

**BYLAW # 001:2017
of the TOWN OF IRRICANA
in the PROVINCE OF ALBERTA**

Being a bylaw of the Town of Irricana, in the Province of Alberta to regulate, restrain the running at large, the licensing, and the impounding of animals.

WHEREAS the Municipal Government Act, S.A. 2000, Chapter M-26, as amended, provides that a Council may pass bylaws in relation to the regulation, restraining running at large, licensing, and impounding of animals.

AND WHEREAS Council has deemed it necessary to regulate the restraining running at large, licensing, and impounding of animals;

AND WHEREAS should any issue pertaining to procedure, process or regulation arise that is not covered under this Bylaw, the MGA or any other enactment will take precedence. Failing that it shall be decided by a majority of Council.

TITLE:

This bylaw may be cited as the "Animal Control Bylaw".

PART I DEFINITIONS

- 1.1 "Altered": means spayed or neutered;
- 1.2 "Animal": means any domestic or tamed animal kept for companionship or pleasure;
- 1.3 "Attack": means an assault or aggressive action by an animal towards a person or other Animal, which results in bodily harm, grievous bodily harm, or death to a person or other Animal;
- 1.4 "At Large": means any animal that is not under care and control of a person able to control that animal, and not on a permitted leash, while off the property of its owner;
- 1.5 "Bite": means a wound causing the bruising, piercing or laceration of skin with teeth or mouth part of an animal;
- 1.6 "Bylaw Enforcement Officer": an employee or independent contractor appointed by the Town of Irricana to enforce all provisions of this and other Town of Irricana Bylaws, and includes any member of the Royal Canadian Mounted Police, and when authorized, a Community Peace Officer, appointed by the Alberta Provincial Government. A Bylaw Enforcement Officer is a Designated Peace Officer for the purposes of s. 594 of the Municipal Government Act;
- 1.7 "Care and Control": means
 - a. Exercising physical control or effective control of an Animal;
 - b. Having been given physical or effective control of an Animal by its owner for the purpose of controlling the Animal for a specific period of time;
 - c. Where no one or more Persons with the knowledge and consent of the other, has physical or effective control of an Animal, it may be deemed to be in the control of all of them;

- 1.8 "Cat": means any member of the feline family;
- 1.9 "Contractor": means any person under the contract by the Town of Irricana to maintain and administer a pound facility or Animal Shelter;
- 1.10 "Dog": means any member of the canine family;
- 1.11 "Grievous Bodily Harm": means any wound inflicted on a person or Other Animal by a dog, that would permanently disfigure or otherwise cause permanent injury or loss of any body part.
- 1.12 "License Department": means the Chief Administrative Officer, for the Town of Irricana, or his/her designate;
- 1.13 "Minor Injury": means any physical injury to a person or other Animal, caused by an animal that results in minor bleeding, bruising, minor tearing of skin, or any other injury, that is not life threatening, disfiguring, or debilitating;
- 1.14 "Nuisance": means any form of disturbance or annoyance, as determined by the Bylaw Enforcement Officers discretion, created by an Animal;
- 1.15 "Owner": means a person over the age of 18 who:
- a. claims and receives custody of an Animal from the custody of an Animal Shelter or a Bylaw Enforcement Officer; or
 - b. harbors or permits an Animal to be present on any property of the owner or under that person's control; or
 - c. has been issued a license under Part II of this Bylaw; or
 - d. has the care, charge, custody, possession, or control of an Animal; or
 - e. owns or claims a proprietary interest in an Animal.
- 1.16 "Permitted Leash": means a leash that is not more than two (2) meters in length and capable of restraining an Animal on it which it is being used;
- 1.17 "Private Property": means all property within the Town of Irricana other than property considered Public Property;
- 1.18 "Public Property": means all property owned by or under control and management of the Government of Canada, the Government of Alberta, or the Town of Irricana, contained within the boundaries of the Town of Irricana.
- 1.19 "Tag": means a current metal or other Tag issued by the Town of Irricana to an Owner for each Animal he/she owns, and which bears the number corresponding to a number in the master register book or database;
- 1.20 "Violation Tag" means a written notice, issued by a Bylaw Enforcement Officer, to advise a person that a violation of this Bylaw had occurred and that, by payment of a specified amount to the Town of Irricana within a set time period, that person will avoid prosecution for the offence.

- 1.21 "Violation Ticket": means a ticket pursuant to Part 2 of the Provincial Offences Procedure Act, R.S.A. 2000, c-9-34, as amended, and any regulations thereunder;

PART II LICENSING OF ANIMALS

- 2.1 Every person, who owns, keeps, or harbors an Animal, for a period of fourteen (14) days, which is three (3) months of age, or older shall pay the Town of Irricana a yearly license fee as set out in Schedule "B".
- 2.2 Upon payment of the current yearly license fee, the Town of Irricana or its designate shall issue a License and Tag, with a number.
- 2.3 Where a license is required, and has been paid for by the tender of an uncertified cheque, the license is automatically revoked if the cheque is not accepted and cashed by the bank on which it was issued.
- 2.4 The Tag shall be securely affixed to a collar, harness or other device which shall be worn on the Animal for which it was issued at all times, when off the property of the Owner.
- 2.5 If a Tag is lost or destroyed, the Owner shall apply for a replacement, which shall be issued upon payment of a specified fee.
- 2.6 The Tag is not transferable from one Animal to another and no refund will be made for any issued tag.
- 2.7 The Owner, keeper, handler, or harbourer, of any type of Assistance Dog, Guide Dog, or Police Service Dog, will be issued a license and Tag free of charge.

PART III LICENSING OFFENCES

- 3.1 A resident of the Town of Irricana who is the Owner of an Animal is guilty of an offence if he/she fails to obtain a license for such Animal;
- 3.2 The owner of an Animal is guilty of an offence if he/she provides false or misleading information to the Bylaw Enforcement Officer or Licensing Department, upon completion of his/her Animal License Application form;
- 3.3 The owner of an Animal is guilty of an offence if he/she fails to ensure that the Animal wears a collar and Tag while off the property of the Owner.
- 3.4 Any owner of an Animal residing in the Town of Irricana for a period longer than ninety (90) days in one year is required to have a current license for the Town of Irricana, unless the owner is visiting and has a current license for such Animal within another municipality. In any prosecution or proceedings for a contravention of this section, the onus of proof of length of time in the Town of Irricana, shall rest upon the owner of the Animal.

PART IV ANIMAL CONTROL OFFENCES

- 4.1 The Owner of an Animal is guilty of an offence if such animal Runs at large;
- 4.2 The Owner of an Animal is guilty of an offence if;

- a. Such Animal defecates or sprays on Public or Private Property and the Owner or person in care and control of the Animal fails to immediately remove such defecation, other than when on the Property of the Owner, or;
 - b. He allows defecation to accumulate, on his property to such an extent that it is reasonably likely to cause a nuisance or pose a health risk.
- 4.3 The owner of an Animal is guilty of an offence if he allows such Animal within a site containing playground apparatus and/or sand play area located on Public or Private Property other than the property of the Owner.
- 4.4 The owner of an Animal is guilty of an Offence if he allows such Animal to bark, meow, howl, or otherwise make or cause a noise or noises so as to disturb the quiet and repose of a person;
- 4.5 Any person who allows an Animal to damage any private or public property, other than the property of the owner;
- 4.6 The owner of an Animal is guilty of an offence if such Animal is exercised while the owner or person in care and control of such Animal, remains inside of a motor vehicle, whether the vehicle is running or not.
- 4.7 The owner of an Animal is guilty of an offence if he leaves such Animal unattended on Public or Private Property, including the property of the Owner, which the public has access to.

PART V ANIMALS DISPLAYING THREATENING BEHAVIOR

- 5.1 The owner of an Animal is guilty of an offence, whether on or off the Owner's Property, if the Animal:
- a. Chases, lunges, or otherwise exhibits threatening behaviour towards a bicycle or motor vehicle;
 - b. Chases, lunges, or otherwise exhibits threatening behavior towards any other animal, or;
 - c. Chases, lunges, or otherwise exhibits threatening behavior towards a person.

PART VI ANIMALS CAUSING INJURY TO PERSON OR ANIMAL

- 6.1 The owner of an Animal is guilty of an offence, whether on or off the property of the Owner, if such Animal:
- a. Attacks or Bites any person causing any injury or death;
 - b. Attacks or Bites any other animal causing any injury or death;

PART VII RELEASE OF IMPOUNDED ANIMALS

- 7.1 The Town appointed contractor shall keep all impounded Animals for a period of no less than five (5) days, including the day of impounding. Sundays and Statutory Holidays shall not be included in the computation of the five (5) day period. During this period, any healthy Animal may be redeemed by its Owner, upon payment to the Contractor of:

- a. The appropriate license fee when an Animal is not licensed; and
 - b. Kennel boarding fees as per contract rate for every twenty four (24) hour period or fraction thereof.
- 7.2 At the expiration of the five (5) day period any Animal not redeemed becomes the sole property of the contractor or the boarding facility.
- 7.3 The Bylaw Enforcement Officer or Contractor shall report any apparent illness, communicable disease, injury, or unhealthy condition of any Animal to a Veterinarian and act upon his recommendation. The Owner, if known, shall be held responsible for all expenses incurred.
- 7.4 The Bylaw Enforcement Officer may seize and impound:
- a. Any Animal running at large;
 - b. Any Animal not wearing an Animal Tag while off the premises of the Owner;
 - c. Any female Animal in heat not confined and housed;
 - d. Any Animal that has caused or alleged to have caused Minor Injury, Grievous Bodily Harm, or Death.
- 7.5 Any Owner attempting to claim an impounded Animal shall present government issued identification to the Contractor or the staff at the pound facility.

PART VIII INTERFERENCE WITH OFFICER

- 8.1 Any person whether or not he/she is the owner of an Animal, who is present during any type or during any time of an investigation being conducted by a Bylaw Enforcement Officer, or whether or not he/she is the owner of an Animal which is being pursued and or captured, is guilty if he/she:
- a. Interferes with or obstructs an Officer who is attempting to capture, or who has captured any animal, or obstructs the Officer from conducting any lawful investigation;
 - b. Unlocks or unlatches or otherwise opens an Officer's vehicle in which animals are captured for the impoundment have been placed, so as to allow or attempt to allow any animal to escape;
 - c. Removes or attempts to remove, any animal from the possession of an Officer;
 - d. Refuses to provide identification (name, address, date of birth) and proof thereof to an Officer upon request;
 - e. Provides any false or misleading information to an Officer;
 - f. Deliberately withholds or fails to disclose any pertinent information regarding any open investigation an Officer is involved in;

PART IX ENFORCEMENT AND PENALTIES

- 9.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on Summary Conviction to a fine as set out in Schedule "A" herein and in default of payment of any fine, to imprisonment for up to one (1) year.
- 9.2 Notwithstanding Part IX Section 1 of this Bylaw, any person who commits a second or subsequent offence under this Bylaw may be liable to an increased fine as set out in Schedule "A".
- 9.3 A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any person whom the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw;
- 9.4 A Violation Tag may be issued to such person:
- a. Either in person;
 - b. By mailing a copy to such person at his last known post office address; or
 - c. Upon retrieval of such persons Animal from the Town of Irricana Pound or the Contractors Pound.
- 9.5 The Violation Tag shall state:
- a. The name of the Owner;
 - b. The offence;
 - c. The appropriate penalty for the offence as Specified in Schedule "A" of this Bylaw;
 - d. The penalty shall be paid within twenty-two (22) days of the issuance of the Violation Tag to avoid prosecution; and
 - e. Any other information as may be required by the License Department.
- 9.6 Where a Violation Tag is issued pursuant to this Bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay the Town of Irricana the penalty specified on the Violation Tag.
- 9.7 Nothing in this Bylaw shall prevent a Bylaw Enforcement Officer from immediately issuing a Violation Tag.
- 9.8 The Bylaw Enforcement Officer may enforce the provisions of this Bylaw, and where a Bylaw Enforcement Officer has reasonable grounds to believe that a provision of this Bylaw has been contravened, the Bylaw Enforcement Officer is authorized and empowered to immediately issue a Violation Ticket pursuant to Part 2 of the Provincial Offences Procedures Act, R.S.A. 2000, c p-34, as amended, to any person who the Bylaw Enforcement Officer has reasonable grounds to believe is responsible for the contravention.
- 9.9 Where a Violation Ticket has been issued to a person pursuant to this Bylaw, that person may plead guilty to the offence by submitting to a Clerk of the Provincial

Court the specified penalty set out in the Violation Ticket at any time prior to the appearance indicated in the Violation Ticket.

- 9.10 The Violation Ticket shall be served upon the person who is believed to be responsible for the contravention under the Bylaw in accordance with the provisions of the Provincial Offences Procedures Act R.S.A. 2000, c p-34, as amended.
- 9.11 Should any person be guilty of an offence for which no penalty is specified in Schedule "A" herein, then such person shall be liable on Summary Conviction to a fine not less than five hundred dollars (\$500.00).
- 9.12 Subject to the entry notice provisions of the Municipal Government Act, R.S.A. 2000 c.m.-26, a designated Bylaw Enforcement Officer or Peace Officer of the Town of Irricana, may enter upon any privately owned property, other than a dwelling house for the purposes of enforcing the provisions of this Bylaw.
- 9.13 The purchaser of an Animal from the Bylaw Enforcement Officer, Pound, or Contractor pursuant to the provisions of this Bylaw shall obtain full right and title to it and the right and title of the former owner of the Animal shall cease there upon.

PART X SEVERABILITY OF BYLAW PROVISIONS

- 10.1 Each and every separate provision of this Bylaw shall be deemed independent of all other provisions, and if any provision of this Bylaw is declared invalid by any Court, all other provisions shall remain valid and enforceable.

PART XI REPEAL

- 11.1 Bylaw 13:2003 is hereby repealed.

PART XII EFFECTIVE DATE

AND FURTHER THAT this Bylaw shall take effect on the date of third and final reading.

READ A FIRST TIME this 23 day of January A.D. 2017.

READ A SECOND TIME this 23 day of January A.D. 2017.

READ A THIRD TIME this 21 day of February A.D. 2017.


MAYOR DENNIS TRACZ


FABIAN JOSEPH
CHIEF ADMINISTRATIVE OFFICER

SCHEDULE "A"
SPECIFIED PENALTIES

PART III LICENSING OFFENCES

Section Number:	Offence:	First Offence:	Second Offence:	Third Offence:
3.1	Fail to obtain an animal license.	\$75.00	\$150.00	\$200.00
3.2	Providing false or misleading information on license application form.	\$500.00	\$1,000.00	\$1,500.00
3.3	Fail to ensure collar and/or tag worn on animal while off the property of the owner.	\$100.00	\$200.00	\$300.00

PART IV ANIMAL CONTROL OFFENCES

Section Number:	Offence:	First Offence:	Second Offence:	Third Offence:
4.1 a.	Animal runs at large.	\$150.00	\$200.00	\$300.00
4.2 a.	Fail to immediately remove defecation.	\$100.00	\$200.00	\$300.00
4.2 b.	Allow defecation to accumulate, to such an extent to annoy or pose a health risk.	\$100.00	\$200.00	\$300.00
4.3	Allow Animal in playground apparatus and or sand play area.	\$100.00	\$200.00	\$300.00
4.4	Allow Animal to bark, meow, or howl so as to cause a disturbance.	\$100.00	\$200.00	\$300.00
4.5	Allow Animal to destroy public or private property other than the property of the owner.	\$200.00	\$400.00	\$800.00
4.6	Exercise Animal while in a motor vehicle.	\$100.00	\$200.00	\$300.00
4.7	Leave Animal unattended on premises where public has access.	\$100.00	\$200.00	\$300.00

PART V ANIMALS DISPLAYING THREATENING BEHAVIOR

Section Number:	Offence:	First Offence:	Second Offence:	Third Offence:
5.1 a.	Animal chases, lunges, or otherwise exhibits threatening behavior towards a bicycle or motor vehicle.	\$200.00	\$400.00	\$800.00
5.1 b.	Animal chases, lunges, or otherwise exhibits threatening behavior towards another animal.	\$200.00	\$400.00	\$800.00
5.1 c.	Animal chases, lunges, or otherwise exhibits threatening behavior towards a person.	\$200.00	\$400.00	\$800.00

PART VI ANIMALS CAUSING INJURY TO PERSON OR ANIMAL

Section Number:	Offence:	First Offence:	Second Offence:	Third Offence:
6.1 a.	Animal attacks any Person causing minor injury.	\$500.00	COURT	COURT
6.1 a.	Animal attacks any Person causing grievous bodily harm.	COURT	COURT	COURT
6.1 a.	Animal attacks any Person causing death.	COURT	COURT	COURT
6.1 b.	Animal bites any other Animal causing minor injury.	\$250.00	COURT	COURT
6.1 b.	Animal attacks any other animal causing grievous bodily harm.	\$750.00	COURT	COURT
6.1 b.	Animal attacks any other animal causing death.	\$1,000.00	COURT	COURT

PART VIII INTERFERENCE WITH OFFICER

Section Number:	Offence:	First Offence:	Second Offence:	Third Offence:
8.1 a.	Obstructing an Officer, attempting to obstruct an Officer, or obstructing an officer who is attempting to or who has captured an Animal.	\$500.00	COURT	COURT
8.1) b.	Unlocking, unlatching, or otherwise opening an Officers vehicle in which animals are placed, so as to allow an animal to escape.	\$500.00	COURT	COURT
8.1 c.	Removing or attempting to remove any animal from the Officers Possession.	\$500.00	COURT	COURT
8.1 d.	Refusing to provide identification to an Officer.	\$500.00	COURT	COURT
8.1 e.	Providing false or misleading information to an Officer.	\$500.00	COURT	COURT
8.1 f.	Withholding information from an Officer, which is pertinent to any investigation.	\$500.00	COURT	COURT

Schedule ``B``
License Fees

License Fee between December 01st and January 31st:

- Unaltered Dog - \$20.00
- Unaltered Cat - \$20.00
- Altered Dog - \$10.00
- Altered Cat - \$10.00

License Fee after January 31st:

- Unaltered Dog - \$40.00
- Unaltered Cat - \$40.00
- Altered Dog - \$20.00
- Altered Cat - \$20.00

Replacement Tags:

- Dog - \$10.00
- Cat - \$10.00

There shall be no pro-rating on License Fees.

If an Owner is a new resident of the Town of Irricana, the fee for the License shall not differ from the fee`s listed above.