

TOWN OF EDSON**BYLAW NO. 2140**

A Bylaw of the Town of Edson in the Province of Alberta, providing for the licensing, regulation and control of dogs and the regulation and control of cats and other domestic animals within the corporate limits of the Town of Edson.

WHEREAS the Council of the Municipality of the Town of Edson, in the Province of Alberta, deems it expedient to license dogs in the Town of Edson;

AND WHEREAS Council deems it advisable to regulate and control the running at large of dogs and cats in the Town of Edson;

AND WHEREAS Council deems it necessary to regulate and control other domestic animals within the Town of Edson;

AND WHEREAS pursuant to the Municipal Government Act, being Chapter M-26 of The Statutes of Alberta, 2000 as amended, the Council has authority to pass such a Bylaw;

NOW THEREFORE the Municipal Council of the Municipality of the Town of Edson, in the Province of Alberta, duly assembled, enacts as follows:

PART I TITLE & DEFINITIONS**Section 1**

This Bylaw may be cited as the Edson Animal Control Bylaw.

Section 2

In this Bylaw, unless the context otherwise requires, the word, term or expressions

- a) "Animal Control Officer" shall mean any person, firm or corporation appointed by Council to carry out the provisions of this Bylaw.
 - (i) Wherever the term "Animal Control Officer" is found in this Bylaw it shall encompass but is not limited to the following; Bylaw Enforcement Officer, Peace Officer, or their designate.
- b) "Bitch" shall mean a female dog.
- c) "Cat" shall mean either a male or female cat.
- d) "Council" shall mean the Municipal Council of the Municipality of the Town of Edson in the Province of Alberta.
- e) "Day" shall mean a continuous period of twenty-four (24) hours.

- f) "Dog" shall mean either a male or female dog.
- g) "Former Owner" shall mean the person who at the time of impoundment was the owner of the dog which has subsequently been sold or destroyed.
- h) "Kennel" shall mean a dwelling, shelter, room or place so considered, housing or keeping three (3) or more dogs, cats and/or domestic animals over the age of three (3) months.
- i) "Muzzle" shall mean any humane device which prevents a Dog from biting or otherwise injuring with its mouth any person, animal or property.
- j) "Nuisance" shall mean a noxious or offensive or bothersome act which impairs the use and enjoyment by another person of his property, or prejudicially affects his health, comfort or convenience.
- k) "Owner" shall mean the person who owns a dog, cat, or other domestic animal and shall include any person who has possession or custody of the dog, cat or other domestic animal or harbours the dog, cat or animal or suffers it to remain on the person's premises.
- l) "Permitted Leash" shall mean a leash adequate to control the Dog to which it is attached, and which leash shall not exceed two metres in length.
- m) "Pound" shall mean a place as may be designated from time to time by Council where dogs, cats or other animals may be confined pursuant to the provisions of this Bylaw.
- n) "Poundkeeper" shall mean any person, firm or corporation appointed by the Council to be in charge of said Pound.
- o) "Purebred Dog, Cat or Animal" shall mean a dog, cat or animal which bears an obvious identification tattoo, brand, mark, tag or license.
- p) "Restricted Dog" means any dog that has been deemed a "restricted dog" by the Animal Control Officer after having:
 - (i) chased, attacked or bitten any person or animal causing physical injury, and resulting in a conviction under this bylaw; or
 - (ii) chased, attacked or bitten any person or animal on more than one occasion, with or without causing physical injury, and resulting in separate convictions under this bylaw; or
 - (iii) been made the subject of an order under the Dangerous Dogs Act.
- q) "Running at Large" shall mean that a dog, cat or other animal is found on any public street, land, alley or other public place in the Town or is on any private property without the permission of the occupant or owner thereof, and which dog, cat or other animal is not under the control of a person by means of a leash or their similar device which is attached to the animal. For the purposes of this Bylaw, individual lots in a Mobile Home Park shall be considered separate private properties, and the park areas and roads in a Mobile Home

Park shall be considered public places.

- r) "Secure Enclosure" shall mean a building, cage or fenced area of such construction that will not allow the confined Dog or Dogs to escape from the enclosure.
- s) "Town" shall mean the Municipal Corporation of the Town of Edson, in the Province of Alberta.
- t) "Veterinarian" shall mean a person duly authorized to practice in Alberta, that branch of medicine which deals with the investigation, treatment, and prevention of disease in animals.

PART II LICENSING

Section 3

- (1)
 - (a) Every owner of a dog over the age of three (3) months within the Town shall annually, on or before the twenty eighth day of February in each year, cause each dog to be licensed for the current year by making application for a dog license to the Town Office, and the said owner shall cause the license tag so issued to be worn on a collar around the neck of the dog.
 - (b) A person who becomes an owner of a dog during the year or who is an owner and moves into the Town during the year shall make application for a dog license to the Town Office, and the said owner shall cause the license tag so issued to be worn on a collar around the neck of the dog.
- (2) When making application for a license pursuant to Section 3, subsection (1), the owner shall pay the Town fees as per attached Schedule "B".
- (3) Every license shall expire on the 31st day of December of the year for which such license has been issued.
- (4) Person requiring the assistance of a Seeing Eye dog shall, upon application to the Town Manager, be issued a annual license for such dog at no charge.
- (5) When a license tag has been lost or destroyed, the owner shall apply to the Town Office for a replacement tag. The Town will replace a lost or destroyed tag at a cost as per Schedule "B".
- (6) The licensing provisions of the Bylaw shall not apply where dogs are accompanying a person temporarily in the Town for a period of time not exceeding seventy-two (72) hours, or for such longer period as may be authorized in writing by the Town Manager.
- (7) Every dog owner shall provide the Town with the following information with each application for a dog license and a record of all licensed dogs shall be maintained by the Town:
 - a) Date of license application;
 - b) Name, address and telephone number of owner of dog;
 - c) Name, breed, colour and sex of dog;

- d) Identification of purebred dog;
 - e) If applicable, Veterinarian's Certificate showing the dog has been spayed or neutered.
- (8) No person shall be entitled to a license refund under this Bylaw, except pursuant to Schedule "B" #2.
- (9) Where a license is required pursuant to the Bylaw and has been paid by the tender of an uncertified cheque the license;
- a) 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
 - b) is automatically revoked if the cheque is not accepted and cashed by the bank on which it is issued.

PART III OFFICIALS

Section 4

- (1) The Council may, by resolution, appoint one or more persons to the position of Animal Control Officer and Poundkeeper as it deems necessary for the carrying out of the provisions of this Bylaw.
- (2) The Animal Control Officer and/or Poundkeeper shall keep an up-to-date record of all complaints, notices and reports and a similar record of the disposition thereof.
- (3) The Animal Control Officer, Bylaw Enforcement Officer or any Peace Officer or their designate in order to enforce the provisions contained in this Bylaw may enter onto the land surrounding any building in pursuit of any dog which has been running at large.
- (4) a) The Animal Control Officer shall inform the Medical Officer of Health or a veterinarian when in the opinion of the Animal Control Officer there is risk that a dog, cat or animal may be rabid or carry any other communicable disease.
- b) Any dog or cat so taken into custody and confined shall not be destroyed unless its destruction is ordered by the Animal Control Officer or designate.
- c) The fine as provided in this Bylaw shall not apply when a dog or cat is taken into custody and confined pursuant to the terms of this Section. Pound costs and all other additional costs such as veterinarian, immunization, laboratory tests, or any other costs as may be required or ordered by the Medical Officer of health or his/her assistant shall be borne by the owner, possessor or harbourer of such dog or cat.
- d) The active immunization of the Animal Control Officer and/or Poundkeeper against rabies is considered a requirement and condition of employment.

PART IV OFFENSES

Section 5

- (1) No dog owner shall allow his/her dog to:
 - a) cause damage to private or public property;
 - b) habitually bark or howl or otherwise cause a disturbance;
 - c) chase, attack or bite any person or animal on any public street or place in the Town;
 - d) upset waste receptacles, scattering the contents in or about the streets, lanes or other public property or in or about a premise not belonging to the owner of the dog;
 - e) run at large in the Town at any time, unless in a designated "off leash" area; or
 - f) be within a three metre radius of the outer edge of a public outdoor pool/spray water park.

- (2) No cat owner shall allow his/her cat to:
 - a) cause damage to private or public property;
 - b) habitually scream or otherwise cause a disturbance;
 - c) chase, attack or bite any person or animal on any public street or place in the Town;
 - d) upset waste receptacles, scattering the contents in or about the streets, lanes or other public property or in or about a premise not belonging to the owner of the cat;
 - e) run at large in the Town at any time; or
 - f) be within a three metre radius of the outer edge of a public outdoor pool/spray water park.

- (3) No person shall
 - a) remove or attempt to remove any dog, cat and/or domestic animal from the possession of the Animal Control Officer engaged in the enforcement of the provisions of this Bylaw, or
 - b) hinder, delay or obstruct the Animal Control Officer when he/she is impounding a dog, cat and/or domestic animals.

- (4) The owner of a bitch shall keep the said bitch confined indoors or in a secure run or fenced in yard to which other dogs are unable to gain access when the bitch is in heat.

- (5)
 - a) No persons shall keep more than three dogs or cats on residential property in the Town unless the kennel is at least one hundred feet from any adjoining property.

 - b) Notwithstanding that the keeping of three or more dogs or cats may be in compliance with clause (a), the Council may direct that the dogs or cats be removed from the kennel if the Council is of the opinion that the keeping of the dogs or cats is causing or is likely to cause a nuisance upon having received:
 - i) a valid written complaint in respect of the said dogs or cats, or
 - ii) evidence that the dogs or cats have caused harm or danger to any person, place or thing.

- (6)
 - a) No dog, cat or domestic animal shall cause a nuisance.

- b) No person shall keep a dog, cat or domestic animal in the Town if in the opinion of Council keeping the dog, cat or domestic animal is likely to cause a nuisance.
 - c) No owner of a dog shall permit or otherwise allow the dog to bite or attempt to bite any person, and if a complaint is received by the Animal Control Officer he/she may direct the complainant to take proceedings under the Dangerous Dog Act being Chapter D-3 of the Revised Statutes of Alberta, 2000as amended.
- (7) An owner of a dog is guilty of an offense where the owner fails to obtain a license.
 - (8) An owner of a Restricted Dog is guilty of an offense if such dog is not at all times, while on property of which the owner is the property owner, confined within a secure enclosure, unless such dog is on a permitted leash held and controlled by the owner.
 - (9) An owner of a Restricted Dog is guilty of an offense if such dog is not at all times, while on property of which the owner is not the property owner, confined within a secure enclosure, unless such dog is wearing a muzzle and is on a permitted leash held and controlled by the owner.
 - (10) If an animal defecates on any public or private property which is not the owner's property, the owner shall cause the feces to be removed immediately and disposed of in a proper waste receptacle, and an owner who fails to do so is guilty of an offense.
 - a) A blind owner of a registered guide dog, or a blind person being assisted by a registered guide dog is not subject to the obligations imposed in Section (10).
 - (11) No owner of a dog shall permit his dog on any cemetery within the Town at any time.

PART V IMPOUNDING

Section 6

- (1) The Animal Control Officer may impound any dog, cat or any other animal found running at large in the Town.
- (2) The Town shall make all reasonable efforts to notify immediately the owner of the impounded dog, cat or animal if known, of such impounding.
- (3) The owner of the dog, cat or any animal may redeem the impounded dog, cat or any animal upon compliance with the following conditions:
 - a) presenting satisfactory proof that the dog is licensed for the current year;
 - b) paying the impoundment fee for the dog, cat or any animal incurred while impounded as per Schedule "B", #5; and
 - c) paying the pound fee in effect per day for the impounded dog, cat or any animal as per Schedule "B", #6.
- (4) When a dog, cat or any animal is not redeemed within 72 hours of this impounding, excepting Purebred dogs, cats or animals which shall be kept for a period of 120 hours, the Animal Control Officer/Poundkeeper may:

- a) adopt out such dog, cat or any animal to any person, excluding the former owner.
 - b) make arrangements to destroy the dog, cat or any animal and dispose of the carcass.
- (5) The owner of a dog, cat or any animal which has been redeemed from the pound is responsible for transporting the dog, cat or any animal from the pound.

PART VI OTHER

Section 7

- (1) No person shall keep bovine, equine, porcupine or ruminant animals within the limits of the Town unless,
- a) Council is of the opinion that the keeping of such animals is not likely to cause a nuisance, and
 - b) The keeping of such animal has been approved by special resolution of Council.
- (2) No person shall keep any chicken, turkey, goose, guinea, fowl or poultry of any kind within the limits of the Town unless,
- a) Council is of the opinion that the keeping of such birds or poultry is not likely to cause a nuisance, and
 - b) Such birds or poultry are a necessary part of a commercial undertaking, and
 - c) The keeping of such birds or poultry has been approved by special resolution of Council.
- (3) Council may by resolution withdraw any approval granted pursuant to subsection (1) or (2) where it is of the opinion that the keeping of any animal referred to in subsection (1) or (2) is causing or is likely to cause a nuisance.
- (4) Except as may be permitted by subsection (3), no person shall keep more than four pigeons or more than four rabbits on residential property in the Town.
- (5) Where a person keeps four or fewer pigeons or four or fewer rabbits on residential property in the Town where
- a) the pigeon or rabbit pens are not kept in a clean and sanitary condition, or
 - b) Council is advised of a complaint in respect to the pigeons or rabbits, or
 - c) Council is advised that the pigeons or rabbits have caused damage to another person's property

Council may direct that the said pigeons or rabbits be removed from the person's property if the Council is of the opinion that the keeping of the pigeons or rabbits is causing or is likely to cause a nuisance.

- (6) Council may by special resolution permit a person to keep more than four pigeons or more than four rabbits in the Town where Council is of the opinion that, on account of the large size of the parcel of land where the pigeons or rabbits will be kept, the

keeping of such pigeons or rabbits is not likely to cause a nuisance.

PART VII ENFORCEMENT

Section 8

- (1) Where it is alleged that a person has contravened a provision of this Bylaw, the Town may cause to be served upon the alleged offender a Town Bylaw offense tag, which offense tag shall provide that the alleged offender may make payment of such penalty as is set forth in Schedule "A" (attached hereto and forming part hereof) to the Town in lieu of prosecution.
- (2) An offense tag may be issued by personally serving it upon the offender, or by leaving it at the residence of the offender or by sending it to the address shown in the Town records.
- (3) The provisions of this section are an initial alternative to the issuance of a Violation Ticket pursuant to the provisions of the Provincial Offences Procedure Act as set out in Section 8 subsection 5 herein. If an offense tag is issued and payment is made within the time limited then such payment shall be accepted in lieu of prosecution.
- (4) If a cheque is given in payment for an offense tag and the cheque is not honoured by the financial institution on which it is drawn, the offense tag shall be treated in the same manner that it would have been if the cheque had not been given in payment for the appropriate fine provided in Schedule "A".
- (5) Any person who breaches a provision of this Bylaw is guilty of an offense and is subject to prosecution pursuant to the provisions of the Provincial Offences Procedures Act upon issuance of a Violation Ticket.
- (6) No term of imprisonment may be imposed for failure to a fine levied under the provision of this Bylaw.

PART VIII ENACTMENT

Section 9

- (1) Bylaw 1832 and 2031 are hereby repealed.
- (2) This Bylaw shall come into force and have effect upon final reading.

READ a first time this 6th day of May A.D., 2014

Mayor

Director of Finance

READ a second time this 24th day of June A.D., 2014

Mayor

Director of Finance

READ a third time and finally passed this 15th day of July A.D., 2014

Mayor

Director of Finance

SCHEDULE "A"
 TOWN OF EDSON
 BYLAW NO. 2140

EDSON ANIMAL CONTROL BYLAW

Amount which will be accepted by the Town in lieu of prosecution pursuant to PART VII - ENFORCEMENT Section 8 (1).

PENALTIES

Where a person has contravened a provision of the Edson Animal Control Bylaw No. 2140 the following penalties shall be accepted in lieu of prosecution:

Owner Type	1st Offence	2nd Offence	3rd & Subsequent Offence
1. Restricted Dog	\$300.00	\$ 1,000.00	\$2,000.00
3. Other Dog	\$ 50.00	\$ 100.00	\$ 200.00
4. Other Animals	\$ 50.00	\$ 100.00	\$ 200.00

An animal's record will be considered clean and free after twelve (12) consecutive months with no fines from date of last violation.

SCHEDULE "B"

TOWN OF EDSON

BYLAW NO. 2140

EDSON ANIMAL CONTROL BYLAW

FEES

Animal Licensing FEES	License paid prior to February 28	License paid after February 28	License paid after August 1
Non altered Dog (renewal)	\$ 35.00	\$ 70.00	\$ 70.00
Altered Dog (renewal)	\$ 20.00	\$ 40.00	\$ 40.00
Voluntary New Dog License (non-altered)	\$ 35.00	\$ 35.00	\$ 17.50
Voluntary New Dog License (altered)	\$ 20.00	\$ 20.00	\$ 10.00
Involuntary New Dog License (non-altered)	\$ 35.00	\$ 70.00	\$ 70.00
Involuntary New Dog License (altered)	\$ 20.00	\$ 40.00	\$ 40.00

1. It shall be the responsibility of the owner of any dog to provide a certificate from a veterinarian indicating a dog has been spayed or neutered in order to obtain the Altered Dog rate, a certificate **MUST BE** provided at time of payment.
2. Upon presentation by the owner of a receipt for payment of a license, and a certificate from a veterinarian stating that the dog was neutered or spayed within the current year, the Town shall refund to the owner the sum of \$20.00 for said dog.
3. If the license is being *voluntarily* purchased by a new dog owner in the month of December, the amount paid shall be for the following year.
4. If the license tag is lost, it can be replaced by the Town for two dollars (\$2.00).
5. An Impoundment Fee of \$25.00 will be charged immediately when an animal is impounded.
6. A Daily Pound Fee of \$10.00 will be charged for each day an animal is kept in the pound.