

Date of Consolidation: March 10, 2009

Consolidation of Bylaw No. 580-2004

ANIMAL LICENCING AND CONTROL BYLAW

Adopted January 24, 2005

As Amended By:

Bylaw 712-2008 adopted December 8, 2008
Bylaw No. 717-2009 adopted January 26, 2009

This Consolidation is not an Official Bylaw. It is prepared by the City Clerk's Office for assistance only. Copies of the Official Bylaw(s) may be purchased from the City Clerk's Office.

This Consolidated Bylaw was authorized pursuant to Bylaw No. 389-97.

Bylaw No. 580-2004
ANIMAL LICENCING AND CONTROL BYLAW

PAGE 1

Code 04/11

A BYLAW OF THE CITY OF LEDUC IN THE PROVINCE OF ALBERTA, TO REGULATE THE LICENCING AND CONTROL OF ANIMALS WITHIN THE CITY OF LEDUC

- WHEREAS:** the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, provides that the Council of a Municipality may pass Bylaws for Municipal purposes respecting the safety, health and welfare of people and the protection of people and property;
- AND WHEREAS:** the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, provides that the Council of a Municipality may pass Bylaws for Municipal purposes respecting wild and domestic animals and activities in relation to them;
- AND WHEREAS:** the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, provides that the Council of a Municipality may pass Bylaws for Municipal purposes with respect of the enforcement of Bylaws made under the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, or any other enactment;
- AND WHEREAS:** the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, provides that the Council of a Municipality may in a Bylaw regulate or prohibit and may provide for a system of licences, permits or approvals including establishing fees for such licences, permits and approvals;
- AND WHEREAS:** the Council of the City of Leduc has determined that it is appropriate to establish a system for the licencing and control of animals within the City of Leduc;
- THEREFORE:** the Council of the City of Leduc in the Province of Alberta in open meeting assembled, hereby enacts as follows:

PART I - BYLAW TITLE

This Bylaw may be cited as the "Animal Licencing and Control Bylaw".

PART II - DEFINITIONS

1. For the purposes of this Bylaw the following words will have the meanings assigned:

Act: means the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended.

Bylaw No. 580-2004
ANIMAL LICENCING AND CONTROL BYLAW

PAGE 2

Code 04/11

Animal:	means any member of the kingdom <i>Animalia</i> other than a human being.
Cat:	means a domesticated animal of the family <i>Felidae</i> .
City:	means the Municipal Corporation of the City of Leduc.
City Manager:	Means the Chief Administrative Officer of the City or his delegate.
Council:	means the Council of the City.
Dog:	means a domesticated animal of the family <i>Canidae</i> other than a Restricted Dog.
Feral Animal:	means a domesticated animal that has returned to a wild state.
Guide Dog:	means a Dog that is trained by a recognized agency to provide assistance to a person with a physical impairment.
Kitten Licence:	definition deleted - Bylaw 717-2009 adopted January 26, 2009
Licence:	means the form of written legal permission, granted by the City, authorizing a person to keep or have an Animal within the boundaries of the City.
Licence Tag:	means the metal tag issued by the City for attachment to a collar or harness to identify a Dog, Restricted Dog or Cat.
Licensee:	means the person or persons named on a Licence.
Livestock:	means poultry, horses, cattle, sheep, swine, goats, donkeys and mules.
Municipal Bylaw Ticket:	means a ticket alleging an offence, and requiring the payment of a specified penalty, issued pursuant to a Bylaw of the City.
Off-Leash Area:	means an area designated by the City Manager where a Dog is not required to be held by a leash.
Owner:	includes any person: <ul style="list-style-type: none">a) named on a Licence; orb) in actual or apparent possession or control of property where an Animal is kept or resides.
Peace Officer:	means a member of the Royal Canadian Mounted Police, a Bylaw Enforcement Officer, or Special Constable appointed pursuant to the provisions of Section 38 of the <i>Police Act</i> , R.S.A. 2000, c. P-17, as amended.

Bylaw No. 580-2004
ANIMAL LICENCING AND CONTROL BYLAW

PAGE 3

Code 04/11

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- Pound: means a place designated by the City Manager for the confinement of Animals that have been impounded.
- Prohibited Animal: means any of the following:
- a) livestock;
 - b) bees;
 - c) poisonous snakes, poisonous reptiles or poisonous insects; or
 - d) any other Animal except a Dog, Restricted Dog or Cat that in the adult form regularly weighs more than 5 kilograms or the young thereof;
- Puppy Licence: *Definition deleted – Bylaw 717-2009 adopted January 26, 2009*
- Restricted Dog: means any domesticated animal of the family *Canidae* that:
- a) has chased, attacked or bitten any person or animal causing physical injury and resulting in a conviction under this Bylaw or any predecessor Bylaw;
 - b) has chased, attacked or bitten any person or animal on more than one occasion, with or without causing physical injury, and resulting in separate convictions under this Bylaw or any predecessor Bylaw; or
 - c) has been made the subject of an order under the *Dangerous Dogs Act*.
- Violation Ticket: shall have the same meaning as in the *Provincial Offences Procedure Act*.

PART III - LICENCING OF DOGS

2. The Owner of:
 - a) a Dog shall obtain a Licence for the Dog.
 - b) a Restricted Dog shall obtain a Licence for the Restricted Dog.
3. The requirements of Section 2 do not apply to Dogs or Restricted Dogs under the age of six months.
4. *Section deleted – Bylaw 717-2009 adopted January 26, 2009*
5. Before the issuance or renewal of a Licence pursuant to this Part the Owner must submit to the City:

Bylaw No. 580-2004
ANIMAL LICENCING AND CONTROL BYLAW

PAGE 4

Code 04/11

- a) the Licence Fee established under the Fees and Charges Bylaw;
Amended - Bylaw 712-2008 adopted December 8, 2008
 - b) proof, in a form acceptable to the City, of the Dog or Restricted Dog being spayed or neutered, if applicable;
 - c) proof of insurance coverage, in a form acceptable to the City, for a Restricted Dog; and
 - d) any additional information reasonably required by the City.
6. The City may refuse to issue or renew a Licence unless it is satisfied that:
- a) at least one person named on the Licence is at least eighteen years of age;
 - b) insurance coverage is in effect for a Restricted Dog;
 - c) all applicable fees have been paid; and
 - d) all required information has been provided.
7. *Section deleted – Bylaw 717-2009 adopted January 26, 2009*

PART IV - REGULATION OF DOGS

8. The Owner or any other person having care or control of a Dog or Restricted Dog shall ensure that the Licence Tag issued by the City is securely fastened to a collar or harness worn by the Dog or Restricted Dog at all times when it is off the property of the Owner.
9. The Owner or any other person having care or control of a Dog or a Restricted Dog shall ensure that it does not bark or howl in a manner that is reasonably likely to annoy or disturb the peace of others.
- In determining whether the barking or howling is reasonably likely to annoy or disturb the peace of others consideration may be given, but not necessarily limited, to:
- a) the proximity of the complainant(s) to the property where the Dog or Restricted Dog is barking or howling;
 - b) the duration of the barking or howling;
 - c) the time of day and day of the week;
 - d) the nature and use of the surrounding area; and
 - e) the effects of the barking on the complainant(s).
10. The Owner or any other person having care or control of a Restricted Dog or a Dog, other than a Guide Dog, shall immediately remove any defecation left by the Dog or Restricted Dog on any property other than on the property of the Owner.

Bylaw No. 580-2004
ANIMAL LICENCING AND CONTROL BYLAW

PAGE 5

Code 04/11

11. The Owner of a Dog or Restricted Dog shall ensure that any defecation on the property of the Owner does not accumulate to the extent that it is reasonably likely to annoy others or to pose a health risk to humans.
12. The Owner or any other person having care or control of a Dog shall at all times when it is off the property of the Owner:
 - a) have it under control and held on a leash not exceeding two meters in length; or
 - b) obtain the consent of the person in charge of the property to the Dog being there.
13. When a Dog is within an Off-Leash Area, the Dog need not be held on a leash, however, the Owner or any other person having care or control of the Dog shall carry with them a leash, for the Dog, not exceeding two meters in length.

Nothing in this section removes the obligation on a person to have the Dog under control while in the Off-Leash Area.
14. The Owner or any other person having care or control of a Restricted Dog shall at all times when it is off the property of the Owner, including when it is within an Off-Leash Area, have it:
 - a) under control;
 - b) muzzled; and
 - c) held on a leash not exceeding two meters in length.
15. The Owner or any other person having care or control of a Restricted Dog shall at all times when it is on the property of the Owner have it:
 - a) indoors;
 - b) outdoors, secured in a fully enclosed pen; or
 - c) outdoors, muzzled and secured by a chain fixed to the property that prevents the Restricted Dog from coming closer than two meters to the apparent boundary of the property.
16. The Owner or any other person having care or control of a Dog or a Restricted Dog shall ensure that it does not:
 - a) damage property;
 - b) chase, attack or bite any person or animal; or
 - c) chase, attack or bite any person or animal, causing physical injury.
17. The Owner of a Restricted Dog shall have liability insurance specifically covering any damages for personal injury caused by the Restricted Dog in an amount not less than one million dollars per occurrence.

Bylaw No. 580-2004
ANIMAL LICENCING AND CONTROL BYLAW

PAGE 6

Code 04/11

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18. No person shall provoke a Dog or Restricted Dog in any manner that could reasonably be expected to cause the Dog or Restricted Dog to:
- a) damage property;
 - b) chase, attack or bite any person or animal;
 - c) chase, attack or bite any person or animal, causing physical injury; or
 - d) bark.

PART V - LICENCING AND REGULATION OF CATS

19. The Owner of a Cat shall obtain a Licence for the Cat.
20. The requirements of Section 19 do not apply to Cats under the age of six months.
21. *Deleted – Bylaw 717-2009 adopted January 26, 2009*
22. Before the issuance of a Licence pursuant to this Part the Owner must submit to the City: *Amended - Bylaw 717-2009 adopted January 26, 2009*
- a) the Licence fee established under the Fees and Charges Bylaw; *Amended - Bylaw 712-2008 adopted December 8, 2008*
 - b) proof, in a form acceptable to the City, of the Cat being spayed or neutered, if applicable; and
 - c) any additional information reasonably required by the City.
23. The City may refuse to issue a Licence unless it is satisfied that: *Amended – Bylaw 717-2009 adopted January 26, 2009*
- a) at least one person named on the Licence is at least eighteen years of age;
 - b) all applicable fees have been paid; and
 - c) all required information has been provided.
24. *Section deleted – Bylaw 717-2009 adopted January 26, 2009*
25. The Owner or any other person having care or control of a Cat shall ensure that the Licence Tag issued by the City is securely fastened to a collar or harness worn by the Cat at all times when it is off the property of the Owner.
26. The Owner or any other person having care or control of a Cat shall ensure that the Cat does not enter onto property other than the property of the Owner, unless the Cat is on a leash not exceeding two meters in length or the person in charge of the property consents to the Cat being there.
27. The Owner or any other person having care or control of a Cat shall ensure that it does not howl in a manner that is reasonably likely to annoy or disturb the peace of others.

Bylaw No. 580-2004
ANIMAL LICENCING AND CONTROL BYLAW

PAGE 7

Code 04/11

In determining whether the howling is reasonably likely to annoy or disturb the peace of others consideration may be given, but not necessarily limited, to:

- a) the proximity of the complainant(s) to the property where the Cat is howling;
- b) the duration of the howling;
- c) the time of day and day of the week;
- d) the nature and use of the surrounding area; and
- e) the effects of the howling on the complainant(s).

PART VI - OTHER REGULATIONS

28. No person shall keep or have any Prohibited Animal on any property located within the boundaries of the City. This Section does not apply to:
- a) Livestock located on property zoned U-R unless the keeping of such Livestock is inconsistent with the City's Land Use Bylaw as amended from time to time; or
 - b) Animals that are participants in a parade, circus, rodeo, agricultural show or any similar function approved by the City.
29. No person shall:
- a) keep or have more than 40 pigeons on any property within the boundaries of the City;
 - b) keep or have pigeons except in a loft or aviary acceptable to the City Manager in terms of location, size, construction, ventilation, cleanliness and any other related matter; or
 - c) allow any pigeon to be outside the loft or aviary:
 - i) for any purpose other than supervised exercise or when returning from a supervised race or training flight; or
 - ii) in a flock of 20 or more pigeons at one time.
30. No person shall keep or have more than three Dogs, Restricted Dogs or any combination thereof, and three Cats on any property located within the boundaries of the City.

This section does not apply:

- a) to Dogs, Restricted Dogs or Cats under the age of 3 months;
- b) if the person has a valid business licence to operate:
 - i) a small animal breeding or boarding establishment;
 - ii) a pet store; or
 - iii) a veterinary clinic or hospital.
- c) to an authorized SPCA.

Bylaw No. 580-2004
ANIMAL LICENCING AND CONTROL BYLAW

PAGE 8

Code 04/11

31. A Licensee shall forthwith notify the City of any change with respect to any information provided as part of an application for a Licence pursuant to this Bylaw.
32. A person who takes control of any stray Dog, Restricted Dog or Cat shall forthwith notify the City's Enforcement Services Department and provide any required information.
33. No person shall provide false or misleading information to any Peace Officer, or the City.
34. No person shall interfere with a Peace Officer in the exercise of his powers and duties under this Bylaw.
35. No person shall refuse to allow a Guide Dog, in the company of the person requiring its assistance, to enter any building or property that is accessible to a member of the general public.

PART VII - GENERAL PROVISIONS

36. The onus of proving a person has a valid and subsisting Licence is on the person alleging the Licence, on a balance of probabilities.
- 36.1 A Licence issued under this Bylaw shall not be transferable from one Animal to another. *Section added – Bylaw 717-2009 adopted January 26, 2009*
37. The onus of proving the age of a Dog, Restricted Dog or Cat is on the person alleging the age, on the balance of probabilities.
38. Without restricting any other power, duty or function granted by this Bylaw, the City Manager may:
 - a) carry out whatever inspections are reasonably required to determine compliance with this Bylaw;
 - b) delegate any powers, duties or functions under this Bylaw to an employee of the City;
 - c) establish a Pound for the impounding of Animals seized and impounded pursuant to this Bylaw and to make such rules and regulations, that are not inconsistent with this Bylaw, for regulating the conduct of the Pound;
 - d) establish forms for the purposes of this Bylaw;
 - e) establish Off-Leash Areas; and
 - f) approve any parade, circus, rodeo, agricultural show or any similar function within the boundaries of the City.

Bylaw No. 580-2004
ANIMAL LICENCING AND CONTROL BYLAW

PAGE 9

Code 04/11

39. A copy of a record of the City, certified by the City Manager as a true copy of the original, shall be admitted in evidence as *prima facie* proof of the facts stated in the record without proof of the appointment or signature of the person signing it.
40. Nothing in this Bylaw limits the right of any person to prosecute a claim for damages by reason of injuries to persons or property resulting from any action of the Owner of any animal, or from the action of any agent of the Owner.

PART VIII - LICENCING FEES

41. Council shall establish a Schedule of Fees to be charged for the licencing of animals under this Bylaw.
42. The licencing fees shall be those set out in the Fees and Charges Bylaw.
Amended - Bylaw 712-2008 adopted December 8, 2008

PART IX - OFFENCE

43. Anyone who fails to comply with a provision of this Bylaw is guilty of an offence and is liable to the fines and penalties imposed under this Bylaw.
44. In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect to each day or part of a day, on which it continues and a person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each such day.

PART X - FINES AND PENALTIES

45. Council shall establish a Schedule of Fines and Penalties to be levied for offences under this Bylaw.
46. The fines and penalties shall be those set out in Schedule "B" attached to and forming part of this Bylaw as amended from time to time.

PART XI - ENFORCEMENT

47. A person who is guilty of an offence under this Bylaw is liable to a fine in an amount not less than that established in Schedule "B"

Bylaw No. 580-2004
ANIMAL LICENCING AND CONTROL BYLAW

PAGE 10

Code 04/11

and not exceeding \$10,000.00 and to imprisonment for not more than six months for non-payment of a fine.

48. If a Peace Officer believes that an offence has been committed under this Bylaw, he may issue:

- a) a Municipal Bylaw Ticket; or
- b) a summons under the *Provincial Offences Procedures Act*, R.S.A. 2000, c. P-34 as amended, by means of a Violation Ticket;

in respect of the alleged offence.

49. If a Violation Ticket is issued in respect to an offence, the Violation Ticket may:

- a) specify the fine amount established under this Bylaw for the offence; or
- b) require a person to appear in court without the alternative of making a voluntary payment.

50. A person who commits an offence may:

- b) if a Municipal Bylaw Ticket is issued in respect of the offence; or
- c) if a Violation Ticket is issued in respect of the offence, and if the Violation Ticket specifies the fine amount established by this Bylaw for the offence;

make a voluntary payment equal to the fine specified.

51. Voluntary payment of a fine levied under a Municipal Bylaw Ticket or a Violation Ticket shall be deemed to be a conviction of the offence specified.

52. A Peace Officer may seize and impound:

- a) any Dog found in contravention of Section 12;
- b) any Restricted Dog found in contravention of Section 14 or Section 15;
- c) any Cat found in contravention of Section 26;
- d) any Prohibited Animal found in contravention of Section 28; or
- e) any Feral Animal.

53. Any animal seized and impounded pursuant to Section 52 shall be dealt with in manner consistent with the provisions of the *Animal Protection Act* R.S.A. 2000, Chapter A-41.

54. Any animal seized and impounded pursuant to Section 52 shall be released to the Owner upon payment of any fees due with respect to shelter, care and treatment and any Licence fee, if not already paid.

Bylaw No. 580-2004
ANIMAL LICENCING AND CONTROL BYLAW

PAGE 11

Code 04/11

55. The City shall not be required to enforce any provision of this Bylaw. In deciding whether to enforce the Bylaw the City may take into account any practical concerns regarding enforcement including the funds available under the Municipal Budget and available personnel resources.

PART XII - SEVERABILITY

56. If at any time any provision of this Bylaw is declared or held to be illegal, invalid or *ultra vires*, in whole or in part, then that provision shall not apply and the remainder of this Bylaw shall continue in full force and effect and shall be construed as if it had been enacted without the illegal, invalid or *ultra vires* provision.

PART XIII - REPEAL

57. That Bylaw No. 239-92 and all subsequent amendments or Bylaws pertaining to the licencing and control of animals be repealed when this Bylaw receives Third Reading and is duly signed.

PART XIV - ENACTMENT

58. This Bylaw shall come into effect when it receives Third Reading and is duly signed except for Part V, which shall come into effect at 12:01 AM, MST on May 1st, 2005.

READ A FIRST TIME IN COUNCIL THIS 12th DAY OF OCTOBER, AD 2004.

READ A SECOND TIME IN COUNCIL THIS 10th DAY OF JANUARY, AD 2005.

Bylaw No. 580-2004
ANIMAL LICENCING AND CONTROL BYLAW

PAGE 12

Code 04/11

READ A THIRD TIME IN COUNCIL AND FINALLY PASSED THIS 24th DAY OF
JANUARY, AD 2005.

"original signed"

Greg Kruschke
MAYOR

"original signed"

Coral Callioux
CITY CLERK

January 26, 2005

Date Signed

**Bylaw No. 580-2004
ANIMAL LICENCING AND CONTROL BYLAW**

PAGE 13

Code 04/11

SCHEDULE "A"

Repealed

Bylaw No. 712-2008 adopted December 8, 2008

Bylaw No. 580-2004
ANIMAL LICENCING AND CONTROL BYLAW

PAGE 14

Code 04/11

SCHEDULE "B"

Fines and Penalties

<u>Section</u>	<u>Description</u>	<u>Amount*</u>
2. & 19.	Failure to obtain Licence.	\$50.00 for a first offence.
8. & 25.	Licence Tag not attached.	\$50.00 for a first offence.
9.	Barking dog.	\$100.00 for a first offence.
10.	Failure to remove feces from the property of another.	\$50.00 for a first offence.
11.	Accumulation of feces.	\$100.00 for a first offence.
12.	Dog at large.	\$100.00 for a first offence.
13.	Failure to carry leash.	\$25.00 for a first offence.
14.	Restricted Dog at large.	\$250.00 for a first offence.
15.	Restricted Dog loose on property of the Owner.	\$250.00 for a first offence.
16.	Chase, attack or bite.	\$500.00 for a first offence.
17.	Failure to maintain liability insurance.	\$1,000.00 for a first offence.
18.	Provoking a Dog or Restricted Dog.	\$500.00 for a first offence.
26.	Cat at large.	\$100.00 for a first offence.
27.	Howling Cat.	\$100.00 for a first offence.
28.	Keeping a Prohibited Animal.	\$100.00 for a first offence.
29.	Exceeding the maximum number of pigeons allowed.	\$100.00 for a first offence.
30.	Exceeding the maximum number of Dogs, Restricted Dogs and Cats allowed.	\$100.00 for a first offence.

Bylaw No. 580-2004
ANIMAL LICENCING AND CONTROL BYLAW

PAGE 15

Code 04/11

31.	Failure to notify of change in information.	\$25.00 for a first offence.
32.	Failure to notify on possession of stray Dog, Restricted Dog or Cat.	\$25.00 for a first offence.
33.	Providing false information.	\$100.00 for a first offence.
34.	Interfering with a Peace Officer.	\$500.00 for a first offence.
35.	Refusing access to a Guide Dog	\$100.00 for a first offence

*** Second offence within a 24 month period - penalty will be double the specified penalty.**

*** Third or subsequent offence within a 24 month period – penalty will be triple the specified penalty.**