



**BYLAW NO. 2023/03/P**

**Name of Bylaw: Responsible Pet Ownership Bylaw**

**WHEREAS** Section 7 of the *Municipal Government Act*, authorizes a Council to pass bylaw's respecting:

- i. the safety, health, and welfare of people and the protection of people and property;
- ii. people, activities, and things in, on, or near a public place or place that is open to the public; and
- iii. the enforcement of bylaws made under the *Municipal Government Act* or any other enactment; including the creation of offences, imposing of fines or imprisonment, proving for inspections to determine if bylaws are being complied with, and remedying of contraventions of bylaws.

**AND WHEREAS** Section 8 of the *Municipal Government Act*, authorizes a Council to pass bylaws respecting:

- i. a provision for a system of permits or approvals, including:
  - a. establishing fees for permits and approvals;
  - b. prohibiting any activity or thing until a permit or approval has been granted;
  - c. providing that terms and conditions may be imposed on any permit or approval, the nature of the terms and conditions and who may impose them;
  - d. setting out the conditions that must be met before a permit or approval is granted or renewed, the nature of the conditions and who may impose them;
  - e. providing for the duration of permits and approvals and their suspension or cancellation for failure to comply with a term or condition;
  - f. provide for an appeal, the body that is to decide the appeal and related matters.

**AND WHEREAS** the Council of the Town of Drayton Valley deems it necessary and expedient to establish regulations in relation to the keeping of domesticated animals within the limits of the Municipality;

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

**PART 1 – TITLE, PURPOSE, AND DEFINITIONS**

**TITLE**

1. This Bylaw may be cited as the “Responsible Pet Ownership Bylaw” of the Town of Drayton Valley.

**PURPOSE**

2. The purpose of this Bylaw is to establish rules for responsible dog, cat, and fowl ownership and dog, cat, and fowl related matters in Drayton Valley.

## DEFINITIONS

3. In this bylaw, including in this section, unless context otherwise requires:

3.1. “Animal Shelter” means premises designated by the Town for the impoundment and care of Animals and includes premises supplied by an independent contractor under contract with the Town to provide such premises.

3.2. “At Large” means where a dog or cat is at any place other than the owner’s property or other permitted property is not being held by a leash. The dog or cat must remain under control regardless of the presence of a leash.

3.3. “Cat” means any feline animal of any age or gender.

3.4. “Chief Administrative Officer (CAO)” means the Chief Administrative Officer (CAO) of Drayton Valley, Alberta, or an employee of the municipality as designated by the Chief Administrative Officer.

3.5. “Coop” means a fully enclosed weather proof structure and attached outdoor enclosure used for the keeping of hens, that is no larger than 10 m<sup>2</sup> in floor area, and no more than 2.4m in height.

3.6. “Council” means the duly elected officials of the Town of Drayton Valley.

3.7. “Dog” means any canine animal of any age or gender.

3.8. “Drayton Valley” means the Town of Drayton Valley in the Province of Alberta.

3.9. “Hen” means a domesticated female chicken.

3.10. “Microchip” means an encoded identification device implanted into a dog or cat which contains a unique code that permits or facilitates access to owner information, which is stored in a central database owned and operated by third parties which is accessible to a Peace Officer, veterinarian, or animal rescue organization.

3.11. “Municipality” means the Town of Drayton Valley.

3.12. “Nuisance Animal” means any dog or cat that has been the subject of three or more tickets within the previous three years for any combination of offences under sections 4.1, 4.2, 4.3, 4.4, 6, 7, and 17, of this bylaw.

3.13. “Off leash area” means a location formally designated by the municipality where a dog is permitted, but not required, to be free of a leash but still be within the site and voice command of the owner.

- 3.14. “Outdoor Enclosure” means a securely enclosed, roofed outdoor area attached to and forming part of a Coop having a bare earth or vegetated floor for hens to roam.
- 3.15. “Owner” means anyone named on proper identification, or in actual or apparent care, charge, custody, possession or control of the cat, dog, hen, or rooster.
- 3.16. “Peace Officer” means a Peace Officer appointed as such by the *Peace Officer Act*, a Bylaw Enforcement Officer appointed by the municipality, a designated officer as defined in the *Municipal Government Act*, or a Police Officer appointed as such by the *Police Act*.
- 3.17. “Permit” means a written permit issued pursuant to this bylaw.
- 3.18. “Proper Identification” means an animal microchip that is implanted into the dog or cat, a clearly legibly tattoo, or a disc or other shape of metal or plastic which is securely affixed to a dog or cat’s collar or other restraining device, that is on the dog or cat, and which contains, at a minimum, an operational phone number of the owner or a phone number at which the owner can be contacted.
- 3.19. “Property Owner” means a person who is registered under the *Land Titles Act* as the owner of a parcel of land.
- 3.20. “Serious Wound” means an injury resulting from a cat or dog attack which causes breaking of the skin or flesh to be torn.
- 3.21. “Violation Tag” means a ticket or similar document issued by a Peace Officer pursuant to the *Municipal Government Act*.
- 3.22. “Violation Ticket” means a ticket issued by a Peace Officer in accordance with the *Provincial Offences Procedures Act* or an administrative penalty issued in accordance with the *Provincial Administrative Penalties Act*.

## **PART TWO – REGULATION OF DOGS AND CATS**

### **OFF PROPERTY OF THE OWNER**

4. No owner, or any other person having care or control, shall:
- 4.1. Allow a dog to be at large;
  - 4.2. Allow a cat to be at large.
  - 4.3. Allow a dog or cat to upset waste receptacles, scatter the contents of a waste receptacle;
  - 4.4. Damage property belonging to anyone other than the owner;
  - 4.5. Leave a dog unattended while tethered in an area where the public has access, whether the animal is tethered on private property or not;

5. The owner, or any other person having care or control of a dog, shall, at all times, when it is off property of the owner, have it:
  - 5.1. Under control, and
  - 5.2. Held on a leash not exceeding two meters in length.
    - 5.2.1. This section does not apply should the dog be in a designated dog park or off leash area as defined in part section 3.13 of this bylaw.

## **IDENTIFICATION**

6. No person shall own or keep any dog within the municipality unless such dog has proper identification as provided by this Bylaw.
7. No person shall own or keep any cat within the Municipality unless such cat has proper identification as provided by this Bylaw.
8. The owner of a dog or cat shall immediately update the identification, or identification providers, of any change in contact information.
9. A registered Service Dog under the *Service Dogs Act*, or a police dog that is trained to perform policing services for a police service are exempt from identification requirements.

## **LIMITS/HARBOURING**

10. No person residing within the Municipality shall keep or harbour more than three (3) dogs on any premises with a Municipal Address, unless such person is a valid holder of a subsisting harbouring permit as provided by this Bylaw;
  - 10.1. Does not apply to a licensed Veterinary Clinic/Hospital;
  - 10.2. Does not apply to persons or organizations holding a valid development permit to operate a kennel within the Municipality in accordance with the Municipality's Land Use Bylaw, as amended;
  - 10.3. Does not apply to a person or organization holding a valid business licence for a pet store within the Municipality;
  - 10.4. Does not apply to a non-profit organization operating an animal rescue within the Municipality; or
  - 10.5. Does not apply if the dogs are under the age of three months.
11. No person residing within the Municipality shall keep or harbour more than three (3) cats on any premises with a Municipal Address, unless such person is a valid holder of a subsisting harbouring permit as provided by this Bylaw;
  - 11.1. Does not apply to a licensed Veterinary Clinic/Hospital;
  - 11.2. Does not apply to persons or organizations holding a valid development permit to operate a kennel within the Municipality in accordance with the Municipality's Land Use Bylaw, as amended;

- 11.3. Does not apply to a person or organization holding a valid business licence for a pet store within the Municipality;
- 11.4. Does not apply to a non-profit organization operating an animal rescue within the Municipality; or
- 11.5. Does not apply if the cats are under the age of three months.

12. Subject to sections 10 and 11, persons owning more than three dogs or three cats before this bylaw is in effect shall be grandfathered and a harbouring permit shall be issued if the harbouring permit is applied for before July 31, 2024. The owner of the dogs or cats are responsible for proving that the dogs or cats were owned and residing at the subject property before this bylaw came into effect and the age of the dogs and cats.

13. A harbouring permit is still subject to this bylaw including revocation where conditions warrant.

## **DEFECATION**

14. The owner of a dog or cat shall remove any defecation left by the animal on public property, other than the owners property, forthwith.

- 14.1. Does not apply to a visually impaired person being assisted by a registered guide dog in accordance with the *Service Dogs Act*.

15. The owner of a dog or cat shall ensure that defecation left by the animal on the property of the owner does not accumulate to an extent that is reasonably likely to annoy or pose a health risk to others.

16. The owner, while on public property with their dog or cat, shall have a suitable instrument, in their possession, that is intended to remove and carry the defecation to be placed in a garbage receptacle or other suitable location. The owner shall produce said instrument upon demand of a Peace Officer.

## **NOISE**

17. The owner of a dog or cat shall not permit the animal to bark, howl, or meow in a manner that is reasonably likely to annoy or disturb the peace, quiet, or repose of others.

## **ANIMAL PROTECTION**

18. No person shall cause a dog or cat to be or continue to be:

- 18.1. Deprived of adequate food, water, veterinary care, or shelter;
- 18.2. Injured, sick, in pain or suffering;
- 18.3. Abused or subjected to undue hardship, privation, or neglect; or
- 18.4. Subjected to inclement weather without any option of reprieve or respite

19. No person shall negligently or wilfully abandon a dog or cat.

**ATTACK/THREATENING**

- 20. The owner or any other person having care or control of a dog or cat shall ensure it does not:
  - 20.1. Chase, attack, threaten, or bite any person or animal;
  - 20.2. Chase, attack, threaten, or bite any person, animal causing physical injury.
- 21. Section 20 does not apply if the chase, attack, bite, or damage is a direct result of the dog or cat being provoked, or if the dog is a Police Dog acting in its official capacity.

**REPORTING SERIOUS INCIDENTS**

- 22. A person who has received a serious wound or has otherwise been injured by a cat or dog shall immediately report the incident to Enforcement Services.
- 23. The owner of a dog or cat which has been killed or received a serious wound or injury from another dog or cat shall immediately report the incident to Enforcement Services.
- 24. The owner of a dog or cat which has caused a serious wound or killed a dog or cat shall immediately report the incident to Enforcement Services.
- 25. The owner of a dog or cat which has caused a serious wound or killed a person shall immediately report the incident to Enforcement Services.

**DOGS AND CATS DEEMED NUSIANCE**

- 26. A Peace Officer may deem a dog or cat to be a nuisance dog or cat under this bylaw. The Peace Officer shall provide notice in writing to the owner.
- 27. A Peace Officer may impose the following conditions, in writing, on the owner of a dog or cat deemed a nuisance:
  - 27.1. the nuisance dog or cat be kept indoors, or secured in a fully enclosed outdoor pen;
  - 27.2. the nuisance dog is muzzled while outdoors;
  - 27.3. repairs be undertaken on the property where the nuisance dog or cat resides to ensure compliance with this bylaw;
  - 27.4. require the successful completion of an approved behavioural modification course within a timeline;
  - 27.5. any other conditions the Peace Officer deems reasonable or appropriate in the circumstances.

**DANGEROUS DOGS**

- 28. If a Peace Officer deems a dog to be dangerous, the Peace Officer shall declare the dog to be dangerous and impose any conditions on the owner that may include one or more of the following:

- 28.1. Requiring the dog to be muzzled when off the property of the owner, or anytime it is outside;
  - 28.2. Require that the dog be on a leash, no more than two metres long, and held by a person eighteen years of age or older when off the property;
  - 28.3. Require that the dog owner microchip and or tattoo the dog and produce the details and the dog for inspection and verification, as to positively identify the dog;
  - 28.4. Require the dog owner to house the dog in a secure, locked area that prevents the dog from getting out or unauthorized people from getting in;
  - 28.5. Require the dog owner to ensure that the dog does not damage property, chase, attack or bite a person or other animal;
  - 28.6. Prohibiting the dog from being in an off-leash area;
  - 28.7. Requiring the owner of the dog to obtain, maintain and produce liability insurance specifically covering any damages for personal injury and property caused by the dangerous dog in an amount not less than two million dollars, per occurrence; and
  - 28.8. Any other conditions deemed appropriate or necessary by the Peace Officer
29. The owner of a dangerous dog shall ensure it does not:
- 29.1. Damage property;
  - 29.2. Chase, attack, or bite any person or animal; or
  - 29.3. Chase, attack, or bite any person or animal causing injury,
  - 29.4. These sections do not apply if the chase, attack, bite, or damage is a direct result of the dangerous dog being provoked.
30. A dog that has been declared dangerous by the Province of Alberta, another province, or any other municipality in any other jurisdiction using similar legislation shall be declared dangerous in accordance with this bylaw.
31. Where a dog has been declared dangerous by the Province of Alberta, and resides in the Municipality, the owner of that dog shall provide a copy of the declaration to the Municipality forthwith and comply with any conditions as required. The provincial conditions take precedence to conditions set out in this bylaw.
32. Where a dog has been declared dangerous by another Municipality, the owner of that dog shall provide a copy of the declaration to the Municipality forthwith.
33. The owner of a dangerous dog shall:
- 33.1. Notify the Municipality immediately if the dog is running at large
  - 33.2. Notify the Municipality should the dog become deceased, be sold, gifted, or transferred to another person;
  - 33.3. Remain liable for the actions of the dog;
  - 33.4. Comply with all conditions imposed pursuant to this bylaw.
34. A Peace Officer who declares a dog to be dangerous under this bylaw, shall provide notice in writing to the owner including the conditions imposed.

## **TRANSPORTING BY MOTOR VEHICLE**

35. No owner, or person in care and control of an animal, shall allow an animal to be transported outside of the passenger cab of a motor vehicle.

35.1. Notwithstanding the above, the owner, or person in care and control of an animal, may transport an animal outside of the passenger cab of a motor vehicle if the animal is:

35.1.1. in a fully enclosed trailer;

35.1.2. in the bed area of a truck, which is enclosed by a canopy or topper;

35.1.3. contained in a ventilated kennel or similar device securely fastened to the bed of the truck; or

35.1.4. securely tethered in the bed of the truck in such manner that the animal:

35.1.4.1. is not standing on bare metal;

35.1.4.2. cannot jump or be thrown from the vehicle;

35.1.4.3. is not in danger of strangulation; and

35.1.4.4. cannot reach beyond the outside edges of the vehicle

36. No owner, or person in care and control of an animal shall operate a motor vehicle, or similar device, with any animal tethered or leashed to that vehicle or any passenger of that vehicle

36.1. Notwithstanding the above, the section does not apply if a person is operating equipment required by persons with disabilities, such as an electric wheelchair or mobility scooter.

## **PROVOKING AND ENTICING**

37. No person shall:

37.1. Tease, torment, annoy, abuse, or harass any dog or cat;

37.2. Injure dog or cat;

37.3. Unite, loosen, or otherwise free an animal which has been tied or otherwise restrained;

37.4. Negligently or wilfully open a gate, door or other opening in a fence or enclosure in which a dog or cat has been confined and thereby allow the dog or cat to run at large;

37.5. Entice a dog or cat to run at large;

37.6. Throw or poke any object into an enclosed space when an animal is confined therein.

## **PART THREE – OFF LEASH AREAS**

38. The owner, or person in care and control of a dog in a designated off leash area, shall

38.1. Ensure that their dog remains leashed until the dog is completely within the confines of the off leash park/area;

38.2. Remain under control of the dog by voice or hand signals at all times;

38.3. Have in their immediate possession, a proper leash;



- 38.4. Ensure that no dog under the age of 12 weeks be permitted to enter or remain in an off leash park/area
- 38.5. Ensure that their dog is wearing a collar;
- 38.6. Ensure that their dog is not left unattended;
- 38.7. Ensure that if their dog defecates in an off leash park/area that such defecation is removed immediately and disposed properly;
- 38.8. Immediately remove any dog that initiated or is the aggressor of an altercation;
- 38.9. Ensure that no female dogs currently in heat (estrus cycle) are permitted to be in or remain in an off-leash park/area;
- 38.10. Not allow the destruction of property by a dog, including digging;
- 38.11. Ensure that their dog does not chase any wildlife, or other animal;
- 38.12. Abide by any other rules established and adequately posted by the Municipality;

39.No owner, or person in care and control shall allow a dog that has been declared dangerous in accordance with this bylaw, has previously bitten any person or animal, or is known to have aggressive behaviour, to be in an off-leash park/area.

#### **PART FOUR – TRAPPING OF DOGS AND CATS**

40.A person may request a live trap from Drayton Valley to catch cats or dogs located on their property. It shall be at the sole discretion of the Enforcement Services department to provide a trap if all applicable fees have been paid.

41.A person shall not set a live trap for cats or dogs when prohibited. A live trap is prohibited:

- 41.1. If the temperature is below zero degrees Celsius or forecast to be below zero degrees Celsius in the next seventy-two-hour period;
- 41.2. In an area not shaded from the sun;
- 41.3. During the hours of 11:00pm and 6:00am; or
- 41.4. If tainted animal bait is used with poisonous chemical or substances.

42.Drayton Valley will only be responsible for live traps provided by Drayton Valley. A Peace Officer shall not take custody of any animal trapped in any trap other than a trap owned by Drayton Valley.

#### **PART FIVE – CONTROL OF DISEASE**

43.The owner of an animal which is or is suspected of 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 close proximity of, any other animal free of such disease.

44.Any person who owns, harbours, maintains, or keeps an animal which they know or has reason to know is or may be suffering from rabies, or which they know or believes has been exposed to rabies, shall immediately report the matter to the Municipality

and shall confine the animal in such a manner as prescribed by the Municipality so as to prevent further spread of the disease.

45. The owner of an animal suspected of having rabies or any other communicable disease shall keep the animal confined and observed for a period of not less than ten (10) days at the cost of the owner. Confinement will occur at any location determined by the Peace Officer.
46. In the event of an outbreak or a threatened outbreak of rabies or any disease affecting animals which may be transmitted to humans or other animals, a Peace Officer, may direct that all animals be placed in controlled confinement by their owners or otherwise effectively confined and prevented from being at large.
47. No person shall kill, or cause to be killed, any dog or cat which has bitten a human, any rabid dog or cat, any dog or cat that is suspected of having been exposed to rabies or remove such dog or cat from the municipality without permission from the municipality.

## **PART SIX – HENS**

48. No person or property owner shall keep, have, or allow a live rooster on a residential or commercial property.
49. No person or property owner shall keep, have, or allow, on a commercial property any live hens.
50. No person or property owner shall keep, have, or allow, on a residential property more than three live hens.
51. Any person that keeps live hens on a residential property must:
  - 51.1. Ensure the hens do not run at large;
  - 51.2. Ensure the hens do not cause excessive noise;
  - 51.3. Obtain and maintain a valid PID (Premises Identification Program) number through the Government of Alberta;
  - 51.4. Provide each hen with at least 0.37 m<sup>2</sup> of interior floor area, and at least 0.92 m<sup>2</sup> of outdoor enclosure, within the coop;
  - 51.5. Provide and maintain, in the coop, at least one nest box per hen, and one perch per hen, that is at least 15 cm long;
  - 51.6. Keep each hen in the coop or enclosure area at all times;
  - 51.7. Provide each hen with food, water, shelter, light, ventilation, care, and opportunities for essential behaviours such as scratching, dust-bathing, and roosting, all sufficient to maintain the hen in good health;
  - 51.8. Maintain the coop in good repair and sanitary condition, and free from vermin and noxious or offensive smells and substances;
  - 51.9. Construct and maintain the Coop to prevent any rodent from harbouring underneath or within it or the walls, and to prevent entrance by any other animal;

- 51.10. Keep a food container and water container in the coop;
- 51.11. Keep the coop secured from sunset to sunrise;
- 51.12. Remove leftover feed, trash, and manure in a timely manner;
- 51.13. Store feed within a fully enclosed container;
- 51.14. Store manure within a fully enclosed container, and store no more than three cubic feet of manure at a time;
- 51.15. Remove all other manure not used for composting or fertilizing and dispose of same in accordance with municipal bylaws;
- 51.16. Follow biosecurity procedures recommended by the Canadian Food Inspection Agency to reduce potential disease outbreak;
- 51.17. Keep hens for personal use only;
- 51.18. Not sell or offer for sale any byproduct of the hens;
- 51.19. Not slaughter any hen in the Municipality;
- 51.20. Dispose of a hen by delivering it to a farm, abattoir, veterinarian, or other operation that is lawfully permitted to dispose of hens;
- 51.21. Not keep a hen in a cage, kennel, or any shelter other than a coop;
- 51.22. Ensure the coop and enclosure remains in the back yard area of a residential property;
- 51.23. Ensure the back yard area where the coop is, is secured by a fence that complies with the municipalities Land Use Bylaw;
- 51.24. Maintain up-to-date photos of the hens to be able to prove ownership should the hen become at large;
- 51.25. Notify the municipality immediately of any disease or welfare issues that arise and take any steps the municipality requires to rectify the situation;

52. A Peace Officer shall not impound a hen that is located at large.

53. A Peace Officer may apply to the Court of Justice to remove any hens or roosters from a property should the owner not be complying with this bylaw;

- 53.1. The municipality may apply to the courts to recover costs incurred for the removal of the hens from the property.

## **PART SEVEN – OBSTRUCTION**

54. No person shall do the following:

- 54.1. Obstruct, hinder, or interfere with a Peace Officer in the exercise or performance of the Peace Officer's duties, under this bylaw;
- 54.2. Refuse to surrender any animal found running at large to a Peace Officer or to the Animal Shelter, upon demand;
- 54.3. Remove, or attempt to remove, any animal from the possession of a Peace Officer;
- 54.4. Remove, or attempt to remove, any animal from the animal shelter, without permission of a Peace Officer, or designate.
- 54.5. Represent/Identify themselves as a Peace Officer in the exercise of this bylaw should they not have the legal authority to act as a Peace Officer under this bylaw.

## **PART EIGHT – IMPOUNDING, RECLAIMING, AND SURRENDERING PROVISIONS**

55. The owner of an impounded dog or cat may reclaim the dog or cat by:
- 55.1. Paying all costs of impoundment to the Municipality;
  - 55.2. Paying any cost of veterinary treatment deemed required by a registered veterinarian; and
  - 55.3. Completing any required forms or paperwork for taking back care and control of the dog or cat.
56. Where a dog or cat is claimed, the owner shall satisfy the Municipality with proof of ownership of the dog or cat prior to its release.
57. A Peace Officer may refuse to release any impounded dog or cat to a person who appears impaired, or unable to provide the proper care and substance to an animal.
58. An impounded dog or cat shall be kept in the animal shelter for a period of seventy-two (72) hours while attempting to locate owners. At the expiration of the impoundment period, and no owners have been located, the Municipality is authorized to:
- 58.1. Offer the dog or cat for sale,
  - 58.2. Destroy the dog or cat in a humane manner,
  - 58.3. Continue to impound the dog or cat for an indefinite period of time or for such further period of time as the Municipality may decide,
  - 58.4. Gift the dog or cat to an animal rescue or recognized humane society.
59. The Municipality may, before selling an unclaimed dog or cat, require that the dog or cat be spayed or neutered.
60. An owner may surrender their dog or cat to the municipality, if, after hearing the circumstances, the Peace Officer determines to take ownership on behalf of the municipality. Should the owner surrender their dog or cat, they shall pay any prescribed fees, complete any required paperwork, and shall forfeit their ownership to the municipality effective immediately. The Peace Officer may impose a condition on the owner not to own or possess any animals for a period of time should someone surrender their animal.

## **PART NINE - PERMITS**

61. A person may make written application to the CAO, or designate, and pay any prescribed fees, for a permit allowing for activities that would otherwise violate sections 10, 11, 41, 48, 49, and 50 of this Bylaw. An application for a permit does not necessarily mean that a permit will be issued. There may be further policies or procedures in place restricting the issuance of permits under this bylaw.
62. A person to whom a permit has been issued pursuant to this bylaw, and any person carrying out an activity otherwise regulated, restricted, or prohibited by this bylaw pursuant to such permit, shall comply with any terms or conditions forming part of

the permit.

63. A person shall not make or provide any false or misleading statements or information to obtain a permit pursuant to this bylaw.
64. If any terms or conditions of a permit issued pursuant to this bylaw is contravened or if a false or misleading statement or information was provided to obtain the permit, the permit may immediately be suspended or revoked.
65. A permit issued under this bylaw may be revoked or suspended at any time should conditions warrant the revocation or suspension.
66. The onus of proving a permit has been issued in relation to any activity otherwise regulated, restricted, or permitted by this bylaw is on the person alleging the existence of such a permit on a balance of probabilities. If a permit was issued, the permit must be produced upon demand of a Peace Officer by any person that is acting under the permit.
67. Any written application pursuant to this section, must be made within the timeline set and be in a form approved by the CAO.

## **PART TEN – APPEALS**

68. A person who feels aggrieved by any decision made by the Municipality regarding sections: 26, 28, 34, and 61, may appeal such decision to the CAO, or designate,
  - 68.1. The appeal must be in writing and accompanied with the applicable appeal fee as set by Council;
  - 68.2. The appeal must be filed at the Municipality within 14 days of receiving such notice of decision, where notice is sent by regular mail service and the document is properly addressed, it shall be presumed to be effectively served in accordance with the timelines set forth in the *Interpretations Act*.
  - 68.3. The appeal must explain the reasons for appeal and provide any required supporting evidence.
69. The CAO shall review the evidence and information provided by the aggrieved person, the Peace Officer, and any witnesses that are deemed to have any relevant evidence or information about the situation.
70. After reviewing the order, the CAO may confirm, change, substitute, or cancel the order. The decision of the CAO shall be provided for in writing and be provided to the appellant.
71. This subsection does not apply to violation tags or tickets written by a Peace Officer.
72. If a person considers themselves aggrieved by a decision under this part, they may appeal the decision to a court of competent jurisdiction.

## **PART ELEVEN – POWERS OF THE CHIEF ADMINISTRATIVE OFFICER**

73. The CAO may:

- 73.1. Delegate any powers, duties, or functions contained in this bylaw to any employee of the municipality, including the option to further delegate those powers, duties, or functions, in writing;
- 73.2. Establish investigation and enforcement procedures with respect to this bylaw;
- 73.3. Establish forms for the purpose of this bylaw;
- 73.4. Issue permits with such terms and conditions as are deemed appropriate in accordance with the bylaw;
- 73.5. Establish the criteria to be met for a permit to be issued pursuant to this bylaw;
- 73.6. Cause the expenses and costs incurred by the municipality associated in the enforcement of this bylaw and orders to be collected as a civil debt or added to the tax roll for the property pursuant to the *Municipal Government Act*.

## **PART TWELVE – POWERS OF A PEACE OFFICER**

74. Without restricting any other power, duty or function granted by this bylaw, a Peace Officer may:

- 74.1. Carry out any inspection to determine compliance with this bylaw, including entering onto any premises or property after giving reasonable notice to the owner or occupant of the premises or property to be inspected;
- 74.2. Take any steps to carry out any actions required to enforce this bylaw;
- 74.3. Seize and impound in the animal shelter, any animal which is at large or contravenes any section of this Bylaw. The Peace Officer is further authorized to take such reasonable measures as necessary to subdue any animal which is at large, including the use of tranquilizer equipment and materials. If such animal is injured, it may be taken to a registered veterinarian for treatment at the cost of the owner and then to an animal shelter;
- 74.4. When in the judgement of a licensed veterinarian, an animal should be destroyed for humane reasons, the Peace Officer is authorized to approve the destruction of the animal;
- 74.5. Take any steps or carry out any actions required to remedy a contravention of this bylaw;
- 74.6. Authorize another municipality employee or a 3<sup>rd</sup> party to remedy a contravention of this bylaw;

75. Issue warnings, violation tags, violation tickets, or use other measures as are appropriate, given the circumstances of the person involved.

## **PART THIRTEEN – PENALTIES, VIOLATIONS TAGS & VIOLATION TICKETS**

### **PENALTIES**

76. Any person who contravenes any provision of this bylaw is guilty of an offence and is liable upon summary conviction to a fine not exceeding \$10,000 and in default of payment of any fine imposed, to imprisonment for not more than one year, or both.
77. Any person who contravenes any provision of this bylaw is guilty of an offence and liable to a minimum penalty as set out in Schedule "A".
78. 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 said person is liable in accordance with this bylaw or pursuant to the *Municipal Government Act*.
79. Where a contravention of this bylaw is of continuing nature, each day or offence of such contravention continues shall constitute a new and separate offence, and a violation tag or violation ticket may be issued for each day such offence continues.

## **VIOLATION TAGS AND VIOLATION TICKETS**

80. A peace officer may issue a violation tag to any person whom the peace officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.
- 80.1. Notwithstanding the above section, a Peace Officer may immediately issue a violation ticket without issuing a violation tag.
81. If a violation tag is issued and not paid within the prescribed time, the Peace Officer may withdraw the violation tag and issue a violation ticket.
82. A Peace Officer may issue a violation ticket to any person whom the Peace Officer has reasonable and probably grounds to believe has contravened any provision of this bylaw. The Peace Officer must serve upon such person a violation ticket in the form and manner as prescribed by the provisions of the *Provincial Offences Procedures Act* or the *Provincial Administrative Penalties Act*.
83. A Peace Officer is hereby authorized and empowered to immediately issue a Violation Tag or Violation Ticket to any person to whom the Peace Officer has reasonable grounds to believe has contravened any provision of this bylaw.

## **PART FOURTEEN - INTERPRETATION**

84. Words used in the singular include the plural and vice-versa.
85. When a word is used in the masculine or feminine it will refer to either gender.
86. Words used in the present tense include the other tenses and derivative forms.

## **PART FIFTEEN - SEVERABILITY**

87. 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.

**AND THAT** this Bylaw shall rescind Bylaw No. 2014/01/A, Animal Control Bylaw, of the Town of Drayton Valley, and shall have force and come into effect upon third and final reading of this Bylaw.

Read a first time this 6th day of March, 2024, A. D.

Read a second time this 1st day of May, 2024, A. D.

Read a third and final time this 1st day of May, 2024, A. D.

Original Signed

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MAYOR

Original Signed

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CHIEF ADMINISTRATIVE OFFICER



**SCHEDULE "A"**

| <b>Section</b>                                | <b>Offence Description</b>   | <b>1<sup>st</sup> Offence (\$)</b> | <b>2<sup>nd</sup> Offence (within one year) (\$)</b> |
|---|--|------------------------------------|--|
| <b>PART TWO – REGULATION OF DOGS AND CATS</b> |  |                                    |  |
| 4.1   | Allow Dog at large   | \$200                              | \$500  |
| 4.2   | Allow Cat at large   | \$200                              | \$500  |
| 4.3   | Allow dog/cat to upset waste receptacles/scatter contents                    | \$200                              | \$400  |
| 4.4   | Allow dog/cat to damage property   | \$250                              | \$500  |
| 4.5   | Leave dog tethered in public area  | \$200                              | \$400  |
| 5.1   | Dog not under control  | \$200                              | \$400  |
| 5.2   | Dog leash exceed two metres in length  | \$200                              | \$400  |
| 6   | Dog without proper identification  | \$200                              | \$500  |
| 7   | Cat without proper identification  | \$200                              | \$500  |
| 8   | Fail to update change in contact information regarding proper identification | \$200                              | \$400  |
| 10  | Harbour more than three dogs   | \$250                              | \$500  |
| 11  | Harbour more than three cats   | \$250                              | \$500  |
| 14  | Fail to remove defecation on public property                                 | \$200                              | \$400  |
| 15  | Accumulation of defecation   | \$200                              | \$400  |
| 16  | Fail to possess a suitable instrument to carry/remove defecation in public   | \$150                              | \$300  |
| 17  | Dog/cat bark/howl/meow excessively   | \$250                              | \$500  |
| 18.1  | Dog/cat deprived of adequate food/water/veterinary care/shelter              | \$500                              | \$1000   |
| 18.2  | Dog/cat injured/sick/in pain/suffering                                       | \$500                              | \$1000   |
| 18.3  | Dog/cat abused or subject to undue hardship                                  | \$500                              | \$1000   |

|       |   |        |        |
|-------|---|--------|--------|
| 18.4  | Dog/Cat subject to inclement weather without reprieve or respite                                    | \$500  | \$1000 |
| 19    | Abandon a dog/cat   | \$1000 | \$5000 |
| 20.1  | Dog/cat chase/attack/threaten/bite person/animal  | \$200  | \$400  |
| 20.2  | Dog/cat chase/attack/threaten/bite person/animal causing physical injury                            | \$250  | \$500  |
| 22    | Fail to report serious wound/injury from dog/cat  | \$200  | \$400  |
| 23    | Owner of wounded/injured/deceased dog/cat fail to report wound/injury/death                         | \$200  | \$400  |
| 24    | Owner of dog/cat that has caused serious wound/killed dog/cat fail to report                        | \$500  | \$1000 |
| 25    | Owner of dog/cat that has caused serious wound/killed person fail to report                         | COURT  | COURT  |
| 29.1  | Dangerous Dog damage property   | \$500  | \$1000 |
| 29.2  | Dangerous Dog chase/attack/bite any person/animal   | \$500  | \$1000 |
| 29.3  | Dangerous Dog chase/attack/bite person/animal causing injury  | \$1000 | \$5000 |
| 31/32 | Owner of Dangerous Dog fail to provide declaration to the municipality                              | \$500  | \$1000 |
| 33.1  | Owner of Dangerous Dog fail to notify municipality of dog at large                                  | \$500  | \$1000 |
| 33.2  | Owner of Dangerous Dog fail to notify municipality of dog becoming deceased/sold/gifted/transferred | \$250  | \$500  |
| 35    | Improperly transport dog/cat outside of the passenger cab of a vehicle                              | \$200  | \$400  |
| 36    | Operate vehicle/similar device with animal tethered/leashed to the vehicle/passenger of vehicle     | \$200  | \$400  |
| 37.1  | Tease/Torment/annoy/abuse/harass any dog/cat  | \$200  | \$400  |
| 37.2  | Injure dog/cat  | \$500  | \$1000 |
| 37.3  | Untie/loosen/free animal that is tied/restrained  | \$200  | \$400  |

|                                    |   |       |        |
|------------------------------------|---|-------|--------|
| 37.4                               | Open gate/door/fence to allow dog/cat to run at large                                     | \$200 | \$400  |
| 37.5                               | Entice dog/cat to run at large  | \$200 | \$400  |
| 37.6                               | Throw/poke enclosed space with dog/cat confined   | \$200 | \$400  |
| <b>PART 3 – OFF LEASH AREAS</b>    |   |       |        |
| 38.1                               | Dog off leash outside of confines of dog park   | \$200 | \$400  |
| 38.2                               | Dog not remain under control by voice/hand signals  | \$200 | \$400  |
| 38.3                               | Fail to have proper leash in possession   | \$200 | \$400  |
| 38.4                               | Dog under 12 weeks in off leash area  | \$200 | \$400  |
| 38.5                               | Dog not wearing collar in off leash area  | \$200 | \$400  |
| 38.6                               | Dog left unattended in off leash area   | \$200 | \$400  |
| 38.7                               | Fail to remove defecation in off leash area   | \$200 | \$400  |
| 38.8                               | Fail to remove dog involved in altercation from off leash area                            | \$200 | \$400  |
| 38.9                               | Female dog in heat in off leash area  | \$200 | \$400  |
| 38.10                              | Allow dog to destroy property in off leash area   | \$250 | \$500  |
| 38.11                              | Dog chase wildlife or other animal in off leash area                                      | \$250 | \$500  |
| 38.12                              | Fail to abide by other rules posted in/near off leash area                                | \$250 | \$500  |
| 39                                 | Allow dangerous dog/aggressive dog in off leash area                                      | \$500 | \$1000 |
| <b>PART 4 – TRAPPING</b>           |   |       |        |
| 41                                 | Set trap when prohibited  | \$250 | \$500  |
| <b>PART 5 – CONTROL OF DISEASE</b> |   |       |        |
| 43                                 | Permit animal that is/is suspected of suffering from communicable disease in public place | \$250 | \$500  |
| 44                                 | Fail to report animal with rabies to the Municipality/comply with directions provided     | \$500 | \$1000 |
| 45                                 | Fail to confine animal as required  | \$250 | \$500  |

|                      |  |       |       |
|----------------------|--|-------|-------|
| 47                   | Person kill/cause to be killed dog/cat when prohibited re: disease   | \$250 | \$500 |
| <b>PART 6 – HENS</b> |  |       |       |
| 48                   | Possess rooster  | \$200 | \$400 |
| 49                   | Keep hen on commercial property  | \$200 | \$400 |
| 50                   | Possess more than three hens   | \$250 | \$500 |
| 51.1                 | Hen at large   | \$200 | \$400 |
| 51.2                 | Hen cause excessive noise  | \$250 | \$500 |
| 51.3                 | Fail to possess/maintain PID number  | \$150 | \$300 |
| 51.4                 | Fail to provide adequate space to hen  | \$150 | \$300 |
| 51.5                 | Fail to provide sufficient nest box/perch  | \$150 | \$300 |
| 51.6                 | Fail to keep hen in enclosure/coop   | \$150 | \$300 |
| 51.7                 | Fail to provide hen with adequate food/water/shelter/light/ventilation/care/opportunity for essential behaviours | \$300 | \$600 |
| 51.8                 | Fail to maintain coop in good repair/sanitary condition  | \$150 | \$300 |
| 51.9                 | Fail to maintain/construct coop to prevent rodent/entrance by other animal                                       | \$150 | \$300 |
| 51.10                | Fail to keep food/water container in coop  | \$150 | \$300 |
| 51.11                | Fail to keep coop secured from sunset to sunrise   | \$150 | \$300 |
| 51.12                | Fail to remove leftover feed/trash/manure in timely manner   | \$150 | \$300 |
| 51.13                | Fail to store unused feed in enclosed container  | \$150 | \$300 |
| 51.14                | Fail to store manure properly  | \$150 | \$300 |
| 51.15                | Fail to remove manure  | \$150 | \$300 |
| 51.16                | Fail to follow biosecurity procedures  | \$150 | \$300 |
| 51.17                | Sell/offer for sale byproduct of hens  | \$150 | \$300 |
| 51.19                | Slaughter hen in Municipality  | \$250 | \$500 |

|                             |   |        |        |
|-----------------------------|---|--------|--------|
| 51.20                       | Fail to dispose of hen properly   | \$150  | \$300  |
| 51.21                       | Keep hen in improper enclosure  | \$150  | \$300  |
| 51.22                       | Fail to keep coop/enclosure in back yard area                                 | \$150  | \$300  |
| 51.23                       | Fail to keep yard secured by fence  | \$150  | \$300  |
| 51.24                       | Fail to maintain up-to-date photos of hen                                     | \$150  | \$300  |
| 51.25                       | Fail to notify municipality of disease/serious welfare issues                 | \$250  | \$500  |
| <b>PART 7 – OBSTRUCTION</b> |   |        |        |
| 54.1                        | Obstruct/hinder/interfere with Peace Officer                                  | \$1000 | \$1000 |
| 54.2                        | Refuse to surrender animal found at large                                     | \$250  | \$500  |
| 54.3                        | Remove/attempt to remove animal from possession of Peace Officer              | \$1000 | \$1000 |
| 54.4                        | Remove/attempt to remove animal from possession of shelter without permission | \$1000 | \$1000 |
| 54.5                        | Identify/Represent as a Peace Officer without legal authority under Bylaw     | \$1000 | \$1000 |
| <b>PART 9 – PERMITS</b>     |   |        |        |
| 62                          | Fail to comply with permit  | \$250  | \$500  |
| 63                          | Make false/misleading statements/information to obtain permit                 | \$250  | \$500  |
| 66                          | Fail to produce permit upon demand  | \$250  | \$500  |