

**Corporation of the Town of Bow Island
Animal Control Bylaw 2011 03**

Being a Bylaw of the Town of Bow Island, in the Province of Alberta, to provide for the control of animals kept within the Town.

WHEREAS Section 7(h) of the *Municipal Government Act*, S.A. 1994 c. M-26. 1, as amended, authorizes municipalities to pass bylaws for municipal purposes respecting wild and domestic animals and activities in relation to them.

AND WHEREAS, the provisions of the Provincial Offences Procedure Act, being Chapter P-21 RSA, 1980 and amendments thereto, empower Council to pass bylaws respecting voluntary penalties;

AND WHEREAS, the Council deems it proper and expedient to pass such a bylaw;

NOW THEREFORE, THE COUNCIL OF THE TOWN OF BOW ISLAND IN THE PROVINCE OF ALBERTA DULY ASSEMBLED ENACTS AS FOLLOWS:

1. This bylaw may be cited as the “Animal Control Bylaw”.
2. Unless a word is specifically defined in this bylaw, the meaning, if any ascribed in the Interpretation Act, being Chapter I-7, RSA 1980, and amendments thereto, shall apply.

In this bylaw:

- (a) **“Animal”** means any living creature and shall:
 - i) Include a dog
 - ii) Includes a cat
 - iii) Includes any animal, approved by council, to be kept within the town boundaries.
 - iv) Does not include, other than a dog or a cat, a creature that is kept totally in doors.
- (b) **“Council”** means the Municipal Council of the Town of Bow Island duly assembled and acting as such.
- (c) **“Day”** means a continuous period of twenty four (24) hours, but shall not include weekends or holidays.
- (d) **“Distress”** means an animal that is,
 - i) Deprived of adequate shelter, ventilation, space, food water or veterinary care or reasonable protection from injurious heat or cold.
 - ii) Injured, sick, in pain or suffering, or
 - iii) Abused or subjected to undue hardship, privation or neglect.
- (e) **“Enforcement Officer”** means a Bylaw Enforcement Officer appointed by the Town of Bow Island, a Peace officer or a member of the Royal Canadian Mounted Police or anyone authorized by the town to enforce this bylaw.
- (f) **“Harbor”** means allowing an animal to take up refuge in, around or near a property or building, whether or not the person harboring the animal is the owner of that property or not.
- (g) **“Infectious Physical Condition”** means any abnormal physical condition which is liable to be passed on to other animals or humans by invasion of an organism emanating from the animal suffering from the abnormal physical condition.
- (h) **“Owner”** means the person having legal title to the animal in question and includes:
 - i) the person in whose name the animal is registered
 - ii) any other person who has possession or custody of the animal, or

- iii) any person who harbors, houses or permits such animal to be upon his property
 - iv) a person acting on behalf of the actual owner of an animal, where such person furnishes proof to the satisfaction of the Enforcement Officer of his authority to deal with the Enforcement Officer on behalf of the actual owner in respect of the animal.
- (i) **“Pound”** means the Town’s facility for the impounding of animals as set out in this bylaw.
 - (j) **“Pound keeper”** means any person, firm or body corporate employed or appointed by the Town to manage and operate the Pound and to carry out such other duties as prescribed in this bylaw, and includes any person or appointed by the town as an assistant to the pound keeper.
 - (k) **“Running at Large”** means, when used to describe an animal
 - i) The state of being upon any land other than land on which the owner or person having responsibility for or custody of the animal resides, or
 - ii) an animal not securely restrained by a leash, held by a person capable of properly restraining the animal.
 - (l) **“Town”** means the Town of Bow Island, or the area contained within the boundary thereof, as the context requires.

PART 1 – ANIMALS

- 3. No person shall do anything or omit doing anything where such act or omission has or may have the effect or causing or permitting the running at large of any animal within the town.
- 4. No person shall do anything or omit doing anything where such act or omission has or may have the effect of teasing, tormenting or annoying an animal.
- 5. Any owner, and any person having custody of or responsibility for an animal, which is suffering from an infectious physical condition:
 - a) Shall not permit such animal to be in any public place whether or not the animal is running at large.
 - b) Shall not keep or maintain such animal in contact with or in proximity to any other animal,
 - c) Shall keep the animal at all times locked in a secure place,
 - d) Shall report the matter of the animal’s infectious physical condition to the Town Office forthwith upon becoming aware of the situation, and
 - e) No contravention of this section shall occur if the person is transporting an animal, suffering from an infectious physical condition, to a place where the animal may obtain veterinary treatment, and the provisions of this section do not apply to any person duly qualified and licensed to practice veterinary medicine within the town.
- 6. a) No person shall keep or harbor, within the limits of the Town, any animal other than a dog cat or a creature as referred to in section 2(a)(iv) without expressed written permission from council of their agent
 - b) No offence, as described in subsection a), shall be deemed to have been committed if a person keeps or harbors any animal other than a dog and that person:
 - i) is the holder of a valid and subsisting business license and the keeping of the animals is required for the performance of the business.
 - c) Unless a person has received written permission from the Council, he shall not keep more than six (6) animals total in an individual household; for greater certainty six animals includes 3 animals allowed by this bylaw and three dogs allowed by the dog control bylaw being 2011 04

PART 2 – PROHIBITION AGAINST CAUSING DISTRESS

7. No Person shall cause or permit an animal of which the person is the owner or the person in charge of the animal to be or to continue to be in distress.
8. No person shall do anything or omit doing anything that causes an animal to be in distress.
9. A person who owns or is in charge of an animal:
 - a) must ensure that the animal has adequate food and water,
 - b) must provide the animal with adequate care when the animal is wounded or ill,
 - c) must provide the animal with reasonable protection from injurious heat or cold, and
 - d) must provide the animal with adequate shelter, ventilation and space.
 - e) ***POWERS OF A BYLAW OFFICER UNDER THIS SECTION***; 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, or
 - ii) An Enforcement 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 will continue to be relieved, or
 - iii) The owner or person in charge of the animal cannot be found immediately and informed of the animal's distress.

An Enforcement Officer may, take any action the officer considers necessary to relieve the animals distress, including taking custody of the animal in accordance section 12 of this bylaw and arrange for transportation, food, water, care, shelter and veterinary treatment for the animal, if necessary.

Anyone who fails, in the opinion of an Enforcement Officer, to meet the said standard of care set out in this section is guilty of an offence.

10. This section does not apply if the distress results from an activity carried on in accordance with the regulations or in accordance with reasonable and generally accepted practices of animal care, management, husbandry, hunting, fishing, trapping, pest control or slaughter.

PART 3 – CATS

11.
 - a) No person shall keep or harbor more than three (3) cats aged six (6) months or more, but this subsection shall not apply to premises lawfully used for the care, maintenance or treatment of cats operated by and in charge of a licensed veterinarian or a licensed cat grooming or cat breeding business; or, to any premises lawfully used for the purpose of a cat show.
 - b) No person shall do anything or omit doing anything where such act or omission has or may have the effect of causing or permitting the running at large of a cat within the Town.
 - c) No person shall do anything or omit doing anything where such act or omission has or may have the effect of harming, teasing, tormenting or annoying a cat.
 - d) The Enforcement Officer may obtain from a Provincial Court Judge a warrant to search within or upon any property, upon satisfying the Provincial Court Judge by Affidavit under oath there are reasonable and probable grounds to believe there has occurred or is

occurring upon such property a contravention of the provisions of this bylaw. If, upon conducting such search, it appears that there is a contravention of this bylaw occurring upon laying a charge under this Bylaw the person conducting the search may forthwith remove, from the property and impound as evidence for trial, any number of animals in excess of the maximum number permitted under this bylaw.

- e) The provisions of the Criminal Code (Canada) respecting search warrants apply, with all necessary modifications, to this section.
- f) The Enforcement Officer may make available to the general public a cat trap.
- g) The Town may charge a person who borrows the trap up to \$50.00 for any damage to the trap while being loaned, reasonable wear and tear expected.
- h) The Enforcement Officer shall not lend a trap out when the temperature is below -5 Celsius at the time of lending the trap.
- i) The person borrowing the trap shall be sure that no provisions of Part 2 of this bylaw being duty of care are contravened in the trapping of a cat.

PART 4 - POWERS OF THE ENFORCEMENT OFFICER

- 12. a) The Enforcement Officer may accept for impoundment any animal delivered to the Pound, or
- b) Capture and impound any animal, which is running at large, appears to be suffering from an infectious disease, is in distress, or in the opinion of the Enforcement Officer is a stray animal, or
- c) When an animal has been in the pound for seventy two (72) hours or more and the owner of the animal has not reclaimed it, the Enforcement Officer may;
 - i) Destroy the animal, or
 - ii) Retain the animal in the Pound for such further period of time as the Enforcement Officer may think advisable in the circumstances.
- d) Where the owner of an impounded animal has advised the Enforcement Officer that he has no further interest in the animal, the Enforcement Officer may destroy the animal, notwithstanding that the animal may have been in the Pound less than seventy two hours.
- e) For the purpose of calculating the length of time an animal has been impounded the 72 hour time frame shall start at 8:00am on the day following impoundment; Saturdays, Sundays and Statutory holidays shall not be included in the calculation.

PART 5 – GENERAL

- 13. a) A person who contravenes any provision of this bylaw is guilty of an offence and liable upon summary conviction to pay a fine of not less than seventy five dollars (\$75.00) and not more than two thousand five hundred dollars (\$2500.00) or in default of payment to imprisonment for a period not exceeding six months.
- b) Payment of any fine or imprisonment for any period of time, pursuant to the provisions of this bylaw, shall not relieve any person from the obligation to pay any fees, charges or costs for which that person is liable under the provisions of the bylaw.
- c) Payment of any fine or imprisonment for any period as provided for in this bylaw shall not relieve any person from any civil liability whatsoever, which may arise by reason of that person's contravention of any provision of this bylaw.

14. Where an Enforcement Officer believes on reasonable and probable grounds that an offence has taken place consisting of a breach or a contravention of the Bylaw, he may commence proceedings by issuing either a summons/violation ticket (Part 2) or an offence notice violation ticket (Part 3) in accordance with the provisions of the Provincial Offence Procedure Act, R.S.A. Chapter P-34. And, proceedings under part 2 or part 3 shall provide for a voluntary payment in lieu of prosecution of said offence.
15. No person shall do anything or omit doing anything where such act or omission has or may have the effect of obstructing, hindering or impeding an Enforcement Officer from doing anything in furtherance of the carrying out or enforcement of any provision of this bylaw.
16. In this bylaw the singular may be read as though the plural were expressed, and the masculine gender may be read as though the feminine or neuter were expressed, wherever the context is applicable.
17. It is the intention of Council each separate provision of this bylaw shall be deemed independent of all other provisions, and it is further the intention of the Council if any provisions of this bylaw be declared invalid for any reason by a Court of competent jurisdiction, then all other provisions of this bylaw shall remain valid and enforceable.
18. The document attached hereto and marked Schedule "A" is hereby incorporated into and form part of this bylaw.

Read a first time this 14th day of February, 2011

MAYOR

Date: March 29, 2011

TOWN MANAGER

Date: March 29, 2011

Read a second time this 28th day of March, 2011

Read a third and final time this 28th day of March, 2011.

MAYOR

Date: March 29, 2011

TOWN MANAGER

Date: March 29, 2011

SCHEDULE "A"

Section	Offence	1st offence	2nd offence
s. 3	Allowing the running at large of an animal	\$75.00	\$125.00
s. 4	Teasing, tormenting or annoying an animal	\$75.00	\$125.00
s. 5	Prohibitions in ss. a) through d) inclusive	\$75.00	\$125.00
s. 6	Harboring an animal other than a dog or a cat without consent of council	\$75.00	\$125.00
s. 7,8 &9	Causing an animal distress	\$125.00 PLUS COSTS OF MEDICAL EXPENSES IF REQUIRED	\$200.00 PLUS COSTS OF MEDICAL EXPENSES IF REQUIRED
s. 11	(a) Harboring more than three (3) cats	\$75.00	\$125.00
	(b) Allowing the running at large of a cat	\$75.00	\$125.00
	(c) Annoying, teasing or tormenting a cat	\$75.00	\$125.00
s. 15	Obstruction of an enforcement officer	\$250.00	\$500.00

NOTE: Upon the commission of at third or subsequent offence, in a calendar year, the voluntary penalty for a breach of any provision of this bylaw shall be double the amount in the second offence section of schedule "A" of this bylaw.