

BYLAW 815
OF THE
TOWN OF KILLAM
PROVINCE OF ALBERTA

A BY-LAW OF THE TOWN OF KILLAM IN THE PROVINCE OF ALBERTA PROVIDING FOR THE LICENSING AND CONTROLLING OF ANIMALS WITHIN SAID TOWN.

WHEREAS, pursuant to section 7(a) of the Municipal Government Act, a council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property; and

WHERE AS, pursuant to section 7(h) of the Municipal Government Act, a council may pass bylaws for the municipal purposes respecting wild and domestic animals and activities in relation to them; and

WHEREAS, pursuant to section 7(i) of the Municipal Government Act, a council may pass bylaws for municipal purposes respecting the enforcement of bylaws made under the Municipal Government Act or any other enactment including any or all of the matters listed therein; and

WHEREAS, pursuant to section 8 of the Municipal Government Act, a council may in a bylaw:

- a) Regulate or prohibit; and
- b) Provide for a system of licenses, permits, or approval including any or all of the matters listed therein;

NOW THEREFORE the Municipal Council of the Town of Killam duly assembled enacts as follows:

TITLE:

1. This bylaw may be cited as "**ANIMAL LICENSING AND CONTROL BYLAW**" of the Town of Killam.

PART I – PURPOSE, DEFINITIONS AND INTERPRETATION

PURPOSE:

2. The purpose of this bylaw is to establish a system of licensing and control with respect to animals within the Town.

DEFINITIONS:

3. In this bylaw unless the context otherwise requires:
 - (a) "Cat" means any domesticated cat;

- (b) "Dog" means any domesticated dog other than a Restricted Dog;
- (c) "Kitten License" means a License issued for a Cat under the age of 6 months;
- (d) "Large Animal" means any animal other than a human-being, Dog, Restricted Dog or Cat which in the adult form regularly weighs more than 10 kg;
- (e) "License" means a license issued by the Town of Killam in accordance with the provisions of this bylaw.
- (f) "Licensee" Means a person named on a License;
- (g) "Municipal Tag" means a ticket alleging an offence issued pursuant to the authority of a bylaw of the Town;
- (h) "Owner" means:
 - i. Named on a license; or
 - ii. In actual or apparent possession or control of property where an animal apparently resides
- (i) "Peace Officer" has the same meaning as in the Provincial Offences Procedure Act;
- (j) "Puppy License" means a license issued for a Dog or Restricted Dog under the age of 6 months;
- (k) "Restricted Dog" means any dog, of any age:
 - i. That has been convicted under this bylaw of 2 separate minor attacks to either a human being or another animal;
 - ii. That has been convicted under this bylaw of 1 serious dog attack (where injury has occurred) to either a human being or another animal.
- (k) "Town" means the Town of Killam;
- (l) "Town Manager" means the Chief Administrative Officer of the Town or his delegate;
- (m) "Violation ticket" means a ticket issued pursuant to the Provincial Offences Procedure Act, RSA 2000, c.P-34 and regulations there under, as amended or replaced and repealed from time to time.

RULES FOR INTERPRETATION

4. The marginal notes and headings in this bylaw are for reference purposes only.

PART II – LICENSING OF DOGS

REQUIREMENT FOR LICENSE

5. (a) The Owner of a Dog shall obtain a License for the Dog.
- (b) The Owner of a Restricted Dog shall obtain a License for the Restricted Dog.
- (c) This section does not apply to Dogs or Restricted Dogs under the age of 6 months.

PUPPY LICENSE

6. The Owner of Dog or Restricted Dog aged less than 6 months may obtain a Puppy License for the Dog or Restricted Dog by providing the information required by the Town Manager.

APPLICATION

7. Before the issue or renewal of a License pursuant to this Part the Owner must submit to the Town Manager:
 - (a) the License fee as established by this bylaw;
 - (b) any additional information required by the Town Manager;

ISSUE OR RENEWAL

8. The Town Manager may not issue or renew a License pursuant to this Part unless satisfied that:
 - (a) at least one person named on the License is 18 years of age;
 - (b) all applicable fees have been paid; and
 - (c) all required information has been provided.

TERM

9. (a) The Dog License expires December 31 of each given year and must be renewed prior to the end of January the following year.
- (b) The term of a Puppy License expires upon the Dog or Restricted Dog reaching the age of 6 months.

LICENSE FEES

10. (a) The annual License fee for a Dog is set out in Schedule A
- (b) The annual License fee for a Restricted Dog is set out in Schedule A

- (c) There is no fee payable for a Puppy License

PART III – REGULATION OF DOGS

Regulations Applying to all Dogs

EXCESSIVE BARKING

11. (a) The Owner or any other person having care or control of a Dog, or Restricted Dog, shall ensure it does not bark in a manner that is reasonably likely to annoy or disturb the peace of others.
- (b) In determining whether barking is reasonably likely to annoy or disturb the peace of others consideration may be given, but is not limited to the:
- i. Proximity of the property where the Dog or Restricted Dog resides;
 - ii. Duration of the barking;
 - iii. Time of day and day of the week;
 - iv. Nature and use of the surrounding area; and
 - v. Any effect of the barking.

DEFECATION

12. (a) The Owner or any other person having care or control of a Dog or Restricted Dog, shall, forthwith remove any defecation left by it on public property or private property other than that of the Owner.
- (b) The Owner or any other person having care or control of a Dog or Restricted Dog, shall, ensure that defecation apparently left by it on the property of the Owner does not accumulate to such an extent that it is reasonably likely to annoy or pose a health risk to others.

DISPLAY OF LICENSE TAG

13. The Owner or any other person having care or control of a Dog or Restricted Dog, shall, at all times when it is off the property of the Owner, ensure it displays the License tag issued by the Town.

Regulations Applying to Non Restricted Dogs

OFF PROPERTY OF OWNER

14. (a) The Owner or any other person having care or control of a Dog shall, at all times when it is off the property of the Owner have it:

- i. Under control; and
- ii. Held on a leash not exceeding two meters in length

ATTACKS

15. (a) The Owner or any other person having care or control of a Dog shall ensure that it does not:
- i. Damage property;
 - ii. Chase, attack or bite any person or animal;
 - iii. Chase, attack or bite any person or animal causing physical injury
- (b) This section does not apply if the chase, attack, bite or damage is a direct result of the Dog being provoked.

Regulations Applying to Restricted Dogs

INSURANCE

16. The Owner of a Restricted Dog shall have liability insurance specifically covering damages for personal injury caused by the Restricted Dog in an amount not less than one million dollars.

OFF PROPERTY OF OWNER

17. The Owner or any other person having care or control of a Restricted Dog shall, at all times when it is off the property of the owner, have it:
- i. Under control;
 - ii. Muzzled; and
 - iii. Held on a leash not exceeding 2 metres in length.

ON PROPERTY OF OWNER

18. The Owner or any other person having care or control of a Restricted Dog shall, at all times when it is on the property of the owner, have it:
- i. Indoors;
 - ii. Outdoors, secured in a fully enclosed pen; or

- iii. Outdoors, muzzled and secured by a chain fixed to the property that prevents the Restricted Dog from coming closer than 2 metres to the apparent boundary of the property.

ATTACKS

19. (a) The Owner or any other person having care or control of a Restricted Dog shall ensure it does not::
- i. Damage property;
 - ii. Chase, attack or bite any person or animal; or
 - iii. Chase, attack or bite any person or animal causing physical injury.
- (b) This section does not apply if the chase, attack, bite or damage is a direct result of the Restricted Dog being provoked.

PART IV – LICENSING AND REGULATION OF CATS

REQUIREMENT FOR LICENSE

20. (a) The Owner of a Cat shall obtain a License for the Cat.
- (b) This section does not apply to Cats under the age of 6 months.

KITTEN LICENSE

21. The Owner of Cat aged less than 6 months may obtain a Kitten License for the Cat by providing the information required by the Town Manager.

APPLICATION

22. Before the issue or renewal of a License pursuant to this Part the Owner must submit to the Town Manager:
- (a) the License fee as established by this bylaw;
 - (b) any additional information required by the Town Manager;

ISSUE OR RENEWAL

23. The Town Manager may not issue or renew a License pursuant to this Part unless satisfied that:
- (a) at least one person named on the License is 18 years of age;
 - (b) all applicable fees have been paid; and

- (c) all required information has been provided.

TERM

- 24. (a) The Cat License expires December 31 of each given year and must be renewed prior to the end of January the following year.
- (b) The term of a Kitten License expires upon the Cat reaching the age of 6 months.

LICENSE FEES

- 25. (a) The annual License fee for a Cat is set out in Schedule A
- (b) There is no fee payable for a Kitten License

DISPLAY OF LICENSE TAG

- 26. The Owner or any other person having care or control of a Cat, shall, at all times when it is off the property of the Owner, ensure it displays the License tag issued by the Town.

OFF PROPERTY OF OWNER

- 27. (a) The Owner or any other person having care or control of a Cat shall ensure the Cat does not enter onto private property other than that of the Owner.
- (a) This section does not apply if the person on charge of the private property consents to the Cat being there.

PART V – OTHER REGULATIONS

PROHIBITED ANIMALS

- 28. (a) No person shall keep or have any of the following on any premises with a municipal address in the Town:
 - i. A large animal or the young thereof;
 - ii. Poultry;
 - iii. Bees; or
 - iv. Poisonous snakes, reptiles or insects

Unless permission to do so has been granted by the Town Manager.

(b) This section does not apply , other than (a) iv., in the case of premises with a municipal address in the Town on land zoned Agriculture.

LEG HOLD TRAPS

29. (a) Unless otherwise permitted by law no person shall leave a leg hold or foot hold trap in any place where it may reasonable capture any animal.

(b) Unless otherwise permitted by law no person shall capture any animal by means of a leg hold or foot hold trap.

LIMIT ON DOGS, RESTRICTED DOGS AND CATS

30. (a) No person shall keep or have more than three Dogs, Restricted Dogs, or any combination thereof on any premises with a municipal address in the Town.

(b) No person shall keep or have more than four Cats on any premises with a municipal address in the Town.

(c) This section does not apply:

- i. In the case of Dogs, Restricted Dogs or Cats under the age of 6 months;
- ii. If the person has a valid business license to operate a Small Animal Breeding/Boarding Establishment or the General Business of a pet store;
- iii. To any veterinary clinic or hospital;
- iv. In the case of premises with a municipal address in the Town on land zoned Agriculture.

CHANGE OF INFORMATION

31. A licensee shall forthwith notify the Town Manager of any change with respect to any information provided as part of the application for a license pursuant to this Bylaw.

NOTIFICATION OF STRAY

32. A person who takes control of any stray Dog, Restricted Dog or Cat shall forthwith notify the Town Manager and provide any required information.

FALSE INFORMATION

33. (a) No person shall provide false or misleading information to any Peace Officer or the Town Manager.
- (b) No person shall contravene any term or condition contained in a written agreement entered into by that person with the Town pursuant to this bylaw.

INTERFERENCE

34. No person shall interfere with a Peace Officer in the exercise of their powers and duties pursuant to this bylaw.

PART VI – ENFORCEMENT

OFFENCE

35. A person who contravenes this bylaw is guilty of an offence.

CONTINUING OFFENCE

36. 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 it continues and a 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.

FINES AND PENALTIES

37. (a) A person who is guilty of an offence is liable to a fine in an amount not less than that established in this section, and not exceeding \$10,000.000, and to imprisonment for not more than 6 months for non-payment of a fine.
- (b) Without restricting the generality of subsection (a) the following fine amounts are established for use on Municipal Tags and Violation Tickets if a voluntary payment option is offered:
- i. \$100.00 for any offence for which a fine is not otherwise established in this section;
 - ii. \$250.00 for an offence under section 5 (a) or 20 (a);
 - iii. \$500.00 for an offence under section 5 (b); 15 (a) (iii); 16; 17; 18; 19 (a) (ii); 19 (a) (ii); 28 (a); 28 (b) or 30 (a);
 - iv. \$2,500.00 for an offence under section 19 (a) (iii).

MUNICIPAL TAG

38. If a Municipal Tag is issued in respect of an offence the Municipal Tag must specify the fine amount established by this bylaw for the offence.

PAYMENT IN LIEU OF PROSECUTION

39. A person who commits an offence may, if a Municipal Tag is issued in respect of the offence, pay the fine amount established by this bylaw for the offence and if the amount is paid on or before the required date, the person will not be prosecuted for the offence.

VIOLATION TICKET

40. If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
- (a) specify the fine amount established by this bylaw for the offence; or
 - (b) require a person to appear in court without the alternative of making a voluntary payment.

VOLUNTARY PAYMENT

41. A person commits an offence may:
- (a) if a Violation Ticket is issued in respect of the offence; and
 - (b) if the Violation Ticket specifies the fine amount established by this bylaw for the offence;
- Make a voluntary payment equal to the specified fine.

SEIZURE AND IMPOUNDING

42. A Peace Officer may seize and impound:
- (a) any Dog found in contravention of section 14 (a);
 - (b) any Restricted Dog found in contravention of section 17; or
 - (c) any Cat found in contravention of section 27 (a).

SERIOUS INJURY

43. (a) A Peace Officer may seize and impound any Dog alleged to have seriously injured or killed a person or animal.
- (b) Before seizing and impounding a Dog pursuant to this section the Peace Officer must consider whether the Dog was acting in self-defence or while in the course of attempting to prevent a person from committing an unlawful act.

(c) A Dog seized pursuant to this section may not be impounded for more than 21 days unless court proceedings for destruction or other order with respect to the Dog are commenced within that time.

RELEASE

44. Any Dog, Restricted Dog or Cat seized pursuant to this bylaw may be released to the Owner upon payment of any fees due with respect to shelter, care and treatment and any License fee, if not already paid.

PART VII – GENERAL

OTHER FEES

45. The following fees are hereby established:

- (a) For shelter and care, the amount set out in Schedule A; and
- (b) For any required veterinary treatment, including drugs and medicines, the actual costs of the treatment; and
- (c) For a replacement License tag, the amount set out in Schedule A.

PROOF OF LICENSE

46. The onus of proving a person has a valid and subsisting License is on the person alleging the License on a balance of probabilities.

TOWN MANAGER

47. Without restricting any other power, duty or function granted by this bylaw, the Town Manager may:

- (a) Carry out whatever inspections are reasonably required to determine the compliance with this bylaw;
- (b) Delegate any powers, duties or functions under this bylaw to an employee of the Town;
- (c) Establish forms for the purposes of this bylaw;
- (d) Establish off-leash areas;
- (e) Permit a 50% reduction in the License fee otherwise payable for one Dog or Cat if the Owner is receiving income assistance from a recognized government program;

- (f) Waive the License fee otherwise payable for one Dog if the Dog is trained by a recognized agency to provide assistance to a person with a physical impairment and the Owner uses the Dog for such assistance.

CERTIFIED COPY OF RECORD

48. A copy of the record of the Town, certified by the Town Manager 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.

CIVIL ACTION NOT AFFECTED

49. Nothing in this bylaw limits the right of any person to prosecute a claim for damages by reason of injuries to person or property resulting from any action of the Owner of any animal, or from the action of any agent of the Owner.

PART VIII – TRANSITIONAL

REPEALS

50. (a) Bylaw 419 – Livestock Restrictions is repealed.
(b) Bylaw 774 – Dog Bylaw – Restricted, Guard or Vicious is repealed.
(c) Bylaw 776 – Dog Bylaw – Control & License is repealed.

ATTACHMENTS

51. SCHEDULE A shall be included as part of this bylaw.

EFFECTIVE DATE

52. This bylaw shall take effect on the date of passing thereof.

READ A FIRST TIME THIS 4th DAY OF October, 2012.

READ A SECOND TIME THIS 4th DAY OF October, 2012.

READ A THIRD AND FINAL TIME THIS 1st DAY OF November, 2012 AND FINALLY PASSED.

Mayor

Town Administrator

SCHEDULE "A" - FEES

DOG LICENSE FEE	\$15.00
DOG LICENSE FEE (If paid after Jan. 31 each year)	\$30.00
RESTRICTED DOG LICENSE	\$100.00
RESTRICTED DOG LICENSE (If paid after Jan 31 each year)	\$200.00
CAT LICENSE FEE	\$15.00
CAT LICENSE FEE (If paid after Jan. 31 each year)	\$30.00
SHELTER AND CARE:	
(A) For the first day, or part of day	\$25.00
(B) For each additional day or part of day	\$15.00
REPLACEMENT LICENSE TAG	\$5.00

- For any required veterinary treatment, including drugs and medicines, the actual cost of the treatment.