

BYLAW NO. 379-15

A BYLAW OF THE TOWN OF COALHURST, IN THE PROVINCE OF ALBERTA, GOVERNING THE REGULATION AND KEEPING OF DOGS.

WHEREAS the Municipal Government Act, R.S.A. 2000, Chapter M-26, as amended, provides municipalities with the power to pass Bylaws for the purpose of:

- a. The safety, health and welfare of people and the protection of people and property;
- b. People, activities and things in, on or near a public place or place that is open to the public;
- c. Nuisances;
- d. Services provided by or on behalf of the municipality;
- e. Domestic animals and activities in relation to them; and for
- f. The enforcement of Bylaws.

AND WHEREAS the Council of the Town of Coalhurst, has decided that it is necessary for the protection of the public health, safety and welfare to provide for:

1. The regulation of all dogs within the corporate boundaries of the Town of Coalhurst,
2. The close regulation of dogs that are determined to be aggressive, and
3. The destruction of vicious dogs.

NOW THEREFORE, the Council of the Town of Coalhurst, in the Province of Alberta duly assembled, **HEREBY ENACTS AS FOLLOWS:**

1. The Bylaw may be cited as the "*Coalhurst Dog Bylaw*".
2. **DEFINITIONS:** the following definitions will apply for the purposes of this Bylaw.
 - a. "***Aggressive Dog***" means a dog, of any age which shows a propensity or disposition for aggressive tendencies toward people and other dogs.
 - b. "***Animal Protection Act***" means the Animal Protection Act, as amended, and as contained in Chapter A-41, of the Revised Statutes of Alberta, and regulations thereunder.
 - c. "***Dangerous Dog Act***" means the Dangerous Dog Act, as amended, and as contained in Chapter D-3, of the Revised Statutes of Alberta, and regulations thereunder.
 - d. "***Distress***" means when an animal is
 - i. *deprived of adequate shelter, ventilation, space, food, water or veterinary care or reasonable protection from injurious heat or cold, or*
 - ii. *injured, sick, in pain or suffering, or*
 - iii. *abused or subjected to undue hardship, privation or neglect*
 - e. "***Dog***" means and includes both male and female of the domestic Canine family.
 - f. "***Dog Control Officer***" means any employee, person, firm or corporation hired, appointed, required or contracted to carry out the provisions of this Bylaw.
 - g. "***Dog Control Appeal Committee***" means the Committee of Council established to hear appeals in relation to Section 14 of this Bylaw.
 - h. "***Dog Fanciers License***" means an additional license issued annually to an owner(s) permitting the keeping or harbouring, on land or premises occupied by the owner(s), up to three (3) licensed dogs over the age of three (3) months.
 - i. "***Parks***" includes picnic grounds, playgrounds, playfields or any other public open space or green space under the control or jurisdiction of the Town and whether or not

the custody, care, management and control of such areas and facilities have been delegated to another body or agency and regardless of whether all members of the public have a right to access thereto.

- j. **“Peace Officer”** means a member of the Royal Canadian Mounted Police, a municipal Police Officer, Police Constable, Bailiff, Constable or Dog Control Officer or a Bylaw Enforcement Officer or other person employed for the prevention of disorder and maintenance of the public peace.
- k. **“Owner”** means the person who has legal title to the dog, and/or includes any person who has possession and custody of the dog, or harbours the dog, or permits the dog to remain on his property.
- l. **“Register”** means with the Town of Coalhurst.
- m. **“Residency”** a dog housed within the boundaries of the Town of Coalhurst for thirty (30) consecutive days is deemed a resident dog and must be licensed.
- n. **“Running At Large”** means a dog off the premises of its owner that is not on a leash held by a competent person.
- o. **“School Grounds”** includes any public open space or green space under the control or jurisdiction of Palliser Regional Schools, or any other school jurisdiction, and whether or not the custody, care, management and control of such areas and facilities have been delegated to another body or agency and regardless of whether all members of the public have a right to access thereto.
- p. **“Sterilize”** means any female dog that has been spayed or any male dog that has been neutered.
- q. **“Tag”** means a device issued by the Town when a dog is registered with the Town.
- r. **“Town”** means the Town of Coalhurst.
- s. **“Vicious Dog”** means a dog of any age, which
 - i. *Shows a propensity, disposition or potential to attack or injure, without provocation, humans or other dogs, or*
 - ii. *Without provocation, chases humans or other dogs, or*
 - iii. *Is a continuing threat of serious harm to humans or other dogs, or*
 - iv. *Without provocation, has previously attacked humans or other dogs, or*
 - v. *Dogs that are attack trained*
- s. **“Violation Ticket”** means where a Peace Officer or other authorized official of the Town of Coalhurst believes that any person has committed a breach of any of the sections of this Bylaw, they may cause a violation ticket to be served upon such person pursuant to Part 2 of the Provincial Offences Procedure Act, Alberta.

3. FEES, CHARGES, FINES

- a. All fees, charges and fines authorized by this Bylaw will be set and amended, from time-to-time, by Town Council resolution, at a Regular Council Meeting, through the adoption and amendment of Policy in the Town of Coalhurst Policy Manual.

4. LICENSES

- a. **Annual License** (also see special provisions for “Aggressive” dogs.)
 - i. The maximum number of dogs allowed on property classified as residential under the Town of Coalhurst Land Use Bylaw shall be restricted to two (2)

- dogs over the age of three (3) months, except in the case where a dog owner has been approved for and is in possession of a Dog Fanciers License.
- ii. The owner of any dog three (3) months of age or more shall obtain and keep in force an annual license for the dog from the Town Office, which period is from the first day of January and ending on the last day of December of each calendar year.
 - iii. The owner of any dog, aged three (3) months or more shall obtain a license
 1. On or before the thirtieth (30) day, after he becomes the owner of the dog, or
 2. After the dog has attained the age of three (3) months, and
 3. Thereafter renew the license annually.
 - iv. Every owner shall provide his dog with a collar to which the owner shall affix the tag obtained for such dog and the owner shall ensure that the collar and tag are worn by his dog during those occasions when the dog is not on the owner's property.
 - v. In case a tag is lost or destroyed, a replacement tag may be purchased from the Town Office.
 - vi. Tags are not transferable from one dog to another and no refund shall be made on any dog license fee because of the death, loss or sale of the dog or upon the owner leaving the Town before the expiration of the license period.
 - vii. In any prosecution or proceeding for a contravention of this section, the burden of proof relating to the age of the dog, or the date of ownership, shall be upon the owner and unless the contrary is proven, the dog shall be presumed to have attained the age of three (3) months or been in possession of the owner for more than thirty (30) days at the time relevant to the charge.
 - viii. The full amount of the license fee shall be payable for any dog at three (3) months of age.
 1. The license fee for new residents acquiring a license within thirty (30) days of residency or an existing resident acquiring a dog where the license is purchased within thirty (30) days of ownership shall be pro-rated by the number of months left in the year.
 2. The owner will thereafter be required to renew the license annually and pay the full annual fee.
 - ix. A senior citizen, over the age of 65 years, may obtain one free license a year, per household.
 1. The cost of the second tag will be the same as for any individual under the age of 65 years.
 2. This section does not apply if the dog is a vicious or restricted dog,
 - x. A disabled person may be issued one free license a year for a registered assistance dog.
 - xi. A camper, having paid the applicable campground fee, is allowed to consider the camp stall as his temporary residence and can walk his dog within the boundaries of the campground, provided that the dog is on a leash and under the control of a responsible person and that any defecation is removed immediately.
 - The camper is exempt from Section 4(a)(i) through (x) and Section

8(ii) of this By-Law

- b. **Aggressive Dog License** (For a definition of a Vicious Dog see Section 2 of this Bylaw.)
- i. For an aggressive dog, an owner shall:
 1. Obtain an aggressive dog license, immediately upon ownership and/or a determination of aggression, regardless of the age of the aggressive dog,
 2. Keep in force the aggressive dog license as long as the dog is in the Town.
 3. Keep all the provisions of Section 13(a), of this Bylaw.
- c. **Breeder or Kennel License**
- i. Breeder or kennel operations are not allowed in the Town of Coalhurst and no license will be issued for these, or similar, purposes.
- d. **Dog Fanciers License**
- i. Any person requesting a Dog Fanciers License shall submit an Application, found in Schedule “D” of this Bylaw, along with the application fee in accordance with Section 3. Fees, Charges, Fines of this Bylaw, to the Animal Control Officer which shall disclose;
 1. Location of property upon which the dogs will be housed;
 2. Purpose;
 3. Breed and sex of dogs;
 4. Consent of adjacent landowners
 - a. It is the sole responsibility of the person requesting a Dog Fanciers License to provide proof of consent from all adjacent landowners to the Animal Control Officer.
 - ii. The Animal Control Officer shall not issue a Dog Fanciers License if, in his opinion, the site or conditions are unsuitable.
 - iii. Any person who is refused a Dog Fanciers License may appeal the decision of the Animal Control Officer to the Dog Control Appeal Committee provided that such appeal is submitted in writing, with a cash deposit in the amount determined in the fee schedule in accordance with Section 3. Fees, Charges, Fines of this Bylaw, to the Town of Coalhurst, 100 – 51 Avenue, Coalhurst, Alberta, within fourteen (14) days of the Animal Control Officers decision.
 - iv. Any approved Dog Fanciers License shall be issued upon payment of the fee for the Dog Fanciers License, as well as the immediate licensing of all dogs, in accordance with Section 3. Fees, Charges, Fines of this Bylaw.
 - v. The Animal Control Officer has the right to remove the Dog Fanciers License upon written receipt of two or more bonafide complaints from two or more neighbours residing within sixty (60) meters of the residence of the licensee.
 - vi. The Dog Fanciers License must be renewed on an annual basis, which period is from the first day of January and ending on the last day of December of each calendar year.

5. RECORDS

- a. The Town Office will keep a record of the name, address and telephone number of the owner of the dog along with a description of the dog and the tag number assigned to the dog.
- b. To enable him to carry out his duties the Dog Control Officer will have access to the list and be provided with a copy of the list and updates.
- c. All personal information collected will be protected under provisions of the Freedom of Information and Protection of Privacy Act.

6. SHELTER

- a. The Town will provide a reasonable number of dog shelters as necessary for the enforcement of this Bylaw.

7. DOG CONTROL OFFICER

- a. The Dog Control Officer will:
 - i. Capture and impound or cause to be captured and impounded all dogs he deems pursuant to the provisions of this Bylaw, of any Statute of Canada, or the Province of Alberta.
 - ii. Supervise and direct the duties of any assistant, employee or agent employed, appointed or engaged to assist the Dog Control Officer in the performance of his duty as Dog Control Officer.
 - iii. Collect from the owner all fees and charges levied pursuant to the provision of this Bylaw as authorized by the Town and remit such fees and charges to the Town Office at such intervals as the administration may require.
 - iv. Dispose of dogs, not sold pursuant to Section 10, as provided in this Bylaw through euthanasia by needle to be performed by a licensed veterinarian.
 - v. If, within the Seventy-two (72) Hour holding period a dog is found to be in distress, he may take the animal to a veterinarian, who may order the dog destroyed if in the veterinarian's opinion, the animal cannot be relieved of its distress and live without undue suffering.
 - vi. Maintain adequate written record of:
 1. Any complaint made and the action taken as a result of the complaint.
 2. Any complaint made relative to a dog barking or howling excessively or unnecessarily or otherwise creating a disturbance, in a form attached as Schedule "A". A minimum of two (2) separate complaints shall be filed before a fine may be imposed.
 3. The daily operation of the shelter.
 4. Each dog impounded and the disposition made of such dog.
 5. Notices sent to owners.
 6. Telephone calls made, or attempted, to contact the owners.
 - vii. Have general supervision and control of the shelter.
 1. Subject to this Bylaw, have control of all dogs in the shelter.
 2. Maintain the shelter in a safe and sanitary condition.
 3. Provide the impounded dogs with adequate care and sufficient food and water.

4. Report any dog with apparent illness, communicable disease, injury or unhealthy condition to a veterinary surgeon, if he deems that the condition of the dog warrants the examination or care of a veterinarian.
5. Immediately segregate from other animals and restrain any dog brought to the shelter if it has or appears to have rabies or any other communicable disease, and in the case of rabies report such condition to the Medical Officer of Health for the Health Region; to a veterinarian, or to the Veterinary Inspector of the Health of Animals Division of the local office of the Federal Department of Agriculture, or to any other official designated for that purpose.

8. CAPTURING AND IMPOUNDING DOGS

- a. The Dog Control Officer or a peace officer, may capture and impound any dog which is:
 - i. Off the premises of its owner, or when it is pursued onto the premises of its owner, whether it is licensed or not licensed.
 - ii. Not wearing a collar and tag while off the premises of its owner.
 - iii. Running at large (off the owner's property, is not on a leash and under the control of a competent person).
 - iv. Biting or attempting to bite any person while running at large.
 - v. Chasing worrying or annoying any other dog on property other than that belonging to the owner of the dog.
 - vi. A public nuisance.
 - vii. Found in a school ground.
 - viii. A female dog in heat and not confined, housed or kennelled in accordance with this Bylaw.
 - ix. An aggressive dog not being kept in accordance with this Bylaw or not meeting the conditions imposed by the Dog Control Appeal Committee.
 - x. Named or described or otherwise designated in a complaint made pursuant to the Dangerous Dog Act.

9. IMPOUNDED DOGS

- a. The Dog Control Officer may keep all impounded dogs for a period of not less than seventy-two (72) hours, including the day of impounding but not including Sundays or statutory holidays. During this time the owner of a healthy dog may redeem the animal upon payment in full of all fines, licenses and charges.
 - i. The Dog Control Officer will make a considerable attempt after a dog has been impounded to contact the owner(s) of a dog that was wearing a dog tag when it was seized by the Dog Control Officer. If the Dog Control Officer is unable to contact the owner(s) of the impounded dog with the information on the dog tag, or that was provided by the owner(s) at the time the dog was registered with the Town, the Dog Control Officer may post the form, attached as Schedule "B" of this Bylaw, on the front door of the address provided for the dog at the time of registration.

- b. Where an impounded dog has not been claimed or redeemed from the shelter within the time set forth in Section 9(a), the Dog Control Officer shall be at liberty to dispose of the dog by way of euthanasia, adoption into animal rescue, or by way of sale to any interested person.
- c. Notwithstanding Section 9(b), the owner of the dog may not redeem such dog if the Dog Control Officer has reasonable grounds to believe and does believe that the dog is aggressive or vicious. Where the Dog Control Officer believes that any dog is aggressive or vicious, he shall hold the dog under Section 13.
- d. The Dog Control Officer may report any apparent illness, communicable disease, injury, or unhealthy condition of any dog to a veterinarian and act upon his recommendation. The owner of the dog shall be responsible for all resulting costs and charges.

10. SALE OF DOGS

- a. Pursuant to Section 9 of this Bylaw, the Dog Control Officer may sell any dog for the purchase price established in the fee schedule, unless it has been determined to be aggressive or vicious.
- b. Any resident of Coalhurst desiring to purchase an unsterilized dog shall be required to leave a deposit, in addition to the purchase price.
 - i. The said deposit will be returned to the purchaser upon receipt, at the Town Office, of a certificate from a licensed veterinarian confirming sterilization of the dog, not more than six (6) months from the date of the sale. No deposit will be returned if the Town Office does not receive the required certificate, within six (6) months of the date of the sale of the dog to the purchaser.
 - ii. This requirement does not apply to the sale of a dog to a non-resident.
- c. No dog shall be sold by the Dog Control Officer:
 - i. To any resident of the Town until a license has been purchased for the dog.
 - ii. To any non-resident of the Town until they have provided by Affidavit that they are not a resident of the Town and that the dog shall be kept outside the Town boundaries.
- d. The purchaser of a dog shall obtain full right and title to the dog.
- e. Notwithstanding Section 9(a), the Dog Control Officer, at his sole discretion, has the right to refuse to sell a dog to any person that he believes and does believe that the person requesting the sale would be an unsuitable owner, for any reason.
- f. When the owner of a dog requests euthanasia and pays the prescribed fee, the Dog Control Officer shall do so and under no circumstances may the dog be sold. The owner shall put his request in writing, in a form attached as Schedule "C", stating he is the owner and that the Town is relieved of any liability for having carried out the request.

11. ENTERING PREMISES

- a. In enforcement of this section, but not for the purpose of investigation only, the Dog Control Officer is hereby authorized to enter any privately or publicly owned property at any reasonable time, provided however, that in this section "property" does not include a building used as a dwelling.

- i. The Dog Control Officer is hereby authorized to remove a dog from private or publicly owned property, if the officer deems a dog to be a public nuisance and the owner cannot be reached to correct the problem.
- ii. The Dog Control Officer is hereby authorized to remove a dog from private or publicly owned property, if the officer deems the dog
 1. To be in need of care and attention, and
 2. In a case of neglect or mistreatment, such will be reported to the nearest SPCA office.
- iii. The Dog Control Officer is hereby authorized to remove a dog from private or publicly owned property, to enforce Section 13.

12. INTERFERENCE

- a. Any person, whether or not they are the owner of a dog, is guilty of an offence if such person:
 - i. Interferes with or attempts to interfere with or obstructs any Dog Control Officer or Peace Officer who
 1. Is attempting to capture, or
 2. Has captured any dog contravening the provisions of this Bylaw, or
 3. Is otherwise attempting to enforce the provisions of this Bylaw.
 - ii. Induces any dog to enter a house or other place where it may be safe from capture, or otherwise assists the dog to escape capture.
 - iii. Falsely represents himself as being in charge or control of a dog so as to establish that the dog is not running at large as the term is defined in this Bylaw.
 - iv. Unlocks, unlatches or otherwise opens any pen or vehicle in which dogs captured for impoundment have been placed so as to allow or attempt to allow any dog to escape.
 - v. Removes or attempts to remove any dog from the possession of any Dog Control Officer or Peace Officer.

13. AGGRESSIVE AND VICIOUS DOGS

a. Aggressive Dogs

- i. The owner of a dog is responsible to determine whether or not his dog is aggressive and to take the precautions as required by the Bylaw.
- ii. The owner of an aggressive dog shall take all necessary steps to ensure that the dog does not bite, chase or attack any human or other dog whether the person or dog is on the property of the owner or not.
- iii. When on the premises of its owner, an aggressive dog shall be kept under control in a securely enclosed and locked enclosure, pen or other structure constructed and secured in such a fashion as to prevent the escape of the aggressive dog, and to prevent entry of person unauthorized by the owner.
- iv. When off the premises of the owner, an aggressive dog shall be securely muzzled, and shall be either harnessed or leashed securely to effectively prevent it from attacking or biting a human or other dog.

- v. If an aggressive dog bites or attacks a person or other dog, the owner shall be guilty of an offence and liable to a fine under this Bylaw, exclusive of any civil action or penalty.
- vi. If the Dog Control Officer or Peace Officer determines, on reasonable grounds, that a dog is aggressive, either through personal observation or on the basis of facts determined after an investigation initiated by a complaint, he may:
 - 1. Give the owner a written notice that the dog has been determined to be aggressive.
 - a. The notice to include instructions on how the determination can be appealed, and
 - 2. Order the owner to comply with provisions for aggressive dogs in this Section of the Bylaw.
- vii. The owner of an aggressive dog may appeal the designation of “aggressive” by filing an appeal in accordance with the procedure for appeal as established in 13(b) of the Bylaw.
- viii. The Dog Control Appeal Committee must hear the appeal providing the written objection and the fee are filed with the Town Office within the appeal period.
 - 1. The hearing must take place within 21 days of receiving the appeal and the appropriate deposit.
- ix. When hearing an Appeal into a determination that a dog is aggressive, the Dog Control Appeal Committee:
 - 1. May uphold the decision of the Dog Control Officer or Peace Officer,
 - 2. May disagree with the decision of the Dog Control Officer or Peace Officer,
 - 3. May conduct its own investigation and set any condition(s) it feels is appropriate.
- x. In addition to the remedies set forth in this Bylaw, if the Dog Control Officer or a Peace Officer, determines that an aggressive dog is not being kept in accordance with this Bylaw, or an order given by the Dog Control Appeal Committee, he may:
 - 1. Seize and impound the dog and take action as outlined in Section 13(b) of this Bylaw, or
 - 2. Make an application to the Court of Queen’s Bench for an order directing that such dog be controlled in accordance with this Bylaw, or be removed from the Town, or
 - 3. Make an application to the Court of Queen’s Bench pursuant to the Dangerous Dog Act for an order directing the dog be controlled or destroyed.
- xi. Provisions in the Bylaw, which apply to aggressive dogs, shall not apply to a trained police dog owned, kept, maintained or harboured by a peace officer under the authority of a law enforcement agency.

b. Vicious Dog

- i. If the Dog Control Officer or a Peace Officer determines on reasonable grounds that a dog is a vicious dog, either through personal observation or on the basis of facts determined after an investigation initiated by a complaint, he may:
 1. Give the owner a written notice that the dog has been determined to be a vicious dog and seize and impound the dog in accordance with this section of this Bylaw.
- ii. If the Dog Control Officer determines a dog is a vicious dog, under this section,
 1. A notice must be delivered to the owner of the dog, if the owner can be located
 2. Such notice must advise the owner that the dog has been determined to be vicious and that the dog will be destroyed unless a written objection is delivered to the Town Office in accordance with this Section of this Bylaw.
 3. The notice to the owner must be hand delivered to the residence of the owner within 24 hours of the dog being impounded.
- iii. The Dog Control Officer shall keep any impounded vicious dogs for a period of seventy-two (72) hours from the time of impounding.
 1. Sundays and Statutory Holidays shall not be included in computation of the seventy-two (72) hour period.
- iv. An owner of an impounded vicious dog may object to the determination that the dog is a vicious dog by delivering a written objection, with a cash deposit in the amount determined in the fee schedule to the Town of Coalhurst, 100-51 Avenue, Coalhurst, Alberta.
 1. If no objection is received by the Town Office within the seventy-two (72) hour impound period, the dog will be euthanized.
- v. The Dog Control Appeal Committee must hear the objection providing the written objection and the fee are filed with the Town Office within the appeal period.
 1. The hearing must take place within 21 days of receiving the appeal and the appropriate deposit.
- vi. The Dog Control Appeal Committee may determine:
 1. The dog is not vicious and order the return of the dog to the owner without attaching conditions and return the deposit, or
 2. The dog is vicious and order it destroyed subject to the owners filing an appeal at the Court of Queen's Bench. Such appeal must be filed within seven (7) days of the determination, not including weekends or Statutory Holidays.
 - a. If no appeal is filed within the timeline the dog will be destroyed forthwith.

14. DOG CONTROL APPEAL COMMITTEE

- a. The Town Council shall appoint three persons by resolution, on a case-by-case basis, to sit as members of the Dog Control Appeal Committee.

- i. The Dog Control Appeal Committee will operate as a Committee of Council and is subject to Part 5 of the Municipal Government Act and applicable sections of the Town of Coalhurst Procedure Bylaw
 - ii. The make up of the Dog Control Appeal Committee may be elected officials or appointed members of the public at large and is solely the decision of the Town Council.
 - iii. The members of the Dog Control Appeal Committee shall select one of themselves as chairman.
 - iv. Each member of the Dog Control Appeal Committee shall have one vote.
 - v. Two members of the Dog Control Appeal Committee shall constitute a quorum.
 - vi. A decision of the majority of members at the appeal hearing shall be deemed to be the decision of the whole Dog Control Appeal Committee.
 - vii. Each member of the Dog Control Appeal Committee shall be entitled to such remuneration as may be fixed from time to time by Council.
- b. The Town Council may, by resolution, appoint a recording secretary who shall be an employee of the municipality and shall attend all meetings of the Dog Control Appeal Committee, but shall not vote on any matter before the Dog Control Appeal Committee.
 - i. The recording secretary shall keep the following records:
 1. The written objection;
 2. The minutes of the hearing;
 3. Records of all notices of hearing and of the persons to whom they were sent;
 4. Copies of all written representations;
 5. Notes as to each representation;
 6. The names and addresses of those making representations at the hearing;
 7. The decision of the Appeal Committee;
 8. The reasons for the decision of the Appeal Committee;
 9. The vote of the members of the Appeal Committee on the decision;
 10. Records of all notices of decision and of person to whom they were sent;
 11. Such other matters as the Appeal Committee may direct.

15. DISEASED AND RABID DOGS

- a. The owner of a dog suffering from any communicable disease shall not permit the dog to be in any public place and shall not keep the dog in contact with or in proximity of any other dog free of such disease.
- b. Any person who owns or who harbours, maintains or keeps a dog, which he knows or has reason to know is or may be suffering from rabies, or which he knows or believes has been exposed to rabies:
 - i. Shall endeavour to keep the dog locked or tied up;
 - ii. Shall not permit another animal to come in contact with the dog;
 - iii. Shall immediately report the matter to the Medical Officer of Health for the Health Region; to a veterinarian, or to the Veterinary Inspector of the Health

of Animals Division of the local office of the Federal Department of Agriculture, or to any other official designated for that purpose.

- iv. Shall report the matter to the Town Office and the Dog Control Officer.

16. ANIMALS IN DISTRESS

- a. Pursuant to Section 3 of the Animal Protection Act, if an animal is in distress and
 - i. The owner or person in charge of the animal does not forthwith take steps that will relieve its distress,
 1. a Dog Control Officer or a Peace Officer is of the opinion, on reasonable and probable grounds, that the owner or person in charge of the animal is not likely to ensure that the animal's distress is relieved or to ensure that the animal's distress is relieved or to ensure that the animal's distress will continue to be relieved, or
 2. the owner or person in charge of the animal cannot be found immediately and informed of the animal's distress,

a Dog Control Officer or a Peace Officer may, in accordance with Section 4 of the Animal Protection Act, take any action the Dog Control Officer or the Peace Officer considers necessary to locate the animal and relieve its distress, including taking custody of the animal in accordance with the regulations and arranging for transportation, food, water, care, shelter and veterinary treatment for the animal, if necessary.
 - ii. A Dog Control Officer or a Peace Officer who takes custody of an animal pursuant to subsection 16.(a).(1) shall deliver the animal
 1. to a humane society, or
 2. to a caretaker, if there is no humane society close to the location where the animal is found or if the humane society does not have an appropriate facility in which to keep the animal.
 - iii. If an animal is found to be in such distress that, in the opinion of
 1. a registered veterinarian, or
 2. if a registered veterinarian is not available, a Dog Control Officer or a Peace Officer,

the animal cannot be relieved of its distress and live without undue suffering, the Dog Control Officer or a Peace Officer may destroy the animal or cause the animal to be destroyed and the owner of the animal is liable for the costs of destroying it.

17. OFFENCES

- a. The owner of a dog is guilty of an offence if:
 - i. He owns or harbours more than two (2) dogs on any property in the Town of Coalhurst Land Use Bylaw, except in the case where a dog owner has been approved for and is in possession of a Dog Fanciers License.
 - ii. He fails to register such a dog or obtain a license for such dog, within the time lines required in this Bylaw.
 - iii. He fails to ensure the registered dog is wearing a collar and tag while off the premises of the owner.

- iv. A female dog in heat is not confined and housed in the residence of the owner or in a licensed kennel during the whole of the heat period except for the sole purpose of defecating on the premises of the owner.
- v. The dog defecates on public or private property, other than the property of the owner, if the owner does not remove the defecation immediately. This provision shall not apply to a registered assistance dog while it is assisting a disabled person.
- vi. The dog is allowed or permitted to:
 - 1. Be in the David A. Veres Social Area during a public function
 - 2. Be in a school ground.
 - 3. Damage public or private property.
 - 4. Bark or howl excessively or unnecessarily or otherwise creates a disturbance.
 - 5. Runs at large (off the owner's property while not on a leash and not under the control of a responsible person).
 - 6. Molest or chase any person, dog, bicycle or motor vehicle.
 - 7. Attack or bite a person or dog.
 - 8. Upset waste receptacles thereby scattering the contents on premises not belonging to the owner.
 - 9. Be a public nuisance
- vii. He fails to keep a vicious or restricted dog in accordance with this Bylaw.
- viii. He fails to meet the conditions imposed by the Dog Control Appeal Committee.
- ix. He contravenes provisions in Section 15 - Diseased and Rabid Dogs, of this Bylaw.
- b. Any owner, or person, is guilty of an offence if he:
 - i. Operates a breeding operation or kennel.
 - ii. Contravenes provisions of Section 12 – Interference, of this Bylaw.
 - iii. Keeps and/or trains a dog for the purpose of dog fighting; or stages, organizes, arranges, holds, or takes part in a dogfight.

18. PENALTIES

- a. Any license issued may be suspended or revoked by the Dog Control Officer or the Dog Control Appeal Committee if the provisions of this Bylaw or any other relevant Bylaw or statute are not be complied with by the license holder.
- b. Where a Peace Officer believes that any person has committed a breach of any of the Sections of this Bylaw, they may cause a violation ticket to be served upon such person pursuant to Part 2 of the Provincial Offences Procedure Act, Alberta.
- c. Any person or owner who commits a breach of any of the provisions of this Bylaw shall be liable, upon summary conviction by any Court of competent jurisdiction to a fine not less than the fine imposed in the Fee Schedule and not exceeding Two Thousand Five Hundred (\$2,500) Dollars and in default of payment to imprisonment for a period not exceeding Six (6) Months

19. INTENTION OF COUNCIL

It is the intention of Town Council that:

- a. Each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is further that,
- b. If any provision of this Bylaw is declared invalid, all other provisions thereof shall remain valid and enforceable.
- c. Any reference to the masculine (he), shall also refer to the feminine (she).
- d. Bylaw #366-13 is hereby rescinded.
- e. This Bylaw comes into force and effect upon the date of the passing of the third and final reading.

READ A FIRST TIME THIS 27TH DAY OF OCTOBER, A.D. 2015

READ A SECOND TIME THIS 27TH DAY OF OCTOBER, A.D. 2015

READ A THIRD TIME AND FINALLY PASSED THIS 27TH DAY OF OCTOBER, A.D. 2015

Mayor

Chief Administrative Officer