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**TOWN OF CLARESHOLM
PROVINCE OF ALBERTA
BYLAW #1628**

A Bylaw of the Town of Claresholm to provide for the regulation and control of dogs, within the Town of Claresholm.

WHEREAS, pursuant to Section 7 of the Municipal Government Act, RSA 2000, Chapter M-26 and amendments thereto, a Council may, pass bylaws for municipal purposes respecting wild and domestic animals and activities in relation to them;

NOW THEREFORE, the Town of Claresholm, in the Province of Alberta, duly assembled hereby enacts the following:

Title

1. This Bylaw may be cited as the Dog Bylaw.

Definitions

2. In this Bylaw:

- a. "Aggressive Dog" means any dog, whatever its age, whether on public or private property, which has:
 - i. without provocation chased, injured or seriously bitten any other domestic animal or human,
 - ii. without provocation damaged, or destroyed any public or private property,
 - iii. without provocation threatened or created the reasonable apprehension of a threat to other domestic animals or humans and which in the opinion of a Justice, presents a threat of serious harm to other domestic animals or humans,
 - iv. has been previously determined to be a dangerous dog under a Provincial Dog Act or by the Courts.
- b. "Animal Control Officer" means any person, firm or corporation, appointed by Council to carry out the provisions of this Bylaw.
- c. "Council" means the Council of the Town of Claresholm.
- d. "Dog" shall mean either a male or female dog over the age of three (3) months.
- e. "Dog Breeder" means any person, group of persons or corporation engaged in the commercial business of breeding, buying, selling, or boarding of dogs.
- f. "Dog Breeding Facility" means the physical premises where dogs are harbored by a dog breeder.
- g. "Holding Period" means a period of time being of three (3) business days.
- h. "Off Leash Area" means an area designated by Council for the respectable enjoyment of dogs permitted to exercise in an open space free of a leash.
- i. "Owner" means the person who has legal title to a dog and includes any person who has the possession or custody of the dog, or harbours the dog, or suffers the dog to remain on his/her premises.
- j. "Pound" means a place designated by Council as a place where dogs may be placed and kept impounded under humane conditions.
- k. "Running At Large" means a dog 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.

1. "Town" means the Town of Claresholm.

Licensing

3. No person shall own, keep or harbor any dog within the Town limits unless such dog has been licensed with the Town, paid the appropriate fee, and the following information about the dog has been collected:
 - a. described as to color, age, breed and sex,
 - b. residing address,
 - c. proof of a valid rabies vaccination.
4. License fees are determined by way of policy set from time to time by the Town Council.
5. Every person who becomes the owner of a dog over the age of three (3) months or takes up residence within the Town and who is the owner of a dog which is over the age of three (3) months and which is not currently licensed in accordance with this bylaw, shall license the dog within one (1) month after becoming owner of the said dog; or taking up residence within the Town.
6. Dog Owners issued a warning to purchase a license will be granted fourteen (14) days to comply excepting when a dog has been impounded. Impounded dogs shall be required to be licensed before being released to the owner.
7. Annual license renewal fee is due before the last day of January for each year.
8. Upon payment of the required license fee, the owner will be supplied with a license tag stamped with a number and the year of the license. Every owner shall ensure that the license tag is securely fastened to a collar or harness which must be worn by the dog at all times when the dog is off the premises of the owner.
9. The owner of a dog will be permitted to pay a license fee of one half the annual rate if such owner takes up residence or such dog is acquired on or after the 1st of October in any one year.
10. No refund of license fees shall be made during any one year, except if documentation is provided from a veterinarian that the dog was neutered or spayed after the purchase of the license, then the difference in the license fee will be refunded.

Offences

11. The following constitutes an offence for the owner, which may result in a notice, fine and if necessary may result in the capture and impoundment of a dog. Offences are as follows:
 - a. a owner who has failed to purchase a valid dog license and/or whose dog is not displaying a valid dog tag.
 - b. a dog who is off the premises of the owner, is not in an off leash area, is not on a leash and under other immediate, continuous and effective control by the owner,
 - c. a dog in an off leash area that is not under immediate, continuous and effective control by the owner,
 - d. a dog running at large,
 - e. a dog chasing, worrying or annoying any person and/or domestic animal on property other than that belonging to the owner of the dog,
 - f. a dog which causes damage to private or public property within the Town,
 - g. a dog which barks, howls or otherwise disturbs any person or persons,
 - h. a dog which has bitten, is biting or is about to bite or attempting to bite any person, upon any street, park or other public place within the Town,
 - i. a dog deemed dangerous in nature

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- j. a dog in heat upon any public lands or highway,
 - k. a dog left unattended in any motor vehicle without suitable ventilation,
 - l. a dog named or described or otherwise designated in a complaint made pursuant to The Dangerous Dog Act,
 - m. a dog affected with rabies or any other contagious disease.
 - n. a person who removes or attempts to remove any dog from the possession of the Animal Control Officer while in the pound or while being transported to the pound,
 - o. a person who hinders, delays or obstructs any such Animal Control Officer in the performance of any duty imposed upon them by this bylaw,
 - p. an owner who fails to remove defecated matter which the owner has permitted or caused the dog to deposit on public property, the off leash area or upon the lands or premises of any person other than the owner.
12. The residences or grounds where any dogs are kept shall at all times be maintained in a clean, sanitary and inoffensive condition, satisfactory to the Animal Control Officer. An owner or occupant of private property must not allow animal feces to accumulate on the property so as to create a health hazard. The Animal Control Officer may serve an owner or occupant of private property with a notice to remove all animal feces from the property within 72 hours of service of the notice. The Town may remove the feces from the property if the person to whom the request is made fails to remove the feces within 72 hours, or after reasonable inquiry, the whereabouts of the owner or occupant of the property cannot be determined. If the Town carried out the work, the costs and expenses may be added to the tax roll and form part of the taxes owing on the land whereon the work was done.
13. The owner of a dog shall ensure that such dog shall not:
- a. bite or injure a person or persons whether on the property of the owner or not unless an unlawful act is being committed,
 - b. chase or otherwise threaten a person or persons whether on the property of the owner or not, unless the person chased or threatened is a trespasser on the property of the owner.
14. Where the owner of a dog provides for a dog run or enclosure on the property that dog run or enclosure shall be no closer than one (1) foot from the adjoining property. This dog run must be secure and of an adequate height and size for the dog being housed
15. The act of engaging in dog breeding and/or having a dog breeding facility must comply with the Town of Claresholm Land Use and Business License Bylaw.

Communicable Disease

16. The Animal Control Officer shall immediately segregate from other animals and restrain any dog brought to the pound if it has or appears to have rabies or any other communicable disease.
17. The Animal Control Officer shall report any apparent illness, communicable disease, injury or unhealthy condition of any dog to a veterinarian.
18. The owner of a dog, which is suffering any communicable disease shall not permit or allow the dog to be:
- a. in any public place,
 - b. in contact with or in proximity to any other dog,
 - c. shall keep the dog locked or tied up,
 - d. shall immediately report the matter to a veterinarian,
 - e. shall immediately report the matter to the Animal Control Officer or the Royal Canadian Mounted Police.
19. Any dog known to be rabid shall be immediately euthanized in a humane manner.

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Aggressive Dogs

- 20. At the conclusion of an investigation into a complaint and/or incident complete with a signed statement concerning a dog in the Town, the Chief Administrative Officer (CAO) or their designate may declare a dog to be an aggressive dog. The CAO will issue an Aggressive Dog designation for the dog in question, provided that the CAO is satisfied that the dog constitutes an ongoing potential danger to persons, property, or domestic animals.
- 21. If a dog is declared to be an Aggressive Dog, the CAO or their designate shall give the owner written notice of such declaration containing the following details:
 - a. informing the owner why their dog has been declared an Aggressive Dog,
 - b. requiring that if the Aggressive Dog is off the owners property, it shall be in a bite inhibition mechanism, under control, and on a permitted leash held by a competent person who is able to control the Aggressive Dog,
 - c. inform the owner the Aggressive Dog is not permitted in the off-leash area,
 - d. requiring the owner to install signage a minimum of 25cm by 25 cm, with 5 cm lettering, warning of the aggressive dog, installed every fifty (50) feet or fifteen (15) meters on the perimeter of owner's property that is accessible by the general public.

Capture and Impoundment

- 22. An assistant or employee of the Animal Control Officer may do any act which the Animal Control Officer is obliged or permitted to do.
- 23. The Animal Control Officer, or any person or persons as shall be authorized or appointed by the CAO, may capture a dog that is in contravention of this bylaw by using any humane method and shall deliver said dog to the pound, where it shall be held for the holding period to ascertain the owner.
- 24. When any dog wearing a Town dog license tag is captured, the Animal Control Officer shall ascertain from the Town records the name and address of the owner and attempt to reunite the dog with its owner.
- 25. The Animal Control Officer shall, when the name and address of the owner of a dog are not known, post a notice on the door of the pound to inform the general public of the impoundment.
- 26. The Animal Control Officer may, in their discretion, continue to keep a dog in the pound for a longer period than the holding period provided:
 - a. the owner verifies their ownership and requests that the dog be kept there for a longer period,
 - b. a pending investigation requires the extension of the holding period.

Notice

- 27. If a notice is not served personally on an owner or occupant of private property, then a copy of the notice shall be sent by registered mail to the owner of the property at the mailing address shown on the last assessment roll of the Town. A notice sent by registered mail is deemed to have been received on the fifth (5th) day following the date of its mailing.

Impound Fees

- 28. Each dog impounded under the provisions of this Bylaw shall be subject to impounding fees at the rate of:
 - a. \$20.00 per day for each day the dog has been impounded, plus
 - b. \$35.00 – First (1st) offence
 - c. \$100.00 - Second and each subsequent offence

29. Any dog impounded under the provisions of this Bylaw shall not be released until such time as the owner can:

- a. present proof of ownership to the satisfaction of the Animal Control Officer,
- b. pay all licensing fees, offence fines and impounding charges and/or fees.

Fines

30. Any person violating any of the provisions of this Bylaw or any other person responsible for such violation shall be liable to a penalty of:

- a. Warning – First (1st) offence
- b. \$100.00 – Second (2nd) offence
- c. \$250.00 – Third (3rd) offence
- d. \$500.00 – Fourth (4th) and subsequent offences

31. Any Person violating any provisions of this bylaw where the dog has been deemed Aggressive in nature or any other persons responsible for such violations shall be liable to a penalty of:

- a. \$150 – First (1st) Offence
- b. \$300 – Second (2nd) Offence
- c. \$500 – Third (3rd) and Subsequent Offences

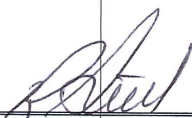
This Bylaw shall take effect on the date of final passage.

Bylaw #1416, Bylaw # 1454 and Bylaw #1466 are hereby repealed.

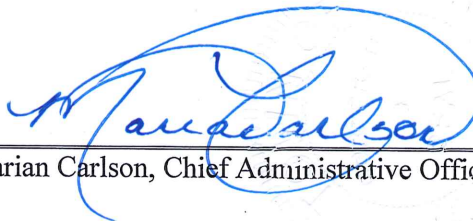
Read a first time in Council this **13th** day of **March** 2017 A.D.

Read a second time in Council this **27th** day of **March** 2017 A.D.

Read a third time in Council and finally passed in Council this **10th** day of **April** 2017 A.D.



Rob Steel, Mayor



Marian Carlson, Chief Administrative Officer