm to other Animals or humans, or
    - (iv) Been previously determined to be a Vicious Animal under this Bylaw.
  - (z) "Wading or Swimming Area" means any area designated as an outdoor wading or swimming area. This shall include any decks surrounding such facility and shall include that area within twenty (20) metres in all directions of the outside dimensions of such facility unless the Park boundary is a lesser distance.
- (2) Each provision of this Bylaw is independent of all other provisions and if any provision is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw remain valid and enforceable.
  - (3) Nothing in this Bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, other bylaw or any requirement of any lawful permit, order or licence.
  - (4) Any heading, sub-headings, or tables of contents in this Bylaw are included for guidance purposes and convenience only, and shall not form part of this Bylaw.
  - (5) Where this Bylaw refers to another Act, Bylaw, regulation or agency, it includes reference to any Act, bylaw, regulation or agency that may be substituted therefor.
  - (6) All the schedules attached to this Bylaw shall form a part of this Bylaw.
  - (7) This Bylaw does not apply to the Town in respect of Animals used by or on behalf of the Town for the purpose of land management, including weed control, on Town owned lands

## LICENSING REQUIREMENTS

### DOG LICENSING

3. (1) No person shall own or keep any dog within the Town unless such dog is licensed as provided in this Bylaw.

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- (1.1) The holder of a dog license must be eighteen (18) years of age
- (2) The Owner of a dog shall ensure that his dog wears the current licence purchased for that dog, when the dog is off the property of the Owner.
- (3) The Owner of a dog shall obtain a licence for such dog at such times and in the manner as specified in subsections 3(4) and 6(1).
- (4) The Owner of a dog shall:
  - (a) subject to the provisions of subsection 3(4)(c) obtain a licence for such dog on the first day on which the Calmar Town Office is open for business after the dog becomes three months of age;
  - (b) Obtain a licence on the first day on which the Calmar Town Office is open for business after he becomes Owner of the dog;
  - (c) Obtain a licence for a dog notwithstanding that it is under the age of three months, where the dog is found Running at Large;
  - (d) Obtain a licence for the dog on the day specified by the Animal Services Supervisor.

#### CAT LICENSING

- 4. (1) No person shall own or keep any cat within the Town unless such cat is licensed as provided in this Bylaw.
  - (1.1) The holder of a cat license must be eighteen (18) years of age.)
  - (2) (a) The Owner of a cat shall ensure that his cat wears the current licence purchased for that cat, when the cat is off the property of the Owner.
  - (b) Notwithstanding subsection 4(2)(a), every Owner shall ensure that a cat that is not wearing the current licence purchased for that cat bears a visible tattoo or identifiable microchip.
  - (3) The Owner of a cat shall obtain a licence for such cat at such times and in the manner as specified in subsections 4(4) and 6(1).
  - (4) The Owner of a cat shall:
    - (a) Subject to the provisions of subsection 4(4)(c) obtain a licence for such cat on the first day on which the Animal Services Centre is open for business after the cat becomes three months of age;
    - (b) Obtain a licence on the first day on which the Calmar Town Office is open for business after he becomes Owner of the cat;
    - (c) Obtain a licence for a cat notwithstanding that it is under the age of three months, where the cat is found Running at Large;
    - (d) Obtain a licence for the cat on the day specified by the Animal Services Supervisor.

#### VICIOUS ANIMAL LICENSING

- 5. (1) No person shall own or keep any Vicious Animal within the City unless such Animal is licensed as provided in this Bylaw.
  - (1.1) The holder of a vicious dog license must be eighteen (18) years of age

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- (2) The Owner of a Vicious Animal shall ensure that his Animal wears the current licence purchased for that Animal, when the Animal is off the property of the Owner.
- (3) The Owner of a Vicious Animal shall obtain an annual licence for such Vicious Animal at such times and in the manner as specified in subsections 5(4) and 6(1) and shall pay an annual fee as set out in Schedule "A" of this Bylaw.
- (4) The Owner of a Vicious Animal shall:
  - (a) subject to the provisions of subsection 5(4)(c) obtain a licence for such Vicious Animal on the first day on which the Animal Services Centre is open for business after the Animal has been declared as vicious;
  - (b) obtain a licence on the first day on which the Animal Services Centre is open for business after he becomes Owner of the Vicious Animal;
  - (c) obtain a licence for the Vicious Animal on the day specified by the Animal Services Supervisor each year.

#### LICENSING INFORMATION

- 6. (1) When applying for a licence under this Bylaw, the Owner shall provide the following:
  - (a) A description of the cat, dog, or Vicious Animal including breed, name, gender and age;
  - (b) The name, address and telephone number of the Owner;
  - (c) Where the Owner is a body corporate, the name, address and telephone number of the natural person responsible for the cat, dog, or Vicious Animal;
  - (d) Information establishing that the cat, dog, or Vicious Animal, is neutered or spayed;
  - (e) Any other information as a Bylaw Enforcement Officer may require;
  - (f) The licence fee for each cat, dog, Vicious Animal or Nuisance Animal, as set out in Schedule "A" of this Bylaw;
  - (g) if the dog has been previously determined to be a Dangerous Dog under the Dangerous Dog Act, Revised Statutes of Alberta 2000, Chapter D-3, or similar legislation from another Municipality, Province, or Country; and
  - (h) if available the current vaccination records and veterinary contact information.
- (2) No person shall give false information when applying for a licence pursuant to this Bylaw.
- (3) An Owner shall forthwith notify the Calmar Town Office of any change with respect to any information provided in an application for a licence under this Bylaw.

#### REPLACEMENT OF LOST LICENCE

- 7. Upon losing a licence, an Owner of a licensed Animal shall present the receipt for payment of the current year's licence fee to a Bylaw Enforcement Officer, who will issue a new tag to the Owner for the fee set out in Schedule "A" of this Bylaw.

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#### **NON-TRANSFERABLE**

8. A licence issued pursuant to this Bylaw is not transferable.

#### **NO REBATE**

9. No person shall be entitled to a licence rebate or refund under this Bylaw.

#### **UNCERTIFIED CHEQUES**

10. Where a licence required pursuant to this Section has been paid for by the tender of an uncertified cheque the licence:
- (a) is issued subject to the cheque being accepted and cashed by the bank without any mention of this condition being made on the licence; and
  - (b) is automatically revoked if the cheque is not accepted and cashed by the bank on which it is issued.

#### **HANDICAPPED OWNERS**

11. (1) Notwithstanding Section 3, where the Director, Town of Calmar Manager, or person(s) delegated by the Town Manager, is satisfied that a person who is handicapped is the Owner of a dog trained and used to assist such handicapped person, there shall be no fee payable by the Owner for a licence under subsections 6(1)(f).

#### **RESPONSIBILITIES OF OWNERS RUNNING AT LARGE**

12. The Owner of a Dog, Cat, or Animal shall ensure that such Animal is not running at Large.

#### **DOGS IN OFF LEASH AREAS**

13. (1) Notwithstanding Section 12, an Owner of a dog is not required to have the dog on a Leash in a Park or portion of a Park which has been designated as an "off Leash area" by the Director, Calmar Public Works.
- (2) The Owner of a dog in an "off Leash area" shall ensure that such dog is under control at all times.
- (2.1) A Bylaw Enforcement Officer may:
- (a) Order that a dog be put on a Leash; and
  - (b) Order that a dog be removed from an off Leash area.

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- (3) Whether a dog is under control is a question of fact to be determined by a Court hearing a prosecution pursuant to this Section of the Bylaw, having taken into consideration any or all of the following:
  - (a) Whether the dog is at such a distance from its Owner so as to be incapable of responding to voice, sound or sight commands;
  - (b) Whether the dog has responded to voice, sound or sight commands from the Owner;
  - (c) Whether the dog has bitten, Attacked, or done any act that injures a person or another Animal;
  - (d) Whether the dog chased or otherwise threatened a person;
  - (e) Whether the dog caused damage to property.
- (4) An Owner who fails to immediately restrain and remove the dog upon it engaging in any of the activities listed in Section 25, by restraining the dog on a Leash not exceeding two (2) metres in length and removing the dog from the off Leash area, is guilty of an offence.
- (5) Nothing in this Section relieves a person from complying with any other provisions of this Bylaw.

#### **ANIMALS PROHIBITED IN OFF-LEASH AREAS**

14. (1) No Owner of a Vicious Animal shall permit the Animal to be in an off-Leash area at any time.
- (2) No person shall allow an Animal other than a dog to enter into or remain in an area that has been designated by the Director, Calmar Public Works as an "off Leash area".

#### **DOGS IN PROHIBITED AREAS**

15. (1) The Owner of a dog shall ensure that such dog does not enter or remain in or on:
  - (a) a School Ground, Playground, Sports Field, Golf Course, Cemetery, Wading or Swimming Area, or a Pathway; or
  - (b) any other area where dogs are prohibited by posted signs.
- (2) The Owner of a dog shall ensure that such dog does not enter or remain in a Park, or any part thereof, where the dog is within five (5) meters of a Play Structure, a Wading Pool or Swimming Area, a Sports Field, a Golf Course or a Cemetery.
- (3) The Owner of a dog shall ensure that such dog does not enter or remain in a Park or any part of a Park or on a Pathway which has been designated by the Director, Calmar Public Works, as an area where dogs are prohibited.
- (4) Notwithstanding subsection 15(1) or 15(2), the Owner of a dog may allow such dog to pass along or across a Pathway, including a Pathway that runs through an area designated as an off-Leash area, only if such dog:
  - (a) Is secured by a Leash of no greater length than two (2) metres;
  - (b) Remains on the right hand side of the Pathway at all times unless moving around other Pathway users; and
  - (c) Remains under the Owner's control at all times ensuring that the dog does not interfere with or obstruct any other Pathway user.

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#### Dogs Shall Not Obstruct Pathway

- (5) Notwithstanding subsection 15(4)(a), in an off-Leash area that has been designated by the Director, Calmar Public Works, pursuant to section 48. of this Bylaw, , as an area where dogs are not required to be Leashed on Pathways, every Owner of a dog shall ensure that such dog does not sit or stand on a Pathway or otherwise obstruct or interfere with users of the Pathway.

#### SWIMMING IN PARKS PROHIBITED

16. (1) The Owner of an Animal shall ensure that such Animal does not enter or swim in any body of water within a Park, unless specifically allowed by the Director, Calmar Public Works.

#### UNATTENDED ANIMALS

17. (1) The Owner of an Animal shall ensure that such Animal shall not be left unattended while tethered or tied on premises where the public has access, whether the access is express or implied.
  - (2) The Owner of an Animal shall ensure that such Animal shall not be left unsupervised while tethered or tied on private property.
18. (1) The Owner of an Animal left unattended in a motor vehicle shall ensure:
  - (a) The Animal is restrained in a manner that prevents contact between the Animal and any member of the public; and
  - (b) The Animal has suitable ventilation.
- (2) The Owner of an Animal shall not leave an Animal unattended in a motor vehicle if the weather conditions are not suitable for containment of an Animal.

#### CYCLING WITH ANIMALS

19. (1) When operating a bicycle or wheeled conveyance on a Pathway, no Person shall do so with any Animal on a Leash.
  - (2) Subsection 19(1) shall not apply to persons operating a device designed for persons with disabilities.

#### SECURING ANIMALS IN VEHICLES

20. (1) No person shall allow an Animal to be outside of the passenger cab of a motor vehicle on a roadway, regardless of whether the motor vehicle is moving or parked.
  - (2) Notwithstanding subsection 20(1), a person may allow an Animal to be outside the passenger cab of a motor vehicle, including riding in the back of a pickup truck or flatbed truck, if the Animal is:
    - (a) In a fully enclosed trailer;

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- (b) In a topper enclosing the bed area of a truck;
  - (c) Contained in a ventilated kennel or similar device securely fastened to the bed of the truck; or
  - (d) Securely tethered in such a manner that it is not standing on bare metal, cannot jump or be thrown from the vehicle, is not in danger of strangulation, and cannot reach beyond the outside edges of the vehicle.
- (3) For the purpose of this Section, "roadway" means any street or highway, 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.
  - (4) The Owner of a vehicle involved in an offence referred to in this Section is guilty of the offence, unless that vehicle Owner satisfies the Court that the vehicle was:
    - (a) Not being driven or was not Parked by the Owner; and
    - (b) That the person driving or Parking the vehicle at the time of the offence did so without the vehicle Owner's express or implied consent.

#### **ANIMALS SUSPECTED OF HAVING COMMUNICABLE DISEASES**

- 21. (1) An Owner of an Animal suspected of having rabies shall immediately report the matter to The Canadian Food Inspection Agency and to the Town Manager, Calmar Town Office.
- (2) An Owner of an Animal suspected of having rabies shall confine or isolate the Animal, in such a manner as prescribed so as to prevent further spread of the disease.
- (3) An Owner of an Animal suspected of having rabies shall keep the Animal confined for not less than ten (10) days at the cost of the Owner.
- (4) An Owner of an Animal that does not comply with the provisions of Section 5 shall be subject to a penalty as provided for in Section 50 of this Bylaw for each consecutive demand made by the Bylaw Enforcement Officer.
- (5) In the event of an outbreak, or threatened outbreak 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.
- (6) 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.
- (7) 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 quarantined.
- (8) 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.
- (9) The carcass of any dead animal exposed to a communicable disease shall upon demand, be surrendered to a Peace Officer.

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- (10) A Peace Officer shall direct the disposition of any animal found to be infected with a communicable disease.

#### **NUISANCES REMOVING EXCREMENT**

22. (1) If an Animal defecates on any public or private property other than the property of its Owner, the Owner shall remove such feces immediately.
- (2) If an Animal is on any public or private property other than the property of its Owner, the Owner shall have in his possession a suitable means of facilitating the removal of the Animal's feces.

#### **NOISE**

23. (1) The Owner of an Animal shall ensure that such Animal shall not bark, howl, or otherwise makes or causes a noise or noises which disturbs any person.
- (2) Whether any sound annoys or disturbs a Person, or otherwise constitutes objectionable noise, is a question of fact to be determined by the Town Peace Officer, The Town Manager or person(s) delegated by the Town Manager.

#### **SCATTERING GARBAGE**

24. The Owner of an Animal shall ensure that such Animal shall not upset any waste receptacles or scatter the contents thereof either in or about a street, lane, or other public property or in or about premises not belonging to or in the possession of the Owner of the Animal.

#### **THREATENING BEHAVIOURS**

25. The Owner of an Animal shall ensure that such Animal shall not:
- (1) Bite, bark at, or chase stock, Animals, bicycles, automobiles, or other vehicles;
  - (2) Chase or otherwise threaten a person or persons, whether on the property of the Owner or not, unless the person chased or threatened is a trespasser on the property of the Owner;
  - (3) Cause damage to property or other Animals, whether on the property of the Owner or not;
  - (4) Do any act that injures a person or persons whether on the property of the Owner or not;
  - (5) Bite a person or persons, whether on the property of the Owner or not;
  - (6) Attack a person or persons, whether on the property of the Owner or not;
  - (7) Attack a person or persons, whether on the property of the Owner or not, causing severe physical injury; or
  - (8) Cause death to another Animal.

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25.1 No Owner shall use or direct an Animal to attack, chase, harass or threaten a person or Animal.

## **OTHER ANIMALS**

### **HORSES**

26. (1) Except in a Park or parts of a Park which have been designated for horseback riding by the Director, Calmar Public Works, no person shall allow a horse owned or controlled by him to be in a Park.
- (2) Subsection 26(1) shall not apply to horses owned and ridden by The Town of Calmar.

### **LIVESTOCK**

27. No person shall keep Livestock in any area of the Town except where the keeping of Livestock is allowed under The Town of Calmar Land Use Bylaw.

## **VICIOUS ANIMALS**

### **HEARINGS AND ORDERS**

28. (1) The Owner of an Animal Alleged to be a Vicious Animal shall be provided Notice of a Hearing for determination by the Provincial Court ten (10) clear days before the date of the Hearing.
- (2) The Owner of an Animal alleged to be a Vicious Animal shall surrender the Animal to Town of Calmar Town Manager, Peace Officer or Town Designate, where the Animal shall be held pending the outcome of the Hearing and any Appeals..
29. (1) Upon hearing the evidence, the Justice shall make an order in a summary way declaring the Animal as a Vicious Animal if in the opinion of the Justice:
- (a) the Animal has caused severe physical injury to a person, whether on public or private property; or
  - (b) the Animal has, while off its Owner's property, caused the death of an Animal.
- (2) Upon hearing the evidence, the Justice may make an order declaring the Animal as a Vicious Animal or ordering the Animal destroyed, or both, if in the opinion of the Justice the Animal is likely to cause serious damage or injury, taking into account the following factors:
- (a) whether the Animal has chased any person or Animal;
  - (b) whether the Animal has attempted to Bite, or has bitten any person or Animal;
  - (c) whether the Animal has wounded, Attacked or injured any person or Animal;
  - (d) the circumstances surrounding any previous biting, Attacking, or wounding incidents; and
  - (e) whether the Animal, when unprovoked, has shown a tendency to pursue, chase or approach in a menacing fashion persons upon the street, sidewalk or any public or private property.

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- (3) The order of a Justice declaring an Animal vicious shall embody all of the requirements in Sections 5, 30, 31, 32, 33, 34, 35 and 36. 30. A Vicious Animal order pursuant to this Bylaw continues to apply if the Animal is sold, given or transferred to a new Owner.
30. A Vicious Animal order pursuant to this Bylaw continues to apply if the Animal is sold, given or transferred to a new Owner.

## REGULATIONS

31. Prior to a license being issued, the Owner of a Vicious Animal shall within ten (10) days after the Animal has been declared vicious:
- (a) have a licensed veterinarian tattoo or implant an electronic identification microchip in the Animal;
  - (b) provide the information contained on the tattoo or in the microchip to the Town Manager, Town Peace Officer, or Town Designate; and
  - (c) if the Animal is in an unaltered state, have the Animal neutered or spayed.
32. (1) The Owner of a Vicious Animal shall:
- (a) notify the Town Manager, Town Peace Officer, or Town Designate should the Animal be sold, gifted, or transferred to another person or die;
  - (b) remain liable for the actions of the Animal until formal notification of sale, gift or transfer is given to the Town Manager, Town Peace Officer, or Town Designate
33. (1) The Owner of a Vicious Animal shall ensure that such Animal does not:
- (a) chase a person or other Animals;
  - (b) injure a person or other Animals;
  - (c) Bite a person or other Animals; or
  - (d) Attack a person or other Animals.
- (2) The Owner of a Vicious Animal shall ensure that such Animal does not damage or destroy public or private property.
- (3) The Owner of a Vicious Animal shall ensure that such Animal is not Running at Large.
- (4) The Owner of a Vicious Animal shall notify the Animal Services Centre if the Animal is Running at Large.
34. (1) The Owner of a Vicious Animal shall ensure that when such Animal is on the property of the Owner such Animal is:
- (a) confined indoors and under the control of a person over the age of eighteen (18) years;
  - (b) when such Animal is outdoors such Animal is:
    - (i) in a locked pen or other structure, constructed pursuant to Section 35 in order to prevent the escape of the Vicious Animal and capable of preventing the entry of any person not in control of the Animal; or

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- (ii) securely Muzzled, and under the control of a person over the age of eighteen (18) years by means of a Leash not exceeding one (1) metre in length in a manner that prevents it from chasing, injuring or biting other Animals or humans as well as preventing damage to public or private property.
  - (2) The Owner of a Vicious Animal shall ensure that at all times, when off the property of the Owner, such Animal is securely:
    - (a) Muzzled; and
    - (b) harnessed or Leashed on a lead which length shall not exceed one (1) metre in a manner that prevents it from chasing, injuring or biting other Animals or humans as well as preventing damage to public or private property; and
    - (c) under the control of a person over the age of eighteen (18) years.
35. (1) The Owner of a Vicious Animal shall ensure that the locked pen or other structure:
- (a) shall have secure sides and a secure top, and if it has no bottom secured to the sides, the sides must be embedded in the ground to a minimum depth of thirty (30) centimeters;
  - (b) shall provide the Vicious Animal with shelter from the elements;
  - (c) shall be of the minimum dimensions of one and one-half (1.5) metres by three (3) metres and be a minimum one and one-half (1.5) metres in height; and
  - (d) shall not be within one (1) metre of the property line or within five (5) metres of a neighbouring dwelling unit.
36. (1) The Owner of a Vicious Animal shall, within 10 days of the date of the order declaring the Animal to be vicious, display a sign on his premises warning of the presence of the Animal in the form illustrated in Schedule "F".
- (2) A sign required by subsection 36(1) shall be placed at each entrance to the premises where the Animal is kept and on the pen or other structure in which the Animal is confined.
- (3) A sign required by subsection 36(1) shall be posted to be clearly visible and capable of being seen by any person accessing the premises.

#### **NUISANCE ANIMALS**

- 36.1 (1) The Town Manager or Town Peace Officer, may declare an Animal to be a Nuisance Animal.
- (2) The declaration of an Animal as a Nuisance Animal shall be reviewed annually by the Town Manager or the Town Peace Officer.

#### **ANIMAL CONTROL OPERATIONS SEIZURE**

37. (1) A Bylaw Enforcement Officer or a Peace Officer may capture and impound any Animal or Vicious Animal:

- (a) Found Running at Large;
  - (b) Which has bitten, or is alleged to have bitten a person or Animal, pending the outcome of an application to declare the Animal to be a Vicious Animal or to destroy the Animal; or
  - (c) 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 thereunder.
- (2) A Bylaw Enforcement Officer or a Peace Officer may capture and impound any cat Running at Large with respect to which a complaint under this Bylaw has been made.
  - (3) Notwithstanding Section 37, Subsection 2, a warning will be issued every licensing period.

#### **NOTIFICATION**

- 38. (1) A person who takes control of any stray dog or cat, or Vicious Animal, shall forthwith notify the Town Manager or a Bylaw Enforcement Officer and provide any required information.
- (2) A person who takes control of any stray dog or cat, or Vicious Animal shall forthwith surrender the Animal to the Town Pound or a Bylaw Enforcement Officer.

#### **OBSTRUCTION AND INTERFERENCE**

- 39. (1) No person, whether or not that person is the Owner of an Animal or Vicious Animal which is being or has been pursued or captured shall:
  - (a) Interfere with or attempt to obstruct a Bylaw Enforcement Officer or a Peace Officer who is attempting to capture or who has captured an Animal which is subject to impoundment or seizure;
  - (b) Open the vehicle in which Animals have been captured for impoundment or seizure;
  - (c) Remove, or attempt to remove any Animal from the possession of a Bylaw Enforcement Officer or a Peace Officer.
- (2) No person shall:
  - (a) Untie, loosen or otherwise free an Animal which has been tied or otherwise restrained;
  - (b) 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;
  - (c) Entice an Animal to run at large;
  - (d) Tease an Animal caught in an enclosed space;
  - (e) Throw or poke any object into an enclosed space when an Animal is caught or confined therein.

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- (3). Section 39 shall not apply to a Bylaw Enforcement Officer or a Peace Officer who is attempting to capture or who has captured an Animal which is subject to impoundment or seizure pursuant to this Bylaw.

40. Section 39 shall not apply to a Bylaw Enforcement Officer or a Peace Officer who is attempting to capture or who has captured an Animal which is subject to impoundment or seizure pursuant to this Bylaw.

#### NOTIFICATIONS

41. (1) If a Bylaw 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 "C" of this Bylaw, either personally or by leaving it, or by mailing it to the last known address of the Owner.
- (2) An Owner of an Animal to whom a Notice is mailed pursuant to subsection 41(1) is deemed to have received a Notice within forty-eight (48) hours from the time it is mailed.

#### RECLAIMING

42. (1) The Owner of any impounded Animal or Vicious Animal may reclaim the Animal or Vicious Animal by:
- (a) paying to a Bylaw Enforcement Officer the costs of impoundment as set out in Schedule "B" to this Bylaw; and
  - (b) where a licence is required under this Bylaw, obtaining the licence for such Animal or Vicious Animal.
- (2) Where an Animal or Vicious Animal is claimed, the Owner shall provide proof of Ownership of the Animal.

#### INSPECTIONS

43. Subject to the entry notice provisions of the Municipal Government Act, R.S.A. 2000 c.M-26, a designated officer of the Town, bearing proper identification, may enter a premises to conduct an inspection in order to determine whether or not this Bylaw or an order issued pursuant to this Bylaw is being complied with.
- 43.1 No person shall interfere with or attempt to obstruct a Bylaw Enforcement Officer or a Peace Officer who is attempting to conduct an inspection pursuant to Section 43.
44. (1) The Town Manager or Town Peace Officer may:
- (a) Receive Animals into protective care pursuant to fire, flood, or other reasons;
  - (b) Retain the Animals temporarily;
  - (c) Charge the Owner fees pursuant to Schedule "B" for costs of impoundment; and

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- (d) At the end of the protective care period, if no other arrangements are made between the Owner and Town Manager or Town Peace Officer, treat such Animals as impounded Animals.
  
- (2) The Town Manager or Town Peace Officer, may offer for sale, euthanize, or otherwise dispose of all unclaimed Animals which have been received at the Town Pound.
  
- (3) The Town Manager or Town Peace Officer, shall not sell, euthanize, or otherwise dispose of an impounded Animal or Vicious Animal until an Animal is retained in the Town Pound for:
  - (a) Seven (7) days after the Owner has received notice or is deemed by Subsection 41(2) to have received notice that the Animal is in the Town Pound; or
  - (b) seventy-two (72) hours, if the name and address of the Owner is not known.
  
- (4) The Town Manager or Town Peace Officer, may retain an Animal for a longer period if in his opinion the circumstances warrant the expense or he has reasonable grounds to believe that the Animal is a continued danger to persons, Animals, or property.

#### **REQUIRE SPAY/NEUTER**

- 45. The Town Manager or Town Peace Officer may, before selling an unclaimed Animal, require that the Animal be spayed or neutered.

#### **FEE FOR EUTHANIZING**

- 46. When the Town Manager or Town Peace Officer agrees to euthanize an Animal the Owner shall pay to the Town Peace Officer or designate, a fee as set out in Schedule "B" of this Bylaw.

#### **FULL RIGHT AND TITLE**

- 47. The purchaser of an Animal from the Animal Services Centre pursuant to the provisions of this Bylaw shall obtain full right and title to it and the right and title of the Former Owner of the Animal shall cease thereupon.

#### **OFFENCES AND PENALTIES LICENSED OWNER**

- 48. If an Animal is involved in a contravention of this Bylaw, the Owner of that Animal is guilty of an offence.

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## GENERAL PENALTY PROVISIONS

49. (1) Every Owner of an Animal who contravenes any of the provisions of this Bylaw by:
- (a) Doing any act or thing which the person is prohibited from doing, or
  - (b) Failing to do any act or thing the person is required to do, is guilty of an offence.
- (2) Any person who is convicted of an offence pursuant to this Bylaw is liable on summary conviction to a fine not exceeding \$10,000.00, and in default of payment of any fine imposed, to imprisonment for not more than six (6) months.

## VIOLATION TICKETS AND PENALTIES

50. (1) Where a Bylaw Enforcement Officer or a Peace Officer believes that a person has contravened any provision of this Bylaw, he may commence proceedings by issuing a summons by means of a violation ticket in accordance with Part 2 of the Provincial Offences Procedure Act, R.S.A. 2000, c.P-34.
- (2) The specified penalty payable in respect of a contravention of a provision of this Bylaw is the amount shown in Schedule "D" of this Bylaw in respect of that provision.
- (3) The minimum penalty payable in respect of a contravention of a provision of this Bylaw is the amount shown in Schedule "D" of this Bylaw in respect of that provision.
- (4) Notwithstanding subsection 50(2):
- (a) Where any person has been convicted of a contravention of the same provision of this Bylaw twice within one twelve month period, the specified penalty payable in respect of the second conviction is double the amount shown in Schedule "D" of this Bylaw in respect of that provision.
  - (b) Where any person has been convicted of a contravention of the same provision of this Bylaw three or more times within one twelve month period, the specified penalty payable in respect of the third or subsequent conviction is triple the amount shown in Schedule "D" of this Bylaw in respect of that provision.
- (5) Notwithstanding subsection 50(3):
- (a) Where any person has been convicted of a contravention of the same provision of this Bylaw twice within one twelve month period, the minimum penalty payable in respect of the second conviction is double the amount shown in Schedule "D" of this Bylaw in respect of that provision, and
  - (b) Where any person has been convicted of a contravention of the same provision of this Bylaw three or more times within one twelve month period, the minimum penalty payable in respect of the third or subsequent conviction is triple the amount shown in Schedule "D" of this Bylaw in respect of that provision.

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- (6) Notwithstanding Subsections 50(2) and 50(4), if an Animal has been declared to be a Nuisance Animal, and where, subsequent to the declaration, any person is convicted of a contravention of any provision of this Bylaw in respect of that Animal, the specified penalty payable in respect of the conviction is double the amount shown in Schedule "D" of this Bylaw in respect of that provision.
- (7) Notwithstanding Subsections 50(3) and 50(5), if an Animal has been declared to be a Nuisance Animal, and where, subsequent to the declaration, any person is convicted of a contravention of any provision of this Bylaw in respect of that Animal, the minimum penalty payable in respect of the conviction is double the amount shown in Schedule "D" of this Bylaw in respect of that provision.

#### **VICIOUS ANIMAL FINES**

51. (1) Subsections 50(2), (3), (4) and (5) do not apply to Vicious Animals.
- (2) The minimum fines on summary conviction in respect to a contravention of this Bylaw with respect to Vicious Animals shall be the same amounts as shown in Schedule "E" regarding Vicious Animals.

#### **CONTINUING OFFENCES**

52. In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which the offence continues and any person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each such day.

#### **MANDATORY COURT OR INFORMATION**

53. This Section shall not prevent any Officer from issuing a violation ticket requiring the court appearance of the defendant, pursuant to the provisions of the Provincial Offences Procedure Act, R.S.A. 2000, c.P-34, or from laying an information instead of issuing a violation ticket.

#### **LIABILITY FOR FEES**

54. The levying and payment of any fine or the imprisonment 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.

#### **ORDERS BY A JUSTICE**

55. A Justice, after convicting an Owner of an offence under this Bylaw may, if the Justice considers the offence sufficiently serious, direct, order, or declare one or more of the following:
- (a) That the Owner prevent the Animal from doing mischief or causing the disturbance or nuisance complained of;

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- (b) That the Animal is a Vicious Animal;
- (c) That the Animal be destroyed; or
- (d) That the Owner be prohibited from owning any Animal for a specified period of time.

#### **PROOF OF LICENCE**

56. (1) The onus of proving a person has a valid and subsisting licence is on the person alleging the licence.
- (2) The onus of proving the age of an Animal is on the person alleging the age.

#### **CERTIFIED COPY OF RECORDS**

57. A copy of a record of the Town, certified by the Town Manager or Town Peace Officer, as a true copy of the original, shall be admitted in evidence as prima facie proof of the facts stated in the record without proof of the appointment or signature of the person signing it.

#### **VALIDITY OF EXISTING LICENCES**

58. An existing licence issued under Bylaw 23M89, the Animal Control Bylaw, remains valid until the term of such licence expires.

#### **QUANTITY OF ANIMALS PER HOUSEHOLD**

59. (1) No household, residence, or premise, shall occupy more than three (3) dogs or cats in any combination unless:
- (a) A permit has been issued by the Town of Calmar; and
  - (b) A license for each additional cat or dog has been purchased

#### **PENALTIES AND ENFORCEMENT**

60. (1) 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 (\$2000.00) and/or imprisonment for not more than six (6) months.
- (2) 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.

- (3) 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, S.A. 1997, c. P-21.5, as amended, and regulations thereunder, for any contravention made under this Bylaw.
- (4) 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.

**EFFECTIVE DATE**

61. This Bylaw comes into force on the day it is given final reading and further that Bylaw 2017 – 09 is hereby rescinded.

**THIS BYLAW GIVEN FIRST READING THIS 19th DAY OF APRIL, 2018**

**THIS BYLAW GIVEN SECOND READING THIS 7th DAY OF MAY, 2018**

**THIS BYLAW GIVEN THIRD READING THIS 7th DAY OF MAY, 2018**

  
\_\_\_\_\_

**Mayor**

  
\_\_\_\_\_

**Town Manager**

**This bylaw signed this 7th day of May 2018**

**SCHEDULE "A"**

**LICENCE FEES LIFETIME**

Male or Female Unaltered Dogs ..... \$ 250  
Additional Male or Female Unaltered dog or cat above household limit of three (3)..... \$ 350 each  
Additional Male or Female Altered dog or cat above household limit of three (3)..... \$ 100  
Neutered Male or Spayed Female Dogs..... \$ 30  
Vicious Unaltered Animal Licence Fee..... \$1000 per annum  
Vicious Altered Animal Licence Fee..... \$ 500 per annum  
Male or Female Unaltered Cats..... \$ 250  
Neutered Male or Spayed Female Cats.....\$ 30  
Replacement Tag..... \$ 10

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**SCHEDULE "B"**

**AMOUNT(S) TO BE PAID TO THE CALMAR TOWN MANAGER OR DESIGNATE BY OWNER OF ANIMAL IN ORDER TO RECLAIM OR DESTROY AN ANIMAL AT THE ANIMAL SERVICES CENTRE**

Dog Impoundment Fees Boarding Fees.....Costs determined by operators of boarding facility used.

Cat Impoundment Fees..... Costs determined by operators of boarding facility used.

Vicious Animal Impoundment Fees .....\$ 700.00 plus GST Dogs/Vicious Animals - Care and Sustenance (per day or portion thereof. To Commence at Midnight on the Day of Impoundment) \$ 25 plus GST

Cats / Animals - Care and Sustenance (per day or portion thereof. To Commence at Midnight on the Day of Impoundment) \$ 20 plus GST

Transportation fee ..... \$85.00

Veterinary Fees Amount Expended Destruction of Dog or Cat \$150

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**SCHEDULE "C"**

**FORM OF NOTICE OF ANIMAL SEIZURE**

You are hereby notified that an Animal bearing License No. \_\_\_\_\_ for 20\_\_\_\_ registered under the above name and address, was impounded on \_\_\_\_\_, A.D. 20\_\_ pursuant to the provisions of Bylaw No. \_\_\_\_\_ of the Town of Calmar, 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.

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## SCHEDULE "D"

### OFFENCE PENALTIES

#### SECTION OFFENCE MINIMUM PENALTY SPECIFIED PENALTY

- 3(1) Unlicensed dog \$ 100.00
- 3(2) Dog not wearing licence \$ 100.00
- 4(1) Unlicensed cat \$ 250.00
- 4(2) Cat not wearing licence or identification \$ 250.00
- 6(2) Give false information when applying for licence \$ 300.00
- 12 Dog running at Large \$ 100.00
- 12 Cat running at large \$ 200.00
- 12 Animal running at large \$200.00
- 13(2) Dog not under control at off Leash area \$ 100.00
- 13(4) Fail to restrain/remove dog from off Leash area \$ 200.00
- 14(2) Animal other than dog in off Leash area \$ 200.00
- 15(1)(2)(3) Dog in prohibited area \$ 150.00
- 15(4)(a) Dog Leash inappropriate length \$ 100.00
- 15(4)(b) Dog not on right side of Pathway \$ 50.00
- 15(4)(c) Dog not under control on Pathway \$ 100.00
- 15(5) Dog obstruct or interfere with use of Pathway \$ 50.00
- 16(1) Animal in water where prohibited \$ 100.00
- 17(1) Leave Animal unattended while tethered in a public place \$ 150.00
- 17(2) Leave Animal unsupervised while tethered on private property \$ 50.00
- 18(1) Animal left unattended in vehicle improperly \$ 250.00
- 18(2) Animal left unattended in vehicle when weather conditions not suitable \$ 250.00
- 19 Dog on Leash while operating wheeled conveyance on Pathway \$ 50.00
- 20(1) Animal outside cab of vehicle \$ 100.00
- 21(1) Fail to report suspected case of rabies \$ 1000.00
- 21(2) Fail to confine Animal suspected of having rabies \$ 1000.00
- 21(3) Fail to confine Animal suspected of having rabies for 10 days \$ 1000.00
- 22(1) Fail to remove Animal feces \$ 300.00



- 22(2) No suitable means to remove feces \$ 150.00
- 23(1) Animal disturbing the peace \$ 100.00
- 24 Animal scatter garbage \$ 100.00
- 25(1) Bite, bark at, or chase stock, Animals, bicycles or vehicles \$ 200.00
- 25(2) Chase or threaten a person \$ 200.00
- 25(3) Cause damage to property or other Animal \$ 200.00
- 25(4) Animal injure a person \$ 300.00
- 25(5) Animal Bite a person \$ 350.00
- 25(6) Animal Attack a person \$ 750.00
- 25(7) Animal Attack a person causing Severe Injury \$2,500.00
- 25(8) Cause death to Animal \$1,000.00
- 25.1 Direct Animal to attack, chase, harass or threaten a person or Animal \$ 500.00
- 26(1) Horse in prohibited area \$ 100.00
- 27 Keep Livestock in prohibited area \$ 200.00
- 39(1)(a) Obstruct or interfere with officer \$ 500.00
- 39(1)(b) Open van or vehicle \$ 500.00
- 39(1)(c) Remove or attempt to remove impounded Animal \$ 500.00
- 39(2)(a) Untie, loosen, or free restrained Animal \$ 200.00
- 39(2)(b) Open gate, door or opening allowing Animal to run at large \$ 200.00
- 39(2)(c) Entice an Animal to run at large \$ 250.00
- 39(2)(d) Tease an Animal in an enclosure \$ 200.00
- 39(2)(e) Throw or poke at Animal in an enclosure \$ 200.00
- 59(1) Exceed household pet total.....\$ 200.00 per animal in excess
- 59(1)(a) Fail to Obtain permit from Town for excess animal(s)..... \$ 200.00 per excess animal
- 59(1)(b) Fail to Obtain License for excess animal(s) per household.....\$ 200.00 per excess animal.

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**SCHEDULE "E"**

**VICIOUS ANIMAL PENALTIES**

**SECTION OFFENCE MINIMUM PENALTY SPECIFIED PENALTY**

- 5(1) Unlicensed Vicious Animal \$ 1000.00
- 5(2) Vicious Animal not wearing licence \$ 500
- 14(1) Vicious Animal in off Leash area \$ 2000.00
- 31 Fail to tattoo or implant Vicious Animal with microchip \$2000.00
- 32(1)(a) Fail to notify Animal Services Centre of sale, gift, transfer or death of Vicious Animal \$ 500.00
- 33(1) Vicious Animal – Chase, injure, Bite or Attack a person or Animal \$2500.00
- 33(2) Vicious Animal – Damage or destroy property \$1,500.00
- 33(3) Vicious Animal – Running at Large \$2000.00
- 33(4) Fail to notify Animal Services Centre of Vicious Animal Running at Large \$ 1500.00
- 34(1)(a) Fail to keep Vicious Animal confined indoors and under control of an adult person \$1,500.00
- 34(1)(b)(i) Fail to keep a Vicious Animal confined \$1,500.00
- 34(1)(b)(ii), or 34(2) Fail to keep a Vicious Animal Muzzled, harnessed or Leashed properly \$2000.00
- 35 Improper pen or structure for Vicious Animal \$2000.00
- 36 Fail to post Vicious Animal sign \$1,500.00

**SCHEDULE "F"**

**VICIOUS ANIMAL SIGN**

Form required for a Vicious Animal sign pursuant to the Bylaw, similar to below.



*Handwritten signature or initials*