

TOWN OF DRAYTON VALLEY

BYLAW 91-15

Being a Bylaw of the Town of Drayton Valley in the Province of Alberta to provide for the licensing, regulation and control of dogs in the Town of Drayton Valley.

WHEREAS, pursuant to the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 1980, and amendments thereto, the Council of a municipality may pass bylaws for the purpose of regulating and controlling animals;

NOW THEREFORE, the Council of the Town of Drayton Valley, duly assembled, hereby enacts as follows:

1. This Bylaw shall be cited as the Animal Control Bylaw.
2. In this Bylaw the following definitions shall apply:
 - a) Town - means the Municipal Corporation of the Town of Drayton Valley or the area contained within the boundary thereof as the context requires.
 - b) Council - means the Council of the Town of Drayton Valley.
 - c) Peace Officer - means and includes the Bylaw Enforcement Officer, as appointed by resolution of Council, or a Special Constable, as appointed by the Attorney-General pursuant to the provisions of the Police Act of Alberta, or a member of the R.C.M.P.
 - d) Animal Control Officer - means a person engaged by the Town of Drayton Valley to carry out the provisions of this Bylaw.
 - e) 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.
 - f) Former Owner - means a person who at the time of impoundment was the owner of an animal which was subsequently sold or destroyed.
 - g) Animal - means a dog, male or female.
 - h) Running at Large - means:
 - i an animal or animals which are not under the control of a responsible person 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, park, playground, school ground or other public place, or
 - ii an animal or animals which are under the control of a responsible person and which cause damage to property or injury to persons or other animals.
 - i) Pound - means a place of impoundment or detention selected by the Town of Drayton Valley for the impoundment of animals as set out in this Bylaw.
 - j) Working Day - means a day of the week other than Saturday, Sunday or a federally, provincially or civically declared holiday.
 - k) Nuisance - means a noxious or offensive or bothersome act which impairs the use and enjoyment by another person of his property, or detrimentally affects his health, comfort or convenience.
 - l) Kennel - means any place owned by any person, group of

Initials:

Thomas

Mayor

SA

Municipal Secretary

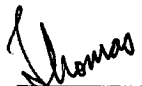
persons, or corporation engaged in the commercial business of breeding, buying, selling or boarding animals of any kind.

3. 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 Section 3; Subsection a) unless he proves to the satisfaction of the court trying the case, that he had 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 assure 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. An owner of an animal:
 - a) Shall ensure that such animal shall not become a public nuisance by:
 - i Biting, barking at or chasing bicycles, automobiles or other vehicles.
 - ii Habitually barking, howling, or otherwise disturbing any neighbors.
 - iii Causing damage to property or other animals.
 - iv Keeping a female dog which is in season at any location where the dog is a source of attraction to other dogs.
 - v Biting or chasing a person or persons, whether on the property of the owner or not.
 - vi Defecates on property other than his own.
 - b) Shall ensure that such animal does not go into any flower beds in any park area or playground.
 - c) Shall ensure that such animal is not placed in, or does not enter or remain in, any swimming, bathing or wading pool that is provided for the use of the public.
 - d) The 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 h) i, and upon summary conviction thereof shall in addition to any penalty imposed on him be civilly liable to the Town for any expense directly or indirectly incurred by it in connection with the receptacle being upset or the waste scattered abroad.
5. 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 up, and
 - d) Shall immediately report the matter to the Peace Officer or the Civic Office.

Initials: Thomas Mayor SA Municipal Secretary

6. The owner of an animal shall apply for an annual license for each animal and shall pay therefore an annual fee as set out in Schedule "A", as attached to, and forming part of, this Bylaw.
7. The owner of an animal:
 - a) Shall obtain the annual license for the animal on the first working day in January of every year.
 - b) Subject to the provisions of Section 7 d), shall obtain a license for the dog on the first day when the license department is open for business after the animal becomes three months of age.
 - c) Shall obtain the licence on the first working day after he becomes the owner of the animal.
 - d) Shall obtain a license for an animal, notwithstanding that it is under the age of three months, where the dog is found running at large.
8. The owner of an animal shall ensure that his/her animal wears a collar and current license at all times.
9. Upon losing an animal license, the owner of the animal shall present the receipt for payment of the current year license fee to the license department who will issue a new license to the owner upon payment of one dollar.
10. No person shall be entitled to a license rebate under this Bylaw.
11. Where a license required pursuant to this section has been paid by the tender of an uncertified cheque, the license:
 - a) Shall be 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) Shall be automatically revoked if the cheque is not accepted and cashed by the bank on which it is issued.
12. No persons shall keep more than two (2) animals on residential property in the Town, with the exception of:
 - a) when an animal has had a litter up to 90 days old.
 - b) special circumstances, as approved by a Peace Officer.
 - c) Kennels, as defined in Section 2; Subsection 1), and regulated as follows:
 - i Must be holders of a valid development permit, issued pursuant to the Land Use Bylaw of the Town of Drayton Valley, authorizing the operation of a Kennel;
 - ii Must pay the Business Licence Fee as outlined in the Drayton Valley Business Licence Bylaw.
 - iii Shall not be permitted on residential property unless the kennel is located not less than one hundred (100) feet from any other persons property.
 - iv Further provided that if written complaints are received by the Town Office, or damage is proven as a result of the kennel, Council may direct that the person operating the kennel move or cease to operate same.
13. a) A Peace Officer or an Animal Control Officer of the Town may capture and impound any animal:
 - i in respect of which he believes or has reasonable

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Mayor



Municipal Secretary

grounds to believe an offense under this Bylaw is being or has been committed.

- ii Which is required to be impounded pursuant to the provisions of any statute of Canada or of the Province of Alberta or any regulation made thereunder.
 - b) A Peace Officer or Animal Control Officer may enter onto the land surrounding any building in pursuit of any animal which has been observed running at large.
 - c) The Council of the Town is hereby empowered to select a place of impoundment as may be required.
 - d) The Town Manager and/or Municipal Secretary are hereby empowered to authorize the Peace Officer to use, operate or handle a tranquilizer gun in the apprehension of all animals running at large within the Town limits.
14. No person, whether or not he is the owner of an animal which is being or has been pursued or captured, shall obstruct by:
- a) Interfering with or attempting to obstruct a Peace Officer or an Animal Control Officer who is attempting to capture or who has captured an animal which is subject to being impounded pursuant to the provisions of this Bylaw.
 - b) Inducing 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 representing himself as being in charge or control of an animal so as to establish that the animal is not running at large; or
 - d) Unlocking or unlatching 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.
15. No person shall free animals from restraints by:
- a) Untying, loosening or otherwise freeing an animal which has been tied or otherwise restrained, or
 - b) Negligently or wilfully 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.
16. No person shall tease, abuse, torment or annoy an animal.
17. a) When the Peace Officer or Animal Control Officer knows or can ascertain the name of the owner of any impounded animal, he shall serve the owner with a copy of a notice as outlined in Schedule "B", as attached to, and forming part of, this Bylaw, 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 Section 7, Subsection a) is deemed to have received a notice within 48 hours of the time it is mailed.
18. The owner of any impounded animal may reclaim the animal from the pound by paying to the Town Office the fees as set out in Schedule "C", as attached to, and forming part of, this Bylaw, and by obtaining the license for such animal should a license be required under this Bylaw.
19. The Peace Officer or Animal Control Officer shall not destroy or sell an impounded animal until the following conditions are met:

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Thomas

Mayor

[Signature]

Municipal Secretary

- a) i After a dog is retained in the pound for three (3) days after the owner has received notice or is deemed by Section 17 to have received notice that the dog is in the pound.
 - ii Seventy-two (72) hours or three (3) working days if the name and address of the owner are unknown or unless a person having the authority orders the retention or the destruction of the dog or unless the owner of the dog makes arrangements with the Civic Office for the further retention of the dog, in which case the Peace Officer may cause the dog to be sold or destroyed.
 - b) The Peace Officer may retain a dog for a longer period if in his opinion the circumstances warrant the expense.
 - c) The Peace Officer or Animal Control Officer may offer for sale all unclaimed dogs which have been in the pound for:
 - i Five (5) days or longer when the name and address of the owner are known; or
 - ii Seventy-two (72) hours or three (3) working days or longer if the name and address of the owners are not known.
 - d) i The purchaser of an animal from the pound pursuant to the provisions of Section 19, Subsection d) shall obtain full right and title to the animal and the right and title of the former owner of the dog shall cease thereupon.
 - ii The purchaser of an animal must agree to pay the adoption fee as outlined in Schedule "C", as attached to, and forming part of, this Bylaw.
 - iii The purchaser of an animal must agree to and sign the "Terms and Conditions of Adoption" Form, as outlined in Schedule "D" attached to, and forming part of, this Bylaw.
 - iv The purchaser of an animal will be provided with an Examination Certificate as outlined in Schedule "E", attached to, and forming part of, this Bylaw, which will entitle the owner to a free examination and vaccination upon payment of the Adoption Fee stipulated in Section 19 d) ii.
 - e) When the Peace Officer agrees to put an animal to death, the owner shall pay to the Town Office a fee set out in Schedule "C", as attached to, and forming part of, this Bylaw.
20. a) Where a Peace Officer or Animal Control Officer believes that a person has contravened any provision of this Bylaw, 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 Bylaw.
- b) A tag shall be in such form as determined by the Council of the Town and shall state the section of the Bylaw which is contravened and the amount which is provided in Schedule "F", as attached to, and forming part of, this Bylaw, 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 payment to the cashier of the Town of the fee as provided in Schedule "F", as attached to, and forming part of, this Bylaw, the person to whom the tag was issued shall not be liable for prosecution for the contravention in respect of

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which the tag was issued.

d) Notwithstanding the provisions of Section 20, 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 Bylaw.

21. Bylaw 82-01 and Bylaw 83-12 of the Town of Drayton Valley are hereby be repealed.

This Bylaw shall come into force and have effect from and after the date of third reading thereof.

Read a first time this *4th* day of *April*
A.D., 1991

Thomas W. Lee
Mayor

SEAL

Blammond
Municipal Secretary

Read a second time this *25th* day of *April*
A.D., 1991

Thomas W. Lee
Mayor

SEAL

Blammond
Municipal Secretary

Read a third time this *25th* day of *April*
A.D., 1991

Thomas W. Lee
Mayor

SEAL

Blammond
Municipal Secretary

Bylaw 91-15
Schedule "A"

Dog License Fees

Spayed Female and/or Neutered Male Animal	\$ 7.00
Male and Female Animals	\$18.00

Bylaw 91-15
Schedule "B"

Notice of Impoundment

You are hereby notified that an animal, being License No. _____ for 19____ registered under the above name and address, was impounded on _____ A.D., 19____ pursuant to the provisions of Bylaw No. 91-15 of the Town of Drayton Valley and that, unless the said animal is claimed and all impoundment charges are paid on or before _____ A.D., 19____, the said animal will be sold, destroyed or otherwise disposed of pursuant to the said Bylaw.

Peace Officer

Bylaw 91-15
Schedule "C"

Fee Schedule

Amount to be paid to the Town of Drayton Valley to reclaim, destroy or claim an animal at the pound:

a) Impoundment Fees	\$ 8.00
b) Destruction of an Animal	\$30.00
c) Veterinary Fees	Amount Expended
d) Adoption Fee	\$50.00
e) Operation of Kennel	As Per the Town of Drayton Valley Business Licence Bylaw

Thomas


TERMS AND CONDITIONS OF ADOPTION

The Animal Control Division of the Town of Drayton Valley is very interested in finding the most suitable homes for our adopted pets. With this in mind, please read the following information and fill out the necessary form at the bottom of the page.

1. I understand that the Drayton Valley Animal Control Division reserves the right to refuse adoption.
2. I will have the animal examined and vaccinated by a participating Veterinaria within 5 days.
3. I understand that adoption fees will only be refunded upon signed veterinar rejection.
4. I agree to treat the animal humanely throughout it's life.
5. I realize that it is a Criminal Code Offense to abuse an animal, as set forth i Section 466 of the Criminal Code.
6. I realize that no refunds are granted for allergies to animals.
7. I agree to pay the adoption fee, as outlined in Bylaw 91-06, which will includ impoundment, basic veterinary examination and vaccination fees as per the exa certificate.

Please Print

Name: _____

Telephone (Home): _____

Address: _____

Telephone (Work): _____

Signature: _____

Date: _____

Thomas


Bylaw 91-15
Schedule "E"

EXAMINATION CERTIFICATE

Upon an adoption of any dog from the Town of Drayton Valley, you will be entitled to a free examination and vaccination as noted below.

Should the attending veterinarian advise that the animal is not suitable for adoption due to medical reasons, or a physical abnormality, you may return your pet with this certificate, properly completed, within FIVE days of the examination and the Town of Drayton Valley will refund the adoption fee. The Town of Drayton Valley limits its liability to the adoption cost to the adoptive owner. The time limit for free examination is five days after adoption.

Name: _____ Address: _____

Phone: _____ Date of Adoption: _____

Expiry Date for Examination: _____

Expiry Date for Return: _____

Your pet has been vaccinated against:

Description:

- Canine Distemper _____
- Canine Hepatitis _____
- Canine Parainfluenza _____
- Canine Leptospirosis _____
- Parvo Virus _____
- Corona Virus _____

- Sex: _____
- Age: _____
- Color: _____
- Breed: _____

Date of Vaccination: _____

Signature of Clerk: _____

Date of Examination: _____

Reason for Rejection: _____

Signature of Attending Veterinarian: _____

Veterinary Clinic: _____

Penalties

Amount which will be accepted by the Town of Drayton Valley in lieu of prosecution:

	1st Offence	2nd Offence	3rd Offence
Section 3 (a) Running at Large	30.00	40.00	50.00
Section 4 (a) Public Nuisance	30.00	40.00	50.00
(b) Animals in Floral Areas	30.00	40.00	50.00
(c) Entering Swimming or Wading Pools	30.00	40.00	50.00
(d) Trashing	30.00	40.00	50.00
Section 5 Communicable Disease	30.00	40.00	50.00
Section 6 Dog License Infraction	10.00	-----	-----
Section 8 Failure to wear licence	30.00	40.00	50.00
Section 12 More Than 2 Dogs	30.00	40.00	50.00
Section 14 Obstruction	30.00	40.00	50.00
Section 15 Freeing Animals From Restr.	30.00	40.00	50.00
Section 16 Torment, Annoy or Abuse	30.00	40.00	50.00

- a) A person who contravenes a provision of this Bylaw by doing something which he is prohibited from doing or by failing to do something which he is required to do or by doing something in a manner different from that in which he is required or permitted to do by this Bylaw is guilty of an offence and liable upon summary conviction to a fine of:
- i Not less than ten dollars (\$10.00) or more than five hundred dollars (\$500.00) for an infraction under Section 6 of this Bylaw.
 - ii Not less than thirty dollars (\$30.00) or more than five hundred dollars (\$500.00) for any other offence under this Bylaw or upon failure to pay the fine and costs, to imprisonment for a period not exceeding ninety (90) days 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 Bylaw shall not relieve the person from the necessity of paying any fees, charges or costs from which he is liable under the provisions of this Bylaw.
- c) A Provincial Judge, in addition to the penalties provided in this section may, if he considers the offence 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 to or to have the animal removed from the Town or to have the animal destroyed.

Stewart

