

MUNICIPALITY OF CROWSNEST PASS
BYLAW 991, 2017

BEING A BYLAW OF THE MUNICIPALITY OF CROWSNEST PASS IN THE PROVINCE OF ALBERTA TO REGULATE AND CONTROL DOMESTIC ANIMALS WITHIN THE MUNICIPALITY

WHEREAS, pursuant to section 7(a) of the Municipal Government Act, a Council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property; and

WHEREAS, pursuant to section 7(h) of the Municipal Government Act, a Council may pass bylaws for municipal purposes respecting domestic animals and activities in relation to them; and

WHEREAS, pursuant to section 8 of the Municipal Government Act, a Council may in a bylaw:

(a) regulate or prohibit; and

(b) provide for a system of licenses and permits or approvals for any or all of the matters listed therein;

NOW THEREFORE, the Municipality of Crowsnest Pass in the Province of Alberta hereby enacts as follows:

Interpretation

This bylaw may be cited as the "Animal Control Bylaw".

Definitions

"**Animal**" means any bird, reptile, amphibian or mammal excluding humans and wildlife;

"**Animal Protection Act**" shall mean the Animal Protection Act as amended and as contained in Chapter A-41 RSA 2000 of the Revised Statutes of Alberta, and regulations therein.

"**Animal Shelter**" shall mean the premises designated by the Municipality for the purpose of impoundment and caring for all dogs and cats found to be contravening any section of this bylaw;

"**Animal Shelter Keeper**" shall mean a person appointed by the CAO of the Municipality of Crowsnest Pass or by the agreement with another municipality or private business for the maintaining of the designated pound or pounds.

"**Attack**" means an assault resulting in bleeding, bone breakage, sprains, serious bruising, or multiple injuries;

"**Bite**" means wound to the skin causing it to bruise, puncture, or break;

"**CAO**" or "**Chief Administrative Officer**" means the Chief Administrative Officer of the Municipality of Crowsnest Pass;

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"Cat" shall mean any domesticated male or female member of the feline family;

"Cemetery" means land within the Municipality that is set apart or used as a place for the burial of dead human bodies or other human remains or in which dead human bodies or other human remains are buried;

"Communicable Diseases" means diseases which can be passed from animal to animal and zoonotic diseases

"Council" shall mean the duly elected municipal Council of the Municipality of Crowsnest Pass;

"Dangerous Dogs Act" shall mean the Dangerous Dogs Act as amended and as contained in Chapter D-3 of the Revised Statutes of Alberta, 2000, and regulations therein "Dog" shall mean male and female species of the canine family;

"Dog" shall mean any domesticated male or female member of the canine family;

"Domestic Animal" shall mean a domesticated animal that lives and breeds in a tame condition and, without restricting the generality of the foregoing, shall, include a dog, a cat, a rabbit, and a ferret and shall not include Livestock or Wildlife.

"Former Owner" means the person who at the time of impoundment was the owner of an animal which has subsequently been sold or destroyed;

"Golf Course" means land which is set aside for the playing of the game of golf and upon which the game of golf is played;

"Immunization" shall mean vaccinations against rabies, distemper, hepatitis, parvovirus, para influenza, leptospirosis (DHPPL);

"Impounded" shall mean taken into the custody of the SPCA as designated by the Chief Administrative Officer;

"Justice" has the meaning as defined in the Provincial Offences Procedure Act R.S.A 2000, c.P-34, as amended or replaced from time to time;

"Kennel" shall mean an establishment run by any person, group of persons, or corporation engaged in the business of breeding, buying, selling, training or boarding of animals of any kind;

"Leash" means a chain or other material capable of restraining the animal on which it is being used;

"License" shall mean the metal or other fabricated medallion issued by the Municipality of Crowsnest Pass upon payment of the current fees as ascribed by this bylaw;

"License Officer" shall mean any person or persons designated by the CAO with the responsibility of issuing dog and cat licenses;

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"Livestock" includes, but is not limited to:

- (a) a horse, mule, ass, swine, emu, ostrich, camel, llama, alpaca, sheep or goat,
- (b) domestically reared or kept deer, reindeer, moose, elk, or bison,
- (c) farm bred fur bearing animals including foxes or mink,
- (d) animals of the bovine species,
- (e) animals of the avian species including chickens, turkeys, ducks, geese, or pheasants, and
- (f) all other animals that are kept for agricultural purposes, but does not include cats, dogs or other domesticated household pets;

"Manager" means the Manager of Protective Services in the Municipality of Crowsnest Pass;

"Motor Vehicle" has the meaning defined in the Traffic Safety Act, RSA 2000, c T-6, as amended or replaced from time to time;

"Municipality" means the Municipality of Crowsnest Pass;

"Muzzle" means a device of sufficient strength placed over an animal's mouth to prevent it from biting;

"Nuisance Animal" means an animal declared to be a Nuisance Animal by the Manager of Protective Services in accordance with Section 5.0.0;

"Off-Leash Area" means an area designated by the Municipality, where dogs are permitted to run off-leash, or designated areas where organized and controlled dog events may be held by causing signs to be posted in such areas indicating such designations;

"Owner" means any natural person or body corporate:

- (a) who is the licensed owner of the animal;
- (b) who has legal title to the animal;
- (c) who has possession or custody of the animal, either temporarily or permanently;
- (d) who harbors the animal, or allows the animal to remain on his premises;
- (e) A person to whom a License Tag was issued for an animal in accordance with the Fees, Rates, and Charges Bylaw.

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"Park" means a public space controlled by the Municipality and set aside as a Park to be used by the public for rest, recreation, exercise, pleasure, amusement, and enjoyment and includes:

- (a) School Ground;
- (b) Cemeteries;
- (c) Natural areas;
- (d) Sports Fields;
- (e) Pathways;
- (f) Trails;
- (g) Park roadways and
- (h) Spray park and
- (i) Wading or Swimming Area

but does not include golf courses or any off-leash area.

"Pathway" means a multi-purpose thoroughfare controlled by the Municipality and set aside for use by pedestrians, cyclists and persons using wheeled conveyances, which is improved by asphalt, concrete or brick, whether or not it is located in a park, and includes any bridge or structure with which it is contiguous;

"Peace Officer" shall mean any RCMP, Community Peace Officer or Bylaw Enforcement Officer as appointed by the resolution of Council;

"Provincial Court" means the Provincial Court of Alberta;

"Provincial Offences Procedure Act" shall mean the Provincial Offences Procedure Act, being Chapter P-34 of the Statutes of Alberta, 2000 as amended.

"Public Property" means all property owned by or under the control and management of the Municipality;

"Running at Large" means:

- (a) an animal or animals which are not under the control of a person responsible by means of a 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,

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alley, square, bridge, causeway, trestle way, sidewalk (including the boulevard portion of the sidewalk), park or other public place which has not been designated as an Off-Leash Area by Council

"Service Dog" has the meaning as defined in the Service Dogs Act, S.A 2007, C.S-7.5, as amended or replaced from time to time;

"Severe Injury" includes any injury resulting in broken bone or bones, disfiguring lacerations, sutures, cosmetic surgery, scars, and further includes any other injury as determined to be severe by a Court upon hearing the evidence;

"Sports Field" means land within the Municipality and controlled by the Municipality which is set apart and used for the playing of sport including, but not limited to, baseball diamonds, field hockey or cricket pitches, and rugby, soccer or football fields;

"SPCA" means the Society for the Prevention of Cruelty to Animals.

"Stray Animal Act" shall mean the Stray Animal Act as amended and as contained in Chapter S-20 RSA 2000 of the Revised Statutes of Alberta, and regulations therein;

"Threatening behavior" means the following behaviors exhibited by a dog, without provocation:

- (a) growling, snapping at, lunging at, chasing, stalking, attacking or biting another animal, livestock or wildlife, or a bicycle, automobile or other vehicle being operated, unless the dog is a working stock dog and is engaged in the performance of such work;

"Vicious Animal" means any animal, whatever its age, whether on public or private property, which has:

- (a) chased, injured or bitten any other animal or human,
- (b) damaged or destroyed any public or private property; or
- (c) threatened or created the reasonable apprehension of a threat to a human; and which, in the opinion of a Justice, presents a threat of serious harm to other animals or humans; or
- (d) been previously determined to be a Vicious Animal under this or any previous bylaw.

"Violation Ticket" shall have the meaning ascribed to it in the Provincial Offences Procedure Act.

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"Wading or Swimming Area" means any area designated as an outdoor wading or swimming area. This shall include any decks surrounding such facility and shall include that area within twenty (20) meters in all directions of the outside dimensions of such unless the Park boundary is a lesser distance.

"Wildlife" has the meaning as defined in the Wildlife Act, R.S.A 2000, c.W-10, as amended or replaced from time to time.

"Wildlife Attractant" means any substance that could be reasonably expected to attract wildlife including but not limited to food products, domestic garbage, pet food, seed, restaurant grease, compost, a carcass or part of a carcass of an animal, fish or other meats, or fruit from fruit trees;

Section 1 - General Licenses for Dogs and Cats

- 1.1 No person shall own, keep, or harbor any dog or cat within the Municipal limits unless such a dog or cat is licensed as provided herein.
- 1.2 The holder of a dog or cat license must be eighteen (18) years of age.
- 1.3 Every owner of a dog or cat, over the age of three months, within the limits of the Municipality shall:
 - 1.3.1 obtain a license for such dog and cat on the first day on which the Crowsnest Pass Municipal Office is open for business after the dog becomes three (3) months of age;
 - 1.3.2 obtain a license on the first day on which the Crowsnest Pass Municipal Office is open for business after he/she becomes owner of the dog;
 - 1.3.3 obtain a license for a dog or cat notwithstanding that it is under the age of three months, where the dog is found to be running at large;
- 1.4 Dog and cat owners shall provide the Municipality with the following information with each application for a dog or cat license:
 - 1.4.1 name, street address and telephone number of owner;
 - 1.4.2 where the owner is a body corporate, the name, address and telephone number of the natural person responsible for the cat, dog or Vicious Animal;
 - 1.4.3 a description of the cat, dog, or Vicious Animal including breed, name, gender and age;
 - 1.4.4 Proof of insurance coverage, in a form acceptable to the Municipality, for a Vicious Dog;
 - 1.4.5 any additional information reasonably requested by the Municipality.

