

BYLAW NUMBER 1433

BYLAW NUMBER 1433 OF THE TOWN OF INNISFAIL IN THE PROVINCE OF ALBERTA, BEING A BYLAW TO REPEAL BYLAWS 1383 AND 1395, AND BEING REPLACED BY THIS BYLAW TO REGULATE, RESTRAIN THE RUNNING AT LARGE, THE LICENSING AND IMPOUNDING OF DOGS.

WHEREAS, THE MUNICIPAL GOVERNMENT ACT, R.S.A. 1994, ENABLES A COUNCIL OF THE TOWN TO PASS BYLAWS RESPECTING WILD AND DOMESTIC ANIMALS, AND ACTIVITIES IN RELATION TO THEM;

NOW THEREFORE, THE MUNICIPAL COUNCIL OF THE TOWN OF INNISFAIL, IN THE PROVINCE OF ALBERTA ENACTS A BYLAW REFERRED TO AS THE “DOG CONTROL BYLAW.”

DEFINITION – Part 1

1. “ANIMAL CONTROL OFFICER” means a person employed from time to time by the Contractor under the contract between the Town and the Contractor to enforce the provisions of this bylaw, or a person so appointed by the Town;
2. “AT LARGE” means off the premises of the owner and not on a leash being controlled by a capable person;
3. “CONTRACTOR” means a person employed or under contract by the Town to enforce the provisions of this bylaw and maintain and administer an impound facility for dogs;
4. “BYLAW ENFORCEMENT OFFICER” means the Bylaw Enforcement Officer of the Town of Innisfail or any person duly appointed by Town Council to administer this bylaw;
5. “DOG” means either male or female of the canidae family;
6. “HOBBY LICENSE” means a license issued to an owner, permitting the keeping or harboring on land or premises occupied by the owner of three (3) or more dogs;
7. “KENNEL” includes a house, shelter, room or place located in a properly zoned area where more than three dogs of whatever age or sex are kept or boarded at one and the same time, but does not include premises used for the care and treatment of dogs operated by a duly qualified veterinary surgeon;
8. “LICENSE” means a yearly dated, sequentially numbered tag designed to be affixed to a collar that may be worn by a dog;
9. “OWNER” means any person, partnership, association or corporation:
  - (a) owning or possessing or having charge of or control over any dog; or
  - (b) harboring any dog; or
  - (c) suffering or permitting any dog to remain about his house or premises.
10. “PARKLAND” means all recreational land owned or controlled by the Town, lying within Town limits, and whether improved in whole or in part, and includes natural areas, all bicycle or hiking trails, neighborhood beautification areas, publicly maintained areas administered by the Town Parks Department, and includes all buildings or other improvements situated on these land areas.
11. “SCHOOL GROUNDS” means any public or private school and surrounding property that is controlled and maintained by the school and or school board.
12. “PERMIT” means to allow, an act of not preventing;

13. "TAG" means a current metal or other tag issued by the Town to an owner for each dog he owns, indicating the year for which the fee has been paid, and which bears a number corresponding to a number in the master register book.
14. "TOWN" means the Town of Innisfail, in the Province of Alberta;

LICENSING OF DOGS – PART 2

1. An Innisfail resident owner of any dog shall obtain a license for the dog from the office of the Town of Innisfail as per schedule "B". In any prosecution or proceedings for a contravention of this section, the burden of proof that the dog is not the property of the owner shall rest upon the owner;
2. The owner of every dog in the Town shall each year register each such dog with the License Department of the Town and for such registration shall pay an annual license fee, which shall be determined and amended from time to time by Resolution of Council;
3. Upon receipt of payment of the license fee for each dog, a tag indicating the year for which the fee has been paid and marked with a number corresponding to the number in the master register book, shall be issued to the owner;
4. Every owner shall provide his dog with a collar to which the owner shall affix the tag for such dog and the owner shall ensure that the collar and tag are worn during those occasions when the dog is not on the owner's premises;
5. In case a dog license tag is lost or destroyed, a duplicate or replacement will be issued by the Town upon payment of the sum of five dollars (\$5.00) by the owner and provided the owner can present a receipt of payment of the license fee for the current dog license year or the Town administrative records indicate such payment was made;
6. Tags are not transferable from one dog to another and no refund shall be made on any paid up dog license fee because of the death or sale of the dog or upon the owner's leaving the Town before expiration of the license period;
7. The period of validity of a registration shall be from January 1 to December 31, of any year. The full amount of the license fee shall be payable regardless of when the dog is registered during the year;
8. The buyer, purchaser or new owner of a dog registered under this Bylaw shall report such transfer of registration to the License Department of the Town but no additional license fee shall be payable in respect of such transfer of registration;
9. A registered guide dog owned by a blind person shall be issued a license free of charge;
10. Upon payment of fifty dollars (\$50.00) per annum, a hobby license shall be issued. Should the Town receive bonafide complaints from two or more neighbors living within one hundred (100) feet/thirty (30) meters of the hobby licensee's residence, the license may be revoked;
11. The obtaining of a hobby license does not relieve the owner of the responsibility of obtaining the license referred to in this Bylaw, nor shall a hobby license be deemed to be a kennel license;

12. Upon payment of twenty-five dollars (\$25.00) per annum, a kennel license shall be issued. Should the Town receive bonafide complaints from two or more neighbors living with one hundred (100) feet/thirty (30) meters of a kennel licensee's residence, the license may be revoked;

#### OFFENCES AND RESPONSIBILITY OF OWNER – PART 3

1. An Innisfail resident owner of a dog is guilty of an offence if he fails to register such dog or obtain a license for such dog.
2. The owner of a dog is guilty of an offence if such dog:
  - (a) runs at large;
  - (b) when off the premises of the owner is without a collar and tag;
  - (c) is a female dog in heat and is not confined and housed in the residence of the owner or in a licensed kennel during the whole of the heat period except for the sole purpose of defecating on the premises of the owner;
  - (d) defecates on any public or private property other than the property of its owner, the owner or person in control of the dog fails to immediately remove such defecation. This provision shall not apply to a registered guide dog while it is assisting a blind person;
  - (e) is on parkland while not on a leash and controlled by a capable person. This provision shall not apply to an owner attending a recognized training or obedience school for training of dogs at a time or place approved by the superintendent of parks;
  - (f) is allowed or permitted to be on School property;
  - (g) is permitted to be within a site containing playground apparatus and/or sand play area;
  - (h) barks or howls so as to disturb any person;
  - (i) damages public or private property;
  - (j) chases any person, animal, bicycle, or motor vehicle; or
  - (k) attacks or bites any person or animal;
  - (l) fail to provide identification (Name, Address, Date of birth and Dog tag number and proof thereof to a By-law Officer, or Animal Control Officer, Police Officer or Special Constable;
  - (m) provide false or misleading information to an Animal Control Officer, By-law Enforcement Officer, Police Officer or Special Constable.
3. The owner of a dog is guilty of a second offence if such dog commits for a second time within a six month period any offence under this bylaw.
4. When a dog is found running at large, or on school ground, playground, or park land area, or to have caused damage to public or private property, its owner shall be deemed to have failed or refused to comply with the provisions of this bylaw.
5. No more than 3 dogs permitted to remain on any property within the Town limits, with the exception of a person with a current hobby or kennel license.
6. No person shall keep farm animals on his/her property in such numbers as they may cause a nuisance by creating noise, dust, smell or be a bother to/or danger to other residents in the area where such animals are kept. The Animal Control Officer may request such animals to be removed, within a reasonable time.

#### RESPONSIBILITIES OF TOWN ADMINISTRATION – Part 4

1. The Town of Innisfail shall arrange for a pound to be established for the keeping and impounding of dogs and the Animal Control Officer shall make all rules and regulations not inconsistent with this Bylaw pertaining to the administration of such pound;

2. The Animal Control Officer shall keep an up-to-date record of all complaints, notices and reports and a similar record of their disposition;
3. The Animal Control Officer, Police Constable, or Bylaw Enforcement Officer may seize and impound;
  - (a) Every dog running at large;
  - (b) Every dog not wearing a collar and tag while off the premises of the owner
  - (c) Every dog found on parkland unless permitted pursuant to Part 3, Section 2(e);
  - (d) Every female dog in heat not confined and housed.
4. In the act of pursuit of any dog in violation of Section 3 of this Part, any officer empowered to apprehend dogs under said Section 3 of this Part is hereby authorized to enter upon private property at all reasonable times, provided however, that in this section, private property shall not include any building occupied as a residence;
5. No person, whether or not he is the owner of a dog which is being or has been pursued or captured shall:
  - (a) Interfere with or attempt to obstruct an Animal Control Officer, Police Officer, Special Constable or Bylaw Enforcement Officer who was attempting to capture or who has captured any dog in accordance with the provisions of this Bylaw;
  - (b) Unlock or unlatch or otherwise open the van or vehicle in which dogs captured for impoundment have been placed, so as to allow or attempt to allow any dog to escape therefrom;
  - (c) Remove or attempt to remove any dog from the possession of the Animal Control Officer, Police Constable or Bylaw Enforcement Officer;
  - (d) The owner or occupier of any private property may apprehend a dog found running at large over his property and shall immediately thereafter notify the Animal Control Officer of the fact. The Animal Control Officer shall as soon as possible after receipt of such notice arrange to take delivery of the dog.

#### RELEASE OF IMPOUNDED DOGS – Part 5

1. The Animal Control Officer shall keep all impounded dogs for a period of no less than three (3) days, including the day of impounding. Sundays and Statutory holidays shall not be included in the computation of the three (3) day period. During this period any healthy dog may be redeemed by its owner, upon payment to the Animal Control Officer of:
  - (a) The appropriate fine where applicable; and
  - (b) The appropriate license fee when a dog is not licensed; and
  - (c) Kennel boarding fees as per contract rate for every twenty-four (24) hour period or fraction thereof;
  - (d) Notwithstanding the foregoing, the owner of any dog impounded may not redeem the same if the impounded dog was vicious and had been impounded for being vicious to any person or animal. If the dog impounded was vicious at the time it was picked up, then the Animal Control Officer shall make application under the Dangerous Dog Act for an order directing that the dog be destroyed. No dog having a vicious or annoying record may be resold by the Animal Control Officer.
2. At the expiration of the three (3) day period any dog not redeemed may be destroyed or sold;
3. The Animal Control Officer shall report any apparent illness, communicable disease, injury, or unhealthy condition of any dog to a veterinarian and act upon his recommendation. The owner, if known, shall be held responsible for all expenses so incurred.

PENALTIES – Part 6

1. Any person who contravenes any provision of this Bylaw specified in Schedule “A” hereto is guilty of an offence and liable to payment of the penalty specified in Schedule “A” aforesaid.
2. The Animal Control Officer, Police Constable or Bylaw Enforcement Officer may enforce the provisions of this Bylaw, and may issue an offence ticket to an owner of a dog alleged to have committed one or more of the above offences and require a payment of the appropriate fine as provided in this Part and as per Schedule A.
3. A person whom an offence ticket has been issued may pay the penalty therein specified within the time therein stated;
  - (a) Should a person not pay the penalty as provided in subparagraph (a) hereof, and a prosecution has been entered against him, then he shall be liable on summary conviction to pay the minimum fine equal to the penalty stated in the said offence ticket plus court costs;
  - (b) Notwithstanding anything therein contained, if a prosecution had been entered against any person for any offence under the Bylaw for which an offence ticket has been issued, the Town may accept payment of the penalty therein specified.
4. The offence ticket may be served upon a person in accordance with the provisions of the Provincial Offences Procedures Act of Alberta.
5. Should any person be guilty of an offence for which no penalty is specified then such person shall be liable upon summary conviction to a fine of not more than five thousand dollars (\$5000.00) and not less than five hundred dollars (\$500.00), and in default of payment to imprisonment for a period not exceeding sixty (60) days.

SEVERABILITY OF BYLAW PROVISIONS – Part 7

1. It is the intention of Town Council that each separate provision of this Bylaw shall be deemed independent of all provisions, and it is further the intention of Town Council that if any provisions of this Bylaw be declared invalid, all other provisions shall remain valid and enforceable.

REPEAL

Bylaws 1383 and 1395 are hereby repealed by passage of this Bylaw.

COMMENCEMENT OF ENFORCEMENT

Read a first time in Open Council this 14<sup>th</sup> day of March, 2005.

Read a second time in Open Council this 14<sup>th</sup> day of March, 2005.

Read a third time in Open Council and finally passed this 14<sup>th</sup> day of March, 2005.

This Bylaw shall come into full force and effect on the 14<sup>th</sup> day of March, 2005.

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Mayor

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Chief Financial Officer

**SCHEDULE “A”  
PENALTIES**

	INFRACTION	FIRST OFFENCE	SECOND OFFENCE	THIRD OFFENCE
Part 3 Section 1	Fail to register dog and obtain license.	\$40.00	\$100.00	\$200.00
Part 3 Section 2(a)	Dog runs at large.	\$50.00	\$100.00	\$200.00
Part 3 Section 2(b)	Fail to ensure collar and tag worn on dog.	\$40.00	\$100.00	\$200.00
Part 3 Section 2(c)	Fail to confine dog in heat.	\$40.00	\$100.00	\$200.00
Part 3 Section 2(d)	Fail to remove defecation.	\$40.00	\$100.00	\$200.00
Part 3 Section 2(e)	Is on parkland or playground while not on a leash.	\$40.00	\$100.00	\$200.00
Part 3 Section 2(f)	Permitted to be on School property.	\$40.00	\$100.00	\$200.00
Part 3 Section 2(g)	Dog in playground or area.	\$40.00	\$100.00	\$200.00
Part 3 Section 2(h)	Barks or howls so as to disturb any person.	\$50.00	\$100.00	\$200.00
Part 3 Section 2(i)	Damage public or private property.	\$50.00	\$100.00	\$200.00
Part 3 Section 2(j)	Chase person, animal, bicycle or motor vehicle.	\$200.00	\$400.00	Court
Part 3 Section 2(k)	Bite person or animal.	Court	Court	Court
Part 3 Section 2(l)	Fail to provide identification	\$200.00	\$400.00	Court
Part 3 Section 2(m)	Providing false or misleading information.	\$200.00	\$400.00	Court
Part 3 Section 4	Interfere with enforcement	\$200.00	\$500.00	Court
Part 3 Section 5	Keeping more than 3 dogs	\$50.00	\$100.00	\$200.00
Part 4 Section 5(a)	Interfere with a By-law Officer	\$100.00	\$200.00	Court
Part 4 Section 5(b)	Unlock or unlatch vehicle	\$200.00	\$400.00	Court
Part 4 Section 5(c)	Remove or attempt to remove a dog from the possession of an Animal Control Officer.	\$200.00	\$400.00	Court

## **SCHEDULE "B"**

Licensing fees for dogs in the Town of Innisfail, Alberta are as follows:

A twelve dollar (\$12.00) fee for first time license purchasers. Twelve dollars (\$12.00) for spayed / neutered dogs and twenty-five (\$25.00) for non-spayed / non-neutered dogs licensing fee during the months of December, January and February for the forthcoming / current licensing year.

All other months of the licensing year the fee will be twenty dollars (\$20.00) for spayed / neutered dogs and forty dollars (\$40.00) for non-spayed / neutered dogs.

This schedule comes into effect this 14<sup>th</sup> day of March 2005.

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