

BY-LAW #01-2006

A Bylaw of the Town of Legal, in the Province of Alberta To License and Control Dogs, Cats and Domestic Animals Within the Town of Legal.

WHEREAS, by virtue of the power conferred on it by the Municipal Government Act, R.S.A. 2000, C.M26-1, as amended, the Council of the Town of Legal, in the Province of Alberta, duly assembled, enacts as follows:

PART I – DEFINITIONS

1. This bylaw may be cited as the “Animal Control Bylaw”.
2. In this bylaw:
 - a) “Animal Control Officer” means a Police Officer, Peace Officer, Special Constable, Bylaw Enforcement Officer or person or persons appointed as such from time to time, by the Town Council to do any act or perform any duties under this Bylaw;
 - b) “At Large” means if the dog or cat is off the property of the owner or harbourer and not on a leash held by a person able to control the dog or cat;
 - c) “Cat” means any feline animal;
 - d) “Cat Breeder” means any person, group of persons or corporation, engaged in the commercial business of breeding, buying, selling or boarding of cats;
 - e) “Cat Breeding Facility” means the physical premises where cats are harboured by a cat breeder;
 - f) “Council” means the Council of the Town of Legal;
 - g) “Damage to Public or Private Property” shall include defecating and/or urinating on such property;
 - h) “Dangerous Animal” shall mean any animal, which in the opinion of a Animal Control Officer;
 - i) without provocation, shows a propensity, or disposition, or potential to attack or injure humans or other animals; or
 - ii) without provocation attacks, bites, or injures any human or animal;
 - i) “Dangerous Dog” shall mean any dog, which in the opinion of an Animal Control Officer;
 - i) without provocation, shows a propensity, or disposition, or potential to attack or injure humans or other animals; or
 - ii) without provocation attacks, bites, or injures any human or animal; or
 - iii) is deemed to be dangerous by a Justice under the provisions of the Dangerous Dogs Act R.S.A. 2000 and amendments thereto;
 - j) “Dog” means any canine animal;
 - k) “Domestic Animal: means such animals that have been domesticated for agricultural use or pets including but not limited to: pigs, horses, sheep, chickens, pigeons, etc. but does not include dogs and cats;
 - l) “Impounded” means to seize or hold in the Town of Legal approved custody.
 - m) “Kennel” means any person, group of persons, firm or corporation engaged in the commercial business of breeding, buying, selling or boarding dogs and/or cats.

- n) “Official Tag” means a ticket, tag, or similar document issued for any bylaw offense as an alternative to the issuance of a summons.
- o) “Owner” means, and includes any person, group of persons, firm or corporation owning or possessing or having control over a dog or cat;
- p) “Parkland” means any land owned by the Town for a public park, sports field, playground or campground;
- q) “Peace Officer” means a Police Officer or Special Constable, or a Bylaw Enforcement Officer appointed by a Municipality pursuant to the Municipal Government Act to enforce the Municipality’s Bylaws.
- r) “Residential Area” means any area within the Town limits that is classified, according to Land Use Bylaw and amendments thereto, as residential;
- s) “Secure Enclosure” means a building, cage or fenced area of such construction that will not allow a dog/cat/domestic animal confined therein to jump, dig or otherwise escape therefrom or allow the entry of young children.
- t) “Town” means the Town of Legal.
- u) “Town Animal Shelter” means the property designated by the Town for the purpose of impounding and caring for dogs, cats or domestic animals.
- v) “Violation Ticket” means a violation ticket as defined in Alberta Regulation 233/89, as amended, being the Violation Ticket Regulation under the Provincial Offences Procedure Act R.S.A. 2000.
- w) “Removal Bag” means a container made of paper, cloth, plastic, etc. for immediate removal of defecation that can be sealed.

PART II – LICENSING

1. No person shall own, keep or harbour any dog or cat within the Town limits unless such dog or cat is licensed as herein provided.
2. The owner of every weaned dog or cat in the Town shall, between the first (1st) day of January and the fifteenth (15th) day of February in each calendar year obtain a license and pay the license fee for the current year as set out in Schedule “B” which can be amended from time to time by resolution of Council and forms part of the Bylaw.
3. Where a license is issued after February 15th, the “Late Payment Fee” as identified in Schedule “B”, the Fees and Charges approved by the Town Council, shall not apply to:
 - a) the owner of a dog or cat brought into the Town after February 15th;
 - b) the owner of a dog or cat that is weaned after February 15th.
4. Every person who becomes the owner of a weaned dog or cat or takes up residence within the Town and who is the owner of a weaned dog or cat and which is not currently licensed in accordance with this bylaw, shall register the same and pay the license fee, within two (2) weeks after becoming owner of the said dog or cat, or taking up residence within the Town, as set out in Schedule “B”.
5. Every person who becomes the new owner of a dog or cat which is currently licensed in accordance with the provisions of this bylaw shall provide the Town with his name, street address and license number of the dog or cat within fifteen (15) days after becoming the said owner.

6. Licenses issued under this Bylaw shall not be transferable from one dog or cat to another dog or cat.
7. Upon payment of the required license fee, the owner will be supplied with a license tag stamped with a number and the year of the license.
8. Every owner shall ensure that the license tag is securely fastened to a collar or harness which must be worn by the dog or cat at all times when the dog or cat is off the property of the owner.
9. The provisions of Section 1 to 8 shall not apply to persons temporarily in the Town for a period not exceeding thirty (30) days.
10. No person shall keep or harbour more than three (3) weaned animals of any combination, or whatever sex, at one and the same time, in any house, shelter, room or place within the Town, however, this Section shall not apply to property lawfully used for the care and treatment of animals operated by and in charge of a licensed veterinarian nor to any property that may be used temporarily for the purpose of an animal show, or to any person in possession of a license to operate a kennel or breeding facility or boarding facility within the limits of the Town.
 - a) Notwithstanding the above, those residents that were keeping or harbouring animals in excess of three at the date of the passing of this Bylaw shall be granted a grandfather clause until December 31st, 2006 to meet the maximum number requirements.
11. No person shall operate an animal breeding or animal boarding facility in any residential district in the Town.
12. Animal Sitting:
 - i) At no time shall the number of weaned dogs and/or weaned cats exceed three (3) for each species during the period of animal sitting, including those of the sitter.
 - ii) No person shall animal sit for animals licensed in the Town of Legal, in a residential district for a period exceeding six (6) months.
 - iii) No person shall animal sit for animals not licensed in the Town of Legal, in a residential district for a person exceeding (30) thirty days.
13. Every owner of a female dog or cat that is in heat shall keep that animal housed and confined in a building during the whole period such animal is in heat, except that she may be allowed outside the said building for the sole purposes of defecating or urinating on the property of the owner.

PART III – RESPONSIBILITIES OF OWNER

1. No owner shall allow any dog, cat or domestic animal to be at large and when any dog, cat or domestic animal is found to be at large, its owner shall be deemed to have failed to comply with this section.
2.
 - a) If a dog, cat or domestic animal defecates on any public or private property other than the property of its owner, the owner shall cause such defecation to be removed immediately.
 - b) The person shall be in possession of a proper “Removal Bag” to be used for immediate removal of defecation on public or private property.

- c) If a dog, cat or domestic animal defecates on its owner's property to the extent that excessive odor results, the owner shall immediately remove the defecation on notice from an Animal Control Officer or Health Authority having jurisdiction.
3. No person shall permit his or her dog to bark or howl excessively or in any other manner disturb the peace, quiet or repose of a person; and, when a dog barks, howls or in any manner disturbs the quiet of a person, the owner shall be deemed to have failed or refused to comply with this section.
4. No person shall permit his or her cat to howl excessively or in any other manner disturb the peace, quiet or repose of a person and when a cat howls excessively or in any other manner disturbs the peace, quiet or repose of any person, the owner shall be deemed to have failed or refused to comply with this section.
5. No person shall permit his or her dog, cat or domestic animal to damage public or private property and when public or private property is damaged by a dog, cat or domestic animal, its owner shall be deemed to have failed or refused to comply with this section.
6.
 - a) No owner shall permit his or her dog, cat or domestic animal on parkland areas, and when dogs or cats or domestic animals are on parkland areas, the owner shall be deemed to have failed or refused to comply with this section.
 - b) Part (a) does not apply, provided the dog, cat or domestic animal is leashed and in the control of a person able to control the dog, cat or domestic animal and provided 2(b) is adhered to.
7. No dog, cat or domestic animal shall be permitted to be a public nuisance by:
 - a) biting, attempting to bite or chasing people
 - b) barking, howling or chasing livestock; and,
 - c) causing any harm or damage to any other person or animal, and
 - d) causing any other unnecessary noise
8. Every dangerous dog, cat or domestic animal must be:
 - a) confined indoors; or
 - b) leashed and under the effective control of a person over the age of 18 years; or confined in a secure and locked yard or enclosure sufficient to keep the dog, cat or domestic animal in said yard or enclosure and sufficient to deter children from climbing over or under it to gain access.
9. The owner of any dog, cat or domestic animal which bites a person shall promptly report the incident to the Animal Control Officer and the dog, cat or domestic animal may thereupon be quarantined at the discretion of the Animal Control Officer; and, shall not be released from such quarantine except by written permission of the Medical Officer of Health for the Town of Legal. At the discretion of the Animal Control Officer, such quarantine may be on the property of the owner. In the case of stray dogs, cat or domestic animal whose ownership is not known, such quarantine shall be at a facility as set by an Animal Control Officer.

10. Unless otherwise permitted by Council, no person shall keep a domestic animal in residential districts within the Town.
 11. No person shall negligently or wilfully open any gate, door or other opening in a fence or enclosure in which a dog, cat or domestic animal has been confined; or otherwise obstruct any dog, cat or domestic animal's confinement thereby allowing said dog, cat or domestic animal to run at large within the Town.
 12. No person shall tease, torment, annoy or harm any dog, cat or domestic animal.
 13. If the Town of Legal so desires to have a designated off leash area, the owners must undertake the following:
 - i) be responsible for the control of the dog.
 - ii) accept responsibility for damages caused by the dog.
 - iii) clean the area designated as an off-leash area whether the defecation is from your animal or not.
- If the Town determines to have an off-leash area it will be as designated in schedule "C".

PART IV – IMPOUNDMENT AND DISPOSITION

1. An Animal Control Officer may seize and capture any dog found running at large and impound the said dog.
2. An Animal Control Officer may seize and capture any cat found running at large and impound the said cat.
3. An Animal Control Officer may seize and capture any domestic animal found running at large and impound the said domestic animal.
4. To assist in the seizure or capture of dogs, cats or domestic animals running at large a Peace Officer may utilize or cause to utilize live traps. Said traps shall be used in a humane manner.
5.
 - a) Any licensed dog, cat or domestic animal will be taken to a facility as established by the Town of Legal, if in fact, the owner cannot be located at the time of impoundment.
 - b) Any unlicensed dog, cat or domestic animal will be taken to a facility as established by the Town of Legal.
 - c) Any healthy dog, cat or domestic animal impounded under Part IV (1), Part IV (2) or Part IV (3) may be redeemed by its owner, or agent of the owner, upon payment to the Town of Legal;
 - i) The Boarding fee specified in the Fees and Charges attached as Schedule "B".
6. A dog, cat or domestic animal impounded under Part IV 5(b) shall be kept in the Town designated Animal Shelter for a period of at least seventy-two (72) hours unless the dog, cat or domestic animal is impounded on a Friday, then it will be transported immediately to the Edmonton Humane Society. At the expiration of the seventy-two (72) hours period, any unlicensed dog, cat or domestic animal may be transferred to the Edmonton Humane Society.

7. The owner of a dog, cat or domestic animal which has been impounded and which carries a current license, shall be notified, where possible, of the impoundment and such licensed impounded dog, cat or domestic animal may be redeemed in accordance with PART IV 5 (c). The period of impoundment shall be seventy-two (72). At the expiration of the seventy-two (72) hours, the licensed dog, cat or domestic animal may be transferred to the Edmonton Humane Society. If the licensed animal is impounded on a Friday, it will immediately be transported to the Edmonton Humane Society.
8. When, in the judgement of a licensed veterinarian, a dog, cat or domestic animal should be destroyed for human reasons, such dog, cat or domestic animal may not be redeemed.
9. No action can be taken against any person acting under the authority of this Bylaw for damages for the destruction or other disposal of any animal.

PART V – DISEASE CONTROL

1. In the event of an outbreak, or a threatened outbreak of rabies, or any disease affecting animals which may be transmitted to human beings, Council may by resolution, order and direct that all animals be confined entirely to the owner's premises.
2. When an animal under quarantine has been diagnosed as rabid, or suspected by a licensed veterinarian as being rabid, and dies while under such observation, an Animal Control Officer shall immediately send the head of such animal to the appropriate health department for pathological examination and shall notify the Medical Officer of Health for the Town of reports of human contacts, and the diagnosis made of the suspected animal.
3. During such period of rabies quarantine as herein mentioned, every animal bitten by an animal adjudged to be rabid, shall be forthwith destroyed, or at the owner's expense and option shall be treated for rabies infection by a licensed veterinarian or held under quarantine by the owner in the same manner as other animals are quarantined.
4. Except as herein provided, no person shall kill, or cause to be killed, any rabid animal, any animal suspected of having been exposed to rabies, or any animal, which has bitten a human, nor remove the same from the Town limits without written permission from an Animal Control Officer.
5. The carcass of any dead animal exposed to rabies shall, upon demand, be surrendered to an Animal Control Officer.
6. The Animal Control Officer shall direct the disposition of any animal found to be infected with rabies.

PART IV – PENALTIES AND ENFORCEMENT

1. Any person violating a provision of this Bylaw is subject to the enforcement provisions of Schedule "A" attached hereto and which can be amended from time to time by resolution of Council.
2. It is the intention of the Town Council that each separate provision of this Bylaw shall be deemed independent of all other provisions, and it is further the intention of the Town Council that if any provisions of this Bylaw be declared invalid, all other provisions shall remain valid and enforceable.
3. Where a contravention of the Bylaw is of a continuing nature, further "Official Tags" may be issued by an Animal Control Officer provided that no more than one Official Tag shall be issued for each day that the contravention continues.
4. No person shall interfere with, hinder or molest an Animal Control Officer appointed to enforce the provisions of this Bylaw, in the performance of any duty.
5. When a complaint is received by an Animal Control Officer, an Animal Control Officer shall investigate and may, at his/her discretion, lay a charge. The Animal Control Officer may require that the complaint be in writing.

PART VII – OFFICIAL TAG AND VIOLATION TICKET

1. An Animal Control Officer may issue an "Official Tag" to any person who has committed or is committing an offense under this Bylaw.
2. The "Official Tag" shall:
 - a) specify the alleged offense committed by the person to whom the "Official Tag" is issued; and
 - b) require payment within thirty (30) days from the date of issue in the amount as specified in accordance with the offense in Schedule "A".
3. The "Official Tag" shall be served upon the alleged offender personally or by single registered mail.
4. If the fine specified on an "Official Tag" is not paid within the prescribed time period, then an Animal Control Officer is hereby authorized and empowered to lay a complaint and issue a summons by means of a "Violation Ticket".
5. The "Violation Ticket" shall be in the form prescribed by Alberta Regulation 233/89, as amended, being the Violation Ticket Regulations passed pursuant to the Provincial Offences Procedures Act.

PART VIII – REPEALS

1. This Bylaw comes into effect on the date of the third and final reading at which time Bylaw No 10-99 and 86-94 are hereby repealed.

Read a first time this 21st day of February, 2006.

Original Signed

Mayor

Original Signed

Chief Administrative Officer

Read a second time this 3rd day of April, 2006.

Original Signed

Mayor

Original Signed

Chief Administrative Officer

Read a third and final time this 3rd day of April, 2006.

Original Signed

Mayor

Original Signed

Chief Administrative Officer

**This Bylaw received 1st reading on first draft and second and third readings on amended version.

Schedule “A”
Bylaw No. 11-2006
Specified Penalties for Animal Control Bylaw

Part II		1st Offence	2nd & Succeeding Offences
Section 4	Fail to obtain a dog or cat license	\$ 50.00	\$ 50.00
Section 5	Fail to provide information on change of ownership	\$ 30.00	\$ 30.00
Section 8	Fail to ensure that tag is worn when a dog or cat is off the premises of the owner	\$ 30.00	\$ 60.00
Section 10	Keep or harbour more than three (3) dogs and/or cats at one location	\$ 50.00	\$100.00
Section 11	Operate a dog kennel or cat breeding facility in a residential district	\$100.00	\$100.00
Section 12(i)	Being in excess of a total of more than three (3) weaned dogs and/or weaned cats of each species while animal sitting	\$ 50.00	\$ 75.00
Section 12 (ii)	Animal Sitting for longer than six (6) months	\$ 50.00	\$ 75.00
Section 12 (iii)	Animal sitting for animals not licensed in Legal for longer than thirty (30) days	\$ 50.00	\$ 75.00
Section 13	Failure to confine a female animal in heat to the property of the owner	\$ 50.00	\$100.00
Part III			
Section 1	Allow a dog or cat to run at large	\$ 50.00	\$ 75.00
Section 2 (a)	Failure to remove defecation immediately from public or private property	\$ 30.00	\$ 50.00
Section 2 (b)	Failure to possess proper “Removal Bag” while dog or cat is off premises of owner	\$ 10.00	\$ 20.00
Section 2 (c)	Failure to remove defecation from own property	\$ 30.00	\$ 50.00
Section 3	Permit dog to bark or howl excessively	\$ 50.00	\$ 75.00
Section 4	Permit cat to howl excessively	\$ 50.00	\$ 75.00
Section 5	Permit dog, cat or domestic animal to damage public or private property	\$ 30.00	\$ 50.00
Section 6	Permit dog, cat or domestic animal to be a public nuisance	\$ 50.00	\$100.00
Section 7	Fail to control dangerous dog, cat or domestic animal or vicious dog or fail to confine in a secure enclosure	\$100.00	\$200.00

Section 8	Owner fails to report a dog, cat or domestic animal bite	\$ 30.00	
Section 9	Keep a domestic animal (s) in a residential district	\$ 50.00	\$100.00
Section 10	Open enclosure allowing confined dog or cat to run at large	\$ 30.00	\$ 50.00
Section 11	Torment or tease a dog, cat or domestic animal	\$ 30.00	\$ 50.00
Section 12 (i)	Failure to take responsibility for control of dog	\$ 75.00	\$100.00
Section 12 (ii)	Failure to accept responsibility for damages caused by dog	\$100.00	\$200.00
Section 12 (iii)	Failure to clean defecation from off-leash area	\$ 30.00	\$ 50.00
Part V			
Section 1	Fail to confine animal to owner's premises (contrary to Council resolution)	\$100.00	\$200.00
Section 4	Kill and remove animal exposed to rabies from Town limits without written permission	\$100.00	\$200.00
Section 37	Fail to surrender dead animal exposed to rabies to Animal Control Officer	\$100.00	\$200.00
PART VI			
Section 3	Obstruct an Officer in performance of any duty	\$100.00	\$200.00

***Second and succeeding offences can only be committed within 6 months of the first offence.**

Schedule "B"
Specified Fees and Charges for Animal Control Bylaw

Animal Licenses

Dog License (spayed/neutered)	-	\$ 20.00
(whole animals)	-	\$ 30.00

Oct. through Dec. 31		
(spayed/neutered)	-	\$ 10.00
(whole animals)	-	\$ 15.00

Cat License (spayed/neutered)	-	\$ 20.00
(whole animals)	-	\$ 30.00

Oct. through Dec. 31		
(spayed/neutered)	-	\$ 10.00
(whole animals)	-	\$ 15.00

Replacement Tag (Dog & Cat)		\$ 3.00
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Animal Licenses purchased after February 15 (Late payment fee for re-registration of dog/cat)		Add 20% administrative fee
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Kennel Fees

Town of Legal Designated Animal Shelter		
Dogs (Per Day)		\$ 15.00
Cats (Per Day)		\$ 15.00

S.P.C.A.		
Dogs		As per Edmonton Humane Society charges
Cats		As per Edmonton Humane Society charges