BYLAW NO. 1001
TOWN OF CASTOR

A BYLAW OF THE TOWN OF CASTOR, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF REGULATING AND CONTROLLING DOGS

WHEREAS the Council of the Town of Castor considers it necessary and desirable to regulate and control the licensing, confinement and control of Dogs within the Town of Castor for the protection of public safety, and the welfare of its citizens;

AND WHEREAS the Town of Castor has the authority to regulate wild and domestic animals and activities in relation to them pursuant to the Municipal Government Act, Revised Statute of Alberta, 2000, c. M-26, as amended or repealed and replaced from time to time;

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

SECTION 1-SHORT TITLE

1.1 This Bylaw may be cited as the Town of Castor "Dog Control Bylaw".

SECTION 2-DEFINITIONS

2.1 "At Large" means circumstances where a Dog is at any place other than the property of the Dog's owner, where the Dog is not being carried by any person or is not otherwise restrained by a Permitted Leash held by a person where the leash is attached to a choke chain, collar or harness securely holding that Dog.

2.2 "Controlled Confinement" means to confine a Dog to a pen, cage or building, or to securely tether a Dog in a manner that will prevent the Dog from biting or harming any person or animal.

2.3 "Council" means the Council of the Town of Castor, in the Province of Alberta.

2.4 "Damage to Public or Private Property" shall include defecation on such property.

2.5 "Dangerous Dog" means:

(a) any Dog which has been the subject of an Order or Direction of a Justice under the *Dangerous Dogs Act*, as amended or repealed and replaced from time to time; or

(b) any Dog determined to be dangerous pursuant to the provisions of this Bylaw.

2.6 "Dog" or "Dogs" means either the male or female of any domesticated canine species.

2.7 "Animal Control Officer" means a Bylaw Enforcement Officer appointed by the Chief Administrative Officer to do any act or perform any duties under this Bylaw, and includes any member of the Royal Canadian Mounted Police and, where authorized, a Special Constable.

2.8 "License Tag" means an identification tag of metal or other material issued by the Town showing the license number and, where applicable, the year of issue of the license, for a specific Dog.

2.9 "Medical Officer of Health" shall be defined as set out in the *Public Health Act*, as amended or repealed and replaced from time to time.

2.10 "Nuisance" includes the exuding of noxious or offence odors where such odors may interfere with the reasonable use and enjoyment of neighboring or public or private property.

2.11 “Offspring” means the progeny of any Dog while resident with and dependent upon its birth mother for the necessities of life, under the age of three (3) months.

2.12 “Owner” means:

2.12.1. any person who has the care, charge, custody, possession or control of the Dog;

2.12.2. a person who owns or claims any proprietary interest in a Dog;

2.12.3. a person who harbours, suffers or permits a Dog to be present on any property owned or under his control;

2.12.4. a person who claims and receives a Dog from the custody of the Town Animal Shelter or a Dog Control Officer; or

2.12.5. a person to whom a License Tag was issued for a Dog in accordance with this Bylaw.

2.13 “Permitted Leash” is a leash adequate to control the attached Dog.

2.14 “Possession” means:

2.16.1. Having physical or effective control of a Dog; or

2.16.2. Where one of two or more persons, with the knowledge and consent of the rest, has physical or effective control of the Dog, it shall be deemed to be in the control of each and of all of them.

2.15 “Private Property” means all property within the Town other than property constituting Public Property.

2.16 “Property Owner” means any person having legal or equitable interest in any land or building and includes any resident, tenant or occupier or such land or building.

2.17 “Public Health Inspector” means a person appointed to that office pursuant to the *Public Health Act*, as amended or repealed and replaced from time to time.

2.18 “Public Property” means any property within the Town owned by or occupied by the Government of Canada, the Government of Alberta, or by the Town, or otherwise under the control and management of the county including, but not limited to, public parks, sports fields, playgrounds, campgrounds, cemeteries and golf course, whether currently under the physical control of the Town of Castor or a third party.

2.19 “Secured Enclosure” means a building, cage or fenced area of such construction that it will not allow a confined Dog or Dogs to jump, climb, dig or force their way out, or allow the entry of young children.

2.20 “Serious Wound” means an injury resulting from a Dog bite which causes the skin to be broken or the flesh to be torn such that medical treatment is required, whether or not that medical treatment is sought.

2.21 “Unlicensed Dog” means any Dog which is not the subject of a valid license tag issued by the Town.

2.22 “Violation Tag” means a tag or similar document issued by the Town pursuant to the *Municipal Government Act*, as amended or repealed and replaced from time to time.

2.23 “Violation Ticket” means a ticket issued pursuant to Part II of the Provincial Offences Procedure Act, as amended or replaced from time to time, and the regulations there under.

SECTION 3-LICENSING

3.1 Except as otherwise provided in this Bylaw, no person shall own, keep or harbour any Dog within the Town limits unless that Dog is the subject of a valid license issued in accordance with this Bylaw.

3.2 Annual Licensing

3.2.1 Dog licenses shall be required to be renewed on an annual basis. A license renewal application must be submitted to the Town by the Owner of a Dog required to be licensed pursuant to this Bylaw no later than 4:00p.m., the 31st day of January in each calendar year.

3.2.2 The person applying or reapplying for a license shall submit, in addition to the applicable licensing fee as set out at Schedule "A" to this Bylaw and amended by resolution of Council from time to time, any other information required by the Town as set out at Schedule "A".

3.2.3 Any person who fails to apply for the renewal of a license prior to 4:00 p.m. of January 31st in any calendar year may be required to pay a late payment fee in addition to the licensing fee, as set out at Schedule "A" to this Bylaw.

3.2.4. A late payment fee shall not apply to any person to whom Section 3.3 applies.

3.3 Licensing after January 31st:

3.3.1 Every person residing in the Town who becomes the Owner of a Dog after the 1st day of January in any given year, or a person who takes up residence within the Town and who is the owner of a Dog, which is not licensed in accordance with this Bylaw, shall apply for and obtain the appropriate license within thirty (30) days after becoming the Owner of the Dog or taking up residence within the Town.

3.3.2 Where a Dog licensed pursuant to this Bylaw produces Offspring, if the Owner of the parent Dog remains in possession of the offspring, that owner shall not be required to apply or a license for such offspring until such times as the Offspring reach three (3) months of age.

3.3.3 A person subject to the subsection 3.3.2 above shall apply for a license in accordance with subsection 3.3.2 within thirty (30) days of the date on which the Offspring reach three (3) months of age.

3.4 Every person who becomes the Owner of a Dog that is the subject of a current license issued to another person shall, within fifteen (15) days of becoming the Owner of the Dog, provide to the Town his or her name, street address, and the existing license number of the Dog.

3.5 Licenses issued pursuant to this Bylaw shall not be transferable from one dog to another.

3.6 When a license is issued by the Town with respect to a Dog, the Owner applying for that license may be supplied with a License Tag marked with a license number and, where applicable, the year of issue of the license.

3.7 Every owner to whom a License Tag is issued shall ensure that the License Tag is securely fastened to the Dog subject to the license by means of a collar or harness, which must be worn by the Dog at all times when that Dog is off the property of its Owner.

3.8 No more than three (3) Dogs over the age of three (3) months shall be harboured, suffered or permitted to remain upon or in any land, house, shelter, room, place, building, structure of premises within the Town.

3.9 Section 3.8 shall not apply to any premises lawfully used for the care and treatment of Dogs operated by and in charge of a licensed veterinarian, to any premises used for the temporary purposes of conducting a dog show.

SECTION 4 – DUTIES AND RESPONSIBILITIES OF DOG OWNERS

4.1 An Owner whose Dog is At Large is guilty of an offence.

4.2 The owner of a Dog that has defecated upon any Public or Private Property other than the property of its Owner shall immediately remove the defecation and dispose of it in an appropriate waste receptacle.

4.3 The Owner of Private Property that causes of permits the accumulation of dog feces on that property so as to constitute a nuisance is guilty of an offence.

4.4 An Owner whose Dog barks or howls thereby disturbing the quiet or repose of any person is guilty of an offence.

4.5 The Owner of a Dog that causes Damage to Public or Private Property in the Town is guilty of an offence.

4.6 An owner of a Dog is guilty of an offence if such Dog:

4.6.1 attacks any person;

4.6.2 threatens any person;

4.6.3 chases a motor vehicle;

4.6.4 chases any person on a bicycle or similar vehicle, horseback or while walking or running; or

4.6.5 attacks, harasses, injures or kills livestock or pets belonging to other persons.

4.7 Public Lands:

4.7.1 No owner shall permit his or her dog to be present on any public lands within the Town.

4.7.2 Section 4.7.1 does not apply to municipal roads or sidewalks, or any Public Lands listed at Schedule “B” of this Bylaw, as amended by resolution of Council from time to time.

4.8 Any person that, without the authority of the Dog Owner, causes or permits a Dog to be released from confinement on its owner’s property so as to allow that Dog to become At Large is guilty of an offence.

4.9 Any person who interferes with, hinders or impedes an Animal Control Officer in the performance of any duty authorized by this Bylaw is guilty of an offence.

SECTION 5 – DANGEROUS DOG

5.1 If the Chief Administrative Officer for the Town determines, on reasonable grounds, that a Dog is a Dangerous Dog, either through personal observation or on the basis of information compiled through an investigation conducted by a Dog Control Officer or other municipal employee, the Chief Administrative Officer may:

5.1.1 provide the Owner with a written notice that the Dog has been determined to be a Dangerous Dog pursuant to the Bylaw;

5.1.2 require that the Owner keep the Dog in accordance with the provisions of Section 5.2 of the Bylaw; and

5.1.3 inform the Owner that, if the Dangerous Dog is not kept in accordance with Section 5.2 of the Bylaw, the Owner may be fined or subject to enforcement action pursuant to the Bylaw.

5.2 The owner of a Dangerous Dog shall be required to control the Dangerous Dog in the following manner:

5.2.1 where the Dangerous Dog is on Public Property of the Private Property of any person other than that of the Dangerous Dog's Owner, the Dangerous Dog shall be restrained by a Permitted Leash held by and under the control of the Owner of a person acting with the Owner's consent;

5.2.2 while on the property of its Owner, the Dangerous Dog shall be confined within a secure enclosure and shall not be permitted outside of the secure enclosure unless the Dangerous Dog is on a Permitted Leash held under the control of the Owner or a person acting with the Owners consent;

5.2.3 the Owner of a Dangerous Dog shall not be required to restrain the Dangerous Dog by means of a Permitted Leash while that Dangerous Dog is being shown or displayed at a dog show.

5.3 The Owner of a Dangerous Dog that does not comply with the provisions of Section 5.2 is guilty of an offence.

5.4 The Chief Administrative Officer may, at his or her discretion, require the Owner of a Dangerous Dog to post a sign at all entrances to the property upon which the Dangerous Dog is kept, stating that a Dangerous Dog is present on the lands.

SECTION 6 – POWERS OF ANIMAL CONTROL OFFICERS & RABIES CONTROL

6.1 An Animal Control Officer is authorized to capture and impound in the Town Animal Shelter any Dog which is found At Large. The Animal Control Officer is further authorized to take any reasonable measures necessary to subdue any Dog, including the use of tranquilizer equipment and materials or any approved, humane live trap.

6.2 Where an Animal Control Officer has taken possession of a Dog pursuant to Section 6.1 and that Dog appears, in the opinion of the Animal Control Officer, to be injured, the Animal Control Officer may deliver the Dog to a veterinarian for treatment before delivering the Dog to the Town Animal Shelter.

6.3 Any Dog impounded at the Town Animal Shelter pursuant to this Bylaw may be kept at the Animal Shelter for a period of ninety-six (96) hours. Sundays and statutory holidays shall not be included in the computation of the ninety-six (96) hours. At the end of the ninety-six (96) hour period, if the Dog has not been redeemed by its owner, the Town, or its authorized agent, may:

6.3.1 offer the Dog for sale;

6.3.2 destroy the Dog in a humane manner; or

6.3.3 continue to impound the Dog for such further period of time as the Animal Control Officer or person in charge of the animal shelter determines in his or her discretion.

6.4 *Where a Dog is impounded at the animal shelter pursuant to Section 6.1 and is licensed pursuant to this Bylaw, the Town Animal Shelter shall make reasonable efforts to contact the Owner of that Dog to advise the owner of the Dog's impoundment and the time limits imposed pursuant to Section 6.3 above.*

6.5 The Owner of an impounded Dog may redeem that Dog any time prior to the disposal of that Dog pursuant to Section 6.3.1 or 6.3.2, upon payment of:

6.5.1 the appropriate impoundment fee as set out at Schedule "A", as amended by resolution of Council from time to time;

6.5.2 the appropriate license fee, if the Dog is not licensed at the time of impoundment; and

6.5.3 the cost of any veterinary treatment provided to the Dog pursuant to Section 6.2 of this Bylaw.

6.6 The Owner of any Dog that has caused a Serious Wound or that the Owner has reason to suspect may have been exposed to rabies shall, in addition to any other duty imposed under the *Provincial Health Act*, and the regulations there under, immediately inform an Animal Control Officer:

6.6.1 of the infliction of the Serious Wound or suspicion of the exposure to rabies;

6.6.2 the name and contact information for the person, or the Owner of animal, having received the Serious Wound; and

6.6.3 whether the matter has been reported to the local community health centre, Public Health Inspector or the Medical Officer of Health.

6.7 An Animal Control Officer that has reasonable grounds to believe that a Dog found At Large may have, or have been exposed to, rabies may confine that Dog at the Town Animal Shelter, veterinary clinic or at any other location as directed by the Medical Officer of Health or a Public Health Inspector.

6.8 An Animal Control Officer that has reasonable grounds to believe that a Dog within the Town of Castor has, or has been exposed to, rabies shall report the matter to the Medical Officer of Health or a Public Health Inspector as soon as reasonably possible.

SECTION 7 – PENALTIES & ENFORCEMENT

7.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and liable to a penalty as set out at Schedule "C" herein, as amended by Resolution of Council from time to time.

7.2 Notwithstanding Section 7.1, any person who commits a second or subsequent offence under this Bylaw within one (1) year of that person's prior conviction for the same offence may be liable to an increased fine as set out at Schedule "C" herein.

7.3 Under no circumstances shall any person contravening any provision of this Bylaw be subject to a penalty of imprisonment.

7.4 An Animal Control Officer is hereby authorized and empowered to issue a Violation Tag to any person whom the Animal Control Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

7.5 A Violation Tag may be issued to such person:

7.5.1 personally;

7.5.2 by mailing a copy to this person at his or her last known post office address; or

7.5.3 upon retrieval of that person's Dog from the Town Animal Shelter.

7.6 A Violation Tag issued pursuant to this Bylaw shall be in a form approved by the Chief Administrative Officer and shall state:

7.6.1 the name of the Owner;

7.6.2 the Bylaw Section number and brief description of the offence;

7.6.3 the appropriate specified penalty for the offence as set out at Schedule "C" of the Bylaw;

7.6.4 that the penalty for the offence is required to be paid within 21 days of the issuance of the Violation Tag; and

7.6.5 any other information as may be required by the Chief Administrative Officer.

7.7 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 to the Town Office, the penalty specified on the Violation Tag.

7.8 Nothing in this Bylaw shall prevent an Animal Control Officer from immediately issuing a Violation Ticket.

7.9 Where a Violation Tag has been issued and the specified penalty not paid within the prescribed time indicated on the Violation Tag, an Animal Control Officer is authorized to issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*, as amended or repealed and replaced from time to time, to any person that an Animal Control Officer has reasonable grounds to believe has contravened a provision of this Bylaw.

7.10 Notwithstanding Section 7.9 of this Bylaw, an Animal Control Officer is authorized and empowered to immediately issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act* to any person whom the Animal Control Officer has reasonable grounds to believe has contravened any provision of this Bylaw regardless of whether a Violation Tag has first been issued.

7.11 A person to whom a Violation Ticket is issued pursuant to this Bylaw may, in accordance with the provisions of the *Provincial Offences Procedure Act*, elect to plead guilty and make a voluntary payment of the specified penalty indicated on the Violation Ticket, on or before the initial appearance date indicated on the Violation Ticket.

SECTION 8 – GENERAL

8.1 Should any provision of this Bylaw be determined invalid, that invalid provision shall be severed from the Bylaw, with the remainder of the Bylaw remaining in force.

8.2 Bylaw number 934 is hereby repealed.

8.3 Schedule's A, B, and C may be amended from time to time by resolution of council.

8.4 This Bylaw shall come into effect upon the date of its third and final reading.

INTRODUCED AND READ A FIRST TIME THIS_____DAY OF_____, 2010.

READ A SECOND TIME THIS_____DAY OF_____, 2010.

READ A THIRD TIME AND FINALLY PASSED THIS
_____DAY OF_____, 2010.

TOWN OF CASTOR

Per: _____
Mayor

Per: _____
Chief Administrative Officer

SCHEDULE "A"

Licensing, Late Payment and Impoundment Fees

ANNUAL DOG LICENSE FEE	$25.00
LATE FEE: DOG LICENSE	$50.00
IMPOUNDMENT FEES	$20.00/DAY
VETERINARIAN SERVICES	AS CHARGED

SCHEDULE "B"

Public Land Exemptions

1. CASTOR MUNICIPAL AIRPORT:

SCHEDULE "C"

Offences and Penalties

Offence	Specified Penalty-First Offence	Specified Penalty-Second & Subsequent Offences
1. Section 3 failure to License, Renew License i.a.w. bylaw	100.00	200.00
2. Section 3.7 – Failure to wear License Tag	100.00	200.00
3. Section 3.8 harbouring more than 3 dogs	100.00	200.00
4. Section 4.1 Dog At Large	100.00	200.00
5. Section 4.2 Failure to remove defecation from Public or Private Property	100.00	200.00
6. Section 4.3 Allowing defecation to become Nuisance	100.00	200.00
7. Section 4.4 Excessive barking/howling	100.00	200.00
8. Section 4.5 Damage to Public/Private Property	100.00	200.00
9. Sections 4.6.1, 4.6.2 Dog attacks or threatens any person	300.00	500.00
10. Section 4.6.3 Dog chasing motor vehicle	100.00	200.00
11. Section 4.6.4 Dog chasing person on bike, similar vehicle, horseback, walking or running	300.00	500.00
12. Section 4.6.5 Dog attacks, harasses, injures, kills livestock or pets	300.00	500.00
13. Section 7.4.1 Dig on Public lands	100.00	200.00
14. Section 4.8 Releasing Dog from Confinement without Authority	200.00	500.00
15. Section 4.9 Interference with Animal Control Officer	300.00	500.00
16. Section 5.3 Failure to comply with Dangerous Dog provisions for control or confinement	200.00	500.00
17. Section 6.6 Failure to inform Animal Control Officer of Serious Wound or exposure to Rabies	500.00	1000.00