

THE TOWN OF SWAN HILLS
BYLAW No. 2015-11
PROVINCE OF ALBERTA

A BYLAW OF THE TOWN OF SWAN HILLS, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE LICENSING, REGULATION AND CONTROL OF DOGS AND DOMESTIC ANIMALS INCLUDING DANGEROUS OR AGGRESSIVE DOGS, AND THE RUNNING OF DOGS AT LARGE.

WHEREAS pursuant to the provisions of the *Municipal Government Act*, R.S.A. 2000 c. M-26, as amended, the Council of a municipality may pass Bylaws for the safety, health and welfare of people and the protection of people and property, and may also pass Bylaws related to wild and domestic animals and activities in relation to them, including the restraining and destruction of Dogs, and the conditions governing the payment of costs and expenses for impoundment;

AND WHEREAS the Town of Swan Hills Council deems it desirable and in the interest of public safety to regulate Dangerous Dogs, the running of Dogs at Large and the barking and howling of Dogs within the Town of Swan Hills;

NOW, THEREFORE, the Council of the Town of Swan Hills duly assembled enacts as follows:

PART 1 – TITLE

1. This Bylaw may be cited as “The Animal Control Bylaw”.

PART 2 – DEFINITIONS

2. In this Bylaw, unless the context otherwise requires:
 - (a) **Animal Control Officer** - means any person appointed by Council as a Bylaw Enforcement Officer to enforce the provisions of this Bylaw or a Police Officer, as defined by the *Police Act*, R.S.A. 2000 c. P-17, as amended.
 - (b) **At Large** - when used in reference to a Dog, means a Dog, which is off the premises of the Owner of the said Dog, and is not on a leash or is not being effectively controlled by the Owner or a person capable of controlling the Dog.
 - (c) **Chief Administrative Officer** - means the Chief Administrative Officer for the Town of Swan Hills.
 - (d) **Council** – means the council of the Town of Swan Hills.

- (e) **Dog** - means either male or female canine, or similar animal.
- (f) **Dog Tag** - means a numbered metal tag issued by the Town to the Owner of a Dog when the Owner obtains a Dog Licence from the Town.
- (g) **Dangerous Dog** - means any Dog, which in the opinion of a Peace Officer or Animal Control Officer:
 - (i) Without provocation, shows a propensity, or disposition or potential to attack or injure humans or animals;
 - (ii) Without provocation attacks, bites, or injures any human or animal;
 - (iii) Is deemed to be dangerous by a Court; or
 - (iv) If, after investigation or inquiry a Dog is deemed to be a Dangerous Dog by an Animal Control Officer or Peace Officer.
- (h) **Domestic Animal** - means such animals that have been domesticated for agricultural use or pets including but not limited to pigs, horses, sheep, chickens, goats, pigeons or any other animal deemed a Domestic Animal by an Animal Control Officer. For the purpose of this Bylaw a Domestic Animal does not include a Dog or cat.
- (i) **Impounded** - means taken into custody of the Pound.
- (j) **Kennel** - means an establishment run by any person or corporation engaged in the business of breeding, buying, selling, training or the boarding of Dogs.
- (k) **Licence** - means the annual licence issued by the Town of Swan Hills and purchased by an Owner of a Dog.
- (l) **Municipal Violation Ticket** - means a document that is a Municipal Violation Ticket issued on behalf of the Town of Swan Hills pursuant to the *Municipal Government Act*, R.S.A. 2000, c. M-26.
- (m) **Owner** – means:
 - (i) The person owning, possessing, having charge of or control over or harbouring any Dog;
 - (ii) Suffering or permitting any Dog to remain on or about the property owned or controlled by that person.
 - (iii) A person to who a licence was issued for a Dog; or
 - (iv) A person who is the occupant of the property under lease, licence or permit.

- (n) **Peace Officer** - means a Bylaw Enforcement Officer, an Animal Control Officer or a Peace Officer as defined by the *Peace Officer Act*, S.A. 2006, c. P-3.5, as amended or a Police Officer as defined by the *Police Act*, R.S.A. 2000 c. P-17., as amended.
- (o) **Pound** - means the premises designated by the Chief Administrative Officer or their designate for the purpose of impounding and caring for Dogs or other animals found within the Town or which are in violation of this Bylaw.
- (p) **Town** - means the Town of Swan Hills.
- (q) **Violation Ticket** - means a violation ticket issued pursuant to the *Provincial Offences Procedures Act*, R.S.A 2000 c. P-34, as amended.

PART 3 – LICENSING

- 3. No person shall own, keep or harbour any Dog within the Town limits unless such Dog is licenced as provided herein.
- 4. Every Owner of a Dog over the age of six (6) months that resides within The Town of Swan Hills shall purchase an annual licence from the Town as prescribed by and subject to the payment of fees set out in Schedule “A” of this Bylaw attached hereto.
 - (a) Every Licence issued to an Owner shall expire on the 31st day of December of the year it was purchased.
 - (b) Every Owner who possesses an annual dog Licence must renew their annual dog Licence prior to the 1st day of March of each calendar year.
- 5. No person shall operate a Kennel within the Town without first obtaining a development permit and a business licence from the Town. A development permit may contain conditions that regulate the operation of the Kennel and every Kennel and its operators shall abide by any and all applicable conditions of the permit.
- 6. No person or persons, other than a person that has possession of a development permit to operate a Kennel, shall keep or harbour more than three (3) Dogs aged three (3) months or more at one time on a lot or property, or in any house, shelter, room or confined place, within the Town.
- 7. Section 3 and 4 of this Bylaw shall not apply to a person or premises:
 - (a) Authorized by an Animal Control Officer or a Peace Officer as a temporary foster home for a Dog;

- (b) The Pound, or premises lawfully used for the care and treatment of Dogs operated by a licenced veterinarian;
 - (c) Which, with the written permission of the Town may be temporarily used for the purpose of a Dog show; or
 - (d) To any person in possession of a valid development permit or business licence to operate a Kennel, pet store or Dog grooming type business.
 - (e) Who possess a guide dog required to assist with vision impairment or legal blindness.
8. The Owner of a Dog shall provide the Town with the following information when purchasing a Dog Licence:
- (a) Name and street address and telephone number of the Owner of the Dog;
 - (b) Name, sex, breed and description of the Dog to be licenced;
 - (c) Proof of current rabies and immunizations;
 - (d) Proof of spaying or neutering if applicable;
 - (e) Such other information as may be required with respect to the Dog Licence.
9. Licences issued under this Bylaw shall not be transferrable from one Dog to another.
10. Upon payment of the required licence fee the Owner will be supplied with a Dog tag.
11. Every Owner shall ensure that the Dog tag is securely fastened to a choke chain, collar or harness which must be worn by the Dog at all times.
12. The Owner of a Dog that has been licenced under this Bylaw shall obtain a Dog tag to replace a tag that has been lost upon payment of the fee specified in Schedule "A" of this Bylaw.
13. Licence provision of this Bylaw shall not apply to a person temporarily in the Town for a period not exceeding thirty (30) days.
14. The Town of Swan Hills shall keep a database or record that records the name, address and telephone number of each Owner, the breed, colour and sex of each Owner's Dog together with the date of registration of the Owner's Dog the number stamped on the metallic tag issued to the Owner, the date of last immunization of the Dog, confirmation of neutering or spaying if applicable as well as the licence fee paid by the Owner.

PART 4 – RESPONSIBILITIES OF DOG OWNER

15. No Owner shall allow any Dog to be At Large within the Town. When any Dog is found to be At Large, its Owner shall be deemed to have failed to comply with this section.
16.
 - (a) No Person or Owner shall allow a Dog or a Domestic Animal to defecate on any public property within the Town or private property within the Town which is not owned or occupied by the Owner.
 - (b) When a Dog or Domestic Animal defecates on any public or private property other than the property of its Owner, the Owner or person in control of the Dog or Domestic Animal or its Owner shall cause such defecation to be removed immediately. Guide Dogs utilized by a person who is legally blind are exempt from this sub-section of the Bylaw.
 - (c) When a Dog defecates on its Owner's property to the extent that excessive smell results, the Owner shall immediately remove the defecation on notice of a Peace Officer, Animal Control Officer or Health Authority having jurisdiction.
17.
 - (a) No Owner shall permit his or her Dog to bark or howl excessively or act in any other manner that disturbs the peace, quiet or repose of another person.
 - (b) When a Dog barks, howls or in any other manner disturbs the quiet of another person, the Owner shall be deemed to have failed or refused to comply with s. 17(1) of this Bylaw. After the 3rd offence if the animal is still barking, howling, or creating a disturbance the animal may be apprehended by a Peace Officer and removed from the premises. Any Dog that is apprehended under this section becomes the property of the Town, and may be destroyed or disposed of in accordance with s. 31 of this Bylaw.
18. No Owner shall permit his or her Dog to damage public or private property. When a Dog damages public or private property, its Owner shall be deemed to have failed, or refused to comply with this section.
19. No Dog shall be permitted to be a public nuisance by:
 - (a) Biting, attempting to bite or chasing people;
 - (b) Barking or chasing bicycles and automobiles;
 - (c) Causing any harm or damage to any other Dog or animal; or
 - (d) Harm or damage private or public property of a person other than the Owner of the Dog.

PART 5 – DANGEROUS AND AGGRESSIVE DOGS

20. A Dog may be deemed to be a Dangerous Dog in accordance with s. 2(g) of this Bylaw.
21. Every Dangerous Dog must be:
- (a) Confined indoors or be confined in a secure enclosure and such secure enclosure means a locked building, a cage or fenced area of such construction that will not allow the confined Dangerous Dog to jump, climb, dig or force its way out or allow the entry of any person not in control of the Dangerous Dog;
 - (b) Confined in a manner described in section 21(a) with a sign on every entrance to the secured enclosure identifying the Dog as a Dangerous Dog; and
 - (c) Muzzled, leashed and under the effective control of a person over the age of 18 years when the Dangerous Dog is off the Owner's property.
22. The Owner of any Dog that bites a person shall promptly report the incident to a Peace Officer and the Dog may thereupon be quarantined for a period of 10 days at the discretion of a Peace Officer and shall not be released from such quarantine except by written permission of the Medical Officer of Health. At the discretion of a Peace Officer, such quarantine may be on the premises of the Owner or at the Pound. In the case of a Dog whose ownership is not known, such quarantine shall be at the Pound.
23. A Peace Officer may at any time destroy or cause to be destroyed a Dangerous Dog which is not kept in compliance with s. 21 of this Bylaw.

PART 6 – GENERAL REGULATION

24. Unless otherwise specifically permitted by the Town of Swan Hills' Land Use Bylaw, as amended, no person shall keep a Domestic Animal within the Town.
- (a) Section 24 does not apply to any Horse that is kept, boarded, raised or used within the property lines of the premises commonly known as the Swan Hills Saddle Club.
25. No person shall negligently or wilfully open any gate, door or other opening in a fence or enclosure in which a Dog or Domestic Animal has been confined or otherwise obstruct or interfere with the confinement of any Dog or Domestic Animal, thereby allowing said Dog or Domestic Animal to run At Large within the Town.

26. No person shall tease, torment, annoy, harm, or wilfully neglect any Dog or Domestic Animal.

PART 7 – IMPOUNDMENT AND DISPOSITION

27. (a) A Peace Officer or Animal Control Officer may seize and capture any Dog found running At Large and impound the said Dog in the Pound.
- (b) If a member of the public has a reasonable belief that a Dog is a stray Dog within the Town, then that person is permitted to capture and/or secure the Dog and deliver the captured Dog to the Pound.
- (c) A member of the public is also permitted to keep in their possession a Dog that is captured under s. 27(1) and (2) of this Bylaw until the Owner of the Dog is located or until a Peace Officer or Animal Control Officer can attend to take possession of the Dog.
28. A Peace Officer may destroy or cause to be destroyed any Dog found running At Large within the Town if all other reasonable efforts to capture the Dog have been exhausted.
29. To assist in the seizure or capture a Dog running At Large a Peace Officer or Animal Control Officer may utilize live traps.
30. A Dog that has been impounded shall be kept in the Pound for a period of seventy two (72) hours. Saturdays, Sundays, and statutory holidays and the day of impoundment shall not be included in the computation of this seventy two (72) hour period. During this period, any healthy Dog may be redeemed by its Owner, or agent of the Owner, upon proof of payment of the Pound fees as described in Schedule “A” of this Bylaw for every twenty-four (24) hour period or fraction thereof that the Dog has been Impounded and the appropriate specified penalty as described in Schedule “B” of this Bylaw, plus, where the Dog is not licenced, the appropriate licence fee as described in Schedule “A” of this Bylaw.
31. At the expiration of the seventy two (72) hour period, any Dog not claimed may be destroyed, or sold or adopted to a person other than the Owner provided that such person shall be responsible for any or all payments listed in section 30 of this Bylaw.
32. The Owner of a Dog which has been impounded and which carries a current Dog Tag, shall be notified, when possible, of the impoundment and such licenced Impounded Dog may be redeemed in accordance with section 30 of this Bylaw.
33. Notwithstanding anything else in the Bylaw, when in the opinion of a licenced Veterinarian or a Peace Officer, a Dog should be destroyed for humane reasons, such Dog may not be redeemed.
34. No action shall be taken against any person acting under the authority of this Bylaw for damages related to the destruction or other disposal of any animal, or for any other action authorized by this Bylaw.

35. For the purpose of investigation or enforcement of this Bylaw a Peace Officer or Animal Control Officer is hereby authorized to enter any privately owned premises at any reasonable time, provided however that in this section the word "premises" does not include a building used as a dwelling house.
36. The Chief Administrative Officer or their designate will establish one or more Pounds for the keeping and impounding of Dogs or will enter into an agreement with another municipality or private business which will provide Animal Control or Pound keeping services.
37. No person shall without the consent of a Peace Officer or Animal Control Officer Remove or attempt to remove any Dog from the possession of the Pound until such time as all penalties and costs have been satisfied.
38. Any Owner may request that a Dog be surrendered to or destroyed by the Town subject to a fee and approval by a Peace Officer as prescribed in Schedule "A" of this Bylaw.

PART 8 – RABIES CONTROL

39. On official report of an outbreak or a threatened outbreak of rabies, or any disease affecting animals that may be transmitted to human beings, the Chief Administrative Officer or their designate may order and direct that all animals be confined entirely to the Owner's premises.
40. When an dog under quarantine has been diagnosed as rabid, or suspected by a licenced veterinarian as being rabid, and dies while under such observation, a Peace Officer shall immediately send the head 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 contacts, and the diagnosis made of the suspected animal.
41. During such period of rabies quarantine as herein mentioned, every animal bitten by an animal adjudged to be rabid, shall be forthwith destroyed, or at the Owner's expense and option shall be treated for rabies infection by a licenced veterinarian or held under quarantine by the Owner in the same manner as other animals are quarantined.
42. Except as provided by authority of this Bylaw, no person shall kill, or cause to be killed, any rabid animal, any animal suspected of having been exposed to rabies, or any animal that has bitten a human, or remove the same from the Town limits without permission from a Peace Officer, or an Animal Control Officer.
43. The carcass of any dead animal exposed to rabies shall, upon demand, be surrendered to a Peace Officer or an Animal Control Officer.

44. A Peace Officer or Animal Control Officer shall direct the disposition of any animal found to be infected with rabies.

PART 9 – PENALTIES AND ENFORCEMENT

45. Any Person who contravenes any provisions of this Bylaw is guilty of an offence and liable upon summary conviction:
- (a) To a specified penalty for a first offence as set out in Schedule “B” attached hereto and forming part of this Bylaw;
 - (b) To a specified penalty for a second or subsequent offence of double the original penalty as set out in Schedule “B” attached hereto and forming part of this Bylaw; or
 - (c) Where no specific penalty is specified, a penalty to be imposed in the discretion of the Court having jurisdiction, having regard to s. 7(i) of the *Municipal Government Act*, R.S.A. 2000, c. M-26.
46. A Peace Officer or an Animal Control Officer is hereby authorized and empowered to issue a Municipal Violation Ticket to any person who they have reasonable and probable grounds to believe has contravened any provision of this Bylaw.
47. Where a Municipal Violation Ticket is issued pursuant to this Bylaw, the Person to whom the Municipal Violation Ticket is issued may, in lieu of being prosecuted for the offence, pay the Town the penalty specified on the Municipal Violation Ticket.
48. If the penalty specified on the Municipal Violation Ticket is not paid within the prescribed time period then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*.
49. Notwithstanding s. 48 of this Bylaw, a Peace Officer or Animal Control Officer is authorized and empowered to immediately issue a Violation Ticket pursuant to the *Provincial Offences Procedures Act* R.S.A 2000 c. P-34, as amended, to any person who the Peace Officer has reasonable grounds to believe has contravened any provisions of this Bylaw.
50. A Provincial Court Judge, in addition to the other penalties provided for in this Bylaw, may if he or she considers the offence sufficiently serious, direct or order the Owner to prevent such Dog from doing mischief or causing a disturbance or a nuisance, or to order that the animal be removed from the Town, or order that the animal be destroyed.
51. Nothing in this Bylaw shall prevent a Peace Officer from issuing a Violation Ticket for a mandatory court appearance to any person who contravened any provision of this Bylaw.

52. No person shall:

- (a) Interfere with or attempt to obstruct a Peace Officer or Animal Control Officer who is attempting to capture, or who has captured, any Dog in accordance with the provision of this Bylaw;
- (b) Induce any Dog to enter a house or other place where it may be safe from capture, or otherwise assist the Dog to escape capture;
- (c) Falsely represent themselves as being in charge or in control of a Dog in an attempt to establish that the Dog is not running At Large;
- (d) Unlock or unlatch or otherwise open the truck or vehicle in which a captured Dog has been placed so as to allow or attempt to allow any Dog to escape;
- (e) Falsely represent themselves as being or not being the Owner of a Dog in order to attempt to avoid a fine or obtain a lesser fine;
- (f) Interfere with the issuance of a Violation Ticket or Municipal Violation Tag for a breach of any of the provisions of this Bylaw by the Animal Control Officer or Peace Officer.

53. A Peace Officer is authorized to enter and make contact with the occupant of, at any reasonable time, any property, public land, private lands or buildings, to inspect for conditions that may constitute a contravention or for animals that fail to comply with the provisions of this Bylaw and such Peace Officer may order the Owner or Occupant thereof to remedy any condition which is deemed to be in contravention of this Bylaw.

PART 10 – DOG OWNER PERSONAL LIABILITY INSURANCE

54. An Owner of a Dog which has been designated as a Dangerous Dog pursuant to section 2(g) shall maintain in force a policy of liability insurance in a form satisfactory to the Chief Administrative Officer providing third party liability coverage of a minimum amount of \$1,000,000.00 (one million dollars) with the Town named as a co-insured, for injuries caused by the Owner's Dog, and shall present proof of such insurance when purchasing a Licence for the Dangerous Dog

55. Such liability policy required in section 54 shall contain a provision requiring the insurer to immediately notify the Chief Administrative Officer in writing should the policy expire or be cancelled or terminated.

PART 11 - SEVERABILITY

56. If, at any time, any provision of this Bylaw is declared or held to be illegal, invalid, or *ultra vires*, in whole or in part, then the provision shall not apply and the remainder of this bylaw shall continue in full force and effect and be construed as if it had been enacted without the illegal, invalid or ultra vires provision.

PART 12 – REPEAL

57. The Town of Swan Hills Bylaw #2013-01 and any amendment thereto shall be repealed upon passage of this Bylaw.


PART 13 – EFFECTIVE DATE

58. This Bylaw shall come into full force and effect on the third and final reading.

BY-LAW NO. 2013-01 IS HEREBY GIVEN FIRST READING THIS 12 DAY
OF November, 2015

BY-LAW NO. 2013- 01 IS HEREBY GIVEN SECOND READING THIS 12 DAY
OF November, 2015

BY-LAW NO. 2013-01 IS HEREBY GIVEN THIRD READING AND PASSED THIS 12
DAY OF November, 2015



MAYOR



CHIEF ADMINISTRATIVE OFFICER

SCHEDULE "A"
LICENCE AND SERVICE FEES
ANIMAL CONTROL BYLAW # 2015-11

| | |
|--|--|
| Annual Dog Licence – Un-neutered | \$40.00 |
| Annual Dog Licence - Neutered | \$20.00 |
| Annual Dog Licence – Dangerous Dog | \$100.00 |
| Annual Dog Licence fees shall be reduced to 50% of the Original fee if purchased Between September 01 and December 31 Of the current Licence Year for First Time/New Licence Purchases only, this does not include Dangerous Dogs. | |
| Replacement of Lost Licence Tag | \$5.00 |
| Annual Kennel Business Licence Fee | as per the Town of Swan Hills Business Licence By-law |
| Owner Surrender or Request to destroy Dog | \$100.00 |
| Impoundment Fee | \$25.00 per day per animal |

SCHEDULE "B"**SPECIFIED PENALTIES
ANIMAL CONTROL BYLAW # 2015-11**

| Section | Offence | Penalty |
|----------------|---|----------------|
| 4 | Fail to obtain a Dog Licence | \$100.00 |
| 4(b) | Fail to renew Dog Licence | \$100.00 |
| 5 | Operate a Kennel without a permit | \$200.00 |
| 5 | Fail to abide by Permit conditions | \$200.00 |
| 6 | Have more than three Dogs in a premises | \$200.00 |
| 11 | Fail to securely fasten a Dog Tag to a Dog | \$100.00 |
| 12 | Fail to replace lost Dog Tag | \$100.00 |
| 15 | Allow a Dog to run At Large | \$100.00 |
| 16 | Allow a Dog/Domestic Animal to defecate on public/private property | \$100.00 |
| 16(2) | Fail to immediately remove defecation from public/private property | \$100.00 |
| 16(3) | Fail to remove defecation upon notice to remove | \$100.00 |
| 17(1) | Permit a Dog to bark or howl excessively | \$200.00 |
| 18 | Permit a Dog to damage public or private property | \$200.00 |
| 19(a) | Permit a Dog to be a public nuisance - biting/attempting to bite/chase people | \$500.00 |
| 19(b) | Permit a Dog to be a public nuisance - chasing bicycles or automobiles | \$200.00 |
| 19(c) | Permit a Dog to be a public nuisance - harm or damage another animal | \$300.00 |
| 21 | Fail to comply with a Dangerous Dog condition | \$800.00 |
| 22 | Fail to report a Dog bite | \$400.00 |
| 24 | Unlawfully keep a Domestic Animal | \$200.00 |
| 25 | Negligently allow a Dog/Domestic Animal to run at large | \$200.00 |
| 26 | Tease, torment, annoy, harm or willfully neglect a Dog/Domestic Animal | \$400.00 |
| 37 | Remove/attempt to remove a Dog from the Pound without consent | \$800.00 |
| 52 | Interfere with/attempt to obstruct a Peace Officer/Animal Control Officer | \$400.00 |