



*Town of Manning*

## **TOWN OF MANNING, ALBERTA**

### **BY-LAW 851-18**

#### **ANIMAL CONTROL BYLAW**

A By-law of the Town of Manning, in the Province of Alberta for the purpose of regulating and controlling animals within the Town limits pursuant to the provisions of the Municipal Government Act, Chapter M26, and Revised Statutes of Alberta 2000.

**WHEREAS** Council of the Town of Manning, in the Province of Alberta, deems it desirable, expedient and in the best interest of developing and maintaining a safe and viable community to pass a Bylaw to control and regulate the ownership and activities of animals within the Town.

**NOW THEREFORE PURSUANT** to Sections 7(h) of the Province of Alberta Municipal Government Act, the Town of Manning Council, duly assembled, hereby enacts as follows:

#### **SEVERABILITY**

If any provision of this by-law is declared invalid because of any word, phrase, clause, sentence, paragraph or section of this by-law or any documents which form part of this by-law or an application thereof to any person or circumstance is declared invalid, the remaining provisions shall not be affected thereby, but shall remain in force.

#### **SECTION 1 – SHORT TITLE**

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

#### **SECTION 2 – DEFINITIONS**

2.1 "Animal" means any animal, feral or domesticated.

2.2 "Animal Shelter" means the premises designated by the Town of Manning for the impoundment and care of dogs and cats, including but not limited to premises provided by a veterinary clinic or independent contractor under contract to the Town to provide an animal shelter.

2.3 "CAO" means the Chief Administrative Officer or designate of the Town of Manning.

2.4 "Cat" means a male or female of the feline species.

2.5 "Council" means the Council of the municipal corporation of the Town of Manning.

2.6 "Dangerous Dog" means any dog, regardless of age, whether on public or private property, which has:

2.6.1 without provocation, chased, injured, or bitten another animal or human, or

2.6.2 without provocation destroyed any public or private property that is not the owners, or

2.6.3 without provocation threatened or created the reasonable apprehension of

a threat to a human, another domestic animal, which in the opinion of the Animal Control Officer, or Peace Officer, presents a serious threat of serious harm to humans, or other domestic animals.

- 2.7 "Dog" means a male or female of the canine species and includes all canine hybrids such as a canine species crossed between a wolf or coyote.
- 2.8 "Housed and Confined" means to confine a female dog or female cat during the whole period of time that such dog or cat is in estrus (heat) in such a manner that the dog or cat will not be a source of attraction to other dogs or cats.
- 2.9 "Leash" means a tether no longer than three (3) meters in length and of suitable strength that may be humanely attached to the collar of an animal.
- 2.10 "License Tag" means an identification tag of metal or other material issued by the town showing the license number of a specific dog or cat.
- 2.11 "Livestock" means those animals which have been domesticated for and are associated with agriculture ranching including but not limited to horses, ponies, cattle, chickens, birds, sheep, swine, goats and mules but excluding dogs and cats.
- 2.12 "Owner" means a person:
  - 2.12.1 who has the care, charge, custody, possession or control of an animal;
  - 2.12.2 who owns or claims a propriety interest in the animal;
  - 2.12.3 who harbours, shelters or permits an animal to be present on any property owned or under his control;
  - 2.12.4 to whom a License Tag has been issued for the animal.
- 2.13 "Running At Large" means a dog or cat found on any public land within the Town of manning or on private property without the consent of the landowner or occupant thereof and is not controlled by any person by means of a leash or other similar device for that purpose.
- 2.14 "Violation Ticket" means a ticket issued pursuant to the Provincial Offences Procedure Act and any regulations thereunder.

### **SECTION 3 – LICENSING PROVISIONS**

- 3.1 Every person who resides within the Town and who is the Owner of a dog or cat that is over the age of six (6) months shall register their dog or cat for a license.
- 3.2 The owner of a dog or cat must pay a one-time-registration-fee as set out in schedule A and be provided with an identifying license tag.
- 3.3 Upon payment of the required registration fee, and providing such information as may be required by the Town, the Owner will be supplied with a License Tag having a number which will remain registered to that dog or cat its entire time in Town.
- 3.4 An Owner of an unregistered dog or cat is guilty of an offence.
- 3.5 Every Owner shall ensure that the License Tag is securely fastened to a choke chain, collar or harness worn by the dog or cat at all times whenever the dog is on property other than the owner's property.

- 3.6 An owner of a registered dog or cat is guilty of an offense if the dog or cat is not wearing a License Tag while the dog or cat is on property other than the owner's property. A replacement License Tag for one that has been damaged will be provided at no additional charge.
- 3.7 The provisions of this section shall not apply to the following:
- 3.7.1 persons temporarily visiting the town for a period not exceeding four (4) consecutive weeks;
  - 3.7.2 Not-for-Profit Associations, Corporations and Government Organizations engaged in the provision of specialized dog services, including but not limited to guide, police, and search and rescue dogs.
  - 3.7.3 Handicapped persons holding an identification card proving ownership of a guide or assistance dog for their use;
  - 3.7.4 Holders of a valid and subsisting Development Permit, issued pursuant to the Land Use Bylaw authorizing the operation of a Kennel, Animal Shelter, or similar facility

#### **SECTION 4 – NUMBER OF ANIMALS**

- 4.1 No more than three dogs and/or cats shall be harboured, suffered, or permitted to remain upon or in any property, land, house, shelter, room or place, building, structure or premises within the Town, unless;
- 4.1.1 the premises are lawfully used for the care and treatment of dogs or cats, operated by or under the charge of a Registered Veterinarian;
  - 4.1.2 the owner is the holder of a valid and subsisting Development Permit to operate a Kennel, Animal Shelter or similar facility as authorized by the Land Use Bylaw, but only in regard to those dogs and/or which are intended for sale or adoption or dogs or cats which are owned by other persons and being boarded;
  - 4.1.3 the dogs or cats in excess of the limit are under six (6) months of age are the offspring of a registered dog or cat residing at the same location.
- 4.2 Any person who keeps, or harbours more than three (3) dogs or cats within the municipal boundaries of the Town is in contravention of this Bylaw and is guilty of an offence.

#### **SECTION 5 – GENERAL OFFENCES**

- 5.1 An owner whose dog or cat is At-Large is guilty of an offence.
- 5.2 The owner of a dog that barks, howls, or otherwise makes noise so as to, in accordance with Noise Control By-Law 669-96 and the opinion of a Bylaw Enforcement Officer, constitute an unreasonable disturbance of the quiet or repose of any person, is guilty of an offence.
- 5.3 The owner of a dog or cat that threatens, attacks, bites, chases or injures any person is guilty of an offence.
- 5.4 The owner of a dog or cat that attacks, injures, kills, chases or otherwise harasses an animal or other dog or cat is guilty of an offence.
- 5.5 The owner of a dog or cat that causes damage to Public or Private Property, other than the owner's property, is guilty of an offence.

- 5.6 Where a dog or cat has defecated on any Public or Private Property, other than the owner's property, the owner shall remove such defecation immediately and failure to do so shall constitute an offence.
- 5.7 The owner of a female dog or cat in estrus or "heat" which is not adequately contained or restrained in a manner sufficient to avoid, in the Bylaw Enforcement Officer's opinion, attracting other dogs or cats, is guilty of an offence.
- 5.8 Any person who, in the opinion of a Bylaw Enforcement Officer, is teasing, tormenting, annoying or harming any dog or cat, is guilty of an offence.
- 5.9 The owner of a dog, cat, or other animal shall not place or allow such dog, cat, or other animal to enter or remain in any swimming, bathing pool, or splash park within the Town which is open to the public.
- 5.10 The owner of a dog, where a dog is present at a playground, whether or not there is a sign which prohibits the presence of dogs, is guilty of an offence.
- 5.11 No person shall keep livestock within the town limits except the following:
  - 5.11.1 in a veterinary clinic, hospital or as part of a cultural, recreational or agricultural event such as a rodeo, fair, 4-H or similar event;
  - 5.11.2 at the discretion of the CAO or Bylaw Enforcement Officer, in the Urban Reserve District of the Land Use Bylaw, provided the lot size is five (5) acres or greater.

## **SECTION 6 – DANGEROUS DOGS**

- 6.1 The CAO or his designate may declare a dog to be a Dangerous Dog if he has reasonable grounds to believe, either through personal observations or on the basis of facts determined after an investigation of a complaint, that the dog:
  - 6.1.1 has a known propensity, tendency, or disposition to threaten, attack, chase or bite, without provocation, another dog, animal or human;
  - 6.1.2 has inflicted a serious wound upon another dog, animal or human;
  - 6.1.3 is a continuing threat of serious harm to any dog, animal or human;
  - 6.1.4 has attack dogs, animals or humans.
- 6.2 Where a dog is determined by the CAO to be a Dangerous Dog pursuant to section 6.1, the Bylaw Enforcement Officer shall:
  - 6.2.1 serve the owner with a written notice that the dog has been declared to be a Dangerous Dog;
  - 6.2.2 direct the owner that while the dangerous dog is off the owner's property, muzzle and secure the dangerous dog by means of a restraining device under the physical control of a person of eighteen (18) years of age or older;
  - 6.2.3 while the Dangerous Dog is on the owner's property, confine the dangerous dog within a secure enclosure, or within the residence of the owner.
- 6.3 In addition, to the remedies set forth elsewhere in this Bylaw, if the CAO determines, in his sole determination, that a dangerous dog is not being kept in accordance with this bylaw, the Bylaw Enforcement Officer may:

- 6.3.1 issue an Order pursuant to section 545 of the Municipal Government Act directing that the dangerous dog be kept in accordance with this Bylaw or removed from the physical boundaries of the town;

## **SECTION 7 – ENFORCEMENT**

- 7.1 A Bylaw Enforcement Officer of the Town may for the purposes of inspections, investigations and enforcement of this Bylaw or any other enactment is authorized to:
  - 7.1.1 capture and impound in an authorized Animal Shelter any dog or cat that is At-Large;
  - 7.1.2 to take any reasonable measures necessary to subdue any dog or cat, including the use of tranquilizer equipment and materials;
  - 7.1.3 to enter onto lands surrounding any building in pursuit of a dog or cat while that dog or cat is At-Large;
  - 7.1.4 if a dog is in distress, whether or not as a result of enforcement action taken, the Bylaw Enforcement Officer will take the dog or cat to a Registered Veterinarian for treatment and transferred to an Animal Shelter.
- 7.2 All costs and expenses incurred by the Town as a result of veterinary treatment shall be recoverable from the owner of the dog or cat as a lawful debt owed to the Town.
- 7.3 Dogs or cats impounded shall be kept for a period of at least seventy- two (72) hours, excluding Saturdays, Sundays, Holidays, and days that the Animal Shelter is not open. A dog or cat which bears obvious identification shall be kept for a period of at least ten (10) days.
- 7.4 At the expiration of the time period established in section 7.3, the CAO is authorized to:
  - 7.4.1 to offer the dog or cat for sale or as a gift;
  - 7.4.2 destroy the dog or cat in a humane manner;
  - 7.4.3 allow the dog or cat to be redeemed by its Owner upon payment to the Town the impoundment fees, cost of veterinary treatment, appropriate registration fees, and violation tickets.
- 7.5 Where a dog or cat has been impounded, if in the opinion of a Registered Veterinarian, a dog or cat should be euthanized for humane reasons or is feral and without identification, a Registered Veterinarian may immediately proceed to humanely euthanize the dog or cat.
- 7.6 No action shall be taken against any person, including a Bylaw Enforcement Officer or Registered Veterinarian, acting under the authority of this Bylaw for damages for destruction or other disposal of a dog or cat.

## **SECTION 8 – VIOLATION TAGS**

- 8.1 A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any person who the Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

- 8.2 A Violation Tag may be issued to such person either personally or by mailing a copy, via registered mail, to such person at their last known postal address.
- 8.3 A Violation Tag shall be in a form approved by the CAO and shall state; the name of the person; the offence; the appropriate penalty for the offence, and that the penalty shall be paid within thirty (30) days of the issuance of the violation tag.
- 8.4 Nothing in this Bylaw shall prevent a Bylaw Enforcement Officer from immediately issuing a Violation Ticket.

**SECTION 9 – VIOLATION TICKETS**

- 9.1 In those cases where a violation tag has been issued and the penalty specified on the violation tag has not been paid within the prescribed time, a Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket.
- 9.2 A Violation Ticket issued with respect to a contravention of this Bylaw shall be served upon the person responsible for the contravention in accordance with the Provincial Offences Procedure Act.
- 9.3 The person to whom the violation ticket has been issued may plead guilty by making a voluntary payment in respect of the Summons by delivering to the Provincial Court, on or before the initial appearance date, the violation ticket together with an amount equal to the specified penalty for the offence as provided for in Schedule "B" of this Bylaw.
- 9.4 When a Clerk of the Provincial Court records the receipt of a voluntary payment pursuant to section 9.3 and the Provincial Offences Procedure Act, the act of recording constitutes acceptance of a fine in the amount of the specified penalty.

**SECTION 10 – REPEAL**

- 10.1 This By-law hereby repeals By-law #109 and By-law #784.

**SECTION 11 – EFFECTIVE DATE**

- 11.1 This bylaw shall come into full force and effect upon the date of the third and final reading.

READ A FIRST TIME this 21 day of March, 2018

READ A SECOND TIME this 21 day of March, 2018

READ A THIRD AND FINAL TIME this 21 day of March, 2018



Greg Rycroft,  
Mayor



Dennis Egyedy,  
Chief Administrative Officer  
*Chris Melnyk*  
for Dennis Egyedy

**SCHEDULE "A"**

Onetime Registration Fee

Dog or Cat: Male and Spayed Female	\$20.00
Non-spayed Female	\$30.00
Replacement Tag	\$10.00

**SCHEDULE "B"**

Specified Penalties

<u>OFFENCE</u>	<u>PENALTY</u>	<u>SECTION</u>
Failure to Register	\$50.00	3.4
Failure to wear License	\$50.00	3.6
More than 3 dogs or cats	\$100.00	4.2
Dog or cat At-Large	\$50.00	5.1
Dog or cat barks/howls	\$50.00	5.2
Dog or cat threatens	\$200.00	5.3
Dog or cat attacks	\$150.00	5.4
Dog or cat causes damage	\$50.00	5.5
Non-removal of defecation	\$50.00	5.6
Failure to restrain	\$50.00	5.7
Harming a dog or cat	\$200.00	5.8
Present on Playground	\$50.00	5.10
Any other Offences	\$50.00	
Second Offence in one-year	DOUBLE	
Subsequent Offences	DOUBLE	