

4.8 Owners, or a person charged with the control and care of an animal, may allow an animal to be transported outside of the passenger cab of a motor vehicle if the animal is:

- a) in a fully enclosed trailer;
- b) in the bed area of a truck which is enclosed by a canopy or topper;
- c) contained in a ventilated kennel or similar device securely fastened to the bed of the truck; or
- d) securely tethered in the bed of truck in such a manner that the animal:
 - i) is not standing on bare metal,
 - ii) cannot jump or be thrown from the vehicle,
 - iii) is not in danger of strangulation, and
 - iv) cannot reach beyond the outside edges of the vehicle.

4.9 Except where a person is operating equipment required by persons with disabilities, such as an electric wheelchair, no person shall operate a motor vehicle with any animal tethered or leashed to that vehicle or any passenger of that vehicle

4.10 No person shall stage a dog-fighting exhibition or to train and/or keep dogs for the purpose of staging a dog-fighting exhibition.

4.11 CONTROL OF DISEASE

- a) The owner of an animal which is suffering from any communicable disease shall not permit the animal to be in any public place, and shall keep the animal from coming in contact with, or in proximity of, any other animal free of such disease.
- b) Any person who owns, harbours, maintains or keeps an animal which he knows or has reason to know is or may be suffering from rabies, or which he knows or believes has been exposed to rabies:
 - i) shall endeavour to keep the animal locked or tied up;
 - ii) shall not permit another animal to come in contact with it; and

- iii) shall immediately report the matter to the medical officer of health of the Town, the local veterinarian clinic(s) and the Town of Drayton Valley.

4.12 ANIMAL SITTING

- a) Any person carrying on animal sitting in the Town shall have no more than four (4) dogs and/or four (4) cats upon his or her premises during the period of time that he or she is animal sitting.
- b) In a residential district no person shall animal sit for:
 - i) animals licensed in the Town of Drayton Valley for a period exceeding eight (8) weeks.
 - ii) animals not licensed in the Town of Drayton Valley for a period exceeding two (2) weeks.
- c) In the event that an animal in the care of an animal sitter is captured by a Peace Officer for contravention of any part of this Bylaw, that sitter may reclaim the animal upon payment of any fines or fees, and upon satisfying the Manager of the Town Animal Holding Facility of their right to claim that animal. The Facility Manager may require a signed statement from the person claiming the animal, as well as a copy of the Operator's License or other verification of identification and address prior to releasing the animal.

4.13 ANIMAL TRAPPING

- a) No person shall set an animal trap outdoors:
 - i) if the temperature is below zero (0) degrees Celsius or forecast to be below 0 degrees Celsius in the next seventy-two (72) hour period;
 - ii) in an area not shaded from the sun;
 - iii) unless the trap is checked hourly and closed by 11:00 pm each night and rendered inoperable until 6:00 am the following day; or
 - iv) unless the person is residing and present at the property where the animal trap is located.
- b) No person shall taint the animal trap bait with any poisonous chemical or substance.

- c) The Town will only be responsible for Town traps. Peace Officers will not assume custody of any animals trapped in any trap other than a trap owned by the Town.

5. MUNICIPAL PRACTICES

5.1 OFF LEASH AREA

- a) The Town may designate areas where dogs are permitted to run when off leash, and the Town may designate areas where organized and controlled canine events may be held. Such designated areas will be indicated by signs posted in the areas.
- b) If the Town so desires to have a designated off leash area, the owners permitting their dogs to run at large in such off leash areas must undertake the following:
 - i) shall maintain control of their dogs at all times whether or not a dog is on a leash;
 - ii) shall not permit their dog to cause damage to any public or private property;
 - iii) shall immediately remove any defecation in the area designated as an off leash area; and
 - iv) shall obey all rules and regulations as posted within the off leash area.

5.2 CAPTURE AND IMPOUND PRACTICES

- a) A Peace Officer may capture and impound any animal which is:
 - i) running at large;
 - ii) named, described or otherwise designated in a complaint made pursuant to the *Dangerous Dogs Act*;
 - iii) named, described or otherwise designated in a complaint alleging the dog to be aggressive;
 - iv) chasing, worrying or annoying any wildlife, livestock or domestic animal on property other than that belonging to the owner of the dog;
 - v) a public nuisance, including but not limited to barking or howling excessively or unnecessarily, or otherwise creating a disturbance whether the dog is on the property of the owner or not;

- vi) found unattended in unsuitable weather conditions in a motor vehicle;
 - vii) found in distress or being ill-treated; or
 - vi) 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, in the act of capturing an animal, is hereby authorized to use tranquilizer pellets, live traps or other similar means to affect the capture of the animal. The Town and its Peace Officers shall not be held liable for the death or injury of any animal.
- c) Upon capture of an animal the Peace Officer shall immediately supply the animal with adequate shelter, as defined by the Alberta Society for the Prevention of Cruelty to Animals, as well as food and water.
- d) No person shall:
- i) interfere with or attempt to obstruct a Peace Officer who is attempting to capture, or who has captured, any animal in accordance with the provisions of this Bylaw;
 - ii) induce any animal to enter a house or other place where it may be safe from capture, or otherwise assist the animal to escape capture;
 - iii) falsely represent himself as being in charge or control of an animal so as to establish that the animal is restrained as the term is defined in this Bylaw;
 - iv) unlock or unlatch or otherwise open the vehicle in which animals captured for impoundment have been placed so as to allow or attempt to allow any animal to escape therefrom;
 - v) remove or attempt to remove any animal from the possession of the Peace Officer;
 - vi) untie, loosen or otherwise free an animal which has been tied or otherwise restrained for the purposes of capture by the Peace Officer;
 - vii) negligently or willfully open a gate, door or other opening in a fence or enclosure in which an animal has been confined by a Peace Officer and thereby allow the animal to run at large in the Town;
 - viii) tease an animal confined in an enclosed space; or

- ix) throw or poke any object into an enclosed space when an animal is confined therein.

5.3 ENTRY ON PREMISES OR VEHICLES

In the enforcement of this Bylaw, the Peace Officer, bearing proper identification, may:

- a) subject to entry notice provisions of the *Municipal Government Act*, enter a premises to carry out an inspection, remedy, enforcement or action on any privately owned land at any reasonable time. In this section the word “premises” does not include a building; or
- b) enter a motor vehicle by any reasonable means under the circumstances required to rescue an animal after making a reasonable effort to locate the owner or other person responsible for the vehicle. Written notice bearing the Peace Officer’s name and office, and the address of the location where the animal can be claimed, shall be left on the vehicle.

5.4 NOTIFICATION OF CAPTURE AND IMPOUNDMENT

- a) Upon apprehending an animal under this Bylaw, the Peace Officer shall immediately contact the Town Office to ascertain whether or not the animal is currently licensed in accordance with this Bylaw and shall make a reasonable effort to give notice of the capture to the owner.
- b) The Peace Officer shall inquire at the Town Office, as well as through local veterinary offices and animal rescue groups, such as Cause for Critters, if any information about a lost or missing animal has been reported. The Peace Officer shall report to the Town Office and any local animal rescue group any animals that the Peace Officer has captured.
- c) If a Peace Officer knows or can ascertain the name of the owner of any captured animal, they shall:
 - i) contact the owner and return the animal to the owner prior to completion of the Peace Officer’s shift; or
 - ii) if the owner is identified and cannot be contacted, the Peace Officer shall attend at the residence of the animal and make inquiries through neighbours to confirm the residency information on record; and

- iii) if the residency is confirmed and the animal is a dog and can be secured in the yard, the animal shall be left at the residence along with proper documentation, including any Violation Ticket or Bylaw Violation Tag, warning of the animal running at large; or
 - iv) if the animal's owner was identified and could not be contact and there is no option to leave the animal at the residence, the Peace Officer shall leave Notice in the form prescribed in Schedule "A" of this Bylaw, by leaving it at the address of the owner.
- d) An owner of an animal to whom a Notice is mailed pursuant to section 5 (a) of this Bylaw is deemed to have received a notice within forty-eight (48) hours from the time it is mailed.

5.5 RECLAIMING AN ANIMAL

- a) The owner of any impounded animal may reclaim the animal by:
 - i) paying to the Town the costs of the impoundment as set out in the annual fee schedule prescribed by the Town;
 - ii) where a license is required under this Bylaw, obtaining the license for such animal; and
 - iii) signing an acknowledgement of the animal being impounded and reason for being impounded.
- b) Where an animal is claimed, the owner shall provide proof of ownership of the animal.
- c) The owner of an animal who has been found not guilty of committing an offence under this Bylaw may request the return of any fees paid by him for reclaiming his animal.
- d) A Peace Officer shall have the authority to refuse to release any impounded animal to a person who appears to be impaired, abusive or unable to provide the proper care and sustenance to an animal.

5.6 ADOPTION AND EUTHANASIA PRACTICES

- a) The Manager of the Town Animal Holding Facility shall not adopt out or euthanize any impounded animal until the following conditions are met:
 - i) after an animal is retained in the Town Animal Holding Facility for:

- (1) five (5) business days after the owner has received notice or is deemed by section 5.4 above to have received notice that the animal is in the Town Animal Holding Facility; or
 - (2) five (5) business days, if the name and address of the owner is not known, or unless a person having authority orders the retention or the euthanasia of the animal, or unless the owner of the animal makes arrangements with the Manager of the Town Animal Holding Facility for the further retention of the animal, the Manager may cause the animal to be adopted out or euthanized.
- b) Notwithstanding subsection (a), the Manager of the Town Animal Holding Facility may:
 - i) retain the animal for a longer period;
 - ii) transfer the animal to an animal rescue organization for adoption; or
 - iii) euthanize the animal after a shorter period if humane purposes warrant.
- c) The Manager of the Town Animal Holding Facility may offer for adoption all unclaimed animals which have been in the Town Animal Holding Facility for:
 - i) five (5) business days or longer after the owner has received notice or is deemed by section 5.4, to have received notice when the name and address of the owner are known; and
 - ii) five (5) business days or longer if the name and address of the owner is not known.
- d) No impounded animal shall be adopted out by the Town Animal Holding Facility to any resident of the Town until a license has first been purchased for the animal by the resident adopter.
- e) The Manager of the Town Animal Holding Facility may, before adopting out an unclaimed animal, require that the animal be altered.
- f) The adopter of an animal from the Town Animal Holding Facility pursuant to the provisions of this section shall obtain full right, title and responsibility for the animal. The right and title of the former owner of the animal shall cease.
- g) The Peace Officer shall report any apparent illness, communicable disease, injury or unhealthy condition of any animal to a veterinarian and act upon the veterinarian's recommendation. The owner, if known, shall be

responsible for all expenses incurred. The Peace Officer, being reasonably sure of an illness, communicable disease, injury or unhealthy condition left untreated shall report such condition to the Alberta Society for the Prevention of Cruelty to Animals.

- h) When the Manager of the Town Animal Holding Facility elects to have an animal euthanized, the owner shall pay to the Town the expenses incurred, as well as any fines and license fees.
- i) Any animal suspected of being rabid shall be taken by a Peace Officer or the Manager of the Town Animal Holding Facility to a veterinarian for confirmation. A certificate shall be obtained from such veterinarian as to whether or not such animal is believed to be rabid and such certificate shall be deemed to be final and conclusive. If an animal is diagnosed as being rabid, euthanization of that animal shall occur immediately and the owner shall pay to the Town the cost incurred in the examination and euthanasia of the animal, as well as any fines and license fees.

5.7 SPECIAL CIRCUMSTANCES

The Manager of the Town Animal Holding Facility, in consultation with the Town Manager may:

- a) receive animals into protective care pursuant to fire, flood, or other emergent circumstances;
- d) retain the animals temporarily, for the duration of the emergent circumstances or as otherwise agreed upon with the owner;
- c) charge the owner of the animal a fee as prescribed by Council for costs of protective care; and
- d) at the end of the protective care period, if no other arrangements are made between the owner and the Manager of the Town Animal Holding Facility, treat such animal as an impounded animal.

6. LICENSING

6.1 The owner of a dog or cat must obtain a license for each of their animals on or before January 15 of each calendar year. In the case of animals adopted, or residents moving into Town with animals during the course of the calendar year, those owners shall obtain a license for the remainder of the calendar year and will be expected to thereafter obtain a yearly license as required by this Bylaw.

6.2 Fees shall be charged as prescribed by Council in the Town's annual fee schedule.

- 6.3 In the event that a license tag is lost or destroyed, a replacement will be issued by the Town upon payment of the sum prescribed in the Town's annual fee schedule, provided the owner can present receipt of payment of the license fee for the current license year, or the administrative records indicate payment was made.
- 6.4 Licenses and tags are not transferrable from one animal to another, and no refund shall be made on any paid license fees because of the death, sale or re-homing of the animal, or upon the owner leaving Town before the expiration of the license period.
- 6.5 Notwithstanding the foregoing, the owner of a guide dog or service dog is required to obtain a license for that animal, but is not required to pay a fee for a license under this Bylaw.
- 6.6 Owners shall ensure that any licensing tag issued by the Town as evidence of a dog or cat license is attached to the collar worn by the animal whenever the animal is off the premises ordinarily occupied by the owner. This condition does not apply when that animal has been marked for identification.
- 6.7 The Town reserves the right to request proof, in a form satisfactory to the Town, that the animal has been altered or marked for identification, prior to issuance of any license.
- 6.8 In any prosecution or proceeding for a contravention of this Bylaw the burden of proof relating to the age of the animal shall be upon the owner and, unless the contrary is proven, the animal shall be presumed to have attained the age of six (6) months.
- 6.9 The Town may require that a higher rate be charged to license a breeding animal. If, during the course of the year for which a license has been issued, the owner has that animal spayed or neutered, and provide proof of same in a form satisfactory to the Town, the difference in license fees for an altered animal versus a breeding animal shall be refunded to the owner.

6.10 LICENSING OF A NUISANCE DOG

- a) If an animal is deemed by a Peace Officer to be a nuisance dog, the Peace Officer shall provide Notice in writing to the owner. Upon issuing a Nuisance Dog Licence or upon fifteen (15) days written notice to the licensee, the Peace Officer may impose any of the following conditions on a nuisance dog licence:
- i) that the owner keep the nuisance dog indoors or secured in a fully enclosed outdoor pen;
 - ii) that the owner ensure the nuisance dog is muzzled while outdoors;

- iii) that the owner undertake repairs to the property where the nuisance dog resides to ensure compliance with this bylaw;
 - iv) that the owner of the nuisance dog complete a behavioural modification course specified by the Peace Officer; or
 - v) any other condition the Peace Officer deems reasonable.
- b) An owner may appeal the decision of the Peace Officer to impose conditions on a nuisance dog licence within fourteen (14) days.
 - c) An owner shall not contravene any condition on a nuisance dog license.

7. OFFENCES AND VIOLATIONS

7.1 If an animal is involved in a contravention of this Bylaw, the owner of that animal is guilty of an offence.

7.2 Any person that contravenes any provision in this Bylaw is guilty of an offence.

7.3 If a Peace Officer or Bylaw Officer finds that an animal has been inadequately cared for, abused or otherwise neglected in any manner, that Peace Officer or Bylaw Officer shall make a report to the Alberta Society for the Prevention of Cruelty to Animals for further investigation and/or enforcement under Provincial legislation.

7.4 a) Where a Peace Officer has reasonable grounds to believe that any person has committed a breach or contravention of any provision of this Bylaw he may serve upon such persons a Violation Ticket or Bylaw Violation Tag with a specified penalty to be paid within fourteen (14) days of the date of service of the Violation Ticket or Bylaw Violation Tag, or he may commence proceedings by issuing a summons by means of a Violation Ticket or Bylaw Violation Tag in accordance with Part 2 of the *Provincial Offences Procedure Act*, R.S.A. 2000, Chapter P-34.

b) In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which the offence continues and any person guilty of such an offence is liable to a fine in an amount not less than that established by the Bylaw for each such day.

7.5 SERVICE OF A NOTICE OR VIOLATION TICKET OR BYLAW VIOLATION TAG

A notice or Violation Ticket or Bylaw Violation Tag shall be deemed to have been sufficiently served:

a) if personally served on the accused;

- b) if served by registered mail;
- c) if left at the accused's usual place of abode with an inmate thereof who appears to be at least eighteen (18) years of age;
- d) where the accused is an association, partnership, corporation or registered kennel, if served by registered mail or if left with a person who appears to be at least eighteen (18) years of age and who is an employee or officer of the association, partnership, corporation or registered kennel; or
- e) where notice is left on the windshield of a motor vehicle from which an animal was removed.

7.6 PAYMENT

Upon production of any such notice or Violation Ticket or Bylaw Violation Tag within fourteen (14) days from the date of service of such notice, together with the payment of the sum specified in the attached Schedule "B" adopted by Town Council, to a person authorized by the Town of Drayton Valley to receive such payment, an official receipt for such payment shall be issued, and subject to the provisions of this section, such payment shall be accepted in lieu of prosecution.

7.7 PENALTIES

- a) The specified penalty payable in respect of a contravention of a provision of this Bylaw is the amount shown in the attached Schedule "B" adopted by Town Council in respect of that provision. If the person upon whom any such notice or Violation Ticket or Bylaw Violation Tag is served fails to pay the said sum within the time allotted, the provisions of this section shall no longer apply
- b) Notwithstanding subsection (a):
 - i) where any person contravenes the same provision of this Bylaw twice within one twelve (12) month period, the specified penalty payable in respect of the second contravention is double the amount shown in the attached Schedule "B" adopted by Town Council in respect of that provision; and
 - ii) where any person contravenes the same provision of this Bylaw three or more times within one twelve (12) month period, the specified penalty payable in respect of the third or subsequent contravention is quadruple the amount shown in the attached Schedule "B" adopted by Town Council in respect of that provision.

- c) Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine of not more than TEN THOUSAND (\$10,000.00) DOLLARS and in default of payment is liable to imprisonment for a term not exceeding six (6) months.
- d) The levying and payment of any fine or the imprisonment for any period provided in this Bylaw shall not relieve a person from the necessity of paying any fees, charges or costs from which he is liable under the provisions of this Bylaw.

7.8 PROOF OF LICENSE AND AGE OF ANIMAL

- a) In any prosecution or proceedings for a contravention of this Bylaw, the onus of providing all of the following is on the person alleging that:
 - i) a person has a valid and subsisting License for an animal;
 - ii) an animal is under six (6) months of age. Unless the contrary is proven, the animal shall be presumed to have attained the age of six (6) months;
 - iii) the length of time an animal has been in the Town is less than fourteen (14) days in a year.

8. INTERPRETATION

8.3 Words used in the singular include the plural and vice-versa.

8.4 When a word is used in the masculine it will refer to either gender.

8.5 Words used in the present tense include the other tenses and derivative forms.

9. SEVERABILITY

9.1 If any provision of this Bylaw is held be invalid by a court of competent jurisdiction, that decision will not affect the validity of the remaining provisions of the Bylaw.

10. TRANSITION

10.1 This Bylaw shall rescind Bylaw No. 91-15 and Bylaw No. 2000-08 of the Town of Drayton Valley, and shall have force and come into effect from and after the date of third reading thereof.

READ A **FIRST TIME** THIS 2nd DAY OF April, 2014, A. D.

MAYOR

TOWN MANAGER

PUBLIC HEARING HELD THIS 14 DAY OF MAY, 2014, A. D.

READ A **SECOND TIME** THIS 14 DAY OF MAY 2014, A. D.

MAYOR

TOWN MANAGER

Assist.

READ A **THIRD AND FINAL TIME** THIS 14 DAY OF MAY 2014, A. D.

MAYOR

TOWN MANAGER

Assist.

SCHEDULE "A"
NOTICE OF IMPOUNDMENT



DRAYTON VALLEY

'Pulling Together'

NOTICE OF IMPOUNDMENT

You are hereby notified that a dog/cat bearing identification showing your name and address was picked up by a Peace Officer for the Town of Drayton Valley and taken to the Town Animal Holding Facility on the ____ day of _____, 20____, pursuant to the provisions of Bylaw 2014/01/A of the Town of Drayton Valley.

Please note that, unless the said dog/cat is claimed and all fines and fees are paid on or before _____, 20____, the said dog/cat will be released for adoption or euthanized, pursuant to Town of Drayton Valley Bylaw 2014/01/A.

Peace Officer for the Town of Drayton Valley

Holding Facility Address

Contact Numbers

Hours of Operation

SCHEDULE "B"
FINES AND PENALTIES

Section	Violation	Penalty		
		First Offence	Second Offence	Third Offence
3.1/3.2/4.1	Failure to provide adequate care	\$150.00	\$300.00	\$600.00
3.3/4.6	Improper tethering	\$150.00	\$300.00	\$600.00
3.4/5.6	Animal kept in unsanitary conditions	\$150.00	\$300.00	\$600.00
3.5/4.4	Animal left without ventilation	\$250.00	\$500.00	\$1,000.00
4.2/4.12	Exceed the permitted number of dogs per dwelling unit	\$100.00	\$200.00	\$300.00
4.3/4.12/6	Animal not licensed	\$150.00	\$300.00	\$600.00
4.3/4.12/6	Failure to license a breeding animal	\$50.00	\$100.00	\$200.00
4.4	Animal running at large	\$100.00	\$200.00	\$400.00
4.4	Animal defecation	\$100.00	\$200.00	\$400.00
4.4	Dog injures or bites a person	\$300.00	\$600.00	\$1,200.00
4.4	Dog chases a person	\$150.00	\$300.00	\$600.00
4.4	Dog bites, barks at or chases other animal, bicycles, automobiles or wildlife	\$100.00	\$200.00	\$400.00
4.6	Dog barks or howls excessively or unnecessarily or otherwise creates a disturbance	\$100.00	\$200.00	\$400.00
4.6	Animal causes damage to property or other animal(s)	\$100.00	\$200.00	\$400.00
4.4	Animal upsets waste receptacle	\$100.00	\$200.00	\$400.00
4.5	Uncontrolled animal in heat	\$50.00	\$100.00	\$200.00
4.7	Animal in restricted area	\$100.00	\$200.00	\$400.00
4.8	Animal transported loose in open box of truck	\$200.00	\$400.00	\$800.00
4.9	Operating a motor vehicle with a tethered or leashed animal attached	\$300.00	\$600.00	\$1,200.00
4.10	Dog fighting or dogs kept and/or trained for fighting	\$2,500.00	\$5,000.00	\$10,000.00
4.11/5.6	Animal with communicable disease in public place	\$100.00	\$200.00	\$400.00
4.11/5.6	Failure to confine, isolate and report animal with rabies	\$100.00	\$200.00	\$400.00

4.13	Improper trapping	\$200.00	\$400.00	\$800.00
5.2	Interference	\$150.00	\$300.00	\$600.00