

BYLAW #1237/11
of the
TOWN OF NANTON

**A BYLAW OF THE MUNICIPALITY OF THE TOWN OF NANTON IN THE PROVINCE OF ALBERTA
RELATING TO THE REGULATION AND KEEPING OF DOGS AND OTHER DOMESTIC ANIMALS WITHIN
THE TOWN OF NANTON.**

1. ENACTMENT:

- 1.1 WHEREAS it is deemed necessary that the Council of the Town of Nanton provide for the control of domestic animals and wildlife within the Corporate Limits of the Town of Nanton, and
- 1.2 WHEREAS Sections 7(h) and 7(i) of the Municipal Government Act, being Chapter M-26.1 of the Revised Statutes of Alberta, 2000, and amendments thereto, authorizes a municipality to pass bylaws respecting Wild and Domestic Animals, activities in relation to these animals and the enforcement of such bylaws;
- 1.3 NOW THEREFORE, the Council of the Municipality of the Town of Nanton in the Province of Alberta duly assembled enacts as follows:

2. INTERPRETATION:

- 2.1 This bylaw will be cited as the "Animal Control Bylaw".
- 2.2 "Animal Control Officer" is any person, firm, corporation, Bylaw Officer or Peace Officer or RCMP Officer appointed to carry out the provisions of this bylaw, or anyone authorized by the Animal Control Officer to act on his behalf.
- 2.3 "Animal Shelter" is any facility for the impounding of domestic animals that the Town shall provide or designate as such.
- 2.4 "Brand Inspector" is a person designated or appointed to enforce the provisions of the Brand Act, the Livestock Identification and Brand Inspection Act, the Livestock and Livestock Products Act and the Stray Animals Act.
- 2.5 "Business Day" is any day of the week, excluding Saturday, Sunday or holidays.
- 2.6 "Bylaw" is the Town of Nanton Animal Control Bylaw.
- 2.7 "CAO" is the Chief Administrative Officer for the Town of Nanton.
- 2.8 "Council" is the Council of the Town of Nanton in the Province of Alberta.
- 2.9 "Domestic Animal" is and includes any dog, cat or any animal reclaimed from a wild state and adapted to live with man, not including "livestock" and "poultry" as defined herein.
- 2.10 "Dog" is any dog, bitch, spayed bitch or neutered male.
- 2.11 "Former Owner" is the person, who, at the time of impoundment, was the owner of an animal, including domestic, livestock and poultry which has subsequently been sold, given away or destroyed.

- 2.12 "License Officer" is any person, firm or corporation appointed to process dog registrations, maintain records and collect fees pursuant to the provisions of this bylaw.
- 2.13 "Livestock" is and includes horses, cattle, sheep, swine, donkeys, goats, rabbits and fur-bearing animals raised in captivity.
- 2.14 "Minor" is a person under the age of 18 years.
- 2.15 "Off Leash Area" is an area designed by signs posted pursuant to Section 5.7 of this bylaw, where dogs are permitted to be off leash, but under control of the owner at all times.
- 2.16 "Owner" is the person who has legal title to an Animal, including domestic, livestock and poultry, and also includes any person who has the possession or custody of the animal, or harbors the animal, or permits the animal to remain on his property.
- 2.17 "Peace Officer" means any person appointed as a Peace Officer under another enactment who is designated by the regulations as a Peace Officer to whom all or part of the Province of Alberta Peace Officer Act and regulations apply.
- 2.18 "Poultry" is and includes chickens, turkey, geese, pigeons, ducks, and ornamental birds.
- 2.19 "Register" is to register with the Town of Nanton.
- 2.20 "Registered Service Dog" means a dog that is specially trained to assist individuals with disabilities with everyday activities and is registered with the Government of Alberta under the Service Dogs Act.
- 2.21 "Running at Large" is a Dog within the meaning of this bylaw that is off the premises of its owner or the person in possession thereof and not under the immediate and continuous control of a person capable of effectively controlling it.
- 2.22 "Sterilized" is any female domestic animal that has been spayed or any male domestic animal that has been neutered.
- 2.23 "Tag" is a device as approved and issued by the Town showing that a license fee has been paid for the dog wearing it for the year it was issued.
- 2.24 "Town" is the Municipal Corporation of the Town of Nanton, in the Province of Alberta.
- 2.25 "Vicious" means a domestic animal, whatever its age, whether on public or private property, which;
- 2.25.1 shows a propensity, disposition or potential to attack or injure, without provocation, humans or other animals and;
 - 2.25.2 is a continuing threat of serious harm to humans or other animals or;
 - 2.25.3 without provocation, chases any person in a threatening manner or,
 - 2.25.4 has inflicted a wound upon a human or upon a domestic animal without provocation or;
 - 2.25.5 is deemed to be dangerous by a Justice under the provisions of the Dangerous Dogs Act., R.S.A. 2000, Chapter D-3 and amendments thereto;
- 2.26 "Violation Ticket" is a ticket issued pursuant to Part 2 of the Provincial Offences Procedure Act, R.S.A. 1988, c. P-21.5, as amended, and Regulations there under.
- 2.27 "Wildlife" is and includes big game, game birds, birds of prey, fur bearing animals, fur bearing carnivores and any other species of vertebrates designated wildlife by the Wildlife Act and the Regulations passed pursuant thereto.

3. APPLICATION:

- 3.1 The provisions of this bylaw apply to any domestic animal.
- 3.2 No person will have or keep wildlife within the Town of Nanton.
- 3.3 No person will keep livestock or poultry within the Town of Nanton, other than one pet rabbit per household.
- 3.4 Notwithstanding Section 3.3., livestock or poultry may be kept within the following locations:
- 3.4.1 Those areas of the Town of Nanton which are classified as agricultural operations in compliance with the requirements of the Land Use Bylaw.
 - 3.4.2 Exhibition grounds;
 - 3.4.3 Pet shops; or
 - 3.4.4 Veterinary clinics or hospitals.
- 3.5 Where livestock trespasses within the Town of Nanton on any:
- 3.5.1 public lands owned by the Town, including highways;
 - 3.5.2 public lands owned by the Crown; or
 - 3.5.3 lands privately owned without the consent of the owner of those lands;
- while the livestock are on such lands, an animal control officer may capture and confine such livestock.
- 3.6 When branded livestock has been captured and secured pursuant to Item 3.5., the animal control officer will report the capture and relinquish responsibility for the livestock to a Brand Inspector.
- 3.7 The owner of a dog must apply to the Town of Nanton for an annual license for such dog, and must pay therefore an annual fee as set out in Schedule 'B'. On payment of the license fee, the Town of Nanton will register the dog for that calendar year. Registered Service Dogs must be licensed; however, they will be exempt from the annual fee.
- 3.8 The owner of every dog must obtain an annual license pursuant to Section 3.7 on or before the 31st day of January in each calendar year. The owner of all dogs newly acquired or an owner that takes up residence in the Town after January 31st, or owner of dogs that attain the age of three months after January 31st must obtain a license within seven (7) days following such an event.
- 3.9 Every owner must provide his dog with a collar to which the owner must affix the tag obtained for such dog and the owner must ensure that the collar and tag are worn by his dog during those occasions when the dog is not on the owner's premises.
- 3.10 In case a tag is lost or destroyed, a replacement tag may be issued by the Town of Nanton upon proof of prior payment of the license fee for the current dog license year and upon payment of the fee as per Schedule 'B'.
- 3.11 Tags may be transferable from one dog to another at the discretion of the Animal Control Officer or License Officer
- 3.12 No refunds will be made for any license fee.
- 3.13 Where a license required, pursuant to this bylaw, has been paid by the tender of an uncertified cheque, the license is issued subject to the cheque being accepted and cashed by the bank without any mention of this condition being made on the license, and is automatically revoked if the cheque is not accepted and cashed by the bank on which it is issued.

- 3.14 ~~In any prosecution or proceeding for a contravention of this bylaw, the burden of proof relating to the age of the dog will be upon the owner and unless the contrary is proven, the dog will be presumed to have attained the age of three months at the time relevant to the charge.~~ Any dog that appears to be over three (3) months of age is required to be licensed pursuant to the provisions of this bylaw, unless the owner of the dog can establish that the dog is less than three (3) months of age to the satisfaction of the Bylaw Enforcement Officer or the Town. (replaced by Resolution # 359 – 11/11/07)
- 3.15 The maximum number of dogs in a single-family dwelling or household will be restricted to three (3) dogs over the age of three months.
- 3.16 The Town of Nanton will establish such number of Animal Shelters and appoint such Animal Control Officers as deemed necessary by the town to provide reasonable facilities for the impounding of dogs running at large.
- 3.17 The owner of a dog must ensure that such dog is not running at large by:
- 3.17.1 securing the dog so that it would not be able to leave the premises of the owner, or
 - 3.17.2 ensuring that the dog is on a leash or adequately controlled at all times that it is off the owner's premises.
- 3.18 Where a dog is found to be running at large, the owner thereof will be deemed to have failed or refused to comply with the requirements of Section 3.17.
- 3.19 The owner of a female dog that is in heat must ensure that such female dog is not allowed in any location where it is a source of attraction for other dogs.
- 3.20 The owner of a dog that defecates on property, other than his own, must remove, forthwith, any defecated material deposited.
- 3.21 If an owner of a dog is on any public place or property other than the property of its owner, the owner shall have in his possession a suitable means of facilitating the removal of the dog's feces.
- 3.22 The owner of a dog must ensure that such dog will not become a public nuisance by:
- 3.22.1 molesting or in any way causing physical harm to pedestrians upon the streets, highways, parks or other public places in the Town; or
 - 3.22.2 chasing any other domestic animal, bicycles, automobiles or other vehicles upon the streets, highways, parks or other public places in the Town; or
 - 3.22.3 barking, howling for an unreasonable amount of time or otherwise disturbing neighbors or the community at large; or
 - 3.22.4 causing damage to property or other domestic animals; or
 - 3.22.5 upsetting waste receptacles, scattering the contents in or about the streets, highways, lanes or other public places in the Town;
 - 3.22.6 entering flowerbeds of any park or public place in the Town;
 - 3.22.7 entering a pool or other body of water located in a public place in the Town.
 - 3.22.8 chase or otherwise threaten a person whether on the property of the owner or not, unless the person being chased or threatened is a trespasser on the property of the owner.
- 3.23 The owner of a domestic animal which is suffering from a communicable disease must:
- 3.23.1 not permit such domestic animal to be in any public place;
 - 3.23.2 not keep such animal in contact with or in proximity to any other animal which is free of such disease;
 - 3.23.3 keep the animal locked or tied up;
 - 3.23.4 immediately report the matter to the Health and Animals Branch of the local office of the Federal Department of Agriculture and the Town's Animal Control Officer.

- 3.24 The owner of any domestic animal must not allow such domestic animal to bite or injure any person or domestic animal.
- 3.25 The owner of a vicious dog shall ensure:
- 3.25.1 That such dog does not:
- a) chase a person;
 - b) injure a person;
 - c) bite a person;
 - d) chase other domestic animals;
 - e) injure other domestic animals; or
 - f) bite other domestic animals.
- 3.25.2 That when such dog is on the property of the owner:
- a) either such dog is confined indoors and under the control of a person over the age of eighteen (18) years, or
 - b) when the dog is outdoors, it is in a locked pen or other structure constructed to prevent the escape of the vicious dog and capable of preventing the entry of any person not in control of the dog, or
 - c) the locked pen or other structure 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;
 - d) the locked pen or other structure shall provide the vicious dog with shelter from the elements and 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;
 - e) the locked pen or other structure shall not be within one (1) metre of the property line or within five (5) metres of a neighbouring dwelling unit.
- 3.25.3 That at all times, when off the property of the owner, such dog 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 domestic 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.
- 3.25.4 That such dog is not running at large.
- 3.26 The owner of a vicious dog shall:
- 3.26.1 obtain a vicious dog license on or before the fifth day on which the Town office is open for business after the dog has been declared as vicious by the Provincial Court;
 - 3.26.2 thereafter obtain the annual license for the vicious dog on such day specified in SCHEDULE "B";
 - 3.26.3 notify the Animal Control Officer should the dog be sold, gifted, or transferred or deceased;
 - 3.26.4 remain liable for the actions of the dog until formal notification of sale, gift or transfer is given to the Animal Control Officer; and
 - 3.26.5 notify the Animal Control Officer if the dog is running at large;
- 3.27 The owner of the dog alleged to be vicious shall be provided notice of the hearing for the said determination by the Provincial Court at least ten (10) business days before the date of the hearing.
- 3.28 Until a Provincial Court hearing is conducted, the alleged dog will be deemed vicious by the Peace Officer and must comply with section 3.25.

- 3.29 Upon application, if it appears to the Court that the dog should be declared to be a vicious dog, the Court ~~shall~~ may (Res#359-11/11/07) make an order in a summary way declaring the dog to be a vicious dog.
- 3.30 No person will interfere with or attempt to obstruct an Animal Control Officer, Peace Officer or License Officer who is attempting to capture, or who has captured any domestic animal in accordance with the provisions of this bylaw, or
- 3.30.1 induce any domestic animal to enter a house or other place where it may be safe from capture, or otherwise assist the domestic animal to escape capture; or
 - 3.30.2 falsely represent himself as being in charge or control of a domestic animal so as to establish that the animal is not running at large; or
 - 3.30.3 unlock or unlatch or otherwise open the vehicle in which animals are kept for impoundment or attempt to allow any domestic animal to escape there from, or
 - 3.30.4 remove or attempt to remove any domestic animal from the possession of the Animal Control Officer, or his designate.
- 3.31 No person will untie, loosen or otherwise free a domestic animal that has been tied or otherwise restrained.
- 3.32 No person will negligently or willfully open a gate, door or other opening in a fence or enclosure in which a domestic animal has been confined and thereby allow the domestic animal to run at large within the Town.
- 3.33 No person will tease, torment or annoy a domestic animal.

4. ANIMAL CONTROL OFFICER / LICENSE OFFICER:

- 4.1 The Animal Control Officer, or his designate, will carry out the powers, duties and functions as set out in Schedule 'A'.
- 4.2 The License Officer, or his designate, will carry out the powers, duties and functions as set out in Schedule 'A'.

5. ENFORCEMENT:

- 5.1 The Animal Control Officer, or Peace Officer may capture and impound any dog that
- 5.1.1 is running at large;
 - 5.1.2 bites any person;
 - 5.1.3 is a public nuisance pursuant to Section 3.22;
 - 5.1.4 is actually or apparently over the age of three (3) months and for which no current license has been issued pursuant to the provisions of this bylaw;
 - 5.1.5 is required to be impounded pursuant to the provisions of any Statute of Canada, of the Province of Alberta or any regulation made hereunder.
- 5.2 The Animal Control Officer, or Peace Officer may enter onto (inserted by Res#359-11/11/07) any privately owned premises, provided, however, that in this Section the word "premises" does not include a building, as is required to enforce the provisions of this bylaw.
- 5.3 If the Animal Control Officer knows or can ascertain the name of the owner of any impounded dog, he will attempt to locate and advise the owner of the impoundment.

- 5.4 The owner of any healthy impounded dog may reclaim the domestic animal from the animal shelter by paying the fees as set out in Schedule 'B' of this bylaw and by obtaining the annual license for any dog that is not licensed pursuant to the provisions of this bylaw.
- 5.5 Unclaimed dogs that have been impounded pursuant to the provisions of this bylaw may be, given away, sold, destroyed or taken to a licensed animal rescue or shelter at the expiration of a seventy-two (72) hour period from the time a domestic animal was first impounded. For the purpose of calculating the seventy-two (72) hour period of the impoundment, the date of the impoundment will be included; however, Saturdays, Sundays and Statutory Holidays will be excluded.
- 5.6 The Animal Control Officer may retain a dog for a longer period if, in his opinion, the circumstances warrant the expense.
- 5.7 The CAO may designate a portion of Nanton as an "off leash area".
- 5.8 The purchaser of a dog from the animal shelter pursuant to the provisions of this bylaw will obtain full right and title to it and the right and title of the former owner to the domestic animal will cease thereupon.
- 5.09 Any person desiring to purchase an impounded dog from the Town of Nanton must pay the license fee as set out in Schedule "B", for the dog. In addition to the license fee, the adoption fee, as set out in Schedule "B" must also be paid to the Town.
- 5.10 No impounded dog will be given away or sold by the Animal Control Officer
- 5.10.1 to any resident of the Town until a license has first been purchased for the dog by the resident; or
- 5.10.2 to any non-resident of the Town until they have completed an Affidavit of Non-Residence as per Schedule 'D'.
- 5.11 Where an Animal Control Officer or Peace Officer believes that any person has contravened any provision of this bylaw, he may serve upon such person a violation ticket.
- 5.12 A Violation Ticket will be deemed to have been sufficiently served
- 5.12.1 if served personally on the accused; or
- 5.12.2 if sent by registered mail; or
- 5.12.3 if left at the accused's usual place of abode with an inmate thereof who appeared to be at least eighteen (18) years of age or over; or
- 5.13 All Violation Tickets issued must contain the section of the bylaw which was contravened, provide for a voluntary payment amount pursuant to the provisions of this bylaw, and/or provide for a date, time and location for an appearance in Court should the accused exercise his right to defend any charge(s) pursuant to the provisions of this bylaw.
- 5.14 Any person or owner who commits a contravention of any of the provisions of this bylaw will be liable upon summary conviction by any Court of competent jurisdiction, to a fine not exceeding two thousand five hundred (\$2 500.00) dollars and costs and in default of payment to imprisonment for a period not exceeding ninety (90) days.

6. EFFECTIVE DATE AND READINGS:

6.1 Town of Nanton Bylaws #1100/00 and 1141/03 are hereby repealed.

6.2 This Bylaw will become effective upon final reading thereof.

6.3 Read a first time this _____ day of _____, A.D., 2011

TOWN OF NANTON

CHIEF ELECTED OFFICIAL

CHIEF ADMINISTRATIVE OFFICER

6.4 Read a second time this _____ day of _____, A.D., 2011

TOWN OF NANTON

CHIEF ELECTED OFFICIAL

CHIEF ADMINISTRATIVE OFFICER

6.5 Read a third time and finally passed this _____ day of _____, A.D., 2011

TOWN OF NANTON

CHIEF ELECTED OFFICIAL

CHIEF ADMINISTRATIVE OFFICER

SCHEDULE 'A'**Animal Control Officer and License Officer****ANIMAL CONTROL OFFICER:**

The Animal Control Officer, or his designate, will be responsible for the enforcement of the provisions of this bylaw.

The Animal Control Officer, or his designate, will:

- Respond to and investigate complaints made regarding any contraventions of this bylaw.
- Capture and impound all domestic animals he deems required to be impounded pursuant to the provisions of this bylaw, any Statute of Canada or the Province of Alberta, or of any regulations made hereunder.
- Maintain adequate records of complaints and/ or contraventions of this bylaw or the Dangerous Dogs Act, including details of any subsequent investigation and / or action taken with respect to such investigation.
- Maintain adequate records relating to impounded domestic animals and the disposition of such animals.
- Maintain general supervision and control of the animal shelter.
- Maintain adequate records with respect to the operation of the animal shelter.
- Provide that the domestic animals impounded in the animal shelter receive adequate care and sufficient food and water.
- Ensure Public Works maintains the animal shelter in a safe and sanitary condition.
- Report any apparent illness, communicable disease, injury or unhealthy condition of any domestic animal impounded in the animal shelter to a veterinarian, should such a condition warrant veterinary attention.
- Perform the duties as described for the License Officer as required.

LICENSE OFFICER:

The License Officer will process dog registrations and maintain records with respect to:

- Name and municipal address of the owner.
- Breed, color, sex and sterilization information for each dog registered.
- Dog tag numbers assigned to each registered dog.

The License Officer will collect:

- All fees for the registration of dogs, purchase of dog fancier's licenses and fees for replacement tags.
- All fees and charges levied pursuant to the provisions of this bylaw for impoundment, care and sustenance, veterinary care and/or euthanasia.

SCHEDULE 'B'

Fee Schedule

DOG LICENSES:

The owner of a dog, male or female, must pay the following annual license fee for each calendar year:

PRIOR TO DEADLINE:

Sterilized - \$20.00
 Unsterilized - \$35.00

Vicious Dog - \$250.00

AFTER DEADLINE:

Sterilized - \$30.00
 Unsterilized - \$45.00

Vicious Dog - \$300.00

Notwithstanding the foregoing, the license fee will be as follows:

After June 30:

Sterilized - \$15.00
 Unsterilized - \$25.00
 Vicious Dog - \$200.00

After September 30:

Sterilized - \$10.00
 Unsterilized - \$20.00
 Vicious Dog - \$100.00

These fees are applicable to those dogs becoming eligible for license by reason of birth date, acquisition by new owners, or owners becoming new residents of the Town of Nanton.

Registered Service Dog - EXEMPT

Replacement Tag - \$ 5.00

MISCELLANEOUS FEES:

Impoundment Fee \$50.00

Impoundment Fee - after
 hours call out \$150.00

Care and Sustenance \$10.00 (for each 24 hours the animal is impounded)

Release outside regular
 Business hours \$50.00

Veterinary Fees \$ Amount Expended

Euthanasia Fees \$ Amount Expended

Adoption Fee \$50.00

SCHEDULE 'C'**Penalties for Violations**

<u>Section</u>	<u>Violation</u>	<u>1ST Offence</u>	<u>2nd Offence</u>	<u>3rd/Subsequent</u>
3.3	Have livestock or poultry	\$100.00	\$200.00	\$300.00
3.5	Livestock trespassing	\$100.00	\$200.00	\$300.00
3.7	Unlicensed dog	\$100.00	\$200.00	\$300.00
3.9	No tag on collar	\$50.00	\$100.00	\$150.00
3.15	Exceed maximum number of dogs per household	\$100.00	\$200.00	\$300.00
3.17	Running at large	\$100.00	\$200.00	\$300.00
3.19	Female dog a nuisance while in heat	\$50.00	\$100.00	\$150.00
3.20	Defecation	\$200.00	\$300.00	\$500.00
3.21	Failure to provide means For removal of feces	\$100.00	\$200.00	\$300.00
3.22	Public Nuisance	\$100.00	\$200.00	\$300.00
3.23	Communicable disease	\$100.00	\$200.00	\$350.00
3.24	Biting	\$250.00	\$500.00	\$1000.00
3.30	Obstruction	\$200.00	\$400.00	\$250.00
3.32	Free a confined animal	\$100.00	\$200.00	\$300.00
3.33	Torment / tease an animal	\$100.00	\$200.00	\$300.00

Offences will be sequentially designated as 2nd or 3rd/subsequent, if they occur within one year of the first offence.

SCHEDULE 'C', continued**Vicious Dog Penalties**

Section	Violation	1st Offence	2nd Offence	3rd Offence
3.25.1	Chase/Bite/Injure	\$1000.00	\$2000.00	\$3000.00
3.25.2 a)	Not in control by 18 yr old	\$500.00	\$1000.00	\$2000.00
3.25.2 b)	Not in Proper Pen	\$500.00	\$1000.00	\$2000.00
3.25.3 a)	Not Muzzled	\$500.00	\$1000.00	\$2000.00
3.25.3 b)	Lead exceeds one meter	\$500.00	\$1000.00	\$1000.00
3.25.3 c)	Under control of a minor	\$500.00	\$1000.00	\$1000.00
3.25.4	Running at large	\$1000.00	\$2000.00	\$3000.00
3.26.1	Fail to get proper license	\$500.00	\$1000.00	\$2000.00
3.26.5	Fail to notify Town that dog is running at large	\$250.00	\$500.00	\$1000.00

