

BY-LAW NO. 753-03

A BY-LAW OF THE TOWN OF OYEN, in the Province of Alberta, Regulating and confinement of certain Animals.

WHEREAS, by virtue of the power conferred on it by the Municipal Government Act, R.S.A. 2000, C M-26.1, as amended, the Council of the Town of Oyen, in the Province of Alberta, duly assembled, enacts as follows:

SECTION 1. – SHORT TITLE

1.1 This By-Law may be cited as the “Animal Control By-Law” of the Town of Oyen.

SECTION 2 – DEFINITIONS

2.1 “**Animal**” means any vertebrate, but excluding the following:

- a) humans and fish;
- b) a wildlife animal as defined in the Wildlife Act, R.S.A. 2000 C. W-10 and which is held live under a permit issued pursuant to the Wildlife Act or the keeping of which is otherwise subject to permit requirements under the Wildlife Act;
- c) the following organisms, commonly used as domestic pets: hamsters, rabbits, domestic mice, birds, fish;

2.2 “**At Large**” means where an Animal is at any place other than the Owner’s Property of Permitted Property and is not being carried by any person or is not otherwise restrained by a Permitted Leash held by a person, and that Permitted Leash is attached to a choke chain, collar or harness securely holding that Animal. If it is difficult for a person to restrain the Animal by a Permitted Leash, then the Animal shall be deemed to be “At Large” notwithstanding the presence of a Permitted Leash.

2.3 “**Controlled Confinement**” means the confinement of an Animal in a pen, cage or building or securely tethered in a manner that will not allow the Animal to bite, harm or harass any person or animal.

2.4 “**Damage to Property**” means damage to property other than the Owner’s Property, and includes defecating or urinating on such property.

2.5 “**Animal Control Officer**” means a By-Law Enforcement Officer appointed by the Municipality to do any act or perform any duties under this By-Law and includes a member of the Royal Canadian Mounted Police, an independent contractor who is under contract with the Municipality to provide a bylaw enforcement services and, when authorized, a Special Constable.

2.6 “**License**” means an Animal License issued by the Municipality in accordance with the provisions of this By-Law.

2.7 “**License Fee**” means the applicable annual fee payable in respect of a License for any particular Animal as set out in Schedule “A” of this By-Law.

2.8 “**License Tag**” means an identification tag issued by the Municipality showing the license number for a specific Animal.

2.9 “**Municipality**” means the Town of Oyen.

2.10 “**Owner**” means:

- a) a person who has the care, charge, custody, possession or control of an Animal;
- b) a person who owns or who claims any proprietary interest in an Animal;
- c) a person who harbours, suffers or permits an Animal to be present on any property owned, occupied or leased by him, or which is otherwise under his control;
- d) a person who claims to and receives an Animal from the custody of the Animal Shelter or an Animal Control Officer; or
 - a. a person to whom a License Tag was issued for an Animal in accordance with this By-law;
 - b. and for the purposes of this By-Law an Animal may have more than one (1) owner.

2.11 "**Owners Property**" means any property in which the Owner of an Animal has a legal or equitable interest or over which the Owner of an Animal has been given the control or use of, by the legal or equitable owner of the property, and which property shall include, without limiting the generality of the foregoing, land, buildings and vehicles.

2.12 "**Permitted Leash**" means a leash adequate to control the Animal to which it is attached, and which leash shall not exceed three (3) metres in length.

2.13 "**Permitted Property**" means private property upon which the Owner of an Animal has the express permission of the owner of that property to allow the Owner's Animal to be a At Large there

2.14 "**Serious Wound**" means an injury to a human or animal resulting from the action of an Animal which causes the skin to be broken or flesh to be torn.

2.15 "**Animal Shelter**" means premises designated by the Municipality for the impoundment and care of Animals and includes premises supplied by an independent contractor under contract with the Municipality to provide such premises.

2.16 "**Violation Ticket**" means a ticket issued pursuant to Part 2 of the Provincial Offenses Procedure Act, R. S.A. 2000, c. P-34, as amended, and Regulations thereunder.

SECTION 3. - LICENSING PROVISIONS

3.1 Every person who is the Owner of an Animal which is three (3) months of age or older, shall apply for a License for that Animal by submitting an application to the Municipality's Office, and, if the application is approved, by paying the applicable License Fee as set out in Schedule "A" of this By-law. The Owner shall pay the License Fee by January 31st of each year. If the:

a) Animal reaches the age of three (3) months after January 31st;

b) the person becomes the Owner of that Animal after January 31st;
or

- a. the Owner takes up residence in the Municipality after January 31st;
b. the Owner shall apply for the License within seven days (7) of that time.

3.2 An Owner of an Animal which is unlicensed, and which is required to be licensed pursuant to this Bylaw is guilty of an offence.

3.3 An Owner shall provide with each application for a License the information as may be required by the Municipality or the Animal Control Officer.

3.4 Any person who provides the Municipality with false or misleading information with respect to the information required in section 3.3 of this By-law is guilty of an offence.

3.5 A License issued under this By-law shall not be transferable from one Animal to another, nor from one Owner to another.

3.6 If the application is approved, and the required License Fee is paid, the Owner will be supplied with a License Tag, which shall have a number registered to that Animal.

3.7 An Owner shall ensure that the License Tag is securely fastened to a choke chain, collar or harness worn by the Animal, with the License Tag to be worn by the Animal at all times when the Animal is on property other than the Owner's Property, unless it is not possible to securely fasten the License Tag (directly or indirectly) to the Animal.

3.8 An Owner of a licensed Animal is guilty of an offence if that Animal is not wearing a License Tag while that Animal is on property other than the Owner's Property unless it is not possible to securely fasten the License Tag (directly or indirectly) to the Animal.

3.9 No person is entitled to a refund or a rebate for any License Fee.

3.10 Every License shall expire on December 31st in the year in which it was issued.

3.11 The Animal Control Officer shall consider all applications for Licenses and may, in his or her discretion:

(a) require the applicant to submit such information as the Animal Control Officer deems appropriate, including information respecting the Animal, proposed Controlled Confinement of the Animal, the lands where the Animal is to be kept, availability and nature of insurance, a site plan of the lands, and the number of Animals to be kept;

(b) reject the application; or

(c) approve the application, with or without any conditions relevant to the presence of the Animal(s) at the lands.

3.12 The Animal Control Officer may revoke a License if:

(a) the applicant fails to comply with the conditions of the License;

(b) the License was issued on the basis of incorrect information or misrepresentation by the applicant;

(c) the License was issued in error;

(d) the Owner breaches a provision of this Bylaw.

SECTION 4. - ANIMAL CONTROL PROVISIONS

4.1 An Owner whose Animal is At Large is guilty of an offence.

4.2 An Owner whose Animal barks or howls or makes another noise thereby disturbing the quiet or repose of any person is guilty of an offence.

4.3 An Owner whose Animal has caused Damage to Property within the Municipality is guilty of an offence;

4.4 The Municipality may post signs in areas where Animals are not permitted, and an Owner whose Animal is in an area where a sign prohibits the presence of Animals, is guilty of an offence regardless of whether or not such Animal is At Large.

4.5 An Owner of a Animal is guilty of an Offence if such Animal:

(a) bites, attacks, threatens, harasses, barks at, chases, kills, or injures any person including, but not limited to, when such person is on bicycle, horse-back or while walking or running;

(b) bites, attacks, threatens, harasses, barks at, chases, kills, or injures any vertebrate or invertebrate belonging to other persons; or

(c) bites, barks at, or chases any vehicle.

4.6 If an Animal defecates on property, the Owner shall cause such defecation to be removed immediately and disposed of in a sanitary manner, and an Owner who fails to do so is guilty of an offence.

4.7 An Owner of a female Animal is guilty of an offence if the Owner of such female Animal does not keep it housed and confined in a building or kennel during the entire period such female Animal is in heat except that the female Animal may be allowed outside any such building or kennel for a reasonable period for the sole purpose of eliminating on the Owner's Property.

4.8 No person shall tease, torment, annoy, abuse or injure any Animal, and any person who does so is guilty of an offence.

4.9 No person shall untie, loosen or otherwise free an Animal, which is not in distress unless such person has the authorization of the Owner, and any person-acting contrary to this section is guilty of an offence.

4.10 No person shall interfere with, hinder or impede an Animal Control Officer in the performance of any duty authorized by this By-law, and any person who does so is guilty of an offence.

SECTION 5. - CONTROLLED CONFINEMENT

5.1 A person who has received a Serious Wound or the Owner of any vertebrate or invertebrate which have received a Serious Wound and the Owner of an Animal which has inflicted the Serious Wound shall promptly report the Animal to an Animal Control Officer who may thereupon place the Animal under Controlled Confinement and the Animal shall not be released from such Controlled Confinement except by written permission of a registered veterinarian. At the discretion of the Animal Control Officer, such Controlled Confinement may be on the premises of the Owner, a registered veterinarian within the Municipality, or the Animal Shelter.

5.2 Upon demand made by the Animal Control Officer, the Owner shall forthwith surrender for quarantine, any Animal which has inflicted a Serious Wound to any person, or any Animal which the Animal Control Officer has reasonable and probable grounds to suspect of having been exposed to rabies. The Animal may be reclaimed by the Owner if:

- (a) adjudged free of rabies;
- a. upon payment of confinement expenses; and
- b. upon compliance with the licensing provisions of this By-law.

However, if the Animal Control Officer determines that a License will not be issued for the Animal, or if there is no License has been issued then the Animal shall be treated pursuant to section 6.3 below.

SECTION 6. - POWERS OF AN ANIMAL CONTROL OFFICER

6.1 An Animal Control Officer is authorized to capture and impound in the Animal Shelter, any Animal that is At Large. The Animal Control Officer is further authorized to take such reasonable measures as are necessary to subdue any Animal, which is At Large, including the use of tranquillizer equipment and materials. If any such Animal is injured, it may be taken to a registered veterinarian for treatment and then to the Animal Shelter.

6.2 An impounded Animal may be kept in the Animal Shelter for a period of ninety-six (96) hours. Sundays and Statutory holidays shall not be included in the computation of the ninety-six (96) hour period. During this period, any Animal may be redeemed by its Owner, except as otherwise provided in this By-law, upon payment to the Municipality or its authorized agent of:

- (a) The appropriate impoundment fee as set out in Schedule "A" of this By-law;
- (b) The appropriate License Fee when the Animal is not licensed; and
- (c) The cost of any veterinary treatment to relieve pain or bleeding of any Animal that is found to be injured when picked up or injured in the process of capture.

However, If no License is issued for the Animal, or the conditions of the License have not been met, the Animal Control Officer is not obliged to release the Animal to the Owner,

6.3 At the expiration of the ninety-six (96) hour period as prescribed in section 6.2 of this By-law, the Animal Control Officer is authorized to:

- (a) Offer the Animal for sale, or for gift;
- (b) Destroy the Animal in a humane manner;
- (c) Allow the Animal to be redeemed by its Owner in accordance with the provisions of Section 6.2, herein; or
- (d) Continue to impound the Animal for an indefinite period of time or for such further period of time as the Animal Control Officer, in his or her discretion, may decide.

SECTION 7. - PENALTIES

7.1 Any person who contravenes any provision of this By-law is guilty of an offence and is liable to a penalty as set out in Schedule "B" of this By-law.

7.2 Notwithstanding Section 7.1 of this By-law, any person who commits a second offence under this By-law within one (1) year of committing the first offence may be liable to a fine of not less than nor more than the sum as set out in Schedule "B" of this By-law, while any person who commits a third or subsequent offence under this By-law within one (1) year of committing the first offence may be liable to a fine of not less than nor more than the sum as set out in Schedule "B" of this By-law.

7.3 Under no circumstance shall any person contravening any provision of this By-law be subject to the penalty of imprisonment.

7.4 Where there has been a breach of this Bylaw, an Animal Control Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part 2 of the Provincial Offenses Procedure Act, R.S.A. 2000, c.P-34, as amended.

SECTION 8. - GENERAL

8.1 This Bylaw shall not apply to:

- a) the animal kept at the * Zoo, or being securely transported within a motor vehicle to or from the * Zoo;
- b) the animals kept at any veterinary clinic, or being securely transported within a motor vehicle to or from a veterinary clinic;

8.2 Should any provision of this By-law be invalid, then such invalid provision may be severed and the remaining By-law shall be maintained.

8.3 An applicant is responsible for and is not excused from ascertaining and complying with the requirements of any Federal Provincial or other Municipal legislation, including the Municipality's Land Use Bylaw. Where the keeping of the Animals would not comply with any Federal, Provincial or other Municipal legislation, the Animal Control Officer may refuse to issue a License.

8.4 This By-law shall come into effect on the third and final reading, and shall apply to notwithstanding the presence of the Animal in the Municipality prior to that date.

8.5 By-Law No. 568 is hereby repealed.

Read a first time this 2nd day of September, 2003.

MAYOR

MUNICIPAL ADMINISTRATOR

Read a second time this 23rd day of September, 2003.

Read a third time this 23rd day of September, 2003

MAYOR

MUNICIPAL ADMINISTRATOR

SCHEDULE "A"

FEES

1. License Fee for each Animal: \$20.00

NOTE: The prorating of License Fees may be applied for #1 as set out in #2 below.

2. Applications for Licenses made between:

(a) January 1 and August 31 in any given year shall be subject to the complete License Fee as set out in #1 above.

(b) September 1 and December 31 in any given year may be subject to a charge of one-half (1/2) of the complete License Fee set out in #1 above.

3. Impoundment Fees:

Those charges rendered by the veterinarian that impounds the animal, or if a veterinarian is not used, the same charges as would be charged by a veterinarian in the locale of the Municipality's Offices for similar services.

SCHEDULE "B"

PENALTIES

Section Number	Offence (Description)	Violation Ticket Penalties
3.2	Owner of an unlicensed Animal	\$100.00
3.4	Providing false or misleading information	\$50.00
3.8	Owner of a licensed Animal not wearing License Tag while off the Owner's Property	\$50.00
3.13	Owner of three (3) or more Animals without a valid Animal Raiser's License	\$100.00
4.1	Owner of an Animal At Large:	
	(a) Unlicensed Animal:	\$200.00
	(b) Licensed Animal:	\$100.00

4.2	Owner of an Animal which barks or howls or makes another noise thereby disturbing the quiet or repose of any person	\$50.00
4.3	Owner of an Animal which causes Damage to Property	\$50.00
4.4	Owner of a Animal which is present in an area where the presence of Animals is prohibited by sign	\$50.00
4.5(a)	Owner of an Animal which bites, attacks, threatens, harassed, barks at, chases, kills, or injures any person	\$250.00
4.5(b)	Owner of an Animal which bites, attacks, threatens, harasses, barks at, chases, kills, or injures any livestock, poultry or pets belonging to other persons	\$125.00
4.5(c)	Owner of an Animal which bites, barks at, or chases any vehicle	\$100.00
4.6	Failure of Owner to remove defecation immediately from property which is not the Owner's property	\$50.00
4.7	Failure of Owner to keep a female Animal in heat housed and confined to building or kennel	\$100.00
4.8	Teasing, tormenting, annoying, abusing, or injuring any Animal	\$250.00
4.9	Untying, loosening or otherwise freeing an Animal without the Owner's authorization	\$100.00

4.10	Interfering with, impeding or hindering an Animal Control Officer's enforcement of this By-law	\$250.00
7.2	Second offence within one year of the first offence	Double the amount of the specified penalty prescribed for a first offence
7.2	Third or subsequent offence within one year of the first offence	Triple the amount of the specified penalty prescribed for a first offence
_____	An offence for which a penalty is not otherwise provided in Schedule "B" of this By-law	\$50.00