

BYLAW NO. 97-06

BEING A BY-LAW OF THE TOWN OF TROCHU TO PROVIDE FOR THE LICENSING, REGULATION AND CONTROL OF ANIMALS IN THE TOWN OF TROCHU AND TO RESCIND BY-LAW 1979-09.

UNDER THE AUTHORITY OF THE MUNICIPAL GOVERNMENT ACT, BEING SECTION 7 (H), THE COUNCIL OF THE TOWN OF TROCHU IN THE PROVINCE OF ALBERTA ENACTS AS FOLLOWS:

1. TITLE

This By-law may be cited as "The Dog Control By-law".

2. INTERPRETATION AND APPLICATION

In the By-law unless the context otherwise requires;

- (a) Animal Control Officer - means a person whose duties entail carrying out the provisions of the By-law. (Henceforth known as the "A.C.O.") and appointed by resolution of Council.
- (b) By-law Enforcement Officer - as appointed by the Town of Trochu by resolution of Council, or the C.A.O. of the Town of Trochu.
- (c) C.A.O. - Chief Administrative Officer of the Town of Trochu, and shall have all the duties and powers of the A.C.O. or By-law Enforcement Officer for this By-law.
- (d) Animal - means a dog.
- (e) Trochu - means the municipal corporation of the Town of Trochu or the area contained within the boundary thereof as the context requires.
- (f) Day - means a continuous period of twenty-four (24) hours.
- (g) Dog - means either male or female dog.
- (h) Owner - means a natural person or body corporate who has legal title to the animal, and includes any person who has possession or custody of the animal, either temporarily or permanently, or harbors the animal, or suffers the animal to remain on his premises.
- (i) Former Owner - means the person who at the time of impoundment was the owner of an animal which subsequently has been sold or destroyed.

- (j) 2 Dog Limit - means no person shall own or harbor more than two dogs within the limits of the Town of Trochu without a hobby license and then only a maximum of four (4) dogs.
- (k) Pen - means an enclosed structure, building, cage or fenced area of such construction that will not allow a Restricted Dog to jump, climb, dig or force its way out or allow the entry of young children.
- (l) Restricted Dog - means:
 - (i) Any Dog with a known propensity, tendency or disposition to attack without provocation other domestic animals or humans and any dog which has bitten another domestic animal or human without provocation except that a dog shall not be deemed to be restricted if it bites, attacks or menaces anyone who is tormenting or abusing it. A dog becomes "Restricted" when it is reported to the Town of Trochu as such on a prescribed form by the Animal Control Officer, C.A.O., By-Law Enforcement Officer, or member of the RCMP, for the above reasons. The owner of the "Restricted Dog" shall be served notice by registered mail that their dog has been classified as "Restricted".
- (m) Running at Large - means:
 - (i) An animal or animals which are not under the control of a person responsible and is or are actually upon property other than the property in respect of which the owner of the animal or animals has the right of occupation, or upon any highway, street, boulevard, sidewalk, park, playground, school ground or other public place, or
 - (ii) an animal or animals which are under the control of a person responsible and which causes damage to property or other animals.
- (n) Pound - means the Pound established for the impounding of animals as set out in this By-Law.
- (o) Town Office - means the Manager, Municipal Clerk, Administrator, the municipal Secretary, or any other staff member authorized to carry out their duties.

RESPONSIBILITIES OF ANIMAL OWNERS

The owner of an animal

- (a) shall ensure that the animal is not running at large, and
- (b) shall be deemed to have failed or refused to comply with the requirements of the previous subsection unless he proved to

the satisfaction of the Court trying the case, that he has taken all reasonable precautions either;

- (i) to secure the animal so that it would not be able to leave the premises of the owner, or;
- (ii) to insure himself that the animal was under the constant supervision of a person competent to control it at all times when it was off the premises of the owner.

4. NUISANCE

- (a) The owner of a animal shall not permit the animal to be or become a public nuisance by;
 - (i) biting or chasing a person
 - (ii) biting, or barking at, or chasing stock, bicycles, automobiles or other vehicles,
 - (iii) barking, howling or otherwise disturbing any neighbors,
 - (iv) causing damage to property or other animals, or
 - (v) keeping a female dog which is in season at any location where the dog is a source of attraction to other dogs.
- (b) An owner of an animal shall not permit or suffer such animal to be in the floral area of any park.
- (c) An owner of an animal shall not place or allow any animal to enter or remain in any swimming, bathing, or wading pool, that is provided for the use of the public.
- (d) An owner of an animal who permits the animal to defecate on property other than his own or vacant undeveloped Town-owned property shall remove forthwith any defecated matter deposited.
- (e) An owner of an animal which is found upsetting waste receptacles, or scattering the contents thereof, either in or about a street, lane, or other public property or in or about premises not belonging to or in the possession of the owner of the animal is guilty of an offense separate and apart from the offense provided in Section 2, subsection (k) (i) and upon summary conviction thereof shall in addition to any penalty imposed upon him shall be civilly liable to the Town of Trochu for any expenses directly or indirectly incurred by it in connection with the receptacle being upset or the waste scattered abroad.

5. RESTRICTED DOG

In addition to all other provisions of this By-law:

- (a) No owner shall own, keep, or harbor any Restricted Dog within the municipal boundaries of the Town of Trochu unless such Restricted Dog is licensed as herein provided.
- (b) The owner of every Restricted Dog in the Town of Trochu shall pay each year to the Town of Trochu a license fee as set out in Schedule "A" of this By-Law.
- (c) No owner shall keep or harbor a Restricted Dog on premises owned or controlled by him unless such Restricted Dog is kept either securely confined indoors or in a locked pen.
- (d) The owner of every Restricted Dog shall secure and control the animal with a leash or harness when the animal is not on the owner's secured property as set out in section 5 (c).
- (e) The A.C.O. is authorized to seize and impound in the Pound any dog believed by him to be a Restricted Dog, found at large in the Town of Trochu. He is further authorized to take such reasonable measures necessary to subdue the Restricted Dog including use of tranquilizer equipment and materials.
- (f) An owner may object to the determination that his dog is a Restricted Dog within the meaning of this By-law, by delivering a written notice of the objection to the Town of Trochu.
- (g) The objection shall be heard by the Dog Appeals Committee providing the owner deposits with the Town of Trochu concurrently with the notice of objection, an amount estimated by the Town of Trochu to be necessary to cover the expense of impoundment until the determination of the issue.
- (h) The Dog Appeals Committee shall be composed of three members appointed by the Town of Trochu, as follows:
 - (i) a member of the RCMP local detachment.
 - (ii) a member of Town Council
 - (iii) a practicing veterinarian
- (i) If the Dog Appeals Committee determines that an owner's dog is not a Restricted Dog, the provisions of this By-law shall not apply

and if the dog is impounded it may be redeemed by the owner and the deposit required in Section 5 (g) of this By-law shall be returned and the costs of impoundment shall be waived; provided the owner is not in contravention of any other provisions of this By-law.

6. COMMUNICABLE DISEASES

An owner of an animal which is suffering from a communicable disease

- (a) shall not permit the animal to be in any public place
- (b) shall not keep the animal in contact with or in proximity to any other animal free of such disease
- (c) shall keep the animal locked or tied up
- (d) shall immediately report the matter to the A.C.O., to a

Veterinarian Inspector of the Health of Animals Branch of the local office of the Federal Department of Agriculture, and to the Royal Canadian Mounted Police.

7. LICENSING

(a) The owner of a dog shall apply for an annual license of each dog, and shall pay therefore an annual fee as set out in Schedule "A" of this By-law.

(b) Notwithstanding subsection (a) where to A.C.O. is satisfied that a person who is blind or whose vision or hearing is impaired, is the owner of dog, trained and used as a guide dog or hearing aid dog, there shall be no fee payable by the owner for a license under this section.

(c) The owner of a dog shall;

- (i) obtain the annual license for it by January 15 in each year from the Town Office during regular hours.
- (ii) subject to the provisions of section 7 (c) (iv) obtain a license for it on the first day when the Town Office is open for business after the dog becomes three months of age.
- (iii) shall obtain the license on the first day on which the Town Office is open for business after he becomes the owner of the dog.
- (iv) shall obtain a license for any dog that is weaned, where the dog is found running at large.

In any prosecution or proceedings for a contravention of this section, the burden of proof of the age of the dog and that

the dog is not the property of the owner shall rest upon the owner.

- (d) Upon payment of the license fee by the owner to the Town Office or the A.C.O. shall issue to the owner a metallic tag for each dog licensed.
- (e) Every owner shall provide his dog with a collar to which the owner shall affix the metallic tag for such dog and the owner shall ensure that the collar and tag are worn by his dog during those occasions when the dog is not on the owner's premises.
- (f) Upon losing a dog license an owner of a dog shall present the receipt for payment of the current year's license fee to the Town Office Staff who will issue a new tag to the owner, as per Schedule "A".
- (g) The buyer, purchaser or new owner of a dog registered under this By-law shall report such transfer of registration to the Town Office but no annual license fee shall be payable in respect of the transfer of registration.
- (h) No person shall be entitled to a license rebate under this By-law.
- (i) Where a license required pursuant to this section has been paid by the tender of an uncertified cheque the license:
 - (i) 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
 - (ii) is automatically revoked if the cheque is not accepted and cashed by the bank of which it is issued.
- (j) The Town Office staff shall keep a book in which shall be recorded the name and address of each owner, the breed, color and sex of each owner's dog together with the date of registration of the owner's dog, the number stamped on the metallic tag issued to the owner, and the amount of the license fee paid by the owner.
- (k) A dog license is not required by persons temporarily in the Town of Trochu for a period not exceeding two weeks. The said period may be extended by receiving written permission from the Municipal Manager.

- (l) Except as provided in items (m) of this subsection, no more than two licensed dogs shall be owned, or harbored, or possessed at one time by an owner in the Town of Trochu.
- (m) A hobby license as defined in Section 2 (h) of this By-law shall be issued on payment of the fee identified in Schedule "A". Should the A.C.O. receive bona fide complaints from two or more neighbors living within thirty three meters (33') of the hobby licensees property upon which the animals are harbored, the A.C.O. shall revoke the hobby license.
- (n) The obtaining of a hobby license is in addition to individual licenses for the animals, and therefore does not relieve the owner of the responsibility of obtaining individual licenses for each animal.

8. ANIMAL CONTROL AUTHORITY

- (a) An A.C.O., a By-law Officer, or a Public Works Employee of the Town of Trochu, or any person authorized by this By-law may capture and impound any animal.
 - (i) in respect of which he believes or has reasonable grounds to believe an offense under this By-law is being or has been committed.
 - (ii) which is required to be impounded pursuant to the provisions of any statute of Canada or the Province of Alberta, or any regulation made thereunder.
- (b) An A.C.O., a By-law Officer, C.A.O. Town Manager, or a Public Works Employee of the Town of Trochu or any person authorized by this By-Law to enforce the provisions contained therein may enter onto the land surrounding any building in pursuit of an animal which has been observed running at large.

9. OBSTRUCTION

No person whether or not he is the owner of an animal which is being or has been pursued or captured shall;

- (a) interfere with or attempt to obstruct an A.C.O., a By-law Officer, C.A.O., Town Administrator or Public Works Employee of the Town of Trochu who is attempting to capture or who has captured an animal which is subject to being impounded pursuant to the provisions of this By-law.

- (b) induce the animal to enter a house or other place where it may be safe from capture or otherwise assist the animal to escape capture.
- (c) falsely represent himself as being charge or control of an animal so as to establish that the animal is not running at large or
- (d) unlock or unlatch or otherwise open the pound van or vehicle in which animals kept for impoundment have been placed so as to allow or attempt to allow any animal to escape therefrom.

10. NEGLIGENCE

No person shall;

- (a) untie, loosen or otherwise free an animal which has been tied or otherwise restrained or
- (b) negligently or willfully open a gate, door, or other opening in a fence or enclosure in which an animal has been confined and thereby allow an animal to run at large in the Town of Trochu.

11. TORMENT

No person shall tease, torment, or annoy an animal.

12. NOTIFICATIONS

- (a) If the A.C.O. knows or can ascertain the name of the owner of any impounded animal, he shall serve the owner of a copy of the Notice of Schedule "B" of this By-law, either personally or by leaving or mailing it to the last known address of the owner.
- (b) An owner of an animal to whom a Notice is mailed pursuant to the provisions of subsection (a) is deemed to have received a Notice within forty eight (48) hours of the time it is mailed.
- (c) An A.C.O. shall be deemed to have done his or her best to find the owner of an impounded animal when the records of licensing have been checked for an animal of that description.

13. RECLAIMING

- (a) Impounded Fees.

The owner of any impounded animal may reclaim the animal from the pound by paying to the A.C.O. the fees set out in Schedule "C" of this By-law any by obtaining the license for such animal should a license be required under this By-law, and

- (b) Penalties.

Pay the fee or fees as provided for in Schedule "D".

- (c) The Poundkeeper shall report any apparent illness, communicable disease, injury or unhealthy condition of any dog to a veterinarian and act upon his recommendations. Notwithstanding subsection (a) the owner, if known, shall be held responsible for all charges resulting.

14. DISPOSAL

The A.C.O. shall not sell, destroy or otherwise dispose an impounded animal until the following conditions are met;

- (a) After the dog is retained in the Pound for
 - (i) Five (5) days after the owner has received notice or is deemed in Section 12 to have received notice that the dog is in the pound, when the name and address of the known, or
 - (ii) Seventy-two (72) hours, if the name and address of the owner are not known, or unless a person having the authority orders the retention or the disposal of the dog, or unless the owner of the dog makes arrangements with the A.C.O. may cause the dog to be sold, destroyed, or otherwise disposed of.
- (b) The A.C.O. may retain a dog for a longer period if in his opinion the circumstances warrant the expense.
- (c) The purchaser of a dog from the Pound pursuant to the provisions of this subsection shall obtain full right and title to it and the right and title of the former owner of the dog shall cease thereupon.

15. PENALTIES - VOLUNTARY PAYMENT TICKETS

- (a) Where an A.C.O., or By-law Officer believes that a person has contravened any provision of this By-law, he may serve upon such person a tag provided by this Section either personally or by mailing or leaving the same at his last known address and such service shall be adequate for the purpose of this By-law.
- (b) A tag shall be in such form as determined by the Town and shall state the Section of the By-law which was contravened and the

amount which is provided in Schedule "D" that will be accepted by the Town in lieu of prosecution.

- (c) Upon production of a tag issued pursuant to this Section within ten (10) days from the issue thereof together with the payment to the Cashier of the Town of Trochu of the fee as provided in Schedule "D", the person to whom the tag was issued shall not be liable for prosecution for the contravention in respect of which the tag was issued.
- (d) Notwithstanding the provisions of this Section, a person to whom a tag has been issued pursuant to this section may exercise his right to defend any charge of committing a contravention of any of the provisions of this By-law.

16. SUMMARY CONVICTION

- (a) A person who contravenes a provision of this By-law by doing something which he is prohibited from doing, or by failing to do something in a manner different from that in which he is required or permitted to do by this By-law, is guilty of an offense and liable upon summary to a fine of :
 - (i) not less than ten (\$10.00) dollars or more than two hundred (\$200.00) dollars for an infraction under Section 7 and 5 (b) of this By-law,
 - (ii) not less than thirty (\$30.00) dollars or more than twenty-five hundred (\$2500.00) dollars for any other offense under this By-law, or

upon failure to pay the fine and costs to imprisonment for a period not exceeding six (6) months unless such fine and costs of committal are sooner paid.

- (b) The levying and payment of any fine or the imprisonment for any period provided in this By-law shall not relieve a person from the necessity of paying any fees, charges or costs for which he is liable under the provisions of this by-law.
- (c) A Provincial Judge, in addition to the penalties in this Section may, if he considers the offense sufficiently serious, direct or order the person that owns, keeps, maintains or harbors an animal to stop the animal from doing mischief or causing the disturbance or a nuisance

complained of, or to have the animal removed from the Town of Trochu or to have the animal destroyed, or otherwise disposed of.

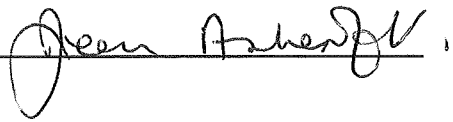
THIS BY-LAW SHALL HAVE FULL FORCE AND EFFECT ON FINAL PASSING AND SHALL HEREBY RESCIND BY-LAW 1979-09.

Read a first time this 2nd day of September, 1997.

Read a second time this 2nd day of September, 1997.

Read a third and finally passed this 2nd day of September, 1997.

MAYOR

A handwritten signature in cursive script, appearing to read "Dean Asher", written over a horizontal line.

TOWN ADMINISTRATOR

A handwritten signature in cursive script, appearing to read "Maura Metch", written over a horizontal line.

SCHEDULE "A"

BY-LAW #97-06

LICENSE FEES:

| | | |
|------------------------|----------------|----------|
| Dog License Fees | -Section 7 (a) | |
| Spayed or Neutered | | \$ 15.00 |
| Other | | \$ 25.00 |
| Replacement Tag | -Section 7 (f) | \$ 5.00 |
| Hobby License | -Section 7 (m) | \$ 25.00 |
| Restricted Dog License | -Section 5 (b) | \$100.00 |

SCHEDULE "B"

BY-LAW #97-06

You are hereby notified that an animal bearing License # _____
for 19____, registered under the above name and address, or an animal bearing
no license but of the following description, _____

was impounded on _____, of 19____, pursuant to provisions of
By-law # _____, of the Town of Trochu, and that unless
the said animal is claimed and all impoundment charges are paid, on or before
_____, 19____, the said animal will be sold, destroyed, or
otherwise disposed of pursuant to the said By-law.

SCHEDULE "C"

BY-LAW #97-06

Amount to be paid to the Animal Control Officer by owner of animal to reclaim
impounded animal:

| | |
|---------------------------|-----------------|
| Impoundment Fees | \$10.00 |
| Care & Sustenance per day | \$ 6.00 |
| Veterinary Fees | Amount Expended |

SCHEDULE "D"

BY-LAW # 97-06

Amounts which will be accepted by the Town of Trochu in lieu of prosecution (Section 15);

| <u>Offense</u> | <u>Section</u> | <u>1st Offense</u> | <u>2nd & Subsequent Offenses in Any Calendar</u> | <u>3rd & Subsequent Offenses in Any Calendar</u> |
|--|---------------------|------------------------|--|--|
| Running at large | 3 | \$50.00 | 75.00 | 150.00 |
| Public Nuisance | 4 | \$50.00 | 75.00 | 150.00 |
| Failure to Confine Diseased Dog | 6 | \$50.00 | 75.00 | 150.00 |
| Obstruction | 9 | \$50.00 | 75.00 | 150.00 |
| Negligence | 10 | \$50.00 | 75.00 | 150.00 |
| Torment | 11 | \$50.00 | 75.00 | 150.00 |
| Failure to Obtain License | 7 (c) | \$50.00 | 100.00 | 150.00 |
| Failure to Obtain Hobby License | 7 (m) | \$50.00 | 100.00 | 150.00 |
| Restricted Dog - Public Nuisance | 4 (a) (i) (ii) (iv) | \$250.00 | 500.00 | 1000.00 |
| Restricted Dog - Failure to Confine | 5 (c) | \$250.00 | 500.00 | 1000.00 |
| Restricted Dog - Failure to Secure | 5 (d) | \$250.00 | 500.00 | 1000.00 |
| Restricted Dog - Running at Large | 3, 5 | \$250.00 | 500.00 | 1000.00 |
| Restricted Dog - Failure to Obtain License | 5 (d) | \$100.00 | 200.00 | 300.00 |

SCHEDULE "E"

**DOG CONTROL BY-LAW #97-06
TOWN OF TROCHU**

RESTRICTED DOG

I, _____ Animal Control Officer,
C.A.O., By-law Enforcement Officer, or Member of the RCMP, deem the dog
named or described as:

to be classified as a "Restricted Dog" for the following reasons:

I personally know the owner of the Animal from the records of the Town of
Trochu:

and the owner of the Animal has been served this notice by registered mail.

Sworn before me at the Town of Trochu in the Province of Alberta this _____
day of _____, 19 _____.

Commissioner of Oaths

My Commissioner Expires: _____.