

BEING A BYLAW OF THE TOWN OF DIAMOND VALLEY IN THE PROVINCE OF ALBERTA, TO PROMOTE RESPONSIBLE ANIMAL OWNERSHIP AND TO CONTROL, REGULATE AND LICENSE ANIMALS WITHIN THE TOWN OF DIAMOND VALLEY

WHEREAS pursuant to the *Municipal Government Act*, R.S.A. 2000, Chapter M-26 as amended, a municipal council has authority to govern and the authority to pass bylaws respecting the municipality, including services provided by or on behalf of the municipality;

AND WHEREAS the Council of the Town of Diamond Valley deems it desirable to pass a bylaw to license, regulate and control animals;

THEREFORE, BE IT RESOLVED THAT the Council of the Town of Diamond Valley, duly assembled in Council Chambers in Diamond Valley, Alberta, enacts as follows:

1.0 TITLE AND PURPOSE

- 1.1 This bylaw may be cited as the "Responsible Pet Ownership Bylaw".
- 1.2 This bylaw is designed to promote safe and responsible pet ownership in the Town of Diamond Valley.
- 1.3 This bylaw allows people to participate in the Backyard Hen Program, promoting safe and responsible Hen-keeping practices.

2.0 INTERPRETATION AND DEFINITIONS

- 2.1 In this bylaw and any schedules to this bylaw, the following terms, phrases, words and their derivations shall have the following meanings:
 - (a) **Abandoned** means an Animal that:
 - (i) Is left for more than 24 hours without adequate food, water, or shelter;
 - (ii) Is not provided with adequate care when the Animal is ill or wounded; or
 - (iii) Is found on Premises which were but are no longer the Owner's Property.
 - (b) **Animal** means any bird, reptile, amphibian, or mammal excluding humans and Wildlife.
 - (c) **Animal Control Officer (ACO)** means any individual(s) designated and appointed, from time to time, by the Town of Diamond Valley for the purpose of administration and enforcement of this Bylaw and shall include a person designated as a Peace Officer appointed pursuant to the *Peace Officer Act*, S.A. 2006, c P-3.5, or a police officer under the *Police Act*, R.S.A. 2000, c. P-17.
 - (d) **Animal Daycare** means a facility or Premises for the purpose of providing care for animals in return for remuneration daily and does not include provision for overnight accommodation.
 - (e) **Animal Shelter** means Premises designated by the Town used for the impoundment, confinement and care of Animals and includes Premises supplied by an independent contractor, under contract with the Town to provide such Premises.

- (f) **Attack or Attacked** means an assault resulting in bleeding, bone breakage, sprains, bruising or multiple injuries.
- (g) **Deleted**
- (h) **Behaviour Assessment or Behavioural Assessment** means an assessment of a Dog's temperament performed by a Dog Trainer holding a certified Behaviour Consultant, Knowledge Assessed (CBCC-KA) certification or other such certification as the CAO may approve.
- (i) **Bite or Biting** means an application of force by an Animal by means of its mouth and teeth upon a Person, other Animal or Wildlife which results in pain or injury of any nature being inflicted upon that Person or other Animal.
- (j) **Bylaw Violation Tag** means a ticket or similar document issued by the Town pursuant to the *Municipal Government Act*.
- (k) **CAO** means the Chief Administrative Officer of The Town of Diamond Valley or the employee of The Town of Diamond Valley who has been delegated the authority to exercise the powers, duties, and functions of the Chief Administrative Officer under this Bylaw.
- (l) **Cause Death** means any act by an Animal which results in the death of a Person or other Animal.
- (m) **Communicable Disease** means any disease or illness that may be transferred from an Animal to another Animal or to a human through direct or indirect contact.
- (n) **Controlled Confinement** means the confinement of a Dog in a pen, cage or building or securely tethered in such a manner that ensures the Dog is not harmed, and in a manner that will not allow the Dog to Bite, harm or harass any Person or Animal.
- (o) **Coop** means a structure comprised of a Henhouse and a Run.
- (p) **Council** means the duly elected Council of the Town of Diamond Valley.
- (q) **Damage to Property** means damage to property other than the Owner's Property and includes defecating on property other than property that belongs to the Owner.
- (r) **Director of Public Safety** means the Director of Public Safety of The Town of Diamond Valley or the employee of The Town of Diamond Valley who has been delegated the authority to exercise the powers, duties, and functions of the Director of Public Safety under this Bylaw.
- (s) **Dog** means a member of the canine family.
- (t) **Dog Breeder** means any Person, firm or corporation which is engaged in the operation of breeding and raising dogs for the purpose of selling, trading, bartering, giving away or otherwise transferring same.
- (u) **Domestic Pet** means any Animal that has been tamed and made fit for a human environment, excluding Wildlife.
- (v) **Exotic Pet** means an Animal that is of foreign origin or character; not native; introduced from abroad but not fully naturalized. Exotic Pets are restricted by federal regulations, including the *Wild Animal and Plant Trade Regulations* and the *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act*.

- (w) **Feral Animal** means any Animal that has reverted from the domestic state to a condition that resembles a wild Animal.
- (x) **Health Authority** means the regional health authority established by the Minister of Health to provide health services to the Town.
- (y) **Heat** means a recurring period of sexual receptivity in many female mammals, including Dogs.
- (z) **Hen**, for the purpose of this bylaw, shall mean a female chicken.
- (aa) **Henhouse** means a structure that houses Hens at night and includes a secure place for Hens to lay eggs and eat.
- (bb) **Justice** has the same meaning as defined in the *Provincial Offences Procedure Act*, R.S.A. 2000, Chapter P-34, and any amendments thereto.
- (cc) **Kennel** means any facility or Premises where Animals are maintained, boarded, trained, bred or cared for in return for remuneration and may include overnight accommodation.
- (dd) **Land Use Bylaw** means the current Land Use Bylaw(s) of the Town of Diamond Valley and any amendments thereto.
- (ee) **Licence Tag** means an identification tag issued by the Town showing the licence number for a specific dog and that is intended to be worn on a collar or on a harness always attached to the Dog when the Dog is off the Owner's Property.
- (ff) **Licence Fee** means the applicable annual fee payable to the Town in respect of a licence for a particular Dog as set out in the Town of Diamond Valley *Rates and Fees Bylaw* as amended or replaced from time to time.
- (gg) **Livestock** means:
 - (i) a horse, mule, ass, swine, emu, ostrich, camel, llama, alpaca, sheep or goat;
 - (ii) domestically reared or kept deer, reindeer, moose, elk or bison;
 - (iii) farm-bred fur-bearing Animals, including foxes and minks;
 - (iv) Animals of the bovine species;
 - (v) Animals of the avian species including emus, ostriches, chickens, Roosters, turkeys, ducks, geese, peacocks, peahens, or pheasants, and
 - (vi) all other Animals that are kept for agricultural purposes, but does not include Dogs, or Hens licensed in the Backyard Hens Program or other domesticated household pets.
- (hh) **Microchip** means a traceable implant injected into an Animal by a licensed veterinarian or Animal health technician.
- (ii) **Motor Vehicle** has the same definition as in the *Traffic Safety Act*, R.S.A. 2000, Chapter T-6, and any amendments thereto.
- (jj) **Muzzle** or **Muzzled** means a humane device of sufficient strength placed over a Dog's mouth to prevent it from Biting.
- (kk) **Off-Leash Park** means an area formally designated as an off-leash area by the Town.
- (ll) **Order of the Provincial Court** means an order issued by a Court requiring a Person to do or refrain from doing something.

(mm) **Owner** means:

- (i) a Person who has care, charge, custody, possession or control of an Animal;
- (ii) a Person who owns or claims any proprietary interest in an Animal;
- (iii) a Person who harbours, suffers or permits an Animal to be present on any property owned, occupied or leased by them or which is otherwise under their control;
- (iv) a Person who claims and receives an Animal from the custody of an Animal Shelter or an Animal Control Officer;
- (v) a Person to whom a Licence Tag was issued for an Animal in accordance with this bylaw; or
- (vi) a Person who operates an Animal adoption program and who has care, charge, custody, possession or control of an Animal(s);

and for the purpose of this bylaw, an Animal may have more than one (1) Owner.

(nn) **Owner's Property** means any property in which the Owner of an Animal has legal or equitable interest, or over which the owner of an Animal has been given the control or use of by the legal or equitable owner of the property, and which property shall include, without limiting the generality of the foregoing: land, buildings and vehicles.

(oo) **Permitted Leash** means a physical leash adequate to control the Animal to which it is attached and where said leash shall not exceed two (2) meters in length.

(pp) **Person** means an individual or a business entity including a firm, partnership, association, corporation or society.

(qq) **Play Surface** means any park space intended for play, including:

- (i) a playground: an outdoor area upon which apparatus such as swings, slides, and other children's play equipment are placed;
- (ii) an outdoor skate rink;
- (iii) a skate or bike park: an outdoor area which is designed and intended specifically for the use of skateboards, in-line skates, bicycles, scooters, or other similar devices;
- (iv) a spray park: an outdoor water park or splash pad; or
- (v) any similar outdoor play spaces.

(rr) **Premises** means the lands, buildings, and other structures located within the property lines of any property situated in whole or in part within the Town, and includes any land or buildings owned or leased by the Town.

(ss) **Properly Restrained** means the Animal is:

- (i) being carried by a Person capable of restraining the size and strength of the particular Animal;
- (ii) being confined in a Kennel or like container, properly latched or locked; or
- (iii) being restrained by a Person capable of restraining the size and strength of the particular Animal by the means of a Permitted Leash attached to a collar or harness attached to the Animal.

(tt) **Provincial Court and Court** means the Alberta Court of Justice and includes a judge or Justice thereof, where the context so requires.

(uu) **Private Property** means land within the Town other than property constituting a Public Space.

- (vv) **Public Space** means any Town-owned property or asset, including green spaces, playgrounds, Sport Fields, roads and sidewalks.
- (ww) **Pullet** means a female chicken less than 1 year old.
- (xx) **Rear Yard** means the space from the furthest rear wall of the residence to the rear property line.
- (yy) **Rooster** means a domestic male chicken.
- (zz) **Run** means a securely enclosed area, attached to a Henhouse, permitting chickens to range freely within that space.
- (aaa) **Run at Large or Running at Large** means:
 - (i) an Animal or Animals which are not under the control of a Person responsible by means of a Permitted Leash 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, thoroughfare, street, road, trail, avenue, parkway, lane, alley, square, bridge, causeway, trestle way, sidewalk (including the boulevard portion of the sidewalk), Park or other Public Space which has not been designated as an Off-Leash Park; or
 - (ii) an Animal or Animals which are under the control of a Person responsible by means of a Permitted Leash and which cause damage to Persons, property or other Animals.
- (bbb) **Service Dog** has the same definition as set out in the *Service Dog Act*, S.A. 2007 c.S-7.5 and includes a Dog that is in training to become a Service Dog, but does not include Dogs that are no longer actively being used as a Service Dog.
- (ccc) **Severe Injury** means any injury to a Person or Animal that requires medical attention such as wounds requiring sutures, or other wound repair and closing, or surgery, disfiguring or scarring lacerations, broken bones, severe sprains, or any other similar serious injury, and any other injury as determined to be severe by a Court, board, or Town upon hearing the evidence.
- (ddd) **Sport Field** means an outdoor area which is set apart and used for general fitness or the playing of sporting activities, including:
 - (i) running tracks;
 - (ii) sport courts, such as but not limited to basketball, tennis, or pickleball courts;
 - (iii) fitness parks where outdoor fitness equipment has been installed for public use; and
 - (iv) formal and informal sporting field surfaces intended for competitive and recreational sporting activities and use, such as but not limited to soccer fields, football fields, and baseball diamonds.
- (eee) **Summons** means a legal document compelling a person to appear in court at a specified date and time to answer to an alleged offence.
- (fff) **Trespasser** means any Person who is on the Owner's Property without the Owner's consent.
- (ggg) **Town** means the municipality of the Town of Diamond Valley in the Province of Alberta, or where the context so requires, its municipal boundaries.

- (hhh) **Under Control** means a Dog that returns to its owner immediately when called or when commanded to do so, and that does not interfere with any other Person or Animal.
- (iii) **Vicious Dog** means any Dog, whatever its age or breed, whether on public or private property:
- (i) that has been declared to be a Vicious Dog pursuant to the provisions of this Bylaw;
 - (ii) that has been declared to be a Vicious Dog pursuant to the provisions of a Bylaw of another municipality; or
 - (iii) which in the opinion of a Judge or Justice of the Provincial Court, presents an unacceptable threat of serious harm to other domestic Animals or humans; and includes any Dog that has been previously declared to be a Vicious Dog by the Provincial Court pursuant to the *Dangerous Dogs Act* or pursuant to a bylaw of another municipality.
- (jjj) **Violation Ticket** means a ticket issued pursuant to Part 2 of the *Provincial Offences Procedure Act*, R.S.A. 2000, Chapter P-34, as amended, and Regulations thereunder.
- (kkk) **Wildlife** has the same meaning as the term used in the *Wildlife Act*, R.S.A. 2000, Chapter W-10, and includes, but is not limited to, coyotes, cougars, bobcats, deer, moose, elk, wild rabbits, porcupines, beavers and skunks.
- (lll) **Wildlife Attractant** means any substance that could reasonably be expected to attract Wildlife, including, but not limited to fruit, garbage, refuse, food, food waste, and compost.
- (mmm) **Working Stock Dog** means a Dog who has been trained, or is being trained, and performs duties to assist with Livestock production and husbandry, including but not limited to herding Dogs and guardian Dogs, and which Dog is kept at a Premises used for agricultural purposes.
- 2.2 The headings in this bylaw do not form part of this bylaw and shall not affect its interpretation.
- 2.3 Any references in this bylaw to any Statutes are to the *Province of Alberta Statutes* as amended or replaced from time to time and any amendments thereto.
- 2.4 Within the text of this Bylaw;
- (a) use of a pronoun or determiner which indicates one gender shall include all genders unless the context requires otherwise, and
 - (b) use of the singular shall include the plural and the plural shall include the singular as the context requires.
- 2.5 The word “may” when used in this Bylaw shall be construed as permissive and empowering, and the words “must” or “shall” when used in this Bylaw will be construed as imperative.
- 3.0 PERMITTED AND PROHIBITED ANIMALS AND EXCEPTIONS**
- 3.1 Subject to the provision of this Bylaw, Animals which are permitted may be kept within Town boundaries, including:
- (a) Domestic Pets, such as Dogs;

- (b) caged pets that fall within provincial and federal guidelines; rats are not permitted as pets in Alberta (see the *Pest and Nuisance Control Regulation*).

3.2 Keeping the following Animals is prohibited within Town boundaries:

- (a) Wildlife;
- (b) Pigeons;
- (c) Exotic Pets; and
- (d) Livestock, except as permitted within this Bylaw.

3.3 Exceptions to Section 3.2(e) include:

- (a) facilities where Livestock are temporarily housed for educational, veterinary, scientific, or civic purposes;
- (b) for permitted municipally sanctioned special events, such as parades or filming;
- (c) a Person keeping Livestock in an area where the keeping of Livestock is allowed under the Land Use Bylaw;
- (d) the Owner of Hens, who are participating in the Backyard Hens Program, in which case the maximum number of Hens permitted is six (6).

3.4 The Owners of Livestock temporarily entering the Town must obtain all necessary municipal and provincial permits.

3.5 The Owners of any Livestock temporarily entering the Town must hygienically dispose of any feces in accordance with the *Environmental Protection and Enhancement Act*, RSA 2000, or as amended from time to time

4.0 LICENCING REQUIREMENTS

4.1 Every Person who is the Owner of a Dog which is six (6) months of age or older shall apply for a licence for that Dog by submitting an application to the Town and, if the application is approved, by paying the applicable Licence Fee as set out in the Town of Diamond Valley annual *Rates and Fees Bylaw* as amended or replaced from time to time. The Owner shall pay the Licence Fee by January 31st of each year.

4.2 After January 31st of each year, an Owner that:

- (a) has a Dog that reaches the age of six (6) months;
- (b) takes possession of a Dog six (6) months of age or older; or
- (c) takes up residence in the Town and owns a Dog six (6) months of age or older shall apply for a licence for that Dog within seven (7) business days of the subject above-noted date.

4.3 Every Person that owns, possesses or is in care and/or control of a Dog shall ensure that the Dog has a valid and current Animal licence from the Town.

4.4 An Owner shall provide, with each application for a licence, all the information as may be required by the Town or the Animal Control Officer or their designate.

- 4.5 No Person applying for a licence shall provide the Town or an Animal Control Officer or their designate with false or misleading information with respect to the subject Dog.
- 4.6 If the application is approved and the required Licence Fee is paid, the Owner will be supplied with a Licence Tag, which shall have a number, registered to that Dog.
- 4.7 An Owner shall ensure that the Licence Tag is securely fastened to a collar or harness worn by the Dog and the Licence Tag must be worn by the Dog at all times while on public property.
- 4.8 Every licence shall expire on December 31st in the year in which it was issued, unless otherwise authorized by the Chief Administrative Officer.
- 4.9 A licence issued under this bylaw shall not be transferable from one Dog to another, nor from one Owner to another.
- 4.10 No Person is entitled to a refund or a rebate for any Licence Fee.
- 4.11 The Animal Control Officer or their designate may revoke a licence if:
- (a) the licence was issued on the basis of incorrect information or misrepresentation by the applicant;
 - (b) the licence was issued in error; or
 - (c) the Owner contravenes any provision of this bylaw or of the *Dangerous Dogs Act* of Alberta.
- 4.12 Any Person who, by reason of special needs, owns and uses a Dog trained to assist that Person shall, upon proof, be exempt from Licence Fees.
- 4.13 The licensing provisions of this bylaw shall not apply:
- (a) to Dogs accompanying a Person temporarily in the Town for a period not exceeding three (3) weeks; or
 - (b) when the Animal Control Officer is satisfied that the Dog is trained and used to assist a Person with a disability.
- 4.14 A Dog Owner may have a lost tag replaced by presenting proof of the original purchase and paying a replacement fee in accordance with the Town of Diamond Valley annual *Rates and Fees Bylaw* as amended or replaced from time to time.
- 4.15 No Person, without consent of the Owner of a Dog, shall remove any collar, harness, or Licence Tag from a Dog.
- 4.16 The fees for Dog licences and Dog impoundment are set out in the Town of Diamond Valley annual *Rates and Fees Bylaw* as amended or replaced from time to time.
- 4.17 The Town may refuse to issue a licence where a reasonable belief exists that issuing the licence will exceed the maximum number of Dogs permitted on a property, as set out in Section 5.2 of this bylaw.

- 4.18 A resident shall purchase a temporary Dog licence in the event they are temporarily caring for a Dog for a specified length of time exceeding three (3) weeks. This temporary licence shall not exceed a period of thirty (30) days from the date of purchase.
- 4.19 A temporary licence may not be renewed on more than two (2) occasions, per calendar year, per resident.
- 4.20 The holder of a temporary licence is bound by all provisions of this bylaw and may have the licence cancelled at any time, based on the seriousness of a contravention of this bylaw.

5.0 DOG OWNERSHIP REQUIREMENTS

- 5.1 An Owner of a Dog:
- (a) must ensure that the Dog has adequate food and water;
 - (b) must provide the Dog with adequate care when the Dog is ill or wounded;
 - (c) must provide the Dog with reasonable protection from injurious heat or cold, including when contained within a vehicle;
 - (d) must provide the Dog with adequate shelter, ventilation and space; and
 - (e) must provide the Dog opportunity for periodic exercise sufficient to maintain good health, including the opportunity to be unfettered from a fixed area and to be exercised regularly under appropriate control.
- 5.2 No Person shall keep or have more than four (4) Dogs on any property located within the Town except as follows:
- (a) the Dogs in excess of four (4) are under the age of six (6) months; or
 - (b) the Owner has all the required municipal and provincial approvals to operate:
 - (i) a pet store/Animal grooming business;
 - (ii) a veterinary clinic or Animal hospital;
 - (iii) an Animal Daycare; or
 - (iv) a Kennel.
- 5.3 Nothing in this section relieves an Owner or Person from complying with any other provisions of this bylaw.
- 5.4 An Owner shall not permit a Dog to cause damage to a Public Space or Private Property within the Town.
- 5.5 If a Dog is on any Public Space or Private Property other than the property of its Owner, the Owner shall have in their possession a suitable means to remove the Dog's feces.
- 5.6 The Owner of a Dog which defecates on property, which is not the Owner's Property, shall remove such defecated matter immediately and dispose of it in a sanitary manner.
- 5.7 Persons disposing of Dog waste shall deposit the waste in a private or Town disposal container and shall secure the waste/feces in a single plastic bag that will contain the waste/feces, and this shall be sealed so as not to permit any drainage of liquid or spillage of solid matter.

- 5.8 The Owner of a Dog or Dogs shall not allow the odour of Dog feces on their property, or property within their care or control, to disturb, annoy or interfere with the enjoyment of neighbouring property by other Persons.
- 5.9 No Person shall tease, torment, annoy, abuse or injure any Dog.
- 5.10 An Owner of a Dog must ensure that such Dog is not left unattended while tethered or tied on Premises where the public has access, whether the right of access is express or implied.
- 5.11 An Owner of a Dog must ensure that such Dog is not left tethered or tied up in a residential yard unless the Owner is outside with the Dog at all times.
- 5.12 An Owner of a Dog must not allow the Dog, when tethered or tied up in a residential yard, to get closer than one (1) meter to the property line.
- 5.13 No Person shall untie, loosen, or otherwise free a Dog which is not in distress unless such Person has the authorization of the Owner.
- 5.14 No Person shall interfere with, hinder or impede an Animal Control Officer in the performance of any duty authorized by this bylaw or provide information to an Animal Control Officer with the intention to deceive or obstruct the Animal Control Officer in the performance of their duty so authorized by this bylaw.
- 5.15 The Owner of a female Dog, which is in Heat, shall take all reasonable measures to keep the said Dog at a location where it is not a source of attraction to other Dogs.
- 5.16 No Dog Breeders are allowed to operate within the Town, except as permitted by the Land Use Bylaw. All federal, provincial and municipal statutes, bylaws and regulations must be complied with.
- 5.17 An Owner must not allow a Dog to be outside of the passenger cab of a Motor Vehicle while transporting on a roadway, regardless of whether the Motor Vehicle is moving or parked.
- 5.18 Notwithstanding Section 5.17, an Owner may allow a Dog to be outside the passenger cab of a Motor Vehicle, including riding in the back of a pickup truck or flatbed truck if the Dog is:
- (a) in a fully enclosed trailer;
 - (b) in a topper enclosing the bed area of a truck; or
 - (c) contained in a ventilated Kennel or similar device securely fastened to the bed of the truck.
- 5.19 The Owner of a Dog must not allow a Dog to run alongside a moving Motor Vehicle, whether that Dog is on a Permitted Leash or not.
- 5.20 The Owner of a Dog left unattended in a Motor Vehicle must ensure:
- (a) the Dog is restrained in a manner that prevents contact between the Dog and any member of the public; and
 - (b) the Dog has suitable ventilation and is not subjected to injurious heat or cold conditions when left unattended.

- 5.21 The Owner of a vehicle involved in an offence referred to in this section is guilty of the offence, unless that vehicle Owner satisfies the Court that the vehicle was:
- (a) not being driven or was not parked by the vehicle's Owner; and
 - (b) that the Person driving or parking the vehicle at the time of the offence did so without the vehicle Owner's express or implied consent.

6.0 PROHIBITED BEHAVIOURS

- 6.1 When off the property of the Owner, the Owner of a Dog must always keep the Dog Under Control by means of a Permitted Leash, subject to Sections 6.9.
- 6.2 The Owner of a Dog may walk their Dog in a Public Space, on a pathway, or on a municipal sidewalk, provided the Owner is conscientious of others on the pathway or sidewalk, moves their Dog out of the way of others as needed, and does not interfere with or obstruct any others using the pathway or sidewalk.
- 6.3 The Owner of a Dog shall ensure that such Dog does not:
- (a) Bite a Person, whether on the property of the Owner or not;
 - (b) Attack or do any other act that causes injury to a Person, whether on the property of the Owner or not;
 - (c) Attack or do any other act that causes Severe Injury to a Person, whether on the property of the Owner or not;
 - (d) Attack or Cause Death to a Person, whether on the property of the Owner or not;
 - (e) growl, lunge, snarl, chase or otherwise threaten a Person, whether on the Owner's Property or not, unless the Person chased or threatened is a Trespasser on the Owner's Property;
 - (f) Bite or bark at or chase Livestock, Wildlife, bicycles, skateboards, scooters, or any other type of recreational or fitness-related wheeled device, automobiles or other vehicles or mobility aide;
 - (g) Bite or cause damage to personal property, whether on the Owner's Property or not;
 - (h) Bite an Animal, whether on the Owner's Property or not;
 - (i) Attack or do any other act that causes injury to an Animal, whether on the Owner's Property or not;
 - (j) Attack or do any other act that causes Severe Injury to an Animal, whether on Owner's Property or not;
 - (k) Attack or Cause Death to an Animal, whether on the Owner's Property or not.
- 6.4 An Animal Control Officer investigating a complaint involving the behaviors of a Dog listed in Section 6.3 will classify the behaviour by means of reference to the Dr. Ian Dunbar's Aggression Scale, which is set out in Schedule "C" of this Bylaw.
- 6.5 The Owner of a Dog must ensure that the Dog does not excessively bark, howl, or otherwise make or cause excessive noise(s) which disturbs any Person and unreasonably interferes with that Person's peaceful enjoyment of their property, which may be determined by an Animal Control Officer or by a Court hearing a prosecution pursuant to this Section of the Bylaw.

- 6.6 The Owner of a Dog must ensure that the Dog does not upset any waste receptacles or scatter 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 Dog.
- 6.7 The Owner of a Dog must ensure that the Dog does not enter or remain in areas where Dogs are prohibited. This includes locations with posted signs from the Town, such as Play Surfaces, Sports Fields, or stormwater retention ponds, whether for wading, swimming, or standing on the ice.
- 6.8 No Owner or Person in care and/or control of a Dog shall allow, permit or cause a Dog to Run at Large.
- 6.9 Notwithstanding Section 6.8 of this bylaw, an Owner of a Dog is not required to have the Dog on a Permitted Leash in a park which has been designated as an 'Off-Leash Park' by the Town, provided that:
- (a) the Dog is not a Vicious Dog;
 - (b) the Dog is not a Dog that has been subject to an order issued by a Justice pursuant to the *Dangerous Dogs Act*;
 - (c) the Owner of the Dog ensures that such Dog is Under Control at all times; and
 - (d) the Owner of the Dog carries a Permitted Leash on their Person at all times while at the Off-Leash park.
- 6.10 A Dog is not permitted to be in an Off-Leash Park if that Dog:
- (a) is in Heat; or
 - (b) is suffering from a Communicable Disease.
- 6.11 An Owner who fails to immediately restrain and remove a Dog that is not Under Control, or a Dog that is engaged in prohibited behaviour as defined in Section 6.3, by restraining the Dog on a Permitted Leash and removing the Dog from the Off-Leash Park, has contravened this Bylaw and committed an offence.
- 6.12 The Animal Control Officer or their delegate or the Court shall consider the following factors when determining whether a Dog is under sufficient control in an Off-Leash Park:
- (a) whether the Dog is at such a distance from its Owner to be incapable of responding to voice, sound or sight commands;
 - (b) whether the Dog has responded to voice, sound or sight commands from the Owner;
 - (c) whether the Dog has Bitten, Attacked, Caused Death or done any other act that injured a Person or another Animal;
 - (d) whether the Dog has chased or otherwise threatened a Person or another Animal; or
 - (e) whether the Dog caused Damage to Property.

7.0 VICIOUS DOGS

- 7.1 All provisions of this Bylaw apply to Vicious Dogs. However, where the Bylaw provides for more stringent regulations in relation to Vicious Dogs than other sections of this Bylaw, the more stringent regulations shall prevail in relation to a Vicious Dog.

- 7.2 Where the Director of Public Safety has reason to believe that a Dog has inflicted a Severe Injury or exhibited Prohibited Behaviours, the Director of Public Safety, may conduct an investigation with respect to whether or not the Dog should be declared a Vicious Dog.
- 7.3 Upon demand by an Animal Control Officer, an Owner of a Dog alleged to be a Vicious Dog shall surrender the Dog to the Animal Control Officer whereupon the Animal Control Officer shall deliver the Dog to the Animal Shelter where the Dog shall be held pending the outcome of the investigation, declaration, and any appeals.
- 7.4 The Director of Public Safety may allow the Owner to keep possession and control of a Dog alleged to be a Vicious Dog pending the outcome of the investigation, declaration, and any appeals on conditions which, in the opinion of the Director of Public Safety, ensures the safety of the public.
- 7.5 Where the Director of Public Safety decides to proceed with an investigation, the Director of Public Safety shall provide not less than ten (10) business days' written notice to the Owner of the Dog and the Person making the complaint that the Dog may be declared a Vicious Dog including the reasons for such declaration and the date upon which evidence and written submissions may be made to the Director of Public Safety in support of or in opposition to such declaration being made.
- 7.6 The Director of Public Safety may declare the Dog to be a Vicious Dog after:
- (a) receiving and considering all relevant evidence from the Animal Control Officer who investigated the incident or complaint, the Owner of the Dog, the Person making the complaint, and any witnesses;
 - (b) considering submissions in written form from the Animal Control Officer who investigated the incident or complaint, the Owner of the Dog, the Person making the complaint and any witnesses; and
 - (c) being satisfied that the Dog has inflicted a Severe Injury, or exhibited prohibited behaviours as described in Section 6.3, taking into account the following factors:
 - (i) whether the Dog has caused Severe Injury to a Person or Animal;
 - (ii) whether the Dog has chased any Person or Animal;
 - (iii) whether the Dog has attempted to Bite, or has Bitten any Person or Animal;
 - (iv) whether the Dog has Attacked any Person or Animal;
 - (v) whether the Dog has shown a tendency to exhibit prohibited behaviours as described in Section 6.3; and
 - (vi) the circumstances surrounding any incidents involving any Severe Wound or prohibited behaviours as described in Section 6.3, including if the Dog:
 - (A) Attacked or Bit a Trespasser; or
 - (B) Attacked or Bit in defense of Livestock on the Owner's Property, where the Dog is a Working Stock Dog and is a guardian of the Livestock.
- 7.7 Where the Serious Injury or prohibited behaviour involved circumstances described in Section 7.6 (c)(vi)(A) or (B), the Dog shall not be declared a Vicious Dog.

- 7.8 The Director of Public Safety shall issue their decision in writing, together with reasons, not more than fifteen (15) days after considering the evidence and submissions received in accordance with Section 7.6 to the Owner of the Dog and the Person making the complaint.
- 7.9 Where the Director of Public Safety has declared a Dog to be a Vicious Dog, they will direct that the Dog be kept and managed by the Owner of the Dog in a specific way. The Director of Public Safety may not order a Dog to be destroyed.
- 7.10 The Owner of the Dog or the Person making the complaint may appeal the Director of Public Safety's decision to Council by filing a written notice of appeal, together with reasons for the appeal, to Council within thirty (30) days after receipt of the Director of Public Safety's written decision.
- 7.11 Council shall hold a hearing for the appeal within thirty (30) days of receiving the notice of appeal. Until a written decision is issued, the dog shall continue to be deemed vicious.
- 7.12 Council shall issue its decision in writing, together with reasons, within thirty (30) days after closing the appeal hearing. Council's decision shall be final and binding on all parties.
- 7.13 Within ten (10) days after the Dog being declared a Vicious Dog, the Owner of the Dog shall provide evidence satisfactory to the Director of Public Safety that the Owner has completed the following in respect of the Vicious Dog:
- (a) that when such Dog is on the Owner's Property:
 - (i) the Dog is confined indoors and under the control of a Person over the age of eighteen (18) years; or
 - (ii) when the Dog is outdoors, it is in a locked pen or other structure constructed in accordance with the provisions of this section to prevent the escape of the Dog and capable of preventing the entry of any Person not in control of the Dog; and
 - (iii) the locked pen or other structure shall have secure sides and a secure top, and if it has no bottom secured to the sides, the sides must be embedded in the ground to a minimum depth of thirty (30) centimetres; and
 - (iv) the locked pen or other structure shall provide the Vicious Dog with shelter from the elements and be of the minimum dimensions of one and a half (1.5) metres by three (3) metres and be a minimum one and a half (1.5) metres in height; and
 - (v) the locked pen or other structure shall not be within one (1) metre of the property line or within five (5) metres of a neighbouring dwelling unit; or
 - (vi) the Dog is kept in accordance with the provisions of Section 7.13(b) while such Dog is on the property of the Owner and outdoors.
 - (b) that at all times when such Dog is off the Owner's Property, ensure such Dog is securely:
 - (i) Muzzled; and
 - (ii) harnessed or leashed on a lead, which length shall not exceed one (1) metre in a manner that prevents it from chasing, injuring or Biting other domestic Animals or humans, as well as preventing damage to public or Private Property; and
 - (iii) Under Control of a Person over the age of eighteen (18) years, that is physically capable of controlling and restraining the Dog.
 - (c) clearly post warning signs, at every entrance to the property where the Vicious Dog is kept, that a Vicious Dog resides on the Premises in the form illustrated in Schedule "B".

- 7.14 The Owner of a Vicious Dog shall:
- (a) be over the age of eighteen (18) years;
 - (b) within three (3) days of the Dog being declared a Vicious Dog have a licensed veterinarian implant an electronic identification Microchip in the Dog and provide the copy of the information contained thereon to the Animal Control Officer in order that a licence can be issued pursuant to Section 4 of this bylaw;
 - (c) make application for a Vicious Dog licence on or before the second day on which the Town Office is open for business after the Dog has been declared as vicious;
 - (d) thereafter obtain the annual licence for the Vicious Dog on such day specified in Section 4 of this bylaw;
 - (e) ensure that the Dog wears the current Licence Tag purchased for that Dog, when the Dog is off the Owner's Property;
 - (f) ensure that the Vicious Dog is not in any Public Space, including Off-Leash Parks, or at public events;
 - (g) not breed nor permit the breeding of the Vicious Dog;
 - (h) notify the Animal Control Officer should the Dog be sold, gifted, transferred or deceased;
 - (i) remain liable for the actions of the Dog until formal notification of sale, gift or transfer is given to the Animal Control Officer;
 - (j) notify the Animal Control Officer if the Dog is Running at Large, or in the event that the Owner is unable to contact the Animal Control Officer, the Owner shall notify the RCMP of the Vicious Dog Running at Large; and
 - (k) comply with any other conditions imposed by the Animal Control Officer.
- 7.15 Should the Owner of a Dog that was declared to be a 'Vicious Dog' fail to comply with the conditions outlined in Section 7.13 or 7.14, the Owner is guilty of an offence under this bylaw, and shall be liable to:
- (a) a fine in accordance with the provisions of Schedule "A" of this bylaw;
 - (b) seizure of the Dog at the Owner's expense until the Animal Control Officer is satisfied that all the ownership conditions have been met by the Owner; and/or
 - (c) an Order of the Court that the Dog be removed from the Town.
- 7.16 The Owner of a Vicious Dog is guilty of an offence if, whether on or off the Owner's Property, the Vicious Dog exhibits Prohibited Behaviours as outlined in Section 6 of this bylaw.
- 7.17 If the Owner of a Vicious Dog is found guilty of an offence under Section 6 of this Bylaw, the minimum penalty outlined in Schedule "A" shall be doubled, excluding offences under Section 6.3(d), where the minimum penalty shall be \$9,500.
- 7.18 A Vicious Dog designation continues to apply if the Dog is sold, given away or transferred to a new Owner.
- 7.19 An Owner must disclose that a Dog has been designated a Vicious Dog when selling, giving away, or transferring that Dog to a new Owner.
- 7.20 An Owner must disclose a Vicious Dog designation to any Person the Owner asks to take temporary care and control of the Dog, such as dogwalkers, groomers, Kennel operators, and veterinarians.

7.21 Upon relocating to the Town, the Owner of a Dog that has been previously declared to be a Vicious Dog by the Provincial Court or pursuant to a bylaw of another municipality must notify the Animal Control Officer and abide by all regulations set out in section 7 of this bylaw.

7.22 Nothing in this bylaw precludes an Animal Control Officer from applying for a Vicious Dog to be court-ordered or destroyed pursuant to the *Dangerous Dogs Act, R.S.A. 2000, Chapter D-3*.

8.0 CONTROLLED CONFINEMENT AND SEVERE INJURIES

8.1 Where a Dog Bite results in a Severe Injury being inflicted, the Owner shall promptly report the incident to an Animal Control Officer, who shall report the incident to the Health Inspector of the Health Authority unless, at the Animal Control Officer's discretion, proper vaccination records can be obtained.

8.2 The Health Inspector will advise of the quarantine procedure. The Animal Control Officer shall keep the Dog in Controlled Confinement until the Health Inspector has authorized the release of the Dog from Controlled Confinement.

8.3 The decision to release the Dog to the Owner from Controlled Confinement is at the discretion of the Animal Control Officer or their designate, who will take into account:

- (a) the risk to public safety;
- (b) the severity of the injury caused by the Dog; and
- (c) the issue of liability should the Dog be released back into the custody of the Owner.

8.4 An Animal Control Officer may issue a Court Appearance Violation Ticket or a Summons requiring the Owner of a Dog alleged to have caused a Severe Injury to appear before the Provincial Court if the Animal Control Officer believes it to be in the public interest. Upon application by the prosecutor, or upon the Court's own motion, the Owner may be ordered by the Court, if the Court considers it is necessary to ensure the safety of humans and other Animals, that pending the final disposition of the charges, the Owner must:

- (a) keep the Dog in an enclosed and secured pen while outside on the Owner's Property;
- (b) keep the Dog Muzzled and restrained by a Permitted Leash when the Dog is off the Owner's Property;
- (c) post warning signs that a Vicious Dog resides on the Premises on every entrance way to the subject property; or
- (d) have the Dog humanely euthanized by a veterinarian and produce a document to the Animal Control Officer stating this was done.

8.5 The Owner of a Dog shall comply with an Order of the Provincial Court pursuant to this Section.

8.6 The Owner of a Dog that fails to comply with an Order of the Provincial Court issued pursuant to Section 8.4 of this bylaw, is guilty of an offence and liable to a fine for each day of non-compliance.

- 8.7 Where there is repeated or continuous non-compliance with such a Court Order, the Animal Control Officer is hereby authorized to attend the property where the subject Dog is kept, to seize and impound the subject Dog, pending the further determination by the Court of the matter.
- 8.8 Upon demand made by the Animal Control Officer, the Owner shall forthwith surrender for quarantine any Dog which the Animal Control Officer has reasonable and probable grounds to suspect of having been exposed to rabies which has inflicted a Dog Bite on any Person or any Animal.
- 8.9 The Dog may be reclaimed by the Owner if:
- (a) the subject Dog is adjudged free of rabies; and
 - (b) upon payment of the subject confinement expenses; and
 - (c) upon compliance with the licensing provisions of this bylaw.
- 9.0 NOTICE TO CONTAIN AND CONTROL**
- 9.1 An Animal Control Officer may serve a notice with contain and control conditions on an Owner of a Dog following a contravention of this bylaw. The Owner will be advised in writing of the specific contain and control conditions that must be adhered to should the Owner wish to keep the Dog within the Town.
- 9.2 The issuance of any notice to contain and control shall be based on the following:
- (a) the severity of the contravention of this bylaw;
 - (b) the threat to public safety; and
 - (c) the actions taken by the Town, if any, to remedy any previous contravention of this bylaw.
- 9.3 The Owner of a Dog shall comply with all contain and control conditions set out in a notice issued by the Animal Control Officer pursuant to this Section.
- 9.4 Should an Owner of a Dog fail to comply with any contain and control conditions of Ownership imposed pursuant to this section, the Owner is guilty of an offence under this bylaw, and shall be liable to:
- (a) a fine in accordance with the provisions of Schedule "A" of this bylaw;
 - (b) seizure of the Dog at the Owner's expense until the Animal Control Officer is satisfied that all ownership conditions have been met by the Owner; and/or
 - (c) an Order of the Court to remove the Dog from the Town.
- 10.0 ANIMAL CONTROL AUTHORITY**
- 10.1 An Animal Control Officer may seize, retain, and take to an Animal Shelter:
- (a) any Dog or Vicious Dog which is found Running at Large,
 - (b) any Dog or Vicious Dog which is alleged to have engaged in any prohibited behaviors set out in Section 6.3 of this bylaw
 - (c) any Dog or Vicious Dog, pending the outcome of a Behavioural Assessment or application to declare the Dog to be a Vicious Dog or to destroy the Dog,

- (d) any Dog or Vicious Dog which is alleged to have contravened any contain and control conditions placed on an Owner;
- (e) any Dog or Vicious Dog which is required to be impounded pursuant to the provisions of any Statute of Canada or of the Province of Alberta, or by any regulation made thereunder;
- (f) any Animal which has been Abandoned.

10.2 An Animal Control Officer, or their designate, may enter onto the property surrounding any building, whether or not the property is enclosed by a fence or other such enclosure, and seize any Dog which has been observed Running at Large and take the reasonable measures necessary to subdue any such Dog, including the use of tranquilizer equipment and other capture devices, and take the Dog to an Animal Shelter.

10.3 Animal Control Officers, in consultation with Council and the Development Officer, may designate areas where Dogs are permitted to run when off-leash, and may designate areas where organized and controlled canine events may be held by causing signs to be posted in such areas indicating such designations.

11.0 OBSTRUCTION

- 11.1 No Person, whether or not they are the Owner of a Dog which is being or has been pursued or captured, shall:
- (a) interfere with or attempt to obstruct an Animal Control Officer or their designate, who is attempting to capture or who has captured a Dog which is subject to being impounded pursuant to the provisions of this bylaw;
 - (b) induce the Dog to enter a house or other place where it may be safe from capture or otherwise assist the Dog to escape capture;
 - (c) falsely represent themselves as being in charge or control of a Dog to establish that the Dog is not Running at Large; or
 - (d) unlock, unlatch or otherwise open the vehicle used in controlling or transporting the said Dog to allow or attempt to allow any Dog to escape therefrom.

12.0 IMPOUNDMENT OF DOGS

- 12.1 No unauthorized Person shall remove or attempt to remove from an Animal Shelter any Dog impounded therein.
- 12.2 No unauthorized Person shall break open or assist in any manner, either directly or indirectly, in breaking open any Animal Shelter established or utilized by the Town under the provisions of this bylaw.
- 12.3 The Town may require the purchase of a valid Dog licence prior to the release of a Dog.

13.0 ANIMAL SHELTER OPERATIONS

- 13.1 The Town will determine the hours of operation for the municipal Animal Shelter, in order to facilitate the claiming of Dogs. These hours will attempt to accommodate the public or authorized agencies but may vary depending on operational demands and the availability of the Animal Control Officer or their designate.
- 13.2 The Owner will be responsible for any impoundment fees including those that may accrue on Sundays and/or Statutory holidays. In addition, the Town reserves the right to double any impound fees for those Owners, whose Dog or Dogs had been impounded on more than one occasion, within a calendar year.
- 13.3 When an Owner is to claim a Dog from the shelter, all applicable fees as set out in the Town of Diamond Valley annual *Rates and Fees Bylaw* as amended or replaced from time to time, must be paid at the Town Office prior to claiming the Animal.
- 13.4 The Animal Control Officer or their designate will make a reasonable attempt to contact the Owner of an impounded Dog. However, should the Dog remain unclaimed at the conclusion of a seventy-two (72) hour period and the Dog has been released to the SPCA or any other Animal welfare or adoption organization, the Town is no longer responsible for that Dog or that organization's actions regarding that Dog.

14.0 BACKYARD HENS PROGRAM – OWNERSHIP REQUIREMENTS

- 14.1 An applicant in the Backyard Hen Program must be 18 years of age or older.
- 14.2 A Person must not keep Hens unless registered in the Backyard Hen Program.
- 14.3 An application, including the first annual licensing fee, must first be submitted and approved by the Town.
- 14.4 An applicant must read and adhere to Schedule "D" - Backyard Hens Program, Requirements and Best Practices attached to this bylaw.
- 14.5 Backyard Hen licensing fees are annually renewable and must be paid by January 31 of each year, unless otherwise authorized by the CAO.
- 14.6 Participant Compliance in Backyard Hens Program:
- (a) if a complaint is registered with the Town an Animal Control Officer may attend the residence of a participant at their own discretion; an appointment will not be required.
 - (b) participants must not exceed the keeping of six (6) Hens.
 - (c) participants must keep the Coop in good repair and in a sanitary condition.
 - (d) proper care and feeding practices must be followed to ensure the well-being of the Hens.
 - (e) the slaughter of or attempt to euthanize Hens within Town limits is prohibited.
 - (f) Hens must not be permitted to Run at Large.
- 14.7 A Person must not keep a Rooster in the Town of Diamond Valley.

- 14.8 A Person who owns Hens and had a valid subsisting Backyard Hen Licence under Bylaw 2023-21 prior to the date this Bylaw is adopted may be granted a Backyard Hen licence under this Bylaw by the CAO without making an application for one at the time this Bylaw comes into force.

15.0 COMMUNICABLE DISEASES

- 15.1 An Owner of a Dog which is suffering from a Communicable Disease must:
- (a) not permit the Dog to be in any Public Space;
 - (b) not keep the Dog in contact with or in proximity to any other Animal free of such disease;
 - (c) keep the Dog locked or tied up; and
 - (d) immediately report the matter to the veterinarian inspector of the appropriate health of Animal branch of the local office of the Federal and/or Provincial Department of Agriculture, and the Animal Control Officer or their designate of the Town.

16.0 MISCELLANEOUS

- 16.1 This bylaw shall not apply to Animals kept inside any veterinary clinic for the purpose of receiving medical attention or being securely transported within a Motor Vehicle to or from a veterinary clinic.
- 16.2 An Animal Owner or licence applicant is responsible for, and is not excused from, ascertaining and complying with the requirements of any federal, provincial or other municipal legislation, including the Town's Land Use Bylaw. Where the keeping of the Animals would not comply with any federal, provincial or other municipal legislation, the Animal Control Officer may refuse to issue or may revoke a licence.
- 16.3 No person shall bait, feed, lure or take any actions that may attract feral or wildlife, whether on private or public property, excepting the use of bird feeders, which is allowed on the condition that they are set out at a height that is only accessible to birds.
- 16.4 No Owner shall abandon an Animal.
- 16.5 No Owner shall fail to claim an Animal at a veterinary clinic, a licensed Animal care organization or an Animal Shelter.
- 16.6 No Owner, tenant or occupant of a property, whether public or private, shall permit or allow any deceased Animal or Wildlife to be visible to the public or allow it to decompose and become a possible risk to public health, a nuisance or an interference with the peaceful enjoyment of private or public property by others.

17.0 ADOPTION OR EUTHANASIA

- 17.1 Any veterinary surgeon, being properly and fully qualified as required by the Province of Alberta, may humanely euthanize any Animal delivered to the veterinarian after injury to the Animal, providing the said injury is determined by the veterinarian to be of such serious nature, based upon their professional opinion, that the Animal must be euthanized immediately. Such costs of

humane euthanasia may be billed to the Town, and the Town is at liberty to take all steps considered necessary to recover such costs from the Owner of the Animal.

- 17.2 The costs of the humane euthanasia of an Animal, whether such euthanasia is ordered by the Court or is consented to by the Animal's Owner or the Owner's designate, is solely the responsibility of the Owner or the Owner's designate.
- 17.3 Apprehended Animals will be retained in the Animal Shelter for 72 hours (including weekends and holidays) unless the Owner of the Animal reclaims the Animal or makes satisfactory arrangements with the Town for the further retention of the Animal.
- 17.4 In the event that the 72-hour holding period has expired and the Owner has failed to make arrangements to extend the impound period, the Town will make every effort to transfer custody of the Animal to a "no-kill" facility or Animal adoption agency.
- 17.5 All Animals over which the Animal Control Officer has the power to have adopted or humanely euthanized pursuant to this bylaw, become the property of the Town, and may be so disposed of in any manner provided for under this bylaw.
- 17.6 Where it is necessary, in the opinion of a qualified veterinarian, to have an Animal euthanized, the Animal shall be euthanized in a humane manner.
- 17.7 The Animal Control Officer or their designate may retain an Animal for a longer period than provided for in section 17.3, if in their opinion the circumstances warrant the expense.
- 17.8 The adopting recipient of an Animal from the Animal Shelter, pursuant to the provisions of this section, shall obtain full right and title to it, and the right and title of the former Owner shall cease thereupon.
- 17.9 All or any monies received for licensing, impoundment fees, veterinary services or sale of an Animal become part of the general revenue of the Town.

18.0 ENFORCEMENT PROCEDURES AND SPECIFIED PENALTIES

- 18.1 Where an Animal Control Officer or their designate believes that a Person has contravened any provision of this bylaw, they may serve upon such Person a Violation Ticket in accordance with Part 2 of the *Provincial Offences Procedure Act*, R.S.A. 2000, Chapter P-34. The Violation Ticket will indicate the specified penalty payable in respect of the offence or may require the accused to make a Court appearance, where the issuing Officer believes it is in the public interest to require same.
- 18.2 The specified penalty payable in respect of a contravention of a provision of this bylaw is the amount provided for in Schedule "A" in respect of that provision.
- 18.3 Where any Person contravenes the same provision of this bylaw twice within a twelve (12) month period, the specified penalty payable in respect of the second such contravention shall be double the amount provided for in Schedule "A" of this bylaw.

- 18.4 Where any Person contravenes the same provision of this bylaw three times within a twelve (12) month period, the specified penalty payable in respect of the third such contravention shall be triple the amount provided for in Schedule "A" of this bylaw.
- 18.5 Where any Person contravenes the same provision of this Bylaw four or more times within an eighteen (18) month period, the penalty payable in respect of the fourth or subsequent such contravention shall be determined by a Provincial Court Justice and shall not be less than three times the amount provided for in Schedule "A" of this bylaw.
- 18.6 A Person who has been issued a Bylaw Violation Tag, pursuant to Section 18 of this bylaw, in respect of a contravention of a provision of this bylaw, and who has fully paid the penalty as indicated to the Town within the time allowed for payment, shall not be liable to prosecution for the subject contravention.
- 18.7 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 DOLLARS (\$10,000.00) and not less than ONE HUNDRED DOLLARS (\$100.00) and in default of payment is liable to imprisonment for a term not exceeding ONE (1) YEAR.
- 18.8 Notwithstanding Section 18.7 of this bylaw, the minimum fine on summary conviction in respect to a contravention of Section 7 of this bylaw (Vicious Dogs) shall be FIVE HUNDRED DOLLARS (\$500.00).
- 18.9 The levying and payment of any penalty, or the imprisonment for any period as provided for in this bylaw, shall not relieve a Person from the necessity of paying any fees, charges or costs for which that Person is liable under the provisions of this bylaw.
- 18.10 Upon convicting a Person of an offence under this bylaw, a Provincial Court Judge or Justice, in addition to the penalties provided for in this bylaw may, if the offence is considered sufficiently serious, direct or order the Person convicted of the offence to:
- (a) take specific measures to stop the Animal from doing the subject mischief or causing the disturbance or nuisance complained of;
 - (b) have the Animal removed from the Town; or
 - (c) have the Animal humanely euthanized.
- 18.11 A provincial Court judge or Justice, after entering a conviction against the Owner of a Dog for an offence under this bylaw may, in addition to any other penalties imposed or orders made, and without further notice or hearing, declare the subject Dog to be a Vicious Dog as defined by this bylaw.
- 19.0 AUTHORITY TO DELEGATE FURTHER**
- 19.1 The CAO may delegate any of the powers granted to the CAO in this Bylaw at any time to any other employee of the Town.

20.0 GENERAL PROVISIONS AND COMING INTO FORCE

- 20.1 If any term, clause or condition of this bylaw or the application thereof is found to be invalid or unenforceable, the remainder of this bylaw or application of such term, clause or condition shall not be affected and shall remain in force and effect.
- 20.2 Nothing in this bylaw relieves any person from compliance with any other bylaw or any applicable federal or provincial law, regulation or enactment.
- 20.3 In the event of a conflict between this bylaw and any other bylaw or any applicable federal or provincial law, regulation or enactment respecting public health and safety, the other bylaw, law, regulation or enactment shall prevail to the extent of the conflict.
- 20.4 This bylaw repeals Bylaw 2023-21 in its entirety and all amendments thereto.
- 20.5 This bylaw shall come into force and effect on the date of third and final reading.

READ A FIRST TIME on the 2nd day of April, 2025

READ A SECOND TIME on the 2nd day of April, 2025

READ A THIRD AND FINAL TIME on the 16th day of April, 2025



Mayor

Chief Administrative Officer

Elected Official Initial



CAO Initial



SCHEDULE "A"

Specified Penalties

* Column A indicates penalties in lieu of prosecution

* Column B indicates penalties for violation tickets issued pursuant to this bylaw

Section	Offence	Minimum Penalty	Specified Penalty
Prohibited Animals and Exceptions			
3.2	Keep prohibited Animal within Town boundaries	\$250	\$500
3.4	Fail to obtain permit for Livestock temporarily entering Town	\$150	\$300
3.5	Fail to hygienically dispose of Livestock feces	\$150	\$300
Licensing Requirements			
4.1	Fail to license a dog	\$150	\$300
4.5	Provide false information on licence application	\$250	\$500
4.7	Fail to affix Licence Tag to a Dog	\$100	\$200
4.15	Remove collar, harness, or Licence Tag from Dog without consent of owner	\$100	\$200
4.18	Fail to purchase temporary Dog licence	\$100	\$200
Dog Ownership Requirements			
5.1(a)	Fail to provide Dog with adequate food and water	\$250	\$500
5.1(b)	Fail to provide Dog with adequate care when Dog is ill or wounded	\$250	\$500
5.1(c)	Fail to provide Dog with protection from injurious heat or cold	\$250	\$500
5.1(d)	Fail to provide Dog with adequate shelter	\$250	\$500
5.1(e)	Fail to provide Dog with adequate exercise and space	\$250	\$500
5.2	Possess more than four (4) dogs without approval	\$150	\$300
5.4	Allow Dog to cause damage to a Public Space or Private Property	\$250	\$500
5.5	Fail to possess a suitable means to remove Dog feces	\$100	\$200
5.6	Fail to remove and dispose of Dog feces from public/private property	\$150	\$300
5.7	Fail to secure Dog feces in sealed plastic bag	\$150	\$300
5.8	Fail to keep property free of excessive Dog feces	\$150	\$300
5.9	Tease, torment, annoy, or abuse any Dog	\$250	\$500
5.10	Leave Dog unattended while tethered on Premises with public access	\$150	\$300
5.11	Leave Dog unattended while tethered in residential yard	\$150	\$300
5.12	Allow tethered Dog to get closer than 1 meter to the property line	\$150	\$300
5.13	Untie, loosen, or otherwise free a Dog which is not in distress without authorization of the Owner	\$250	\$500
5.14	Interfere with, hinder, impede, or provide false information to Animal Control Officer	\$750	\$1,500
5.15	Allow Dog in Heat to attract other Dogs	\$150	\$300
5.16	Dog Breeder operating within the Town	\$500	\$1,000
5.17	Transport Dog outside of passenger cab of Motor Vehicle	\$250	\$500
5.19	Allow Dog to run alongside a moving Motor Vehicle	\$500	\$1,000
5.20(a)	Allow unattended Dog in Motor Vehicle to have contact with the public	\$250	\$500
5.20(b)	Fail to provide Dog with suitable ventilation or protection from injurious temperatures while unattended in Motor Vehicle	\$500	\$1,000

Prohibited Behaviours			
6.1	Fail to keep Dog Under Control	\$250	\$500
6.2	Allow Dog to interfere or obstruct use of pathway or sidewalk	\$250	\$500
6.3(a)	Allow Dog to Bite a Person	\$500	\$1,000
6.3(b)	Allow Dog to Attack or cause injury to a Person	\$750	\$1,500
6.3(c)	Allow Dog to cause Severe Injury to a Person	\$1,500	\$3,000
6.3(d)	Allow Dog to cause Death of a Person	\$7,500	\$10,000
6.3(e)	Allow Dog to threaten a Person	\$250	\$500
6.3(f)	Allow Dog to Bite or bark at or chase Livestock, Wildlife, bicycles or vehicles	\$250	\$500
6.3(g)	Allow Dog to Bite or cause damage to personal property	\$250	\$500
6.3(h)	Allow Dog to Bite another Animal	\$500	\$1,000
6.3(i)	Allow Dog to Attack or injure another Animal	\$750	\$1,500
6.3(j)	Allow Dog to cause Severe Injury to another Animal	\$1,500	\$3,000
6.3(k)	Allow Dog to cause Death of another Animal	\$2,500	\$5,000
6.5	Allow dog to excessively bark or cause excessive noise	\$150	\$300
6.6	Allow Dog to upset waste receptacles or scatter garbage	\$150	\$300
6.7	Allow Dog to enter or remain in prohibited area	\$150	\$300
6.8	Allow Dog to Run at Large	\$250	\$500
6.9 (a)	Allow Vicious Dog in Off-Leash Park	\$2,500	\$5,000
6.9(b)	Allow Dangerous Dog in Off-Leash Park	\$2,500	\$5,000
6.9(c)	Fail to control Dog in an Off-Leash Park	\$250	\$500
6.9(d)	Fail to carry a Permitted Leash in an Off-Leash Park	\$150	\$300
6.10	Allow prohibited Dog in Off-Leash Park	\$150	\$300
6.11	Fail to restrain and remove a Dog that is not Under Control or engaged in prohibited behaviours in an Off-Leash Park	\$250	\$500
Vicious Dogs			
7.13(a)	Fail to confine Vicious Dog while on the Owner's Property	\$500	\$1,000
7.13(b)	Fail to Muzzle, leash, and keep Vicious Dog Under Control while off the Owner's Property	\$500	\$1,000
7.13(c)	Fail to post warning sign for a Vicious Dog	\$500	\$1,000
7.14(b)	Fail to Microchip a Vicious Dog	\$500	\$1,000
7.14(c)	Fail to license a Vicious Dog	\$500	\$1,000
7.14(e)	Fail to affix Licence Tag to a Vicious Dog	\$500	\$1,000
7.14(f)	Allow Vicious Dog in a Public Space or public event	\$2,500	\$5,000
7.14(g)	Allow Vicious Dog to breed	\$1,500	\$3,000
7.14(h)	Fail to notify Animal Control Officer of sale, gift, transfer, or death of a Vicious Dog	\$500	\$1,000
7.14(i)	Fail to notify Animal Control Officer or RCMP of the Vicious Dog Running at Large	\$1,500	\$3,000
7.14(k)	Fail to comply with conditions imposed on Vicious Dog	\$2,500	\$5,000
7.19	Fail to disclose Vicious Dog designation when selling, giving away, or transferring Vicious Dog to a new Owner	\$500	\$1,000
7.20	Fail to disclose a Vicious Dog designation to Person taking temporary care and control of the Dog	\$1,500	\$3,000
7.21	Fail to notify Animal Control Officer a Vicious Dog upon moving to the Town	\$500	\$1000

Controlled Confinement and Severe Injuries			
8.1	Fail to report a Bite resulting in a Severe Injury	\$1,500	\$3,000
8.5	Fail to comply with an Order of the Provincial Court	\$2,500	\$5,000
Notice to Contain and Control			
9.3	Fail to comply with contain and control conditions	\$1,000	\$2,000
Obstruction			
11.1(a)	Interfere with or obstruct an Animal Control Officer	\$500	\$1,000
11.1(b)	Harbour a Dog to avoid capture or otherwise assist a Dog in escaping capture	\$500	\$1,000
11.1(c)	Provide false Owner information to an Animal Control Officer	\$500	\$1,000
11.1(d)	Unlock or free Dog from authorized vehicle	\$500	\$1,000
Impoundment of Dogs			
12.1	Unauthorized Person attempt to remove Dog from Animal Shelter	\$500	\$1,000
12.2	Unauthorized Person break into Animal Shelter	\$500	\$1,000
Backyard Hen Program:			
14.2	Keeping hens while not permitted	\$500 + Costs	\$1000 + Costs
14.6(b)	Exceed maximum number of hens permitted	\$150	\$300
14.6(c)	Fail to maintain coop in a sanitary condition	\$150	\$300
14.6(d)	Fail to provide proper care and feeding	\$150	\$300
14.6(e)	Slaughtering hens within Town limits	\$150	\$300
14.6(f)	Allowing hens to escape or Run at Large	\$150	\$300
14.7	Keeping one or more Roosters	\$150	\$300
Communicable Diseases			
15.1(a)	Allow diseased Dog in Public Space	\$300	\$600
15.1(b)	Failure to keep diseased Dog from disease-free Animals	\$300	\$600
15.1(c)	Failure to secure diseased Dog	\$300	\$600
15.1(d)	Failure to report diseased Dog	\$300	\$600
Miscellaneous			
16.3	Bait, feed, lure or take any actions that may attract feral animals or wildlife	\$500	\$1,000
		\$250	\$500
		\$250	\$500
		\$150	\$300
16.4	Abandon an Animal	\$2,500	\$5,000
16.5	Fail to claim an Animal	\$500	\$1,000
16.6	Allow deceased Animal or Wildlife on property	\$500	\$1,000

SCHEDULE "B"
Vicious Dog Sign



SCHEDULE "C"
Dr. Ian Dunbar's Aggression Scale

Level 1	Dog growls, lunges, snarls, no teeth touch skin. Mostly intimidation/threatening behaviour.
Level 2	Teeth touch skin but no puncture. May have red mark/minor bruise from dog's head or snout, may have minor scratches from paws/nails. Minor surface abrasions or lacerations.
Level 3	Punctures 1 to 3 holes, single bite. No tearing or slashes. Victim not shaken side to side. Bruising.
Level 3.5	Multiple Level 3 bites.
Level 4	2 to 4 holes from a single bite, typically contact/punctures from more than canines, considerable bruising. Black bruising, tears and/or slashing wounds. Dog clamped down and held and/or shook head from side to side.
Level 5	Multiple bites at Level 4 or above. A concerted, repeated attack causing severe injury.
Level 6	Any bite resulting in death.

SCHEDULE "D"

Backyard Hens Program Requirements and Best Practices

Section	Description
Rules	
C1.1	Applicants must be 18 years of age or older.
C1.2	For the purposes of this program, a hen must be a female chicken. Baby chicks as well as pullets and full-grown hens are allowed.
C1.3	Roosters are not permitted. If a male bird is identified, it must be disposed of.
C1.4	It is unlawful to slaughter hens within Town limits.
C1.5	A maximum number of six (6) hens is allowed per household.
C1.6	Yards must be securely fenced. There is no minimum fence height requirement, however higher fencing will protect against predators.
C1.7	Participants will be warned once of any infraction. Any repeat infraction will be cause for fines in accordance with the bylaw and may be cause for disqualification from the program.
Coop	
C2.1	Coop size cannot exceed 100 square feet without a building permit for an accessory building.
C2.2	Coops must be designed to provide a minimum of 3 square feet per hen.
C2.3	All chicken coops shall be located only in the rear yard and must fully enclose the chickens and prevent them from escaping.
C2.4	Hens must have access to outdoor 'run' space which must fully enclose the chickens and prevent them from escaping.
C2.5	Minimum lot size is 5500 square feet; coops may be established at single family dwellings only.
C2.6	Coops must be in the rear yard, at least 1 metre from a property line where there is an adjacent neighbour. Where there is no adjacent neighbouring property (ie. lane or roadway fence line) coops are permitted to align with the zero '0' setbacks that apply to the construction of accessory buildings.
C2.7	Locate the coop in a place that will be mindful and considerate of your neighbours.
C2.8	The chicken coop shall be designed and constructed to ensure proper ventilation and sufficient space for the chickens and be maintained in accordance with good animal husbandry practices and shall keep all vermin out.
C2.9	The applicant must provide and maintain, in each coop, at least one perch, for each hen, that is at least 15 cm long, and one nest box; and adequate environmental protection as to shelter the hens from heat and cold injury.
C2.10	Coops shall be maintained in good repair, kept in clean and sanitary condition, free of vermin and obnoxious smells and substances.
C2.11	Backyard hens must not create a nuisance or disturbance to neighboring residents due to noise, odour, damage or threats to public health.

Care & Feeding	
C3.1	Do your research on the care of hens - education online or in the community.
C3.2	Follow biosecurity procedures recommended by the Canadian Food Inspection Agency, referring especially to Biosecurity for Backyard Flock and Small Bird Owners.
C3.3	Proper care and feeding practices must be followed to ensure the well-being of the hens. This includes providing each hen with food, water, shelter, light, ventilation, veterinary care and opportunities for essential behaviours such as scratching, dustbathing, and roosting, all sufficient to maintain the hens in good health. Participants must not keep a hen in a cage.
C3.4	Food must be stored in a way to discourage predators.
C3.5	You must enlist a hen 'caregiver' when you plan to be away from home.
C3.6	Disposing of hens: If a hen dies of an unknown cause, it is recommended that it be checked by a veterinarian to protect the health of the other hens. Otherwise, it can be disposed of in the garbage in a sealed waste bag.
Approval / Registration Process	
C4.1	The \$30 Backyard Hens Licensing fee is renewable annually by January.
C4.2	Once you are comfortable with the basic care of Backyard Hens, please apply by filling out the Backyard Hens Program Application Form available on the Town website or contact the Municipal Office.
C4.3	<p>Please ensure the following accompanies your Application:</p> <ul style="list-style-type: none"> a) A copy of the submitted premises identification form (PID) submitted to the Province of Alberta. http://www1.agric.gov.ab.ca/\$department/deptdocs.nsf/all/trace12354 b) A drawing or description or photo of your planned coop and its location within the yard. c) The annual Backyard Hens Licensing fee. d) If applicable, a signed permission letter from your landlord.
C4.4	Applications will be reviewed by Administration, and you will be contacted within a week of receipt of the application.
C4.5	After the application is approved, you may commence with the construction of the coop.
C4.6	Once the Coop is built, you must call the Town to arrange for an Animal Control Officer to meet you at your residence to inspect the coop. At the time of inspection, the coop must be approved as being adequately outfitted for the care of hens.
C4.7	After inspection approval, the applicant will be contacted by Administration within one week, at which time the applicant may obtain their hens.

Compliance	
C5.1	If a complaint is registered with the Town, Animal Control Officers may attend the residence at their own discretion. An appointment with the owner of the hens is not required in such cases.
C5.2	Participants may be fined for various infractions including: <ul style="list-style-type: none"> a) exceeding maximum number of hens permitted b) failing to maintain coop in a sanitary condition c) keeping hens while not permitted d) prohibited sale of eggs, manure, meat or other products derived from hens e) slaughter hens within Town limits f) allow hens to escape or run at large
C5.3	Participants may be disqualified from the Program for cause, including but not limited, to mistreatment of hens or repeated violations of the bylaw.
C5.4	If so notified, participants must dispose of or remove all hens within 30 days of notification.
C5.5	We may continue to ask participants and neighbours to complete surveys regarding the Backyard Hen Program.
C5.6	The Backyard Hens Program may be terminated at any time by the Town, for any cause.

