

BYLAW NO. 75/03

A bylaw of the Town of Bentley, in the Province of Alberta, to provide for the regulation and control of animals in the Town.

WHEREAS, pursuant to the Municipal Government Act, Chapter M-26.1 of the revised statutes of Alberta, Council of the Town of Bentley deems it necessary to provide for the control of domesticated animals in the Town of Bentley

NOW THEREFORE, Council of the Town of Bentley, duly assembled enacts as follows:

DEFINITIONS

1. That Bylaw No. 63/01 shall be known as the “Animal Control Bylaw.”
2. In this Bylaw, unless the context otherwise requires, the word, term or expressions:
 - a) *Animal Control Officer* shall mean any person appointed by the Town Council to carry out the provisions of this Bylaw.
 - b) *Barking* shall mean the continuous barking of a dog for five minutes or longer, more than two times per hour.
 - c) *Biting* shall mean the grabbing, holding, bruising, or breaking of skin of any person or other animal, by any dog.
 - d) *Collar* shall be any device made of leather, chain, etc., capable of having metal tags securely fastened to it, and designed and solely intended to be worn around the neck of a dog.
 - e) *Defecation* shall mean the discharge of feces from the body of an animal onto another’s property.
 - f) *Distress* shall mean the state of being in need of proper care, food or shelter, of being injured, sick or in pain, or suffering, or being abused or subject to undue or unnecessary hardship, privation or neglect.
 - g) *Dog* shall include any dog, bitch, or spayed bitch.
 - h) *Domesticated Animal* or *Animal* shall mean a tame, footed, living thing, that can feel and move voluntarily, and is kept by man.
 - i) *Owner* shall mean the owner, keeper or harbinger of a dog or other animal.

- j) *Pound* shall mean the place the Town shall provide or designate as such.
- k) *Pound keeper* shall mean any person duly authorized and designated by the Council to carry out the provisions of this Bylaw.
- l) *Public Nuisance* shall mean:
 - i) the owner of a dog shall ensure such dog shall not bite or attack a person or persons or another animal whether on the property of the owner or not; or
 - ii) chase or otherwise threaten a person or another animal, whether on the property of the owner or not; or
 - iii) bark at, or chase bicycles, automobiles, or other vehicles, or
 - iv) bark, howl, or otherwise disturb any person. Unprovoked barking or howling in excess of 5 minutes shall be considered an offence under this section;
 - v) cause damage to public or private property; or
 - vi) be left unattended in any motor vehicle unless the dog is restricted so as to prevent access to persons as long as such restraint provides suitable ventilation;
 - vii) be in or on any park lands, unless the said dog(s) are under control of the owner. *Control* shall mean that the dog(s) are on a leash or subject to immediate response on command of the owner.
- m) *Running at Large* shall mean a dog or other animal found on any public street, lane, alley or other public place in the Town or is on private property without the permission of the occupant or owner thereof, and is not on a leash and under the continuous control of a competent person.
- n) *Town* shall mean the Municipal Corporation of the Town of Bentley.
- o) *Town Council* or *Council* shall mean the Town Council for the Municipal Corporation of the Town of Bentley in Alberta.
- p) *Tranquilizer Gun* shall mean a rifle or pistol capable of projecting a dart containing

a drug approved by a qualified Veterinary Surgeon, for the purpose of immobilizing an animal in order to facilitate capture.

LICENSING AND PROVISIONS

- 3.1 Every person who owns, keeps or harbors any dog shall pay to the Town of Bentley a yearly fee as set out in Schedule “A” and said fee shall become due and payable to the Town of Bentley on the first day of January in each year and shall be for the period of January 1st to December 31st each year.
- 3.2 Every person who fails to register and license any dog on provisions of this Bylaw, shall be deemed guilty of an infraction thereof and subject to the penalties provided for in this Bylaw.
- 3.3 A license and license tag shall be issued free of charge annually to the owners of dogs specified as dog guides or seeing-eye dogs for the legally blind.
- 3.4 Dog licenses and tags for the Town are not required by persons temporarily in the Town, for a period not exceeding one week. The said period may be extended by receiving written permission from the Chief Administrative Officer of the Town.
- 3.5 The license tag issued upon payment of the fee set in Schedule “A” shall be attached to the collar worn by such dog at all times.

RESTRICTIONS AND RESPONSIBILITIES

- 4.1 No person who is the owner of any dog, cat or other animal shall permit or otherwise allow such animal to run at large within the corporate limits of the Town of Bentley.
- 4.2 No owner of any dog, cat or other animal shall permit or otherwise allow the animal to bite any person or other animal.
- 4.3 The occupant of any house or dwelling or premises in or about which any bitch is kept or allowed to remain, shall keep such bitch housed and confined during the whole period when such bitch shall be in heat.
- 4.4 An owner of any animal who permits the animal to defecate on property other than his/her own, or vacant undeveloped Town property is guilty of an infraction under this Bylaw and such owner shall remove forthwith any defecated matter deposited. Failure by the animal owner to remove such defecated matter deposited, shall be subject to an additional fine under Schedule “D” of this Bylaw.
- 4.5 An animal owner whose animal is, or becomes a public nuisance, is guilty of an offense.
- 4.6 No person shall keep cats over the age of six (6) months in numbers greater than three (3)

on any residential property within the Town.

- 4.7 No person shall keep dogs over the age of six (6) months in numbers greater than three (3) on any residential property within the Town.

BARKING

- 5.1 No owner of any dog in the Town of Bentley shall permit a dog to bark or howl excessively or in any other manner to disturb the quiet of a person.

IMPOUNDMENT

- 6.1 It shall be the duty of the pound keeper and such person or persons as shall be authorized or appointed by the Council to capture all dogs found running at large within the limits of the Town contrary to the provisions of this Bylaw, or found upon any street or public place in the Town and to impound same in the pound, and such dog impounded shall be confined there subject to the owner's or possessor's right to redeem same within seventy-two (72) hours, including Saturday and Sunday, from the time of their capture as mentioned by written notice to the owner according to Schedule "B" of this Bylaw.
- 6.2 The Animal Control Officer or any person or persons as authorized or appointed by Council may capture and impound cats using any humane method and said animals shall be held for a period of seventy-two (72) hours and if not claimed within that period may be destroyed by the pound keeper.
- 6.3 Each dog or cat impounded under the provisions of this Bylaw shall be subject to impounding fees as set down in Schedule "C" of this Bylaw.

RELEASE

- 7.1 Any dog or cat impounded pursuant to the provisions of this Bylaw shall be impounded by the Town's pound keeper subject to the right within seventy-two (72) hours including Saturday and Sunday from the time of the impoundment by paying to the Town of Bentley the appropriate fine for each dog impounded as set out in Schedule "C" of this Bylaw.
- 7.2 A dog or cat shall not be released from the pound unless the owner or possessor can present to the satisfaction of the pound keeper, proof that all fines and pound fees have been paid or has obtained the necessary clearance from the Town Office and a current license has been obtained with respect to such dog or dogs.

DESTROY

- 8.1 A dog or cat shall be destroyed or adopted if after being impounded for seventy-two (72)

hours, the animal is not redeemed by the owner.

OBSTRUCTION

- 9.1 Any person or persons removing or attempting to remove any dog or cat from the possession of the pound keeper or any person authorized to enforce the provisions of this Bylaw shall be guilty of an infraction of this Bylaw.
- 9.2 Any person who shall hinder, delay or obstruct any person or persons engaged in taking to the pound any dog or cat liable to be impounded, under the provisions of this Bylaw, shall be guilty of an infraction of this Bylaw.

RABID ANIMALS

- 10.1 Any animal suspected of being rabid shall be taken to the pound and upon confirmation by a Veterinary Surgeon, a certificate shall be obtained from such Veterinary Surgeon as to whether or not such dog is rabid and such certificate shall be deemed to be final and conclusive. It is understood the dog or cat must be destroyed and the brain tested to determine if the animal is rabid.
- 10.2 The control of dangerous animals by the use of tranquilizer guns will be restricted to the local Veterinarian's Clinic and/or Animal Control Officer.

VIOLATIONS AND PENALTIES

- 11.1 A notice or form commonly called an Animal Control Ticket, having printed wording approved by the Town Council may be issued by an Animal Control Officer to any person who has breached any provision of this Bylaw, and the said notice shall required a fine payment to the Town as stated in Schedule "D".

ANIMAL CONTROL TICKET

- 12.1 An Animal Control Ticket shall be deemed to be sufficiently served:
- i) if served personally on the owner of the animal, or
 - ii) if mailed by single registered mail to the address of the owner of the animal, as recorded at the time of registration of the said dog with the Town of Bentley.
- 12.2 Payment of the Animal Control Ticket within seven (7) days from the date of service of the Animal Control Ticket may be accepted by the Town in lieu of prosecution.

AMENDMENTS

- 13.1 All mentioned schedules in this Bylaw are subject to be amended from time to time by resolution of Council.

SUMMARY

- 14.1 Any person who violates or fails to comply with any of the provisions of this Bylaw shall be liable upon summary conviction of a fine of not more than \$2,500.00 and costs of prosecution and where a person is prosecuted for non-payment of a dog license, the required license fee shall be paid forthwith in addition to the fines and costs.
- 14.2 This Bylaw rescinds Bylaws No. 480, 483, 492/88, 01/95 and 15/96.

Mayor

Chief Administrative Officer

SCHEDULE "B"

Name: _____

Address: _____

You are hereby notified an animal bearing License Number _____ for
20____ registered under the above name and address, was impounded
on _____, 20 _____ pursuant to the provision
of Bylaw No. 63/01 of the Town of Bentley and, unless the said animal was
claimed and all impoundment charges and fines are paid, on or before
_____, 20 _____, the said animal will be
sold, destroyed or otherwise disposed or pursuant to the said Bylaw.

Animal Control Officer

SCHEDULE "C"

- | | | |
|----|---------------------------------------|-----------------|
| 1. | Impoundment Fees - Dogs or Cats | \$12.00 |
| 2. | Care and Sustenance (per 24 hour day) | \$ 8.00 |
| 3. | Veterinary Fees | Amount Expended |
| 4. | Destruction of Dog or Cat | \$20.00 Each |

SCHEDULE "D"

PENALTIES FOR VIOLATIONS

(Penalty per Offense per Year)

	<u>First</u>	<u>Second</u>	<u>Third</u>
Running at Large	50.00	100.00	150.00
Failure to register dog & pay license fee	50.00	100.00	150.00
Obstruction	50.00	100.00	150.00
Upsetting garbage or disturbing private property	50.00	75.00	100.00
Biting/attacking a person	200.00	500.00	1,000.00
Chasing, being vicious or threatening a person	100.00	300.00	500.00
Not having tag or license affixed to collar	30.00	50.00	60.00
Failure to keep a bitch in heat confined	50.00	100.00	150.00
Removing or attempting to remove any dog from the possession of the Animal Control Officer	75.00	150.00	200.00
Failure to remove defecation	50.00	100.00	150.00
Barking	50.00	100.00	150.00